

**MONTANA-DAKOTA UTILITIES CO.  
UNDERGROUND EASEMENT**

THIS EASEMENT, made this 5<sup>th</sup> day of November, A.D., 2005, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a corporation, 400 North Fourth Street, Bismarck, North Dakota 58501, hereinafter called "COMPANY," its successors and assigns, and the following named persons, herein, whether singular or plural, called "OWNER," namely: **Robert I. Diefenderfer, Jr., Trustee of The Robert I. Diefenderfer, Jr. Revocable Living Trust June 15, 2005**

WITNESSETH, that for valuable considerations received, OWNER does hereby grant, bargain, sell and convey unto COMPANY, its successors and assigns, an easement 15 feet in width, being 7.5 feet left, and 7.5 feet right of the center line as laid out and/or surveyed, or as finally installed on the hereinafter described lands, together with the right to construct, reconstruct, operate, maintain, repair, remove and replace a gas pipeline or lines, including necessary pipes, poles, and fixtures, and a buried or semiburied electric distribution system, street lighting system, or any combination thereof including the necessary cables, pedestals, transformers, transformer bases and other fixtures and apparatus in connection therewith through, over, under, and across the following described real estate, situated in the County of Sheridan, State of Wyoming, namely:

A strip of land fifteen (15) feet wide when measured as right angles, situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 35, Township 55 North, Range 84 West, 6th P.M., Sheridan County, Wyoming; the southerly line of said underground electric line easement being the northerly right-of-way line of U.S. Highway 87; the southerly line of said strip being more particularly described as follows:

Commencing at the north quarter corner of said Section 35 (Monumented with a 1 $\frac{1}{2}$ " Aluminum Cap inside a 2" Iron Pipe per PLS 102); thence S52E57'51"W, 200.15 feet to the **POINT OF BEGINNING** of said easement, said point lying on the northerly right-of-way line of U.S. Highway 87 and being the westerly property corner of a tract of land described in Book 299 of Deeds, Page 244; thence, along the southerly line of said strip, through a curve to the left, having a radius of 5804.58 feet, a central angle of 01E51'40", an arc length of 188.55 feet, a chord bearing of N50E20'10"W, and a chord length of 188.54 feet to the **POINT OF TERMINUS** of said easement (lengthening the northerly easement line to intersect the north line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ ), said point of terminus lying on the north line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and being S89E57'36"W, 304.91 feet from said north quarter corner of said Section 35. Basis of Bearings is Wyoming State Plane (East Central Zone).

OWNER agrees not to build, create or construct or permit to be built, created, or constructed, any obstruction, building, engineering works or other structures over, under, or that would interfere with said underground lines or COMPANY'S rights hereunder.

OWNER hereby grants to COMPANY, its successors and assigns, the right at all reasonable times to enter upon said premises for the purpose of laying, constructing, maintaining, operating, replacing, repairing or removing said underground lines and for the purpose of doing all necessary work in connection therewith.

COMPANY by the acceptance hereof, hereby agrees that it will pay any and all damages that may result, including crops, fences, buildings and improvements on said premises, caused by constructing, maintaining, repairing, operating, replacing or removing said underground lines. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by COMPANY and one by OWNER; these two shall select the third person. The award of these three persons shall be final and conclusive.

If the herein described lands are in the State of North Dakota, this easement is limited to a term of 99 years.

If the herein described lands are in the State of Wyoming, OWNER does hereby release and waive all rights under and by virtue of the homestead exemption laws of that state.

IN WITNESS WHEREOF, OWNER has executed this easement as of the day and year first above written.

Michael R. Diefenderfer  
Michael R. Diefenderfer

Sandra L. Koltiska  
Sandra L. Koltiska

STATE OF COLORADO  
COUNTY OF ARAPAHOE :SS

On this 5<sup>th</sup> day of November, 2005, before me personally appeared MICHAEL R. DIEFENDERFER

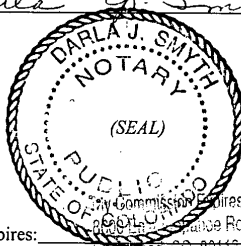
known to me to be the same person described in and who executed the above and foregoing instrument and acknowledged to me that he executed the same, (known to me to be the n/a and n/a respectively, of n/a

(THIS SPACE FOR RECORDING DATA ONLY)

541018 EASEMENT  
BOOK 474 PAGE 0369  
RECORDED 05/22/2006 AT 01:45 PM  
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

the corporation that is described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.)

Darla J. Smyth



My Commission Expires: 03/04/2008  
W.O. 05840900 TRACT NO. \_\_\_\_\_ L.R.R. NO. \_\_\_\_\_

369

370

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_:SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2005, before me personally appeared \_\_\_\_\_

known to me to be the same person \_\_\_\_\_ described in and who executed the above and foregoing instrument and acknowledged to me that \_\_\_\_\_ he  
executed the same, (known to me to be the \_\_\_\_\_ and \_\_\_\_\_ respectively,  
of

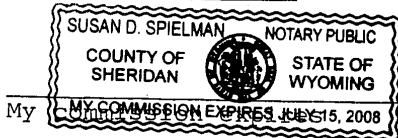
(THIS SPACE FOR RECORDING DATA ONLY)

the corporation that is described in and that executed the foregoing  
instrument, and acknowledged to me that such corporation executed  
the same.)

ACKNOWLEDGMENTS

STATE OF WYOMING )  
COUNTY OF SHERIDAN ) ss.

On this 8<sup>th</sup> day of December, 2005, before me,  
personally appeared SANDRA L. KOLTISKA,  
to me known to be the person \_\_\_\_\_ described in and who executed the  
foregoing instrument, and acknowledged to me that She executed  
the same as her free act and deed.



Susan D. Spielman  
Notary Public