

Big Horn Coal Co.
#2

ACCESS EASEMENT

That for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt of which is hereby acknowledged and confessed, The TRANSPORTATION COMMISSION OF WYOMING hereinafter called the grantor, hereby grants to BIG HORN COAL COMPANY, a Wyoming Corporation, whose address is 1000 Kiewit Plaza, Omaha, Nebraska 68131, its assigns or successors herein called the grantee, the right of access over and across the following described lands located in the County of Sheridan and State of Wyoming, to-wit:

All that portion of NE¼SW¼, Section 28, T.57N., R.84W. of the 6th P.M., Sheridan County, Wyoming lying between parallel easement lines 16.00 feet apart being 8.00 feet on each side when measured at right angles to the following described centerline of roadway. Said parallel easement lines begin on the presently existing left or northerly right-of-way boundary of Wyoming State Highway 339 and end on the northerly boundary of said NE¼SW¼.

Beginning at a point on the northerly boundary of Wyoming State Highway 339 from which the south (¼) quarter corner of said Section 28 bears S.5°48'30.3"E. a distance of 2,664.29 feet and from which the west (1/16) sixteenth corner between said Section 28 and Section 32, T. 57 N., R. 84 W. bears S.26°38'14.1"W. a distance of 2,982.21 feet, said corners each being monumented with a 2-½ inch GLO brass survey cap;

thence with parallel easement lines 16.00 feet apart, being 8.00 feet on each side, N.1°46'53.6"W. a distance of 70 feet, more or less, until said parallel easement lines intersect the northerly boundary of said NE¼SW¼.

The above described parcel of land contains 0.03 of an acre, more or less.

The basis of bearing is the southerly boundary of the SE¼SW¼ of said Section 28, it being S.89°27'44.5"W.

Grantor grants the right of ingress and egress over, across and upon said land.

Grantee, its heirs, assigns or successors reserves the right to grant and/or transfer the access easement to another party.

The grant herein contained is an easement and shall be perpetual so long as said land is used for the aforementioned purposes.

THE TRANSPORTATION COMMISSION OF WYOMING

Dated this, the 13th day of August, 2004

ATTEST

OFFICIAL

Mark J. Wiehagen
Notary Public, Secretary

THE TRANSPORTATION COMMISSION OF
WYOMING

B. Patrick Collins
for the Wyoming Department of Transportation

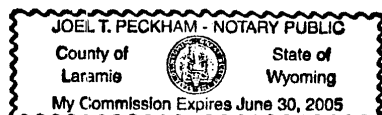
ACKNOWLEDGMENT

THE STATE OF WYOMING)
)§
COUNTY OF LARAMIE)

The foregoing instrument was acknowledged before me this 13 day of August, 2004,
by Mark J. Wiehagen and B. Patrick Collins

Witness my hand and official seal.
My commission expires

Joel T. Peckham
NOTARY PUBLIC



485379 EASEMENT
BOOK 456 PAGE 0019
RECORDED 08/26/2004 AT 09:00 AM
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK