



DITCH AND HEAD GATE ACCESS EASEMENT

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, **KAREN K. SCOTT**, a single person, whose mailing address is P.O. Box 644, Ranchester, Wyoming 82839 (hereinafter referred to as "SCOTT"), hereby grants to **KAWULOK ENTERPRISES, LLC**, a Wyoming limited liability company, whose mailing address is P.O. Box 563, Sheridan, Wyoming 82801 (hereinafter referred to as "KAWULOK") its heirs, grantees, successors and assigns, an ***easement and right-of-way*** over and across SCOTT's Property to access a head gate and irrigation ditch which diverts and conveys water from the Tongue River Ditch to KAWULOK's Property. The description of said easement and its terms and conditions are set forth herein.

1. SCOTT is the owner of certain real property located in Sheridan County, Wyoming, described as follows:

That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ excepting the East 33 feet thereof lying North of the North right of way of the Burlington Northern Railroad, also that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ lying North of said North right of way line of the Burlington Northern Railroad and South of the South right of way line of U.S. Highway No. 87, said portions situated in Section 16, Township 57 North, Range 85 West of the Sixth Principal Meridian, Sheridan County, Wyoming

(hereinafter "SCOTT Property")

2. KAWULOK is the owner of certain contiguous real property located in Sheridan County, Wyoming:

A tract of land situated in the S1/2SW1/4, SW1/4SE1/4 of Section 16, the E1/2NE1/4 of Section 20, and the NW1/4, W1/2NE1/4 of Section 21, Township 57 North, Range 85 West, of the 6th Principal Meridian, Sheridan County, Wyoming as shown as Tract No. 2 on a Record of Survey recorded February 24, 2010 at the Sheridan County Courthouse, Drawer A, Plat 412 and by this reference made a part hereof; said tract being more particularly described as follows:

Beginning at the southwest corner of said Section 16 (monumented with a 3" brass cap per PE&Ls 537); thence N00°50'22"W, 513.92 feet along the west line of said Section 16 to a 2" aluminum cap per PLS 5369 on the south right of way line of a Railroad; thence S89°11'02"E, 529.91 feet along said right of way line to a 2" aluminum cap per PLS 5369; thence, along said right of way line, through a curve to the left, having a radius of 5779.65 feet, a central angle of 07°35'22", an arc length of 765.57 feet, a chord bearing of N87°01'17"E, and a chord length of 765.01 feet to a 2" aluminum cap per PLS 5369; thence N83°13'36"E, 1942.09 feet along right of way line to a 2" aluminum cap per PLS 5369 on an agreement line along the east line of said Tract No. 2; thence S02°30'24"E, 570.49 feet along said east line to a 2" aluminum cap per PLS 5369; thence S34°34'38"W, 702.31 feet along said east line to a 2" aluminum cap per PLS 5369; thence S49°12'23"E, 517.81 feet along said east line to a 2" aluminum cap per PLS 5369; thence S17°22'12"E, 1056.94 feet along said centerline to a point in the center of Tongue River witnessed by a 2" aluminum cap per PLS 5369 bearing N17°22'12"W a distance of 90 feet; thence S31°27'30"W, 29.30 feet along said the meander line of Tongue River as described in Book 423 of Deeds, Page 74 and Page 77 to a point; thence S51°59'05"W, 190.46 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 140.00 feet, a central angle of 81°25'51", an arc length of 198.97 feet, a chord bearing of N87°18'00"W, and a chord length of 182.64 feet to a point; thence N46°35'04"W, 103.35 feet along said meander line to a point; thence N21°01'00"E, 344.54 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 280.00 feet, a central

angle of 100°41'53", an arc length of 492.10 feet, a chord bearing of N29°19'56"W, and a chord length of 431.17 feet to a point; thence N79°40'53"W, 127.20 feet along said meander line to a point; thence N50°06'58"W, 144.79 feet along said meander line to a point; thence N16°28'04"W, 223.44 feet along said meander line to a point; thence N58°36'44"W, 134.92 feet along said meander line to a point; thence N79°31'44"W, 121.12 feet along said meander line to a point; thence N63°56'49"W, 169.80 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 415.00 feet, a central angle of 132°31'45", an arc length of 959.92 feet, a chord bearing of S49°47'18"W, and a chord length of 759.79 feet to a point; thence S16°28'34"E, 73.98 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 343.00 feet, a central angle of 65°53'42", an arc length of 394.48 feet, a chord bearing of S49°25'25"E, and a chord length of 373.09 feet to a point; thence S82°22'16"E, 298.39 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 280.00 feet, a central angle of 44°57'37", an arc length of 219.72 feet, a chord bearing of S59°53'28"E, and a chord length of 214.12 feet to a point; thence S37°24'39"E, 249.59 feet along said meander line to a point; thence S00°51'58"W, 130.00 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 350.00 feet, a central angle of 41°59'39", an arc length of 256.53 feet, a chord bearing of S21°51'48"W, and a chord length of 250.82 feet to a point; thence S42°51'37"W, 366.09 feet along said meander line to a point; thence S71°12'45"W, 174.14 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 90.00 feet, a central angle of 70°09'42", an arc length of 110.21 feet, a chord bearing of N73°42'24"W, and a chord length of 103.45 feet to a point; thence N38°37'33"W, 79.37 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 600.00 feet, a central angle of 55°54'17", an arc length of 585.43 feet, a chord bearing of N10°40'25"W, and a chord length of 562.48 feet to a point; thence N17°16'44"E, 84.39 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 130.00 feet, a central angle of 91°11'04", an arc length of 206.89 feet, a chord bearing of N28°18'48"W, and a chord length of 185.74 feet to a point; thence N73°54'20"W, 502.88 feet along said meander line to a point; thence S64°09'24"W, 140.00 feet along said meander line to a point; thence S42°57'32"W, 71.91 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 142.10 feet, a central angle of 89°18'28", an arc length of 221.49 feet, a chord bearing of S01°41'42"E, and a chord length of 199.74 feet to a point; thence S46°20'56"E, 72.95 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 350.00 feet, a central angle of 32°18'10", an arc length of 197.33 feet, a chord bearing of S30°11'51"E, and a chord length of 194.72 feet to a point; thence S14°02'46"E, 144.54 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 130.00 feet, a central angle of 53°16'40", an arc length of 120.88 feet, a chord bearing of S12°35'34"W, and a chord length of 116.58 feet to a point; thence S39°13'54"W, 230.00 feet along said meander line to a point; thence S48°41'37"W, 97.64 feet along said meander line to a point; thence S71°02'33"W, 110.00 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 93.00 feet, a central angle of 108°39'40", an arc length of 176.37 feet, a chord bearing of N54°37'37"W, and a chord length of 151.11 feet to a point; thence N00°17'47"W, 147.82 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 150.00 feet, a central angle of 56°47'28", an arc length of 148.68 feet, a chord bearing of N28°41'31"W, and a chord length of 142.67 feet to a point; thence N57°05'14"W, 258.20 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 90.00 feet, a central angle of 54°47'27", an arc length of 86.07 feet, a chord bearing of N84°28'58"W, and a chord length of 82.82 feet to a point; thence



S68°07'18"W, 124.42 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 250.00 feet, a central angle of 60°51'58", an arc length of 265.58 feet, a chord bearing of N81°26'43"W, and a chord length of 253.27 feet to a point; thence N51°00'47"W, 223.85 feet along said meander line to a point; thence N51°00'44"W, 49.71 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 325.00 feet, a central angle of 70°41'13", an arc length of 400.96 feet, a chord bearing of N15°40'06"W, and a chord length of 376.01 feet to a point; thence N19°40'32"E, 42.97 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 135.00 feet, a central angle of 65°12'58", an arc length of 153.66 feet, a chord bearing of N52°17'01"E, and a chord length of 145.50 feet to a point; thence, along said meander line, through a curve to the right, having a radius of 134.95 feet, a central angle of 45°31'27", an arc length of 107.22 feet, a chord bearing of S72°21'26"E, and a chord length of 104.43 feet to a point; thence S49°35'56"E, 218.52 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 200.00 feet, a central angle of 69°51'11", an arc length of 243.83 feet, a chord bearing of S84°31'33"E, and a chord length of 229.01 feet to a point; thence N60°32'50"E, 86.56 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 250.00 feet, a central angle of 63°17'46", an arc length of 276.18 feet, a chord bearing of N28°53'55"E, and a chord length of 262.35 feet to a point; thence N02°45'00"W, 206.51 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 150.00 feet, a central angle of 59°36'12", an arc length of 156.04 feet, a chord bearing of N32°33'04"W, and a chord length of 149.10 feet to a point; thence N62°21'09"W, 100.55 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 100.00 feet, a central angle of 82°38'44", an arc length of 144.24 feet, a chord bearing of S76°19'36"W, and a chord length of 132.06 feet to a point; thence S35°00'20"W, 188.65 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 115.00 feet, a central angle of 82°28'50", an arc length of 165.55 feet, a chord bearing of S76°14'40"W, and a chord length of 151.62 feet to a point; thence N62°30'52"W, 156.98 feet along said meander line to a point; thence N62°30'59"W, 284.08 feet along said meander line to a point; thence, along said meander line, through a curve to the right, having a radius of 155.00 feet, a central angle of 107°24'05", an arc length of 290.55 feet, a chord bearing of N47°24'43"W, and a chord length of 249.84 feet to a point; thence N06°17'21"E, 204.33 feet along said meander line to a point; thence N64°51'42"E, 171.19 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 460.00 feet, a central angle of 43°25'48", an arc length of 348.68 feet, a chord bearing of N43°08'49"E, and a chord length of 340.39 feet to a point; thence N21°25'55"E, 85.63 feet along said meander line to a point; thence, along said meander line, through a curve to the left, having a radius of 109.00 feet, a central angle of 64°45'00", an arc length of 123.18 feet, a chord bearing of N10°56'36"W, and a chord length of 116.73 feet to a point on the north line of said Section 22; thence N89°16'19"E, 140.69 feet along said north line to the **POINT OF BEGINNING** of said tract.

Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.
Distances are surface.

(hereinafter "KAWULOK Property")

3. KAWULOK and SCOTT use an irrigation lateral ditch to divert and convey water from the Tongue River Ditch to their respective properties. The point of diversion is a head gate located on the Tongue River Ditch in the SE¼SW¼ of Township 57 North, Range 85 West, 6th PM, Section 16. The lateral ditch traverses the SCOTT Property, crosses under the Burlington Northern Santa Fe Railroad right of way, and enters the KAWULOK Property on the south side



of the Burlington Northern Santa Fe Railroad right of way in the S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 16, as shown on **Exhibit A - Page #1 and #2**, attached hereto and by reference made a part hereof.

4. KAWULOK shall have an access easement across the existing ranch road on the SCOTT Property, which originates at a point on the south side of the right of way of State Highway 345 and runs in a southerly direction across the SCOTT Property to a point where it crosses KAWULOK's lateral ditch. The Easement shall be fifteen (15) feet either side of the centerline of the existing road, as described and shown on **Exhibit A - Page #1 and #2**.

5. The purpose of the Easement is for access to the lateral irrigation ditch, to open and close the head gate, to inspect, repair, maintain and rebuild said head gate and irrigation ditch as is reasonably necessary, and to remove any obstructions that may interfere with the proper flow of water, and operation of the head gate and irrigation ditch.

6. The Easement shall include the right to traverse along either side of said lateral irrigation ditch, a width which is reasonably necessary for the use of motorized vehicles and appropriately sized excavation equipment, to access any point along said ditch, to repair, maintain and rebuild said irrigation ditch and to remove any obstructions that may interfere with the flow of water and proper operation of the irrigation ditch.

7. The Easement shall be non-exclusive. SCOTT reserves all rights to use said Easement so long as such use does not interfere with KAWULOK's use and enjoyment of the Easement and KAWULOK's irrigation rights.

8. The Easement shall be a covenant and servitude upon the SCOTT Property, and shall be appurtenant to and for the use and benefit of the KAWULOK Property.

9. The Easement shall be binding upon SCOTT, her heirs, grantees, successors and assigns, and shall be for the use and benefit of KAWULOK, its heirs, grantees, successors and assigns.

DATED this 16th day of August, 2010.

Karen K. Scott
 KAREN K. SCOTT

STATE OF WYOMING)
) : ss
 County of Sheridan)

This instrument was acknowledged before me on this 16th day of August, 2010, by **KAREN K. SCOTT**.

(SEAL)

Teri L. Laya
 Signature of Notarial Officer
 Title and Rank: Clerk, Town of Rochester

My Commission expires: September 22, 2010





EXHIBIT "A"-PAGE #1

An access easement being a strip of land thirty (30) feet wide fifteen (15) each side of the centerline of an existing road situated in the SE1/4SW1/4 of Section 16, Township 57 North, Range 85 West, 6th P.M., Sheridan County, Wyoming, as shown on **EXHIBIT "A"-PAGE #2**, attached hereto and by this reference made a part hereof; said centerline being more particularly described as follows:

Commencing at the southwest corner of said Section 16 (monumented with a 3" brass cap per PE&LS 537); thence N55°55'00" E, 2194.57 feet to the **POINT OF BEGINNING** of said easement, said point lying in the right of way of State Highway 345; thence S05°26'44"W, 446.06 feet along said centerline to a point; thence S77°24'51"E, 295.24 feet along said centerline to the **POINT OF TERMINUS** of said easement, said point being N64°07'14"E, 1652.89 feet from said southwest corner of Section 16.

Bearings are Based on the Wyoming Coordinate System, NAD 1983, East Central Zone.
Distances are surface.

EXHIBIT "A"-PAGE #2



2010-685177 12/29/2010 11:41 AM PAGE: 6 OF 6
BOOK: 522 PAGE: 280 FEES: \$23.00 VL EASEMENT
EDA SCHUNK THOMPSON, SHERIDAN COUNTY WY CLERK

STATE HIGHWAY No. 345

SE1/4SW1/4

TONGUE RIVER
DITCH

HEADGATE

N55°55'00"E
2194.57'

RECORD OWNER:
KAREN K. SCOTT

17 16
20 21

IRRIGATION
DITCH

POT

N64°07'14"E
1652.89'

S77°24'51"W
295.24'

S05°26'44"W
446.06'

POB

LEGEND

- FOUND 3" BRASS CAP PER PE&LS 537
- NOT FOUND/NOT SET
- - - INTERIOR SECTION LINE
- - - CENTERLINE 30' ACCESS EASEMENT
- ++++ RAILROAD
- - - RIGHT OF WAY LINE
- POB POINT OF BEGINNING
- POT POINT OF TERMINUS



1 inch = 100 ft.

DATUM:

BEARINGS ARE BASED ON THE WYOMING COORDINATE
SYSTEM, NAD 1983, EAST CENTRAL ZONE.
DISTANCES ARE MODIFIED TO SURFACE BY AN
ADJUSTMENT FACTOR OF 1.00024. COORDINATES ARE
BASED ON HARN POINT SHERIDAN NAD83(EPOCH1993)

I, THONE STEWART, A DULY REGISTERED LAND
SURVEYOR IN THE STATE OF WYOMING, DO
HEREBY STATE, BASED ON MY KNOWLEDGE AND
INFORMATION, THE ABOVE EXHIBIT "C" IS A
VALID REPRESENTATION OF A SURVEY MADE BY
ME, OR UNDER MY DIRECT SUPERVISION.

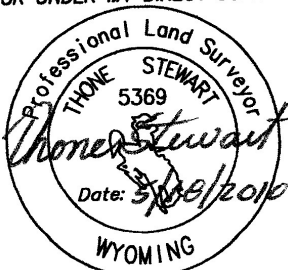


EXHIBIT "A"-PAGE #2 FOR ACCESS EASEMENT

CLIENT: DAVIS AND CANNON
LOCATION: S1/4SW1/4, SECTION 16, T57N, R85W,
6TH P.M., SHERIDAN COUNTY, WYOMING



PO BOX 3082
SHERIDAN, WY 82801
307-672-7415
FAX 6

JN: 29128
DF: 2009/2009128D
MAY, 2010
EXHIBIT "C"-PAGE 2 OF 2
TGO: 2009128

NO. 2010-685177 EASEMENT

EDA SCHUNK THOMPSON, SHERIDAN COUNTY CLERK
KAWULOK ENTERPRISES LLC P O BOX 563
SHERIDAN WY 82801