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BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.



Finance Docket No. 34244

DAKOTA MISSOURI VALLEY & WESTERN RAILROAD, INC.

LEASE AND OPERATIONS
EXEMPTION-BETWEEN DMVW RR AND MARSHALL COUNTY
REGIONAL RAILROAD AUTHORITY

NOTICE OF EXEMPTION

The Dakota Missouri Valley & Western Railroad (DMVW), Inc., a Class III carrier, pursuant to 49 C.F.R. Part 1150.31 *et seq.* files this verified notice of exemption to lease and operate the rail lines between Milepost 115.08 in Brown County, SD and Milepost 43.17 at Geneseo JCT. in North Dakota, former Burlington Northern Santa Fe and Great Northern Railway lines, a total distance of 71.90 miles. This action comes within the class of transactions which are exempt from regulations under 49 U.S.C. section 10902.

(1) Information required by 49 C.F.R. Part 1150.33:

a) The name and address of the Applicant is:

Dakota Missouri Valley & Western Railroad, Inc.
1131 s. 22nd St.
Bismarck, ND 58504

FEE RECEIVED

AUG 16 2002

SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

AUG 16 2002

Part of
Public Record

b) The names, addresses and telephone numbers of the Applicant's representatives are:

Dennis Ming, Vice President
(address as above)
Phone: 701/223-9282
Fax: 701/223-0008

c) Statement of agreement under 49 C.F.R. Part 1150.33

Sublease agreement between the Marshall County Regional Railroad

FILED

AUG 16 2002

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Authority and Dakota Missouri Valley & Western Railroad, Inc. dated August 13, 2002.

d) **Consummation of transaction**

Consummation of this transaction took place August 13, 2002.

e) **Dakota Missouri Valley & Western Railroad is not a Surface Transportation Board regulated common carrier and, following Consummation of the transaction, plans to operate and to Maintain the rail line.**

f) **The following is a brief summary of the proposed transaction:**

Dakota Missouri Valley & Western Railroad, Inc., is a Class III Railroad, headquartered in Bismarck, ND, and currently operates track in North Dakota and Montana, which is principally leased from Canadian Pacific Railway. DMVW signed a sublease agreement with Marshall County Regional Railroad Authority to operate the above mentioned track. DMVW will interchange traffic that originates and/or terminates on the line with Canadian Pacific Railway at Hankinson, North Dakota (an active DMVW/CPR seamless interchange point) and with Dakota, Minnesota & Eastern (DM&E), and Burlington Northern Santa Fe at Aberdeen, SD.

i) **The name and address of the Present Owned Railroad:**

Marshall County Railroad Authority
Britton, South Dakota 57430

Acquired from Burlington Northern Santa Fe
(South Dakota Portion)
&
Rutland Line, Inc.
(North Dakota Portion)

ii) **Marshall County Railroad Authority will lease to DMVW, who will operate rail line commencing on August 26, 2002.**

iii) **Total number of miles subject to this notice is approximately 71.90 miles.**

iv) **The mileposts for this rail line start at milepost 43.17 at Geneseo Jct., North Dakota, end at milepost 115.08 near Aberdeen, South Dakota. This line connects with trackage that is currently operated by DMVW RR.**

- g) A map is attached hereto.
 - h) The Petitioner certifies that projected annual revenue of the property will not exceed the Class III carrier threshold.
- 2) Caption Summary required by 49 C.F.R. Part 1150.34 is attached.
- 3) Environment and Historical Impact:

Dakota Missouri Valley & Western RR certifies that this Transaction will not significantly affect the quality of the human environment nor create any adverse environmental impact as a result of this transaction.

Respectively submitted,

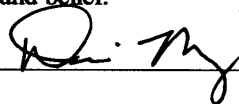


Dennis Ming, Vice President

Date: August 15, 2002

VERIFICATION

I, Dennis Ming, having been duly sworn, state and that I am an owner and stockholder of Dakota Missouri Valley & Western Railroad, Inc. that I have read the foregoing notice of exemption of Dakota Missouri Valley & Western Railroad, Inc. and that its contents are true and correct to the best of my knowledge and belief.



Dennis Ming, Vice President

Subscribed and sworn to before me this 15 day of August, 2002.


Notary Public

(Seal)

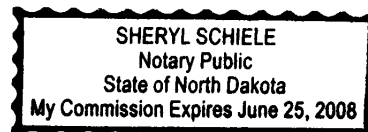


EXHIBIT "C"
SURFACE TRANSPORTATION BOARD

NOTICE OF EXEMPTION

DAKOTA MISSOURI VALLEY & WESTERN RAILROAD, INC.
LEASE AND OPERATION EXEMPTION-BETWEEN DMVW RR AND
MARSHALL COUNTY REGIONAL RAILROAD AUTHORITY

Finance Docket No. ____

CAPTION SUMMARY

Dakota Missouri Valley & Western Railroad (DMVW), Inc., a Class III carrier, pursuant to 49 C.F.R. Part 1150.31 *et seq.* files this verified notice of exemption to lease and operate the rail line between MP 43.17 and MP 115.08 a total distance of 71.90 miles. This action comes within the class of transactions which are exempt from regulations under 49 U.S.C. section 10902.

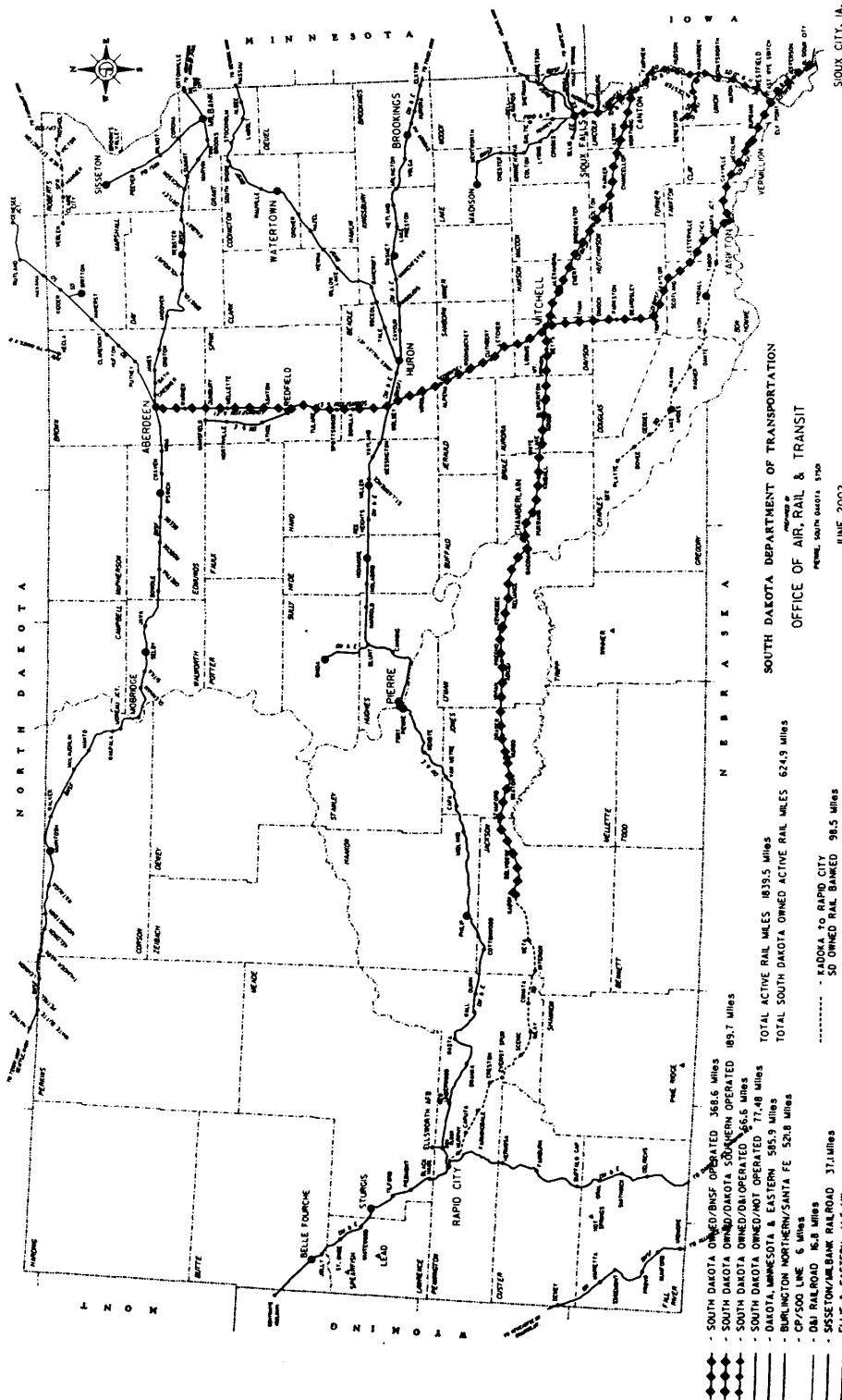
Comments must be filed with the Surface Transportation Board and served on Dennis Ming at 1131 S. 22nd St. Bismarck, ND 58504 (701) 223-9282.

This notice is filed under 49 C.F.R. Part 1150.31. If the notice contains false or misleading information, the exemption is *void ab initio*. Petitions to revoke will not automatically stay the transaction.

Dated:

By the Board: Vernon A. Williams
Secretary

OFFICIAL SOUTH DAKOTA RAIL MAP



TA RAIL MAP

