

RIGHT OF WAY AGREEMENT

RECORDED NOVEMBER 14, 2001 BK 428 PG 294 NO 392475 AUDREY KOLTISKA, COUNTY CLERK

KNOW ALL MEN BY THESE PRESENTS: that the undersigned (hereinafter referred to as "OWNER", whether one or more), for and in consideration of Ten and More Dollars (\$10.00+) in hand paid, the receipt of which is hereby acknowledged, does hereby grant, sell and convey unto Bear Paw Energy, LLC, 370 17<sup>th</sup> Street, Suite 2775, Denver, Colorado 80202-1370, its successors and assigns (hereinafter referred to as "COMPANY") a right of way and easement Fifty feet (50') in width where the diameter of the gas pipeline is equal to or less than twelve inches (12"), and a right of way and easement Seventy Five feet (75') in width where the diameter of the gas pipeline is greater than twelve inches (12"), for the purpose of laying, constructing, maintaining, operating, repairing, replacing and removing the gas pipeline(s) (with fittings cathodic protection equipment and all appliances appurtenant thereto) however said Seventy Five (75') right of way and easement shall be reduced to Fifty feet (50') in width for routine maintenance and minor repairs, for the transportation of oil, gas or any other liquids or substances for COMPANY'S operations across lands of OWNER, situated in the County of Sheridan, State of Wyoming, described as follows:

Township 57 North Range 83 West  
Section 03: NWSW

OWNER recognizes that an as built plat, subsequent to survey, is attached hereto and recorded as Exhibit "A".

COMPANY shall bury the top of its pipe at least forty-eight inches (48") below the surface of the ground. The undersigned OWNER, his successors, heirs or assigns, reserves all oil, gas and minerals on and under said lands and the right to farm, graze and otherwise fully use and enjoy said lands, provided, however, that COMPANY shall have the right hereafter to cut and keep clear all trees, brush, and other obstructions that may injure, endanger or interfere with the construction and use of said pipeline, or fittings, tie-overs, cathodic protection equipment and appliances appurtenant thereto. COMPANY shall have all privileges necessary or convenient for the full use of the rights herein granted, together with ingress or egress along with pipelines and over and across said lands. COMPANY, by acceptance hereof, agrees to pay for actual damages to crops, pasture, fences and timber which may arise from laying, construction, maintaining, operating, repairing, replacing, or removing said pipeline(s).

COMPANY agrees to comply with all applicable state and local regulations.

COMPANY shall indemnify, defend and save and hold harmless OWNER from any and all claims, demands, causes of action, or liability for damages, loss or injuries that arise out of COMPANY'S operations on the land.

COMPANY shall restore the land as soon as practicable after the pipelines are completed. Restoration shall be made as near as possible to the condition when COMPANY first entered onto the land.

OWNER hereby warrants and agrees to defend the title to the above-described premises. OWNER shall have the use of such right of way and easement except for any use which conflicts with the purposes for which this right of way and easement is granted; provided, however, OWNER shall not build or construct nor permit to be built or constructed any building or other improvement over or across said right of way and easement.

TO HAVE AND TO HOLD said right of way and easement unto said COMPANY, its successors and assigns, until such pipelines are constructed and so long thereafter as a pipeline is maintained thereon; and the undersigned hereby bind themselves, their heirs, executors, administrators, successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

Executed this 28 day of NOV, 2000, but agreed by OWNER and COMPANY as being effective as of the 22nd day of September, 2000

**OWNER:**

LPD Ranch Partnership, a Montana General Partnership

By: David Ross  
David Ross, General Partner

**COMPANY:**

BEAR PAW ENERGY, LLC

By: Don H. Littleton  
Don H. Littleton, as agent

scription Attached

azimuths using GPS  
State Plane Coordinates,

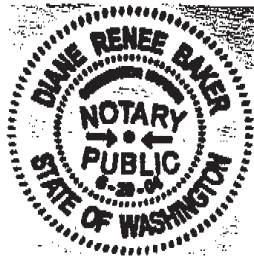
ORS CERTIFICATE

that I am by occupation a  
for Paw Energy Inc., to make the  
in this map, and that the survey of  
personnel under my direct  
curately represented on this map.

ASBUILT MAP

OF  
POD "C" to 10 ACRE  
12" Steel Pipeline  
RIGHT OF WAY EASEMENT  
SECTION 3, T 57 N, R 83 W  
applicant:  
Bear Paw Energy, LLC,  
856 Coffeen Avenue  
Sheridan, WY 82801

By: TLW Job no. 200019  
consultants, Green River, Wyoming



ACKNOWLEDGMENT

STATE OF Washington ) ss.  
COUNTY OF King )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of November, 2000 by David Ross, General Partner of the LPD Ranch Partnership, a Montana General Partnership

Witness my hand and official seal.

Diane Renee Baker  
Notary Public

My commission expires: 6-29-04

STATE OF WYOMING )  
 ) ss.  
COUNTY OF SHERIDAN )

The foregoing instrument was acknowledged before me this 13 day of December, 2000, by Don H. Littleton, as agent for Bear Paw Energy LLC.

Witness my hand and official seal.

Jennifer K. Green  
Notary Public

My commission expires: October 13, 2004

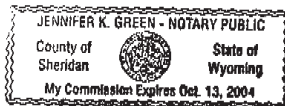
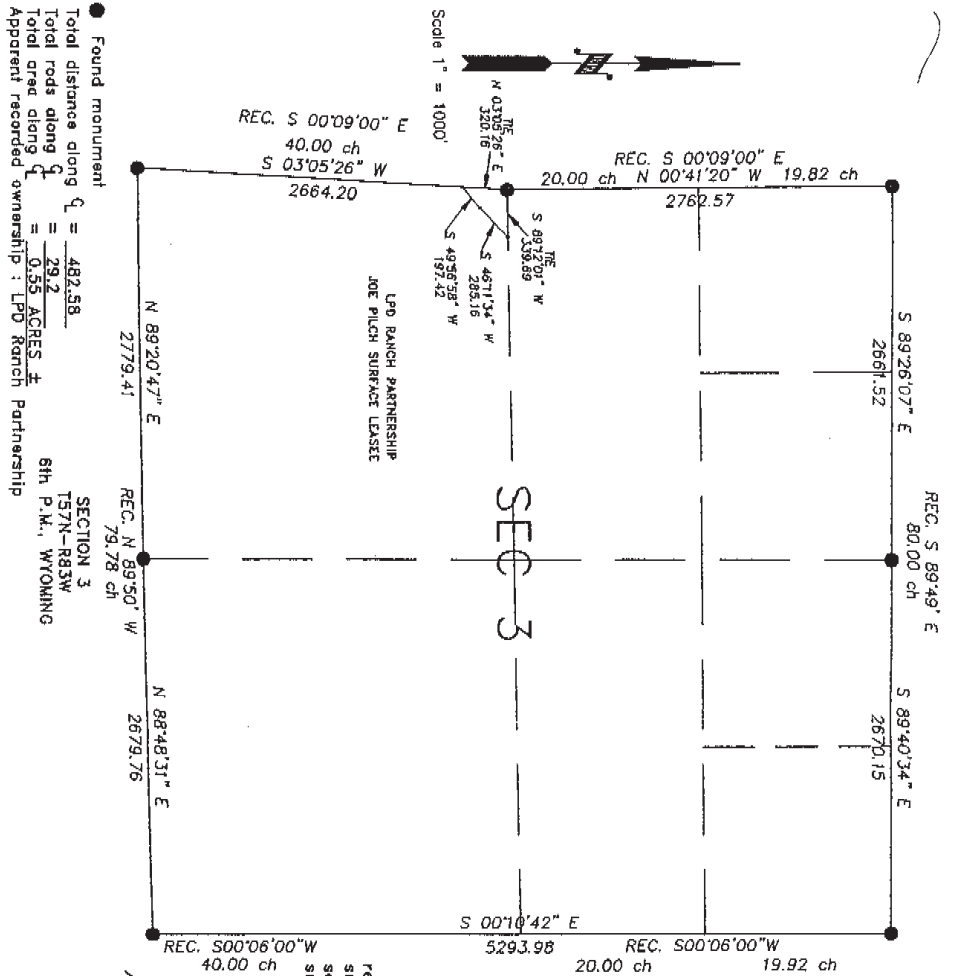


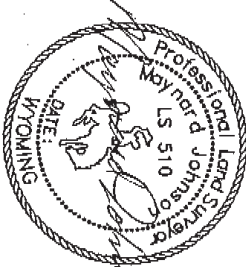
Exhibit "A" attached to and made a part of  
Right of Way Agreement dated November  
28, 2000 between LPD Ranch Partnership  
and Bear Paw Energy, LLC



Sheet 1 of 2

Prepared by William H. Smith & Assoc. P.C., Surveying Consultants, Green River, Wyoming

~SEAL~ Date: 2/11/2001 By: TLW Job no: 200019



ASBUILT MAP

POB "C" to 10 ACRE  
12" Steel Trunkline  
RIGHT OF WAY EASEMENT  
SECTION 3, T 57 N, R 83 W

Applicant:  
Bear Paw Energy, LLC,  
856 Coffeen Avenue  
Sheldon, WY 82801

I, MAYNARD JOHNSON, state that I am by occupation a registered land surveyor employed by Bear Paw Energy Inc., to make the survey of this right of way as shown on this map, and that the survey of said works was made by me and/or personnel under my direct supervision, and that such survey is accurately represented on this map.

STATE OF WYOMING }  
COUNTY OF NATRONA } SS  
SURVEYOR'S CERTIFICATE

Exhibit "A" attached to and made a part of  
Right of Way Agreement dated November  
28, 2000 between LPD Ranch Partnership  
and Bear Paw Energy, LLC

LEGAL DESCRIPTION  
TO ACCOMPANY MAP OF  
POD "C" TO 10 ACRE  
12" STEEL TRUNKLINE  
RIGHT-OF-WAY EASEMENT  
SECTION 3, T 57 N, R 83 W

A strip of land for the purpose of right of way located in Section 3, T 57 N, R 83 W of the  
Sixth Principal Meridian, Sheridan County, Wyoming. Right of Way is 50 feet in width 25 feet on either  
side of the following described centerline:

Beginning at a point(Sta. 10+77.38) on the apparent property line between LPD Ranch Partnership  
and Anna Pilch, from which the West 1/4 corner of Section 3 T57N, R83W bears S89°12'01"W, a  
distance of 339.69 feet:

thence: S46°11'34"W, along said pipeline centerline 285.16 feet, to a point(Sta. 13+62.54):

thence: S49°56'58"W, along said pipeline centerline 197.42 feet, to a point(Sta. 15+59.96), on the  
West line of Section 3 T57N, R83W, from which the West 1/4 corner of said Section 3 bears  
N03°05'26"E a distance of 320.16 feet.

Said right of way is 482.58 feet in length, or 29.2 rods, and contains 0.55 acres ±.

Basis of bearing taken from Grid azimuths using GPS observation. Based on NAD 1983 State Plane  
Coordinates, Wyoming East Central Zone.

ASBUILT

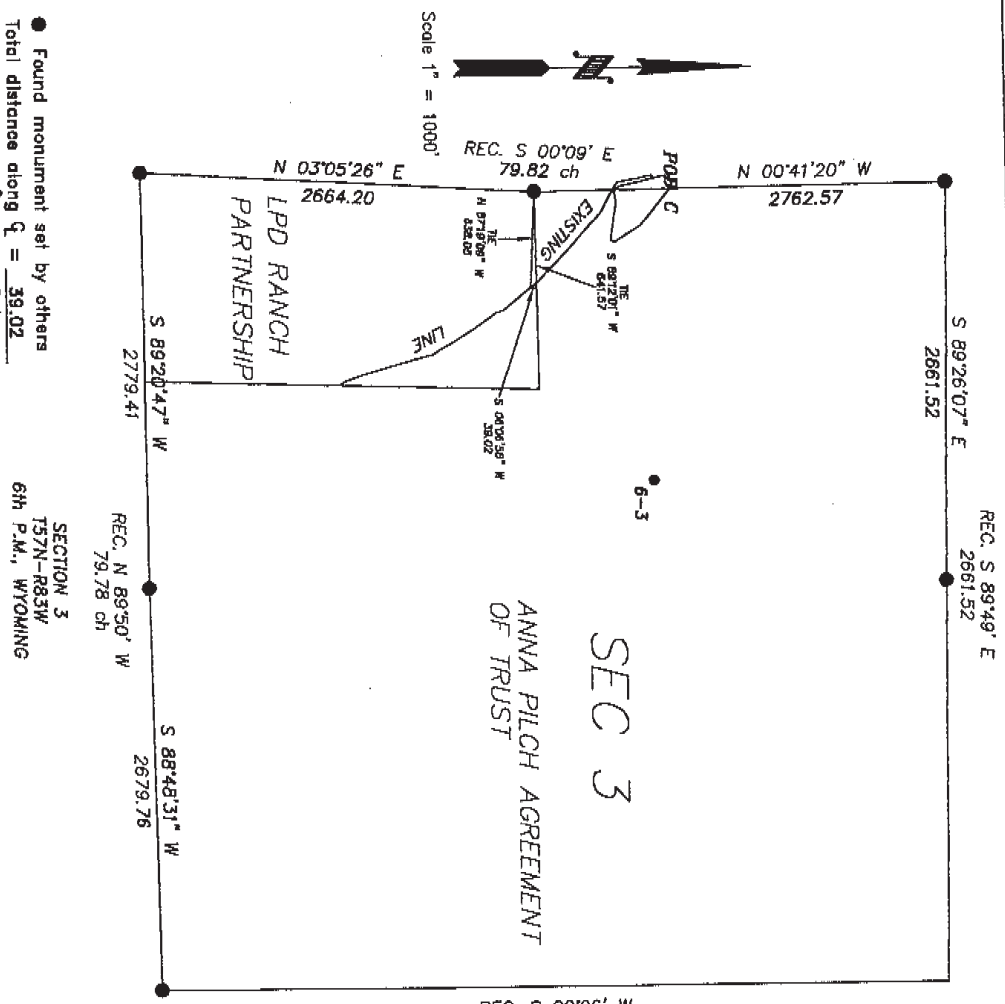
LEGAL DESCRIPTION  
TO ACCOMPANY MAP OF  
POD "C" TO 10 ACRE  
12" STEEL TRUNKLINE  
RIGHT OF WAY EASEMENT  
SECTION 3, T 57 N, R 83 W

applicant:  
Bear Paw Energy, LLC,  
856 Coffeen Avenue  
Sheridan, WY 82801

Sheet 2 of 2

Exhibit "A"  
Attached to and made a part of  
Right of Way Agreement dated  
November 28, 2000 between  
LPD Ranch Partnership and  
Bear Paw Energy, LLC

- Found monument set by others
- Total distance along  $Q = \frac{2.4}{39.02}$
- Total rods along  $Q = \frac{0.04 \text{ ACRES}}{157N-R83W}$
- Total area along  $Q = \frac{2.4}{39.02}$
- Apparent recorded ownership: LPD Ranch Partnership



REC. S 00°06' W  
79.92 ch

**GAS & WATER LINES**  
**RIGHT-OF-WAY DESCRIPTION**  
A strip of land for the purpose of right of way located in Section 3, T 57 N, R 83 W of the Sixth Principal Meridian, Sheridan County, Wyoming. Right of Way is 50 feet in width, 25 feet on either side of the following described easement:  
Beginning at a point (Sta. 18+27.43) on the apparent property boundary between Anna Pilch Agreement of Trust and LPD Ranch Partnership, from which the West 1/4 corner of Section 3 T57N, R83W, bears S89°12'01"W a distance of 641.57 feet;  
thence: S06°06'36"W, 39.02 feet, to a point (Sta. 18+56.51), being the endpoint of said centerline, from which the West 1/4 corner of Section 3, T57N, R83W, bears N07°19'09"W a distance of 635.05 feet.  
Said right of way is 39.02 feet in length, 2.4 rods, and contains 0.04 Acres ±.  
Basis of bearing taken from Goid azimuths using GPS observations. Based on NAD 1983 State Plane Coordinates, Wyoming East Central Zone.

STATE OF WYOMING  
COUNTY OF NATRONA } SS  
SURVEYOR'S CERTIFICATE

I, MAYNARD JOHNSON, state that I am by occupation a registered land surveyor employed by Bear Paw Energy, Inc., to make the survey of this right of way as shown on this map, and that the survey of said work was made by me and/or personnel under my direct supervision, and that such survey is, to the best of my knowledge and belief, accurately represented on this map.



**ASBULT MAP**  
OF  
POD "C" GATHERING  
6-3 WELL  
RIGHT OF WAY EASEMENT  
SECTION 3, T 57 N, R 83 W  
applicant:  
Bear Paw Energy, LLC.  
856 Coffeen Avenue  
Sheridan, WY 82801