

EXHIBIT N

EXHIBIT N-1

IN THE SHOSHONE AND ARAPAHO TRIBAL COURT
WIND RIVER INDIAN RESERVATION
FORT WASHAKIE, WYOMING

THE ESTATE OF JEREMY
JORGENSEN

Plaintiff,

v.

DHS DRILLING COMPANY,
a Colorado corporation; and,
ENCANA OIL AND GAS (USA)
a Delaware corporation;

Defendants,

Civil Action No. CV-09-0012

MOTION TO INTERVENE FOR THE EASTERN SHOSHONE TRIBE

COMES NOW, the Eastern Shoshone Tribe ("Tribe"), by and through its Office of Attorney General, and moves this Court for leave to intervene in this action pursuant to SA RCP 10. Attached hereto is the Tribe's Brief in Support of this Motion.

WHEREFORE, the Tribe prays that this Court Grant its Motion to Intervene for reasons stated in its Brief in Support of its Motion to Intervention.

RESPECTFULLY SUBMITTED this 30th day of December, 2010.

EASTERN SHOSHONE TRIBE

By:



Kimberly Varilek, Attorney General
Viola Nave-St Clair, Asst. Attorney General
Office of Attorney General
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P.O. Box 538
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(307) 335-8249

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing MOTION TO INTERVENE FOR THE EASTERN SHOSHONE TRIBE was mailed via U.S. Mail, postage pre-paid, this 30th day of December, 2010, addressed to the following:

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Northern Arapaho Tribe*

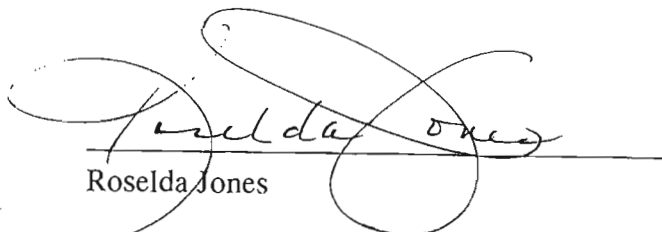

Roselda Jones

EXHIBIT N-2

IN THE SHOSHONE AND ARAPAHOE TRIBAL COURT
WIND RIVER INDIAN RESERVATION
FORT WASHAKIE, WYOMING

THE ESTATE OF JEREMY
JORGENSEN

Plaintiff,

v.

DHS DRILLING COMPANY,
a Colorado corporation; and,
ENCANA OIL AND GAS (USA)
a Delaware corporation;

Defendants,

Civil Action No. CV-09-0012

BRIEF IN SUPPORT OF EASTERN SHOSHONE TRIBE

The Motion to Intervene of the Eastern Shoshone Tribe (“EST” or “Tribe”) should be granted for the reasons set forth herein.

1. The EST is a federally recognized Indian Tribe of the Wind River Reservation.
2. The EST is the original inhabitant of the lands of the Wind River Reservation since time immemorial.
3. Jeremy Jorgenson (deceased) was an enrolled member of the Eastern Shoshone Tribe. The Estate of Jeremy Jorgenson (“Plaintiff”) has filed suit asserting claims against Defendants.
4. Defendant Encana Oil and Gas (“Encana”) is company doing business on the Wind River Indian Reservation pursuant, in Part, to an oil and gas lease with the Eastern Shoshone and Northern Arapaho Tribes (“Joint Tribes”). Encana is also doing business on the Reservation pursuant to annual agreements with the Joint Tribe’s Tribal Employment Rights

Office ("TERO").

5. DHS Drilling Company ("DHS") is a company doing business on the Wind River Indian Reservation pursuant, in part, to its contract with Encana and Encana's oil and gas lease with the Joint Tribes. DHS is also doing business pursuant to annual agreements between DHS and TERO.

6. Encana is a successor in interest to an oil and gas lease for the development or extraction of oil and gas owned by the Joint Tribes (Lease No. 14-20-0258-1318).

7. DHS operates as a sub-contractor of Encana.

8. Plaintiff has filed a wrongful death claim against Encana and DHS.

9. Encana and DHS have asserted this court is without the requisite jurisdiction over the claims set forth in their Motions for Summary Judgment in this matter.

10. The issue of the reservation status of the lands on which the actions took place is within Indian Country as defined by 18 USC §1151.

11. The issue of whether the Joint Tribe's have jurisdiction is of critical and fundamental concern to the Eastern Shoshone Tribe.

12. Intervention is essential for the EST to be able to adequately protect its sovereign interest in all facets and functions pertaining to EST government, property and relevant matters relating to EST inherent governance.

13. Pursuant to SA RCP 10, intervention is permitted where the party has an interest in property which may be affected by the litigation.

14. The EST has a direct and inherent interest in the jurisdiction of the Joint Tribes over the land, activities and agreements in question by the pleadings in this matter.

15. The EST has made a timely Motion to protect its interest whereas the parties to this matter are currently addressing their jurisdictional concerns through pleadings, and this

Court has yet to hold its hearing regarding such.

16. The EST has a direct and substantial interest in this litigation.

17. There are substantial impacts on the economic security of the EST which obtains a majority of its revenue from mineral development.

18. Without intervention of the EST, may as a practical matter impair or impede the Tribe's ability to protect its interest.

19. No other party to the action can adequately represent the EST's interest.

20. Disposition of the boundary question is of vital importance to the Tribes.

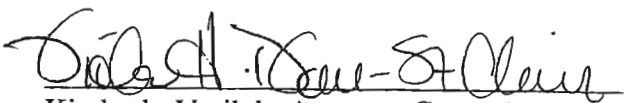
21. The EST's interests are considerably broader than the interest of any of the existing parties. Those interest deal with sovereignty, legislative and governing authority, providing for the health and welfare of tribal members and individuals who conduct business within the EST's territorial jurisdiction, and protection of the benefits bestowed upon the Tribes in , among other things, the Treaty of July 3, 1868 (15 Stat. 673).

22. The EST's intervention will not cause prejudice or undue hardship to the existing parties.

WHEREFORE, the Tribe requests intervention under SA RCP 10 because it has shown, the EST's claim has a questions of law and fact in common with the main action.

RESPECTFULLY SUBMITTED this 30th day of December, 2010.

EASTERN SHOSHONE TRIBE

By: 
Kimberly Varilek, Attorney General
Viola Nave-St Clair, Asst. Attorney General
Office of Attorney General
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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing BRIEF IN SUPPORT OF MOTION TO INTERVENE FOR THE EASTERN SHOSHONE TRIBE was mailed via U.S. Mail, postage pre-paid, this 30th day of December, 2010, addressed to the following:

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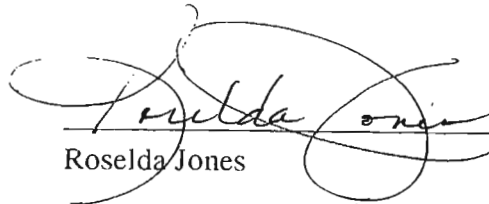

Roselda Jones

EXHIBIT N-3

IN THE SHOSHONE AND ARAPAHO TRIBAL COURT
WIND RIVER INDIAN RESERVATION
FORT WASHAKIE, WYOMING

THE ESTATE OF JEREMY
JORGENSEN

Plaintiff,

v.

DHS DRILLING COMPANY,
a Colorado corporation; and,
ENCANA OIL AND GAS (USA)
a Delaware corporation;

Defendants,

Civil Action No. CV-09-0012

COMPLAINT OF INTERVENOR EASTERN SHOSHONE TRIBE

COMES NOW, the Eastern Shoshone Tribe (“EST”), by and through its Attorney General, and seeks declaratory relief against DHS Drilling Company and Encana Oil & Gas (“Defendants”), and in support of its complaint, sets forth its allegations as follows:

Parties

1. The EST is a federally recognized Indian Tribe of the Wind River Reservation (“Reservation”) and the original inhabitant of the lands of the Wind River Reservation since time immemorial.

2. Jeremy Jorgenson (deceased) was an enrolled member of the Eastern Shoshone Tribe and the Estate of Jeremy Jorgenson (“Plaintiff”) has filed suit asserting claims against Defendants.

3. Defendant Encana Oil and Gas (“Encana”) is a Delaware company doing business on the Wind River Indian Reservation pursuant, in part, to an oil and gas lease with the Eastern Shoshone and Northern Arapaho Tribes (“Joint Tribes”). Encana is also doing business on the

Reservation pursuant to annual agreements with the Joint Tribe's Tribal Employment Rights Office ("TERO").

4. DHS Drilling Company ("DHS") is a Colorado company doing business on the Wind River Indian Reservation pursuant, in part, to its contract with Encana and Encana's oil and gas lease with the Joint Tribes. DHS is also doing business pursuant to annual agreements between DHS and TERO.

Facts

5. In 1868, the Wind River Reservation was reserved by the Shoshone Tribe through the July 3, 1868, Treaty of Fort Bridger, 15 Stat. 673 (1868) for the absolute and undisturbed use and occupation by the Shoshone Indians.

6. In 1878, the Federal Government placed the Northern Arapaho Tribe on the Reservation, which action was later held to have treated Plaintiff as occupant of an equal one-half, undivided, equitable interest in the physical resources of the Reservation reserved by the Shoshone Tribe.

7. Encana is a successor in interest to an oil and gas lease for the development or extraction of oil and gas owned by the Joint Tribes (Lease No. 14-20-0258-1318).

8. DHS operates as a sub-contractor of Encana.

9. Plaintiff has filed a wrongful death claim against Encana and DHS.

10. Encana and DHS have asserted this court is without the requisite jurisdiction over the claims set forth in the Complaint.

11. The issue of the reservation status of the lands on which the actions took place is within Indian Country as defined by 18 USC §1151.

12. The issue of whether the Joint Tribe's have jurisdiction is of critical concern to the Eastern Shoshone Tribe's sovereign interests and ability to govern.

Claim for Relief: Declaratory Judgment

13. EST incorporates paragraphs 1-12 as if fully stated herein.

14. The EST is the co-owner with the Northern Arapaho Tribe of the mineral estate on those lands which are the subject of Lease No. 14-20-0258-1318. The surface estate is subservient to the dominant, mineral estate. The surface estate consists of lands within the boundary of the Reservation and is subject to a vested interest in the Joint Tribes.

15. The EST has an inherent sovereign and legitimate interest in the regulation and safety in connection to the all lands within the boundary of the Reservation, including the above-described Lease for the extraction of oil and gas owned by the Joint Tribes.

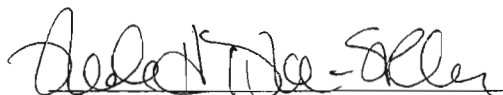
16. The Joint Tribes have jurisdiction to regulate the conduct of Defendants pursuant to the above-described Lease for the extraction of oil and gas owned by the Joint Tribes.

17. The Court has jurisdiction over the claims set forth in this Complaint filed by the EST and over the Defendants.

WHEREFORE, Eastern Shoshone Tribe prays this Court enter Declaratory relief, judgment and declaration that this Court has jurisdiction over the claims made by Plaintiff Jorgenson and over Defendants; that the Joint Tribes have jurisdiction over the matters and activities of the Defendants in this case; and, for all such other and further relief as this Court deems proper.

RESPECTFULLY SUBMITTED this 30TH day of December, 2010.

EASTERN SHOSHONE TRIBE

By: 

Kimberly Varilek, Attorney General
Viola Nave-St Clair, Asst. Attorney General
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