

RECORDING INFORMATION ABOVE

**EASEMENT AGREEMENT**

The undersigned, POWDER HORN RANCH-2, LLC, ("Grantor") for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto QWEST CORPORATION, a Colorado corporation ("Grantee"), whose address is 1801 California St., Suite 5200, Denver, CO 80202, and its successors, assigns, affiliates, lessees, licensees, and agents, a perpetual non-exclusive easement to construct, modify, add to, maintain, and remove such telecommunication lines, facilities, and other appurtenances, from time to time, as Grantee may require upon, over, under and across the following described property situated in the County of Sheridan, State of Wyoming, which Grantor owns or in which Grantor has an interest ("Easement Area"), to wit:

**A sixteen (16) feet wide easement which is described in its entirety on EXHIBIT "A" and EXHIBIT "B", attached hereto and by this reference made a part hereof, all of which is situated in the SE/4NW/4, NE/4SW/4, NW/4SE/4 and S/2SE/4 of Section 4, Township 54 North, Range 84 West, 6<sup>th</sup> P.M., Sheridan County, Wyoming.**

Grantor further conveys to Grantee the right of ingress and egress to and from the Easement Area during all periods of construction, maintenance, installation, reinforcement, repair and removal over and across Grantor's lands with the right to clear and keep cleared all trees and other obstructions as may be necessary for Grantee's use and enjoyment of the Easement Area.

Grantee shall indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted. Grantee shall have no responsibility for environmental contamination, which is either pre-existing or not caused by Grantee.

Grantor reserves the right to occupy, use and cultivate the Easement Area for all purposes not inconsistent with the rights herein granted.

Grantor covenants that Grantor is the fee simple owner of the Easement Area or has an interest in the Easement Area. Grantor will warrant and defend title to the Easement Area against all claims.

Grantor hereby covenants that no excavation, structure or obstruction will be constructed, or permitted on the Easement Area and no change will be made by grading or otherwise that would adversely affect Grantee's use and enjoyment of the Easement Area.

The rights, conditions and provisions of this Agreement shall run with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

R/W # 38384

Page 1 of 2

Initials \_\_\_\_\_

RECORDING INFORMATION ABOVE

Any claim, controversy or dispute arising out of this Agreement shall be settled by arbitration in accordance with the applicable rules of the American Arbitration Association, and judgement upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration shall be conducted in the county where the Easement Area is situated.

Executed this 23<sup>rd</sup> day of MARCH, 2004.

GRANTOR:

Powder Horn Ranch-2, LLC

Mike Saffee, General Manager

JIM M. SCOTT, PARTNER

STATE OF WYOMING           )  
  ) ss:  
COUNTY OF SHERIDAN       )

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day  
of MARCH, 2004, by Mike Saffee, General Manager of  
Powder Horn Ranch-2, LLC. JIM M. SCOTT, PARTNER

Witness my hand and official seal:

[NOTARY SEAL]

Tom Mentoock  
Notary Public



My commission expires: MAY 18, 2004

R/W# 38384                               Job # 327B008  
Exchange Sheridan                   County Sheridan  
SENW, NESW, NWSE and S/2SE of Section 4, Township 54 North, Range 84 West

**EXHIBIT "A"**

**Record Owner: Powder Horn Ranch-2, LLC**  
**January 27, 2004**

**Re: 16.0' Telecommunications Strip Easement for Qwest Communications, Inc., and or any of their respective successors and assigns.**

A telecommunications easement being a strip of land sixteen (16) feet wide situated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, Township 54 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 southerly line of said telecommunications easement being the northerly right-of-way line of Bird Farm Road (AKA County Road No. 28); the southerly line of said strip being more particularly described as follows:

Commencing at the southwest corner of said Section 4 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615); thence N27°27'22"E, 3310.71 feet to the **POINT OF BEGINNING** of said easement, said point being the southeast corner of a tract of land described in Book 336 of Deeds, Page 13; thence S43°14'20"E, 40.45 feet along the southerly line of said strip to a point; thence, along the southerly line of said strip, through a curve to the right, having a radius of 550.88 feet, a central angle of 24°21'47", an arc length of 234.24 feet, a chord bearing of S31°03'11"E, and a chord length of 232.48 feet to a point; thence, along the southerly line of said strip, through a curve to the left, having a radius of 278.66 feet, a central angle of 08°28'04", an arc length of 41.18 feet, a chord bearing of S23°15'52"E, and a chord length of 41.15 feet to a point lying on the south line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ , said point also being the southwest corner of a tract of land described in Book 407 of Deeds, Page 490; thence, along the southerly line of said strip, through a curve to the left, having a radius of 278.66 feet, a central angle of 07°43'57", an arc length of 37.61 feet, a chord bearing of S31°21'53"E, and a chord length of 37.58 feet to a point; thence S35°13'51"E, 187.89 feet along the southerly line of said strip to a point; thence S36°03'14"E, 414.66 feet along the southerly line of said strip to a point; thence, along the southerly line of said strip, through a curve to the left, having a radius of 420.00 feet, a central angle of 32°14'39", an arc length of 236.36 feet, a chord bearing of S52°10'34"E, and a chord length of 233.25 feet to a point; thence S68°17'53"E, 568.32 feet along the southerly line of said strip to a point; thence S65°53'57"E, 642.22 feet along the southerly line of said strip to the **POINT OF TERMINUS** of said easement, said point being the southwest corner of a tract of land described in Book 349 of Deeds, Page 546, and being N52°21'28"W, 2402.70 feet from the southeast corner of said Section 4 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615).

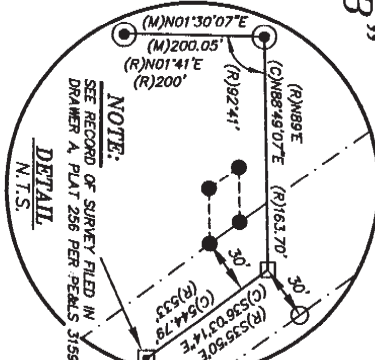
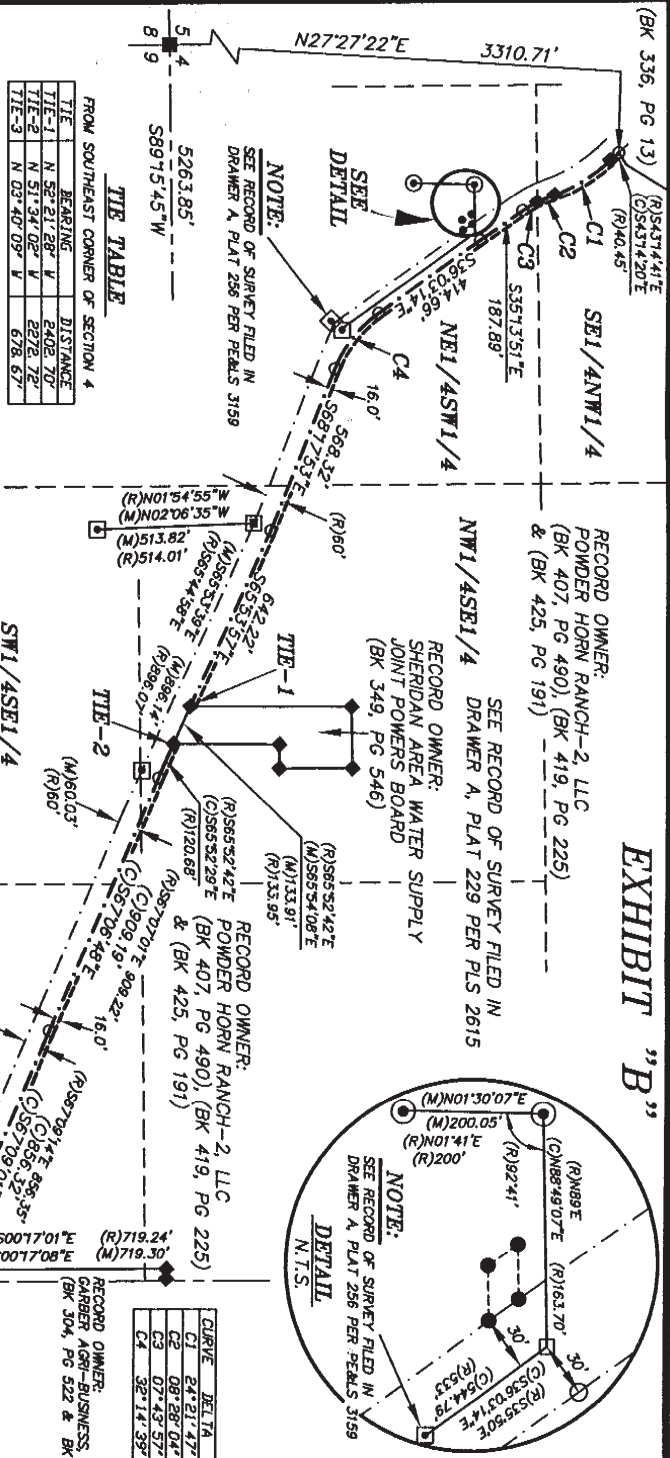
A telecommunications easement being a strip of land sixteen (16) feet wide situated in the S $\frac{1}{2}$ SE $\frac{1}{4}$  and the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, Township 54 North, Range 84 West, 6th P.M., Sheridan County, Wyoming, as shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof; the southerly line of said telecommunications easement being the northerly right-of-way line of Bird Farm Road (AKA County Road No. 28); the southerly line of said strip being more particularly described as follows:

Commencing at the southeast corner of said Section 4 (Monumented with a 3 $\frac{1}{4}$ " Aluminum Cap per PLS 2615); thence N51°34'02"W, 2272.72 feet to the **POINT OF BEGINNING** of said easement, said point being the southeast corner of a tract of land described in Book 349 of Deeds, Page 546; thence S65°52'29"E, 120.68 feet along the southerly line of said strip to a point; thence S67°06'48"E, 909.19 feet along the southerly line of said strip to a point; thence S67°09'01"E, 856.32 feet along the southerly line of said strip to the **POINT OF TERMINUS** of said easement, said point being the southeast corner of a tract of land described in Book 407 of Deeds, Page 490, and being N03°40'09"W, 678.67 feet from the southeast corner of said Section 4.

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

H:\WP\LD\T54N\200399E1.wpd

# EXHIBIT "B"



FROM SOUTHEAST CORNER OF SECTION 4

TIE	BEARING	DISTANCE
TIE-1	N 52° 21' 28" W	2402.70'
TIE-2	N 51° 34' 02" W	2272.72'
TIE-3	N 03° 40' 09" W	678.67'

CURVE TABLE

CURVE	DELTA	RADIUS	ARC LENGTH	CORD BEARING	CORD DISTANCE
C1	24° 21' 47"	550.88'	234.24'	S31.03° 11' E	232.48'
C2	08° 28' 04"	278.66'	41.18'	S23.15° 52' E	41.15'
C3	07° 43' 57"	278.66'	37.61'	S31.21° 53' E	37.58'
C4	32° 14' 39"	420.00'	236.36'	S52.10° 34' E	233.25'

TOTAL (±260 RODS "CENTERLINE")

## SURVEYOR'S CERTIFICATE

STATE OF WYOMING  
COUNTY OF SHERIDAN

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



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



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

Date: JANUARY 23, 2004  
Job No. 327B008  
RL No.

QWEST Communications  
EXHIBIT FOR RIGHT OF WAY NO. 38384  
GRANTOR POWDER HORN RANCH-2, LLC

SE1/4NW1/4, NE1/4SW1/4  
NW1/4SE1/4, S1/2SE1/4  
SECTION 4

T-54-N, R-84-W  
SHERIDAN COUNTY, WYOMING

SCALE: 1" = 500'

DATUM: NAD 83(1983), NAD 88 (U.S. FEET)  
BASIS OF BEARING IS WYOMING STATE PLANE  
(EAST CENTRAL ZONE)