

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2009-10514

2009 APR 15 A 9:12

Sandy Hough
REGISTER OF DEEDS

COUNTER ah C.E. ah
VERIFY ah D.E. ah
PROOF P
FEES \$ 60.50
CHECK # _____
H.C. _____ CASH 60.50
REFUND _____ CREDIT _____
SHORT _____ NCR _____

EASEMENT FOR GAS LINES AND APPURTENANCES

THIS EASEMENT, made and entered into this 14th day of Apr, 2009, by and between Duane J. Dowd, as to an undivided three-quarters (3/4) interest, and Dowd Grain Company, Inc., a Nebraska Corporation, as to an undivided one-quarter (1/4) interest, collectively referred to herein as "GRANTOR", and Black Hills/Nebraska Gas Utility Company, LLC, a Delaware limited liability company, d/b/a Black Hills Energy "GRANTEE".

After recording mail to: **Black Hills Energy**
1815 Capitol Avenue
Omaha, NE 68102
Attn: Sandy Hough

KNOW ALL MEN BY THESE PRESENTS: That the "GRANTOR", in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, hereby grants, bargains, sells and conveys to Grantee, its lessees, licensees, successors and assigns, the right, privilege and perpetual easement to enter upon the lands of Grantor to survey, construct, operate, patrol, inspect, maintain, alter, add pipes, repair, rebuild and remove, under said lands and in and upon all streets, roadways or highways abutting said lands, now or at any future time, lines for the transmission and distribution of gas and all appurtenances and appliances necessary in connection therewith including an above ground regulator station and above ground valves as depicted in Exhibit B, together with the right of ingress and egress to and from the said lines of Grantee on the lands of Grantor so that Grantee may go to and from said lines from the public roads adjacent to Grantor's lands, which said lands of Grantor, situate in the County of Sarpy, in the State of Nebraska further described on Exhibit A attached hereto and incorporated herein by this reference. Said regulator station and above ground valves, each enclosed within protective barricades, shall be installed at the intersection of 156th and Schram Road as depicted in Exhibit B.

Grantee shall plant and reasonably maintain a vegetative buffer around said regulator station and above ground valves, on a commercially reasonable/continuous basis, as to visually shield said structures from common lines of sight to the reasonable satisfaction of the Grantor. Said vegetative buffer shall allow for ingress and egress by Grantee to and from the said facilities of Grantee on the lands of Grantor, and shall be at least one (1) foot higher than the highest portion of the regulator station and/or above ground valves. In the event that Grantee's construction, or in the event that Grantee does not adequately maintain such vegetative buffer, then Grantor, after thirty (30) days written notice to Grantee and Grantee's failure to plant or

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adequately maintain within such thirty (30) day period, may plant the vegetative buffer or maintain it, as the case may be, and Grantee shall reimburse Grantor for the reasonable cost of such actions.

Grantee may erect and use gates in all fences which cross or which shall hereinafter cross the route of said lines. Grantee is given the right to trim, cut and clear away any trees, limbs and brush on or adjacent to the above described easement whenever, in its judgment, such will interfere with or endanger the construction, operation or maintenance of said lines. In exercising its rights of ingress and egress Grantee shall, whenever practicable, use existing roads or lanes and shall repair any damage caused thereby.

It is the intention of the parties hereto that Grantor is hereby conveying the uses herein specified without divesting himself, his heirs or assigns, of the right to cultivate, use and enjoy the above described premises: PROVIDED, however, such use shall not, in the judgment of said Grantee, interfere with or endanger the construction, operation or maintenance of said lines, and provided further that no building shall be constructed on the easement without written permission from Grantee. In addition, the granting of any subsequent easements to third parties that either cross Grantee's gas lines or are situated within five feet of Grantee's gas lines shall require written permission from Grantee.

In the event that Grantee's lines for the transmission and distribution of gas located on the property at Station Nos. 55.00 to 57.00, or any appurtenances thereto, are located less than five (5) feet from the existing surface grade, or the future surface grade as shown on attached Exhibit "C", and it becomes necessary or required to move all or a portion of any such lines or appurtenances to a lower depth (to maintain a minimum legal distance between the top of the line or appurtenance and the existing surface grade or the future surface grade, as referenced above), for any reason, then Grantee shall be solely responsible for moving such lines and/or appurtenances and Grantee shall be responsible for any and all costs associated therewith, provided that in the event a "third party" requests such relocation then such third party shall be responsible for all costs and expenses associated with such relocation, provided further that for the purposes of this provision neither Grantor nor Grantor's successors in interest shall be deemed to be a "third party".

Title to said lines shall be and remain in said Grantee.

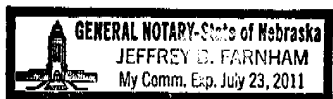
TO HAVE AND TO HOLD said easement and rights aforesaid with all and singular, the rights, privileges, appurtenances, and immunities thereto belonging or in anyway appertaining unto Grantee its lessees, licensees, successors or assigns forever. This easement shall run with the land and shall be binding upon Grantor and Grantor's heirs, personal representatives, successors and assigns. Grantor hereby covenants that Grantor is the owner(s) of the above-described land, subject to existing liens and right-of-way easement of record.

C

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUBIAS)

On this 14th day of APRIL, 2009, before me personally appeared DUANEI DOWD, to me personally known, who being by me duly sworn (or affirmed), did say that he is the PRESIDENT of Dowd Grain Company, Inc., a Nebraska corporation, and that said instrument was signed on behalf of said corporation.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

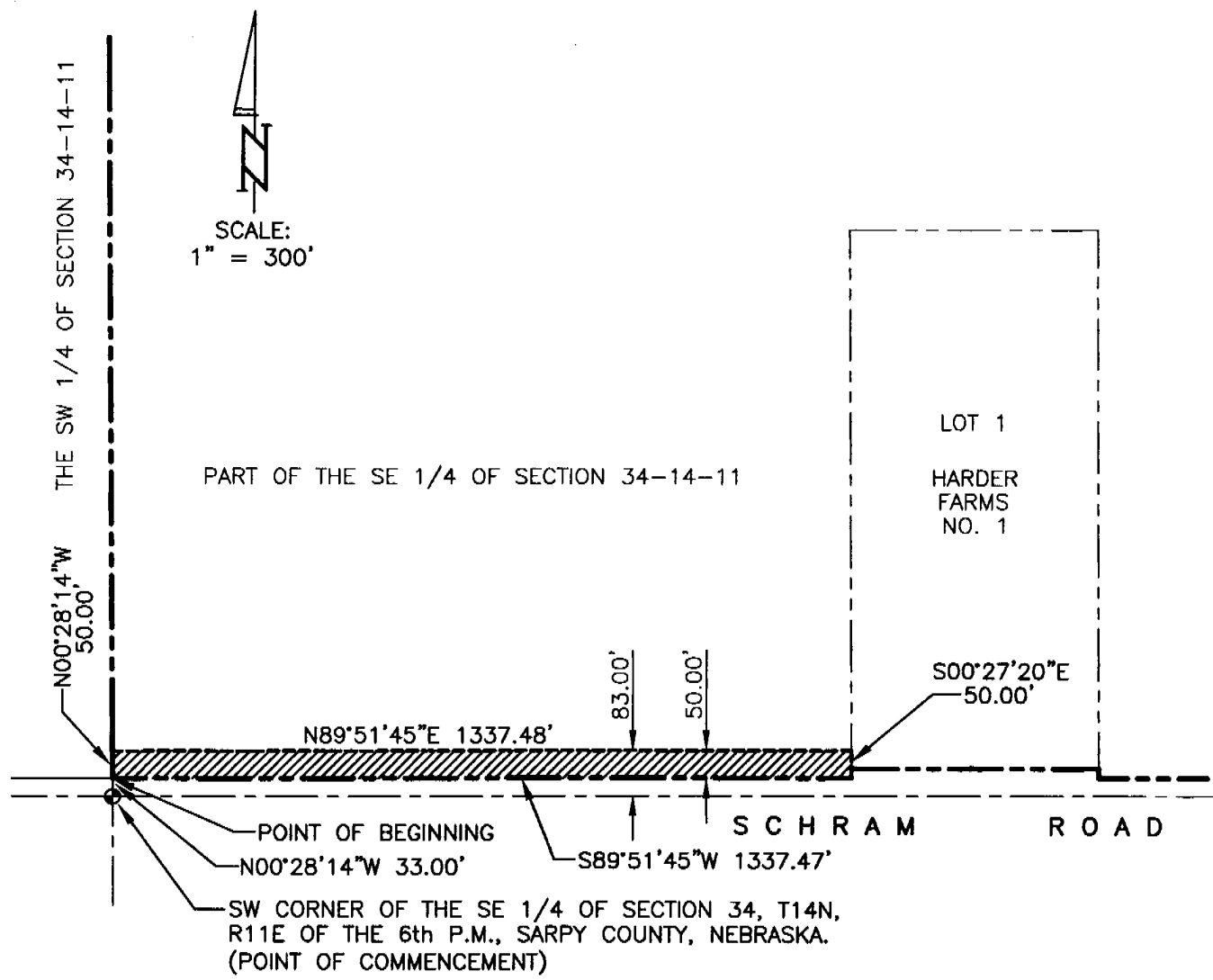


Jeffrey B. Farnham
Print Name JEFFREY B. FARNHAM
Notary Public in and for said County and State

My commission expires 7/23/11

This easement is not valid without attached Exhibit C (5 sheets), the proposed location and depth of the gas line and the grant of the easement is dependent upon boring and burying the gas line to the proposed minimum depth or greater.

D



LEGAL DESCRIPTION

THAT PART OF THE SE 1/4 OF SECTION 34, T14N, R11E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SE 1/4; THENCE N00°28'14"W (ASSUMED BEARING) 33.00 FEET ON THE WEST LINE OF SAID SE 1/4 TO THE NORTH LINE OF SCHRAM ROAD AND THE POINT OF BEGINNING; THENCE CONTINUING N00°28'14"W 50.00 FEET ON THE WEST LINE OF SAID SE 1/4; THENCE N89°51'45"E 1337.48 FEET ON A LINE 83.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SE 1/4 TO THE WEST LINE OF LOT 1, HARDER FARMS NO.1, A SUBDIVISION IN SAID SARPY COUNTY; THENCE S00°27'20"E 50.00 FEET ON THE WEST LINE OF SAID HARDER FARMS NO.1 TO THE NORTH LINE OF SCHRAM ROAD; THENCE S89°51'45"W 1337.47 FEET ON THE NORTH LINE OF SCHRAM ROAD AND ON A LINE 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SE 1/4 TO THE POINT OF BEGINNING.

CONTAINING 1.54 ACRES MORE OR LESS.

EXHIBIT A

AQUILA

TD2 FILE NO.: 1434-133-1 (EX2)

DATE: JULY 10, 2008

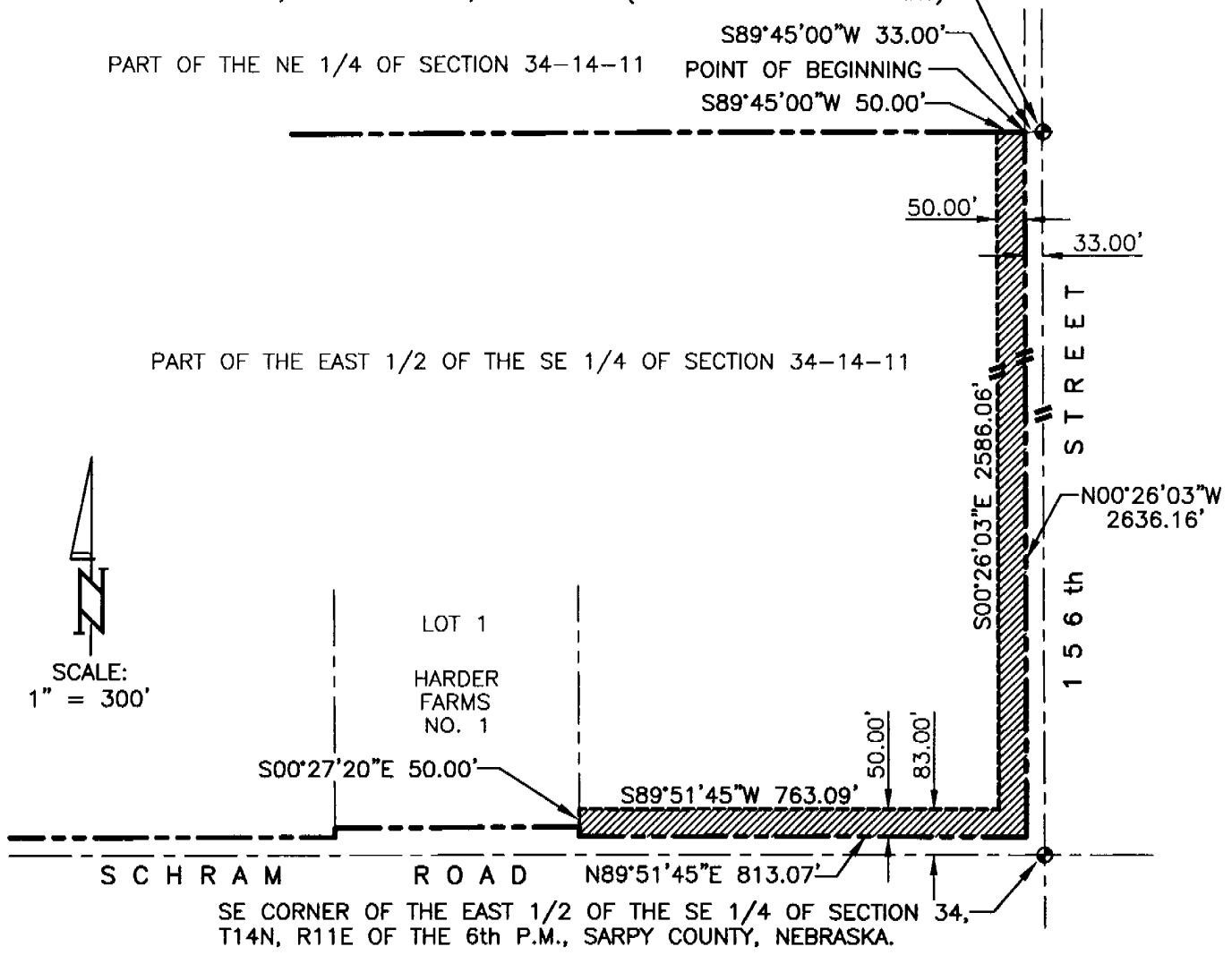
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860

E

NE CORNER OF THE EAST 1/2 OF THE SE 1/4 OF SECTION 34, T14N, R11E OF THE 6th P.M., SARPY COUNTY, NEBRASKA. (POINT OF COMMENCEMENT)

PART OF THE NE 1/4 OF SECTION 34-14-11 POINT OF BEGINNING
S89°45'00"W 33.00'
S89°45'00"W 50.00'

PART OF THE EAST 1/2 OF THE SE 1/4 OF SECTION 34-14-11



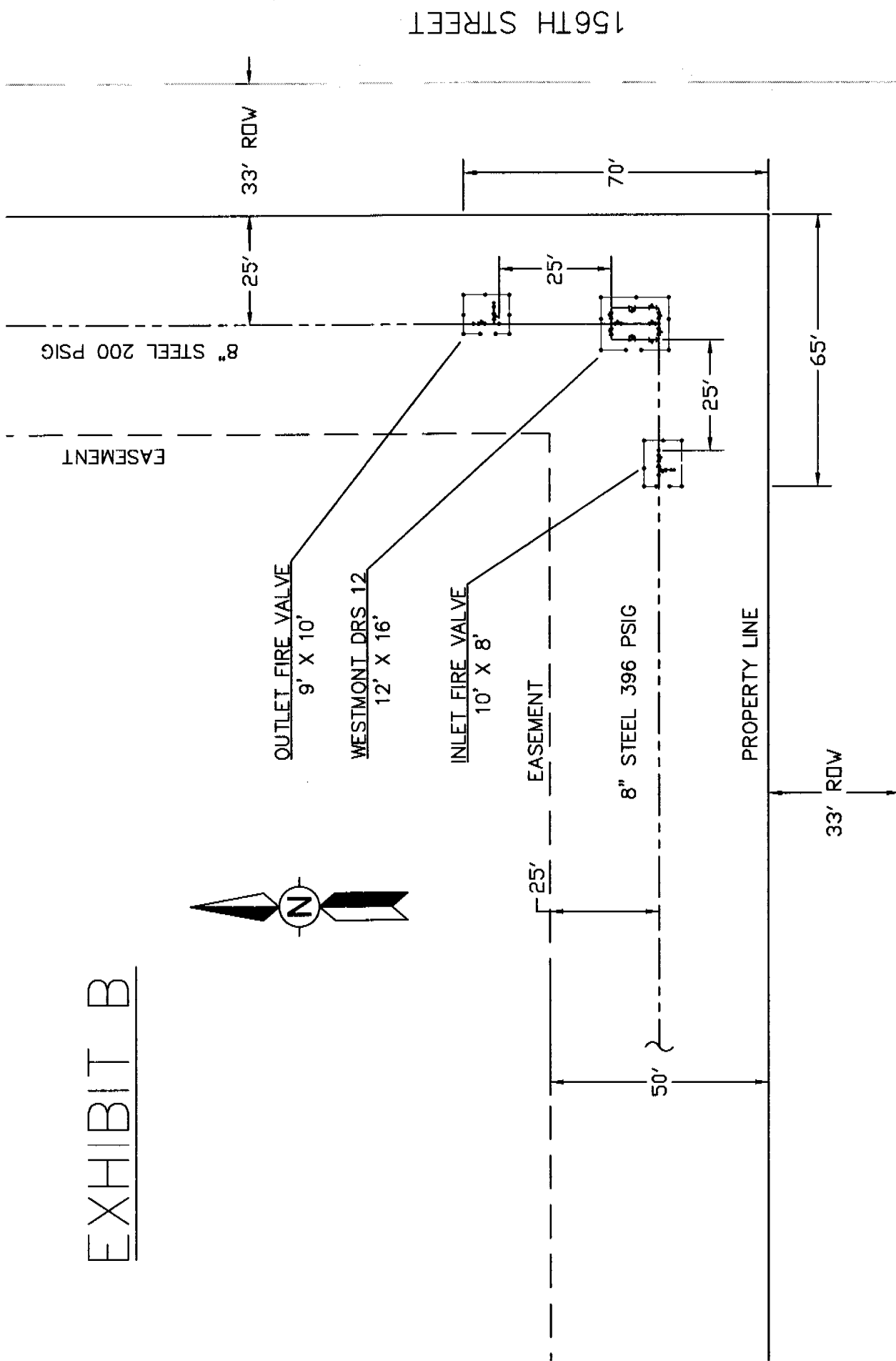
LEGAL DESCRIPTION

THAT PART OF THE EAST 1/2 OF THE SE 1/4 OF SECTION 34, T14N, R11E OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID EAST 1/2; THENCE S89°45'00"W (ASSUMED BEARING) 33.00 FEET ON THE NORTH LINE OF SAID EAST 1/2 TO THE WEST LINE OF 156th STREET AND THE POINT OF BEGINNING; THENCE CONTINUING S89°45'00"W 50.00 FEET ON THE NORTH LINE OF SAID EAST 1/2; THENCE S00°26'03"E 2586.06 FEET ON A LINE 83.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID EAST 1/2; THENCE S89°51'45"W 763.09 FEET ON A LINE 83.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID EAST 1/2 TO THE EAST LINE OF LOT 1, HARDER FARMS NO.1, A SUBDIVISION IN SAID SARPY COUNTY; THENCE S00°27'20"E 50.00 FEET ON THE EAST LINE OF SAID HARDER FARMS NO.1 TO THE NORTH LINE OF SCHRAM ROAD; THENCE N89°51'45"E 813.07 FEET ON THE NORTH LINE OF SCHRAM ROAD AND ON A LINE 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID EAST 1/2 TO THE WEST LINE OF 156th STREET; THENCE N00°26'03"W 2636.16 FEET ON THE WEST LINE OF 156th STREET AND ON A LINE 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID EAST 1/2 TO THE POINT OF BEGINNING.

CONTAINING 3.90 ACRES MORE OR LESS.

EXHIBIT A

EXHIBIT B

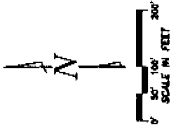
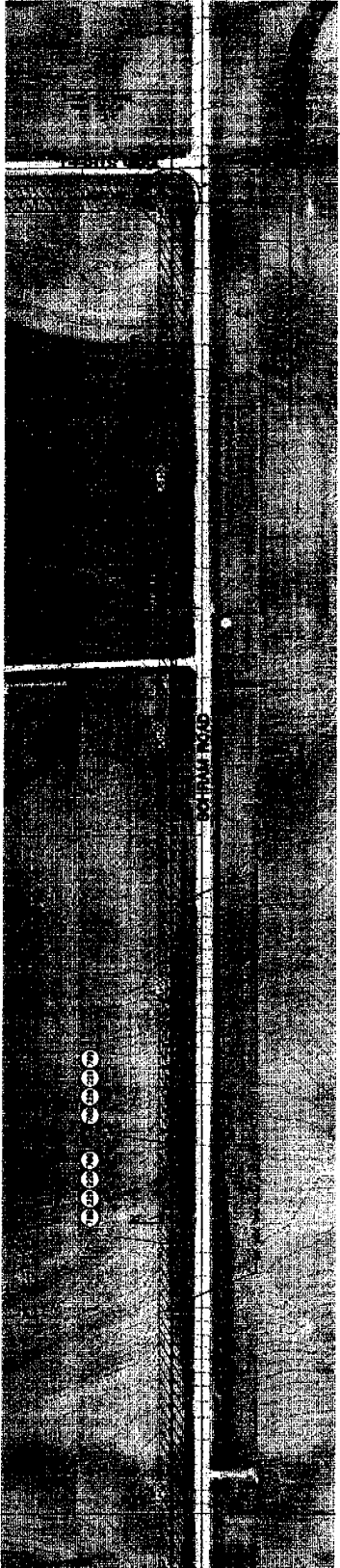


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STA. 54+00 TO 80+50 PLAN & PROFILE
 BLACK HILLS ENERGY
 SAR20080828-853-2
 SCHRAM ROAD GAS MAIN

THOMPSON, DRESSER & BORNER, INC.
 Consulting Engineers & Land Surveyors
 1585 OLD MILL ROAD, OAKMAN, MICHIGAN 48864
 PHONE: (616) 835-2200 FAX: (616) 835-2201
 WEBSITE: WWW.TDBI.COM

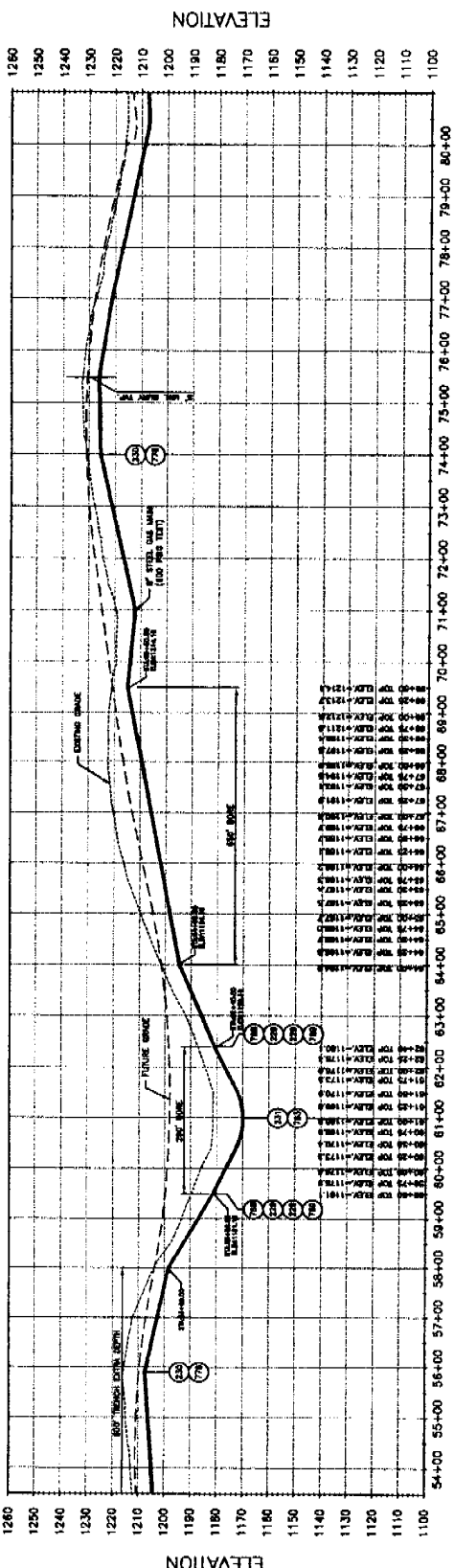
1554-128
 SHEET 08 OF 11



PART LEGEND

101	EXISTING GRADE	102	PROPOSED GRADE
103	PROPOSED GRADE	104	PROPOSED GRADE
105	PROPOSED GRADE	106	PROPOSED GRADE
107	PROPOSED GRADE	108	PROPOSED GRADE
109	PROPOSED GRADE	110	PROPOSED GRADE
111	PROPOSED GRADE	112	PROPOSED GRADE
113	PROPOSED GRADE	114	PROPOSED GRADE
115	PROPOSED GRADE	116	PROPOSED GRADE
117	PROPOSED GRADE	118	PROPOSED GRADE
119	PROPOSED GRADE	120	PROPOSED GRADE
121	PROPOSED GRADE	122	PROPOSED GRADE
123	PROPOSED GRADE	124	PROPOSED GRADE
125	PROPOSED GRADE	126	PROPOSED GRADE
127	PROPOSED GRADE	128	PROPOSED GRADE
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131	PROPOSED GRADE	132	PROPOSED GRADE
133	PROPOSED GRADE	134	PROPOSED GRADE
135	PROPOSED GRADE	136	PROPOSED GRADE
137	PROPOSED GRADE	138	PROPOSED GRADE
139	PROPOSED GRADE	140	PROPOSED GRADE
141	PROPOSED GRADE	142	PROPOSED GRADE
143	PROPOSED GRADE	144	PROPOSED GRADE
145	PROPOSED GRADE	146	PROPOSED GRADE
147	PROPOSED GRADE	148	PROPOSED GRADE
149	PROPOSED GRADE	150	PROPOSED GRADE

EXHIBIT C



54+00 55+00 56+00 57+00 58+00 59+00 60+00 61+00 62+00 63+00 64+00 65+00 66+00 67+00 68+00 69+00 70+00 71+00 72+00 73+00 74+00 75+00 76+00 77+00 78+00 79+00 80+00

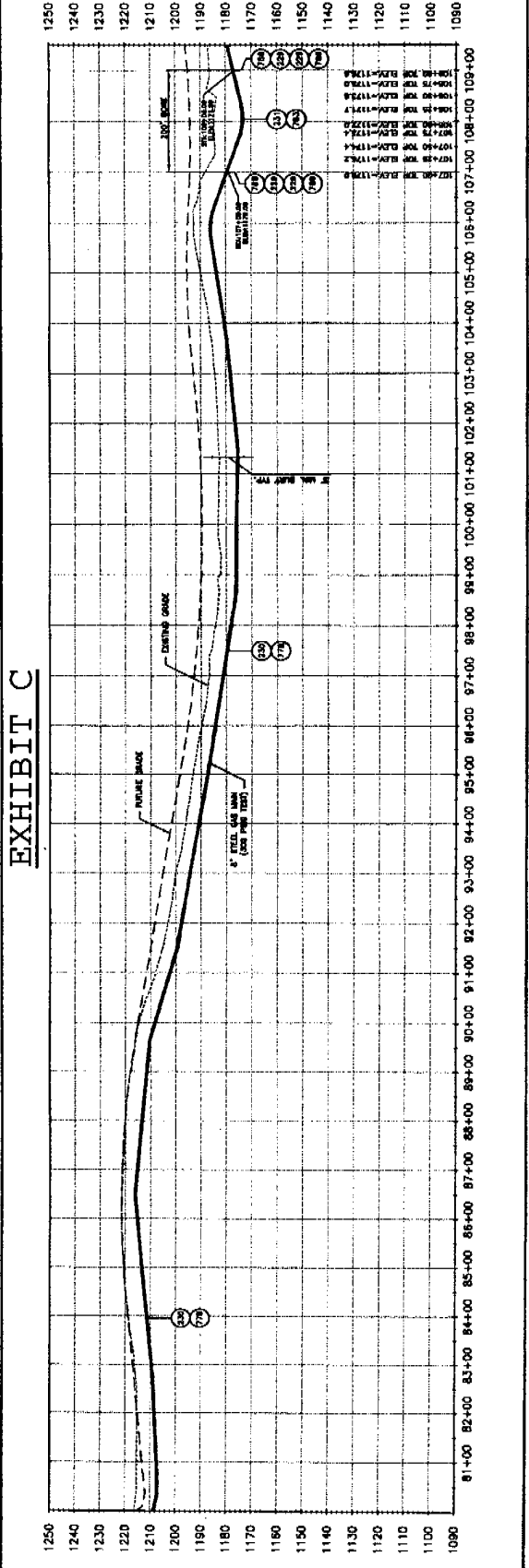
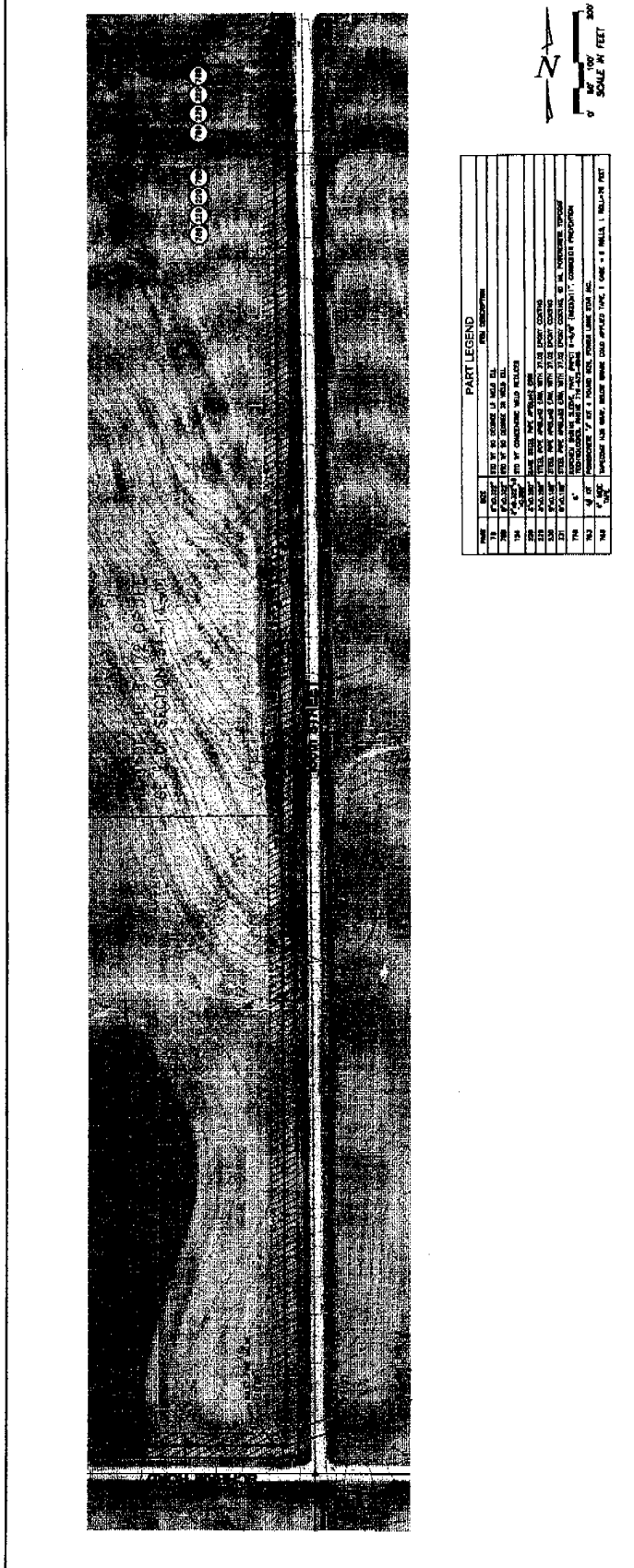


EXHIBIT C

2009-10514 K



PART LEGEND

NO.	SYMBOL	DESCRIPTION
1		1/2\"/>
2		3/4\"/>
3		1\"/>
4		1 1/2\"/>
5		2\"/>
6		3\"/>
7		4\"/>
8		6\"/>
9		8\"/>
10		12\"/>
11		18\"/>
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14		48\"/>
15		60\"/>
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20		120\"/>
21		144\"/>
22		168\"/>
23		192\"/>
24		216\"/>
25		240\"/>
26		264\"/>
27		288\"/>
28		312\"/>
29		336\"/>
30		360\"/>

EXHIBIT C

