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6/2/92

May 29, 1992

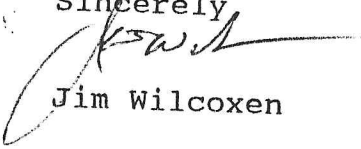
Mr. Merritt Youngdeer, Area Director
United States Department of the Interior
Bureau of Indian Affairs
Muskogee Area Office
Muskogee, OK 74401

Dear Area Director Youngdeer:

Please find enclosed the original Letter Agreement fully executed dated April 30, 1992, with the attached tribal resolutions. This is the letter agreement which amends the previous letter agreement of April 29, 1976, to facilitate release of funds previously escrowed and credited directly to respective tribal accounts.

If you have any questions, please advise.

Sincerely


Jim Wilcoxon

JW:br

cc: Chief Wilma Mankiller ✓
Governor Bill Annoatubby
Chief Hollis Roberts
Mr. Tim Vollman

April 30, 1992

Mr. Merritt Youngdeer, Area Director
United States Department of the Interior
Bureau of Indian Affairs
Muskogee Area Office
Muskogee, OK 74401

Dear Mr. Youngdeer:

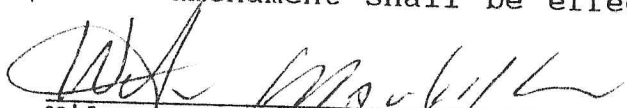
By this letter of agreement, we hereby amend the three Tribes Arkansas Riverbed revenue distribution agreement, which was memorialized in a letter of April 29, 1976, to Mr. Thomas Ellison, former Area Director (copy attached hereto and incorporated by reference). That agreement shall continue in full force except Item No. 4 shall be replaced with the following:

Oil and Gas - Any monies received from leases, bonuses, royalties or in any other manner shall be divided 1/2 Cherokee, 3/8 Choctaw, and 1/8 Chickasaw.

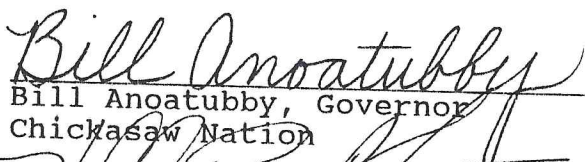
It is understood that this agreement is entered into for the purpose of facilitating the payment of funds derived from tribal lands encompassed within both the 1974 Benham/Holway Riverbed Movement Study and those reports prepared by the Bureau of Land Management on behalf of the United States Department of the Interior. The said amounts so released pursuant to this amendment are subject to subsequent monetary reconciliation by and among the three (3) tribes should further court proceedings ultimately determine a different division of interest between the tribes. The Tribes agree not to hold the BIA liable should it ultimately be determined that a different division of this income was proper.

This agreement shall remain in force until superseded by subsequent agreement or until modified with judicial approval pursuant to the Act of December 20, 1973, Pub. L. No. 93-195, 87 Stat. 769 (1973).

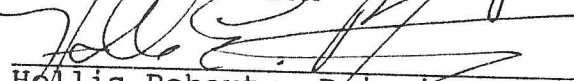
By our mutual agreement, this amendment shall be effective immediately.



Wilma Mankiller, Principal Chief
Cherokee Nation of Oklahoma



Bill Anoatubby, Governor
Chickasaw Nation



Hollis Roberts, Principal Chief
Choctaw Nation of Oklahoma


CB-094-92

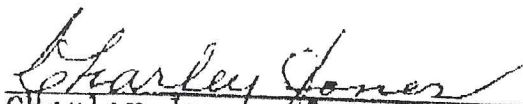
A COUNCIL BILL
APPROVING AMENDMENT TO THE
ROYALTY SHARING AGREEMENT ON THE ARKANSAS RIVERBED


BE IT ENACTED that this Council Bill shall be cited as authority for the approval of an agreement amending the April 29, 1976, agreement between the Choctaw, Chickasaw, and the Cherokee Nations for sharing the subsurface income from the Arkansas Riverbed. A copy of the 1976 agreement and the amended is hereto attached and incorporated herein by this reference.

CERTIFICATION

I, the undersigned, as Speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma, on April 11, 1992. I further certify that the foregoing Council Bill CB-094-92 was adopted at such meeting by the affirmative vote of twelve (12) and zero (0) negative votes, and zero (0) abstaining.


Randle Durant, Speaker
Choctaw Nation Tribal Council


Charley Jones, Secretary
Choctaw Nation Tribal Council


Hollis E. Roberts, Chief
Choctaw Nation of Oklahoma

Date: 4-20-92

CHICKASAW TRIBAL LEGISLATURE

General Resolution Number 92-87

**Approval of Amendment to the April 29, 1976 Agreement Between
the Chickasaw, Choctaw and Cherokee Nations for Sharing
Subsurface Income from the Arkansas Riverbed**

Explanation: This resolution approves amending our agreement with the other two tribes in the ownership of the Arkansas River for the division of income derived from oil and gas sales. The change allows the Chickasaw Nation to be paid a full one-eighth share of all such revenues generated. Under the terms of the agreement as it currently exists (prior to this amendment), we are not assured of any share of income.

Requested by: Governor Bill Anoatubby

Presented by: Edward A. "Jim" Brown, Land Development Committee
Chairman

CHICKASAW TRIBAL LEGISLATURE

General Resolution Number 92-87

Approval of Amendment to the April 29, 1976 Agreement Between
the Chickasaw, Choctaw and Cherokee Nations for Sharing
Subsurface Income from the Arkansas Riverbed

WHEREAS, the Chickasaw Tribal Legislature is responsible for making decisions pertaining to the acquisition, leasing, disposition and management of tribal real property subject to federal law and for enacting rules and regulations pertaining to the Chickasaw Nation, and

WHEREAS, Governor Bill Anoatubby, chief executive officer of the tribe, or his designee, is authorized to enter into, negotiate, modify, amend and sign grants, contracts and other agreements on behalf of the Chickasaw Nation, and

WHEREAS, the Chickasaw, Choctaw and Cherokee Nations are joint owners of the Arkansas River, its bed and banks, in accordance with the findings of the United States Supreme Court, and

WHEREAS, on April 29, 1976, an agreement was reached between these three tribes for the division and sharing of the subsurface income from the Arkansas River, and

WHEREAS, that agreement called for the distribution of income in the following manner:

1. Land: any monies received from leases, etc., will be divided according to ownership, thus; revenue from lands north of the centerline will be disbursed to the Cherokee Nation. Revenue from lands south of the centerline will be disbursed, 3/4 Choctaw and 1/4 Chickasaw.
2. Sand and Gravel: any monies from leasing, bonuses, royalties or in any other manner shall be divided 4/8 Cherokee, 3/8 Choctaw and 1/8 Chickasaw.
3. Coal: any monies received from leasing, bonuses, royalties, etc., shall be divided 4/8 Cherokee, 3/8 Choctaw and 1/8 Chickasaw.
4. Oil and Gas: any monies received from leases, bonuses, royalties or in any other manner shall be distributed according to a division order based upon the number of acres owned within an applicable spacing order.
5. Dam Sites, Fish and Wildlife, Recreation and Powerhead: any future monies received in any form of payment concerning these items will be distributed 4/8 Cherokee, 3/8 Choctaw and 1/8 Chickasaw, and

WHEREAS, it is beneficial to the people of the Chickasaw Nation that this agreement be amended.

NOW, THEREFORE, BE IT RESOLVED, that the Chickasaw Tribal Legislature approves amending the Arkansas Riverbed Revenue Distribution Agreement in the following manner:

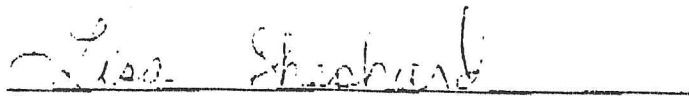
Deleting all of Item Number 4, and inserting in its place the following wording:

4. Oil and Gas: any monies received from leases, bonuses, royalties or in any other manner shall be divided 1/2 Cherokee, 3/8 Choctaw and 1/8 Chickasaw.

Executed in regular session of the Chickasaw Tribal Legislature, meeting at Ada, Oklahoma, on May 15, 1992, by a vote of 13 ayes, 0 nays and 0 abstentions.



Chairperson
Chickasaw Tribal Legislature



Secretary
Chickasaw Tribal Legislature

Concur:  Date: MAY 15 1992
Bill Anoatubby, Governor
The Chickasaw Nation

RESOLUTION NO. 53-92

COUNCIL OF THE CHEROKEE NATION

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government on behalf of the Cherokee people; and,

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America; and,

WHEREAS, the Cherokee Nation is the owner of certain lands lying within the north half of the bed and banks of the Arkansas River from the point where the same crosses the Oklahoma/Arkansas border upstream to its confluence with the Canadian River; and,

WHEREAS, the Choctaw Nation and the Chickasaw Nation are the owners of certain lands lying within the south half of the bed and banks of the Arkansas River from the point where the same crosses the Oklahoma/Arkansas border upstream to its confluence with the Canadian River; and,

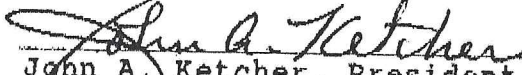
WHEREAS, a final determination of the division of interest between the Cherokee Nation and the Choctaw and Chickasaw Nations has yet to be legally determined inasmuch as the thread of the stream, or middle line, may likely be influenced by differing expert opinions rendered by the Holway Study in 1974 and the 1991 survey. These studies reach different conclusions on where and how the river has moved over the decades and the resulting effect on tribal ownership; and,

WHEREAS, the Department of Interior has caused certain riverbed revenues derived from lands included within the descriptions given by both the Holway Survey and the 1991 survey to be escrowed because of this difference of opinion. The Interior has agreed to allow said escrow funds to be released and credited to the respective tribal accounts upon agreement between the tribes; and,

IT IS THEREFORE RESOLVED, that Wilma P. Mankiller, Principal Chief of the Cherokee Nation, is hereby authorized to execute a letter agreement amending the previous letter agreement of April 29, 1976 to include and cause all revenues derived from these lands to be credited one-half (1/2) to the account of the Cherokees, three-eighths (3/8ths) to the Choctaws and one-eighth (1/8th) to the Chickasaws, SUBJECT to later reconciliation between the three (3) tribes should it ultimately be determined that a different division of interest is warranted.

CERTIFICATION

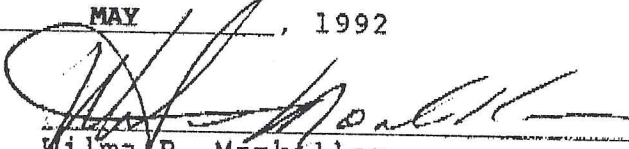
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 11TH day of MAY, 1992 having 12 members present, constituting a quorum, by the vote of 12 yea; 0 nay; 0 abstaining.


John A. Ketcher, President
Council of the Cherokee Nation


ATTEST:


Troy Wayne Poteete, Secretary
Cherokee Nation Tribal Council

Approved this 11TH day of MAY, 1992


Wilma P. Mankiller
Principal Chief

ATTEST:


Tommy Thompson, Secretary-Treasurer
Cherokee Nation