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# MONTANA-DAKOTA UTILITIES CO. UNDERGROUND EASEMENT

THIS EASEMENT, made this 13<sup>th</sup> day of OCTOBER, A.D., 2008, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a corporation, 400 North Fourth Street, Bismarck, North Dakota 58501, its successors and assigns, and the following named persons, herein, whether singular or plural, called "OWNER," namely:

**Red E.C. Hendrickson and  
Kathleen T. Hendrickson**

WITNESSETH, that for valuable considerations received, OWNER does hereby grant, bargain, sell and convey unto COMPANY, its successors and assigns, an easement 20 feet in width, being 10.0 feet left, and 10.0 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 communications line or lines, a gas pipeline or lines, including necessary pipes, poles, and fixtures, and a buried or semi buried 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:

Twenty (20) foot wide Underground Easement situated in Tract 4 of the Lewallen-Mefford Minor Subdivision, a subdivision in Sheridan County, Wyoming, being briefly described as follows: A strip of land being 20 feet wide, parallel and adjacent to the right of way boundary of Metz Road, or County Road No. 62, Sheridan County, State of Wyoming, as shown on EXHIBIT "A" attached hereto and by this reference made a part hereof.

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 hereby agrees that no banks shall be cut on any irrigation ditches crossed unless absolutely necessary and that all precautions are taken to maintain the integrity and structure of such banks.

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

Red E.C. Hendrickson  
Red E.C. Hendrickson

Kathleen T. Hendrickson  
Kathleen T. Hendrickson

STATE OF WYOMING )

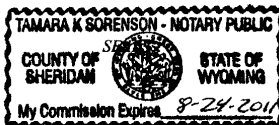
COUNTY OF SHERIDAN )ss.

On this the 13<sup>th</sup> day of OCTOBER, 2008, before me personally appeared RED E.C. & KATHLEEN HENDRICKSON known to me, or satisfactorily proved to be the person s described in and who executed the above and fore going instrument.

(this space for recording data only)

626553 EASEMENT  
BOOK 501 PAGE 0464  
RECORDED 11/18/2008 AT 08:45 AM  
AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

Tamara K. Sorenson  
Notary Public



My Commission Expires Aug 24<sup>th</sup>, 2011

W.O. 584/101 Tract NO. \_\_\_\_\_ LLR NO. \_\_\_\_\_

# EXHIBIT A

## MONTANA DAKOTA UTILITIES 20.0' UNDERGROUND UTILITY EASEMENT

Tract 4, Lewallen-Mefford Minor Subdivision, Sheridan County, Wyoming

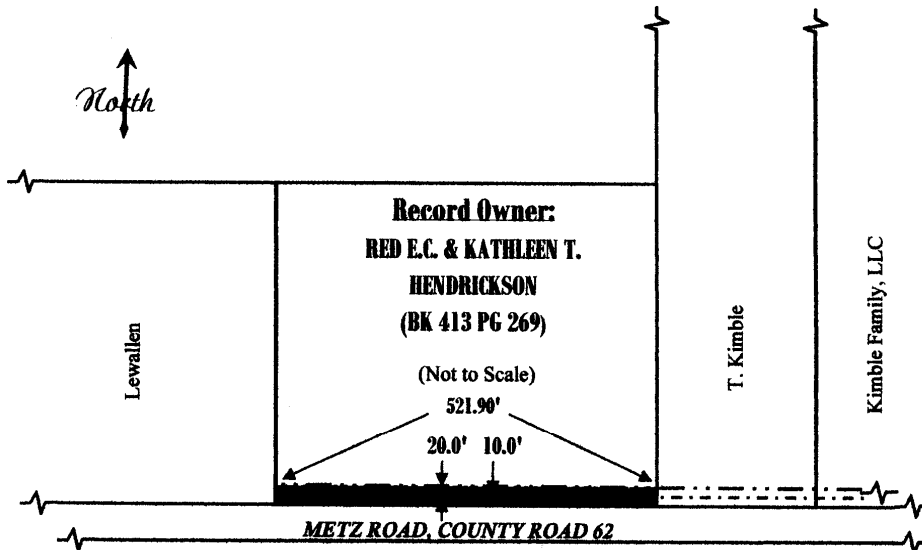
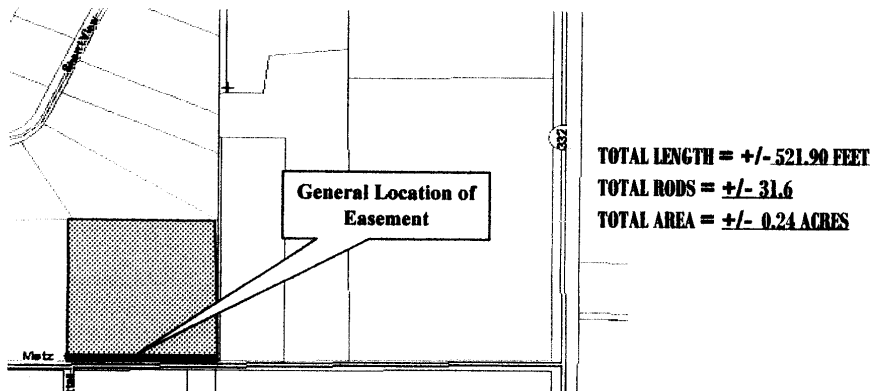


Exhibit "A" which has been attached to and made a part of the Underground Utility Easement is to be used for illustration purposes only and not to be construed as a final survey of location



Date: \_\_\_\_\_

Work Order No: \_\_\_\_\_

1812 Sugarland Drive, Suite 108, PMB 198  
Sheridan, Wyoming 82801



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