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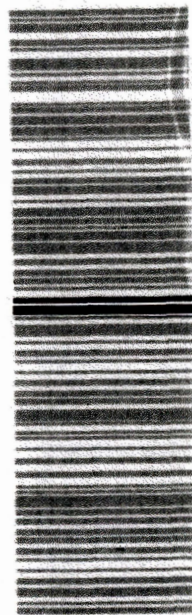


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EXHIBIT

BC129

PU-22-391

741 PU-22-391 Filed: 7/1/2024 Pages: 6
BC Exhibit BC129 - Summit Letter with Judgment
Dated 05/12/23 (McLean)

Burleigh County Board of Commissioners



**SUMMIT CARBON
SOLUTIONS**

May 12, 2023

Daniel S. Mclean and Susan R. Mclean
3151 158th St SE
Menoken, ND 58558

**RE: In the Matter of the Application by SCS Carbon Transport LLC
for a Permit to Construct a Carbon Dioxide Pipeline
PSC Docket: PU-22-391
Tract(s) # ND-BU-0984.113**

Dear Daniel S. Mclean and Susan R. Mclean:

As you are aware, we continue to plan for the permitting of the proposed Summit Carbon Solutions CO₂ pipeline in North Dakota. A few days ago, the North Dakota District Court for the South Central Judicial District, Judge Narum presiding, entered an order in several cases ruling that SCS Carbon Transport LLC ("Summit") and its agents have authority to access property selected for the pipeline for the purpose of conducting civil, environmental and archaeological/cultural surveys and examinations, including any necessary geotechnical/soil borings. The order and the judgment in the lead case in the group of cases is attached.

Because of the decisions made by the Court in the group of cases, Summit clearly has the authority to enter your property to conduct the survey work. We write to update you on our plans for such survey and examination work. Our expected dates of entry would be from May 15, 2023 - June 14, 2023.

If any damage should occur in conducting the surveys that is a result of the actions of Summit or its agents, Summit will pay for those damages.

We thank you for your consideration and hope to gain your trust and confidence as we proceed.

Sincerely,

Julie DiMeo, Right of Way Manager for Summit Carbon Solutions

STATE OF NORTH DAKOTA
COUNTY OF MORTON

DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT

SCS CARBON TRANSPORT LLC,

Petitioner,

v.

HOWARD L. MALLOY, TRUSTEE OF
THE HARRY L. MALLOY TRUST NO. 2
DATED MAY 25, 2008,

Respondent.

Case No. 30-2022-CV-00665

FINAL JUDGMENT

[¶ 1] Pursuant to the Court's April 20, 2023 Order (Doc. ID# 216 in lead case no. 30-2022-CV-00665), which is incorporated by reference, it is hereby **ORDERED, ADJUDGED, and DECREED** that Petitioner SCS Carbon Transport LLC's ("Summit") Petition for Entry to Survey is granted. The Court confirms that Summit has the right under N.D.C.C. § 32-15-06 to enter upon the lands described on **Exhibit A**, attached hereto, for the purpose of completing civil, environmental, and archaeological/cultural, surveys and examinations, including any necessary geotechnical/soil borings, archaeological/cultural resource surveys and examinations, and including any necessary core or water sampling activities subject to any conditions.

[¶ 2] It is further hereby **ORDERED, ADJUDGED, and DECREED** that the counterclaims of Respondent Howard L. Malloy, Trustee of the Harry L. Malloy Trust No. 2 dated May 25, 2008, are dismissed with prejudice and in their entirety.

[¶ 3] This judgment disposes of all claims, counterclaims, cross-claims, and issues raised in the above-captioned action, and is intended by the Court to be final. This matter is now closed by the Court, the Honorable Daniel D. Narum, presiding District Judge.

5/2/2023 1:21:44 PM

Jackie Keller

Clerk of District Court
South Central Judicial District

79004911 v1

EXHIBIT A

TRACT OF LAND LOCATED IN AND BEING PART OF THE SOUTH HALF (S 1/2) OF SECTION SIX (6) AND PART OF THE NORTH HALF (N 1/2) OF SECTION SEVEN (7), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE EIGHTY-ONE (81) WEST OF THE FIFTH PRINCIPAL MERIDIAN, MORTON COUNTY, NORTH DAKOTA, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH BOUNDARY LINE OF SECTION SIX (6), TOWNSHIP ONE HUNDRED FORTY (140) NORTH, RANGE EIGHTY-ONE (81) WEST WITH THE EAST R/W LINE OF N.D. HIGHWAY NO. 1806, THENCE EAST ALONG SAID SOUTH BOUNDARY LINE A DISTANCE OF 795.88 FEET; THENCE SOUTH 58°12'45" EAST A DISTANCE OF 34.74 FEET; THENCE SOUTH 62°58'45" EAST A DISTANCE OF 152.10 FEET; THENCE SOUTH 73°45'45" EAST A DISTANCE OF 222.13 FEET; THENCE SOUTH 76°25'30" EAST A DISTANCE OF 153.50 FEET; THENCE SOUTH 72°59'00" EAST A DISTANCE OF 213.56 FEET; THENCE NORTH 79°39'30" EAST A DISTANCE OF 67.39 FEET; THENCE NORTH 57°36'30" EAST A DISTANCE OF 44.05 FEET; THENCE NORTH 46°29'30" EAST A DISTANCE OF 29.93 FEET; THENCE NORTH 26°26'15" EAST A DISTANCE OF 60.43 FEET; THENCE NORTH 6°40'00" EAST A DISTANCE OF 54.75 FEET; THENCE NORTH 5°41'45" WEST A DISTANCE OF 40.34 FEET; THENCE NORTH 12°43'30" WEST A DISTANCE OF 245.59 FEET; THENCE NORTH 2°20'00" WEST A DISTANCE OF 91.09 FEET; THENCE NORTH 1°01'00" WEST A DISTANCE OF 123.50 FEET; THENCE NORTH 3°02'45" EAST A DISTANCE OF 103.54 FEET; THENCE NORTH 11°19'30" EAST A DISTANCE OF 65.68 FEET; THENCE NORTH 36°03'00" EAST A DISTANCE OF 61.13 FEET; THENCE NORTH 54°38'00" EAST A DISTANCE OF 46.47 FEET; THENCE NORTH 73°21'00" EAST A DISTANCE OF 34.55 FEET; THENCE NORTH 88°05'15" EAST A DISTANCE OF 44.92 FEET; THENCE NORTH 87°50'45" EAST A DISTANCE OF 292.47 FEET; THENCE NORTH 80°05'15" EAST A DISTANCE OF 83.69 FEET; THENCE NORTH 67°48'30" EAST A DISTANCE OF 68.05 FEET; THENCE NORTH 58°51'15" EAST A DISTANCE OF 173.61 FEET; THENCE NORTH 67°42'00" EAST A DISTANCE OF 94.33 FEET; THENCE NORTH 84°16'00" EAST A DISTANCE OF 58.11 FEET; THENCE SOUTH 88°01'45" EAST A DISTANCE OF 52.33 FEET; THENCE SOUTH 77°17'45" EAST A DISTANCE OF 35.47 FEET; THENCE SOUTH 73°04'00" EAST A DISTANCE OF 254.81 FEET; THENCE SOUTH 71°17'15" EAST A DISTANCE OF 164.22 FEET; THENCE SOUTH 64°44'45" EAST A DISTANCE OF 87.72 FEET; THENCE SOUTH 67°45'00" EAST A DISTANCE OF 226.53 FEET; THENCE SOUTH 64°25'30" EAST A DISTANCE OF 266.68 FEET; THENCE SOUTH 62°04'30" EAST A DISTANCE OF 124.44 FEET; THENCE SOUTH 49°27'00" EAST A DISTANCE OF 25.53 FEET; THENCE SOUTH 37°25'45" EAST A DISTANCE OF 42.94 FEET; THENCE SOUTH 25°32'30" EAST A DISTANCE OF 50.10 FEET; THENCE SOUTH 12°07'45" EAST A DISTANCE OF 45.21 FEET; THENCE SOUTH 5°22'00" EAST A DISTANCE OF 205.30 FEET; THENCE SOUTH 19°35'15" EAST A DISTANCE OF 23.56 FEET; THENCE SOUTH 30°35'15" EAST A DISTANCE OF 45.63 FEET; THENCE SOUTH 51°10'30" EAST A DISTANCE OF 54.56 FEET; THENCE SOUTH 71°56'30" EAST A DISTANCE OF 27.44 FEET TO THE WESTERLY R/W LINE OF THE BURLINGTON-NORTHERN RAILROAD; THENCE SOUTH 21°50'15" WEST ALONG SAID WESTERLY R/W LINE A DISTANCE OF 338.41 FEET; THENCE SOUTH 68°09'45" EAST ALONG SAID WESTERLY R/W LINE

A DISTANCE OF 50.00 FEET. THENCE SOUTH 21°50'15" WEST ALONG SAID WESTERLY R/W LINE A DISTANCE OF 613.20 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 5779.65 FEET, THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT (THE CHORD OF WHICH BEARS SOUTH 21°03'30" WEST) AN ARC DISTANCE OF 157.22 FEET. THENCE SOUTH 73°15'00" WEST A DISTANCE OF 575.49 FEET. THENCE SOUTH 38°18'30" WEST A DISTANCE OF 328.73 FEET. THENCE SOUTH 71°15'00" WEST A DISTANCE OF 771.91 FEET. THENCE SOUTH 59°59'30" WEST A DISTANCE OF 784.05 FEET. THENCE SOUTH 85°43'00" WEST A DISTANCE OF 645.05 FEET. THENCE NORTH 57°08'45" WEST A DISTANCE OF 837.18 FEET TO THE EAST R/W LINE OF N.D. HIGHWAY 1806. THENCE NORTH 00°55'11" EAST ALONG SAID EAST R/W LINE A DISTANCE OF 1628.34 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5654.65 FEET. THENCE NORTHEAST ALONG SAID CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 1°25'29" EAST) AN ARC DISTANCE OF 99.66 TO THE POINT OF BEGINNING. ALSO KNOWN AS TRACT E.