

**UNDERGROUND EASEMENT
CABLE TELEVISION, COMMUNICATION, ELECTRIC AND GAS LINES**

THIS EASEMENT, made this 22nd day of September, 2000, between MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., a corporation, US WEST COMMUNICATIONS, INC. a corporation, and TCI TKR of CENTRAL FLORIDA, INC., a corporation, hereinafter referred to as 'COMPANIES,' and the following named persons, hereinafter, whether singular or plural, referred to as 'OWNER,' namely:

Theodore J. Barten and Donna L. Barten
48 State HW 335 Sheridan, Wy. 82801

WITNESSED, that for valuable consideration received, OWNER does hereby grant unto Companies for 99 years, jointly and severally, its and their respective successors and assigns, an easement to construct, operate, maintain, increase the capacity of, repair, replace and remove such communication, electric and natural gas systems as the Companies may from time to time require, consisting of underground cables, wires, conduits, splicing boxes, markers, transformers, pipelines, and other facilities used in the construction, operation, maintenance, increasing the capacity of, repair, replacement, and removal of said communication, electric and natural gas systems, upon, over, under, and across a strip of land sixteen (16) feet wide across the following-described real estate, situated in the County of Sheridan, State of Wyoming, to wit:

ATTACHED EXHIBITS "A" and "B"

OWNER, its successors and assigns, hereby grants to Companies, jointly and severally, its and their successors and assigns, the right of ingress and egress at all reasonable times over and across the lands of Owner, to and from said strip of land for the purpose of exercising the rights herein granted; to place surface markers beyond said strip; and to install gates in any fences crossing said strip.

OWNER, its successors and assigns, agrees not to build, create or construct or permit to be built, created or constructed, any obstruction, building, engineering works or other structures upon, over or under the strip of land herein described or that would interfere with the herein stated uses, or Companies' rights hereunder.

COMPANIES agree that any and all damages that may result to the crops, fences, buildings and improvements on said premises caused by the construction and maintenance of said communication, electric and/or natural gas systems will be paid for by the responsible Company. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by the responsible Company and one by Owner; these two shall select a third person. The award determined by these three persons shall be final and conclusive.

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

X Theodore J. Barten
X Donna L. Barten

STATE OF Wyoming
COUNTY OF Sheridan :ss

On this 22nd day of September, 2000, before me personally appeared Theodore J. Barten and Donna L. Barten

known to me to be the same person(s) as described in and who executed the above and foregoing instrument and acknowledged to me that they executed the same.

(THIS SPACE FOR RECORDING DATA ONLY)


Judy Artist
Notary Public, Sheridan County,
State of Wyoming
Residing at Sheridan, Wyoming

My Commission Expires February 27, 2001
W.O. 376958 TRACT NO. 37170 L.R.R. NO. 37041

EXHIBIT "A"

Record Owners: Theodore J. Barten & Donna L. Barten
October 02, 2000

Re: 16' Non-Exclusive Perpetual Easement for All Utilities including but not limited to US West Communications, Inc., Montana-Dakota Utilities Co., A Division of MDU Resources Group, Inc., TCI TKR of Central Florida, Inc., and or any of their respective successors and assigns.

A perpetual utility easement sixteen (16) feet wide, being eight (8) feet each side of the following described centerline situated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 55 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, as shown on Exhibit "B" attached hereto and by this reference made a part hereof; said centerline being more particularly described as follows:

Commencing at the north quarter corner of said Section 27 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615); thence S32°27'01"W, 1890.08 feet to the **POINT OF BEGINNING** of said centerline, said point lying on the south line of a tract of land described in Book 331 of Deeds, Page 309; thence, eight (8) feet westerly of and parallel to the proposed westerly right-of-way line of State Highway No.335 (AKA Big Horn Road) S31°57'22"W, 184.76 feet along said centerline to **POINT OF TERMINUS**, said point lying on the north line of a tract of land described in Book 341 of Deeds, Page 329 and being N59°39'13"E, 1771.40 feet from the west quarter corner of said Section 27 (Witnessed by a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615).

A perpetual utility easement being a strip of land sixteen (16) feet wide situated in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 27, Township 55 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, as shown on Exhibit "B" attached hereto and by this reference made a part hereof; the south line of said utility easement being the south line of a tract of land described in Book 398 of Deeds, Page 78, said south line being more particularly described as follows:

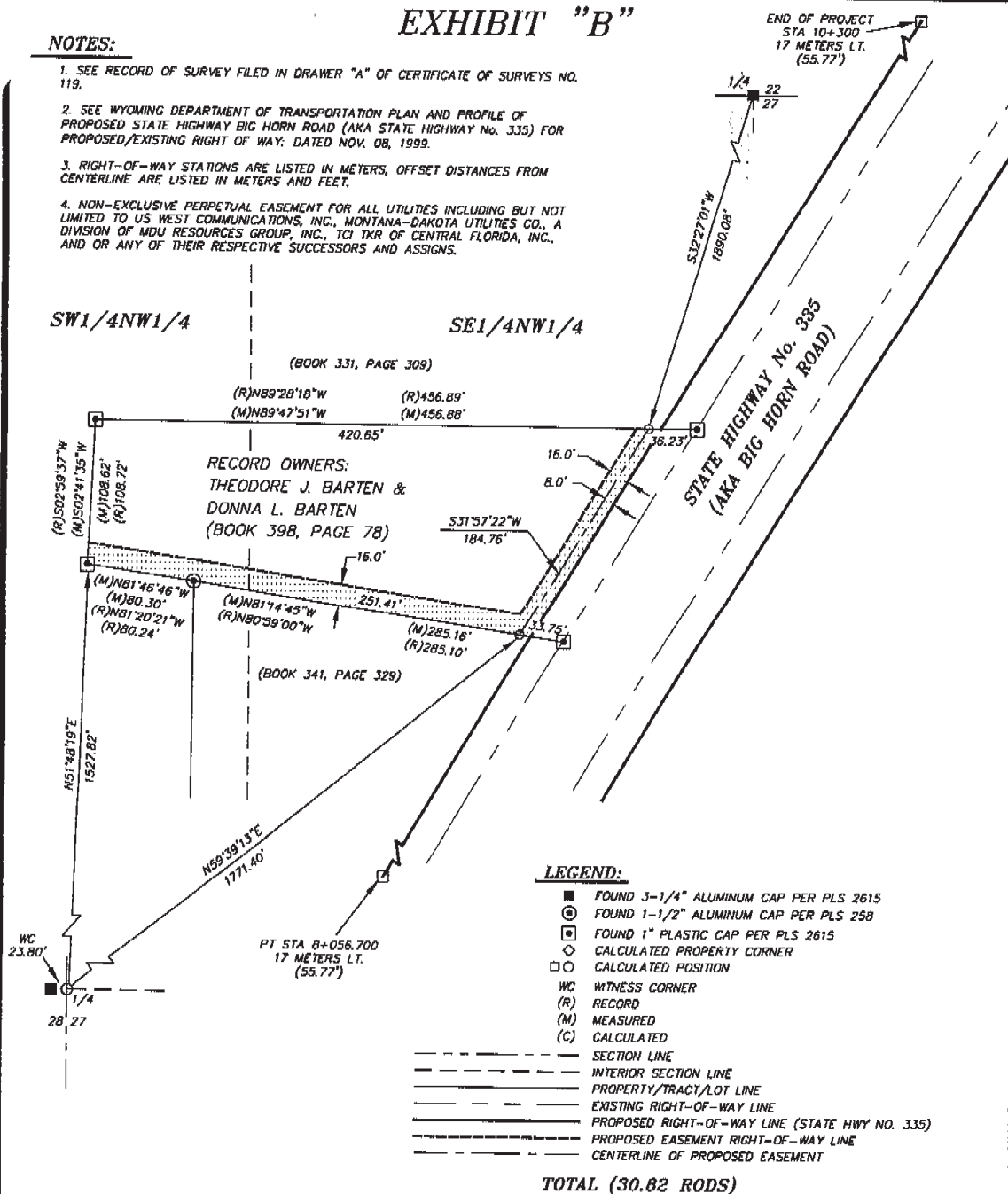
Commencing at the west quarter corner of said Section 27 (Witnessed by a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615); thence N59°39'13"E, 1771.40 feet to the **POINT OF BEGINNING** of said easement, said point lying on said south line of a tract of land described in Book 398 of Deeds, Page 78; thence N81°14'45"W, 251.41 feet along said south line to a point; thence N81°46'46"W, 80.30 feet along said south line to the **POINT OF TERMINUS** of said easement, said point being the southwest corner of said tract described in Book 398 of Deeds, Page 78 and being N51°48'19"E, 1527.82 feet from said west quarter corner of Section 27.

Basis of Bearings is Wyoming State Plane (East Central Zone).

EXHIBIT "B"

NOTES:

1. SEE RECORD OF SURVEY FILED IN DRAWER "A" OF CERTIFICATE OF SURVEYS NO. 119.
2. SEE WYOMING DEPARTMENT OF TRANSPORTATION PLAN AND PROFILE OF PROPOSED STATE HIGHWAY BIG HORN ROAD (AKA STATE HIGHWAY No. 335) FOR PROPOSED/EXISTING RIGHT OF WAY. DATED NOV. 08, 1999.
3. RIGHT-OF-WAY STATIONS ARE LISTED IN METERS, OFFSET DISTANCES FROM CENTERLINE ARE LISTED IN METERS AND FEET.
4. NON-EXCLUSIVE PERPETUAL EASEMENT FOR ALL UTILITIES INCLUDING BUT NOT LIMITED TO US WEST COMMUNICATIONS, INC., MONTANA-DAKOTA UTILITIES CO., A DIVISION OF MDU RESOURCES GROUP, INC., TCI TWR OF CENTRAL FLORIDA, INC., AND OR ANY OF THEIR RESPECTIVE SUCCESSORS AND ASSIGNS.



SURVEYOR'S CERTIFICATE

STATE OF WYOMING : 58
COUNTY OF SHERIDAN

I, THOMAS D. TUCKER A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY STATE THAT THIS PLAT TRULY AND CORRECTLY REPRESENTS THE RESULTS OF A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION.

Date: SEPTEMBER 28, 2000

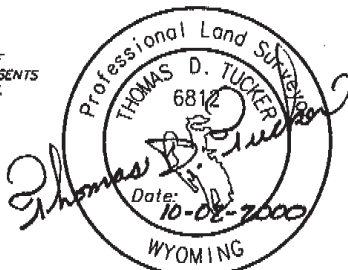
Job No. 027A465

RL No. _____



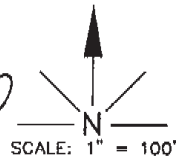
PO BOX 3082
SHERIDAN, WY 82801
307-672-7415
FAX 674-5000

JN: 200031
DN: 2000/200031EB
(2000) NAD 83(1993)
DAF: 1.000246811



"PLAT IS VALID ONLY IF PRINT HAS
ORIGINAL SIGNATURE OF SURVEYOR SIGNED AND DATED"

BASIS OF BEARING IS
WYOMING STATE PLANE (EAST CENTRAL ZONE)



Sec. 27
(S1/2NW1/4)
T-55-N
R-84-W

SHERIDAN COUNTY, WYOMING

Qwest Communications, inc.
EXHIBIT FOR RIGHT OF WAY NO. _____
GRANTOR THEODORE J. & DONNA L. BARTEN