

MONTANA-DAKOTA UTILITIES CO. UNDERGROUND EASEMENT

THIS EASEMENT, made this 15 day of May, A.D., 19 97, 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: John E. Rice & Sons, Inc., D/B/A/ Wrench Ranch

whose address is: 247 Decker Road, Sheridan WY. 82801

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:

An easement strip located in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) of Section thirtyfour (34) in T-57N., R-84W., of the 6th P.M., Sheridan County, Wyoming. Said easement strip being Fifteen (15) feet wide, with (7 1/2) feet on either side of the following center line description:

Commencing at the Northwest corner of said Section Thirtyfour (34), (Monumented with a 4 1/2" Brass Cap Per Sheridan Coal Company); thence S 39°15'37"E, 2178.24 feet to the true point of beginning, thence S 85° 22'02"E 158.49 feet; thence N 80°39'15"W 53.92 feet; thence N 64°06'14"W 29.55 feet to the point of termination, said point lying on the westerly right of way line of Decker Road (AKA Wyo. State Hwy. 338), and being S 43°55'52"E 2329.58 feet from said Northwest corner of Section 34.

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.

President: Neltje

Vice President: James L. Jellis

STATE OF Wyoming
COUNTY OF Sheridan SS

On this 15 day of May, 19 97, before me personally appeared Neltje & James Jellis

known to me to be the same person as described in and who executed the above and foregoing instrument and acknowledged to me that they executed the same, (known to me to be the President and Vice President respectively, of John E. Rice & Sons, Inc. D/B/A/ Wrench Ranch the corporation that is described in and that executed the foregoing

instrument, and acknowledged to me that such corporation executed the same.)

(THIS SPACE FOR RECORDING DATA ONLY)

Notary Public, Sheridan County,

State of Wyoming

Residing at 1726 North Sheridan

My Commission Expires:

W.O. B58410.61215W TRACT NO. 2362 L.R.R. NO. 2362

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