



After Recording Return To:
Magna Water District
P.O. Box 303
Magna, Utah 84044-0303
Attn: Clint Dilley, General Manager

RELEASE OF EASEMENT AND MUTUAL WAIVER

This Release of Easement and Mutual Waiver ("**Release**") is entered into between MAGNA WATER DISTRICT, a political subdivision of the State of Utah ("**MWD**") and KENNECOTT UTAH COPPER LLC, a Utah limited liability company ("**Kennecott**") and is effective upon the date of the last signature below. Capitalized terms have the definitions assigned to them herein or in the Easement Agreement recorded August 22, 2019, as Instrument No. 13057353, in Book 10819, at Page 6277 recorded in the office of the County Recorder of Salt Lake County, State of Utah (the "**Easement Agreement**").

1. Release of Easement. MWD hereby disclaims and releases to the Owners of Record any and all right, title or interest it may have to the Temporary Construction Easement described in paragraph 2(b) of the Easement Agreement and the Temporary Construction Easement Parcel, which Temporary Construction Easement Parcel is described as follows:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 32, THENCE NORTH 89°18'07" WEST 443.97 FEET ALONG THE SOUTH LINE OF SAID SECTION 32, THENCE NORTH 00°42'40" EAST 390.00 FEET TO THE NORTHEAST CORNER OF THE MAGNA WATER COMPANY PARCEL, ASSESSOR'S PARCEL NUMBER 14-32-300-002, AND THE POINT OF BEGINNING; THENCE NORTH 89°17'32" WEST 165.06 FEET ALONG SAID MAGNA WATER COMPANY PARCEL; THENCE SOUTH 00°42'28" WEST 250.00 FEET ALONG THE WEST LINE OF SAID MAGNA WATER COMPANY PARCEL; THENCE NORTH 89°17'32" WEST 451.17 FEET; THENCE NORTH 00°42'40" EAST 716.00 FEET; THENCE SOUTH 89°17'32" EAST 984.54 FEET, MORE OR LESS, TO THE WEST LINE OF STATE ROUTE - 111 (8400 WEST, BAACHUS HIGHWAY); THENCE SOUTH 00°23'52" WEST 130.46 FEET ALONG SAID WEST LINE OF STATE ROUTE - 111; THENCE NORTH 89°18'35" WEST 369.03 FEET; THENCE SOUTH 00°42'40" WEST 335.43 FEET ALONG THE WEST LINE OF SAID ANDERSON PROPERTIES, LLC. PARCEL TO THE NORTHEAST CORNER OF SAID MAGNA WATER COMPANY PROPERTY AND THE POINT OF BEGINNING.

CONTAINS: 254,119 S.F. / 5.83 AC +/-

2. Utility Easement Remains. Except for the Temporary Construction Easement and the Temporary Construction Easement Parcel, MWD expressly retains all other rights, title and interest in and to the Easement Agreement and, except as modified by this Release of Easement, the Easement Agreement remains in full force and effect. Nothing herein shall be deemed to disclaim or release MWD's right, title and interest in and to the Utility Easement and/or the Utility Easement Parcel, each as defined in the Easement Agreement.
3. Mutual Waiver. Subject to Section 5 of this Release, MWD and Kennecott each hereby waive any and all claims, liabilities, actions, causes of action, demands, damages and costs, whether known or unknown, of every kind and description that they may have against each other arising out of or relating to the use of the Temporary Construction Easement Parcel and Temporary Construction Easement.

Notwithstanding the foregoing, nothing contained herein may be construed to apply to or prohibit any claims related solely to the Utility Easement or Utility Easement Parcel.

4. As-Is. MWD represents and warrants that it has removed materials, equipment, and supplies from the Temporary Construction Easement Parcel. Kennecott represents and warrants that it has inspected the Temporary Construction Easement Parcel and accepts it as-is. Kennecott may use or dispose of any material, equipment, or supplies of MWD remaining on the Temporary Construction Easement Parcel, separate from the Utility Easement Parcel.
5. Indemnity. MWD's indemnification obligations set forth in Sections 8 and 9 of the Easement Agreement shall survive this Release with respect to the Temporary Construction Easement Parcel and Temporary Construction Easement.

Dated this 16th day of June, 2022.

MAGNA WATER DISTRICT

By: Clint Dilley
Name: CLINT DILLEY
Title: GENERAL MANAGER

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 16th day of June, 2022, by Clint Dilley who is the District Manager of MAGNA WATER DISTRICT, a political subdivision of the State of Utah.

Michelle L Boone
NOTARY PUBLIC

Dated this 16th day of June, 2022.



KENNECOTT UTAH COPPER LLC

APPROVED AS
TO FORM:

Mark Hayes
Mark Hayes, RT Legal

[Signature]
By: _____
Name: Gaby Poirier
Title: Managing Director

STATE OF UTAH)
) : ss.
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 15th day of June, 2022,
by Gaby Poirier who is the Managing Director of KENNECOTT
UTAH COPPER, LLC, a Utah limited liability company.

[Signature]
NOTARY PUBLIC

4856-0015-5934 | MA313-001

