

FILED FOR RECORD

11:30 o'clock A m

JAN 4 - 1989

[Signature]

Beaver County Recorder

Fee \$ 13⁰⁰

166807

Access Easement

Mother Earth Industries, Inc., a Delaware Corporation, (the "Grantor"), having a place of business at 7350 East Evans Road, Suite B, Scottsdale, Arizona 85260, for good and valuable consideration paid to it by the Grantee, receipt of which is hereby acknowledged, hereby grants to Provo City, Utah, a municipal corporation of the State of Utah, (the "Grantee"), having a place of business at 251 West 800 North, Provo, Utah 84601, a nonexclusive easement in and across those portions of real estate described in Attachment 1 hereto, situated in the Cove Fort-Sulphurdale area, Millard and Beaver Counties, Utah, owned in fee simple by Grantor or leased to Grantor from the United States of America, Department of Interior, Bureau of Land Management, the State of Utah, or other private parties, including but not limited, to Thomas David Canada and Katherine Noyes Canada, as described in Attachment 1 hereto.

Such nonexclusive easement is for all uses or purposes contemplated by the Joint Resource Ownership and Development Agreement between the Grantor and the Grantee, dated as of the date hereof, as amended, modified and supplemented from time to time, including but not limited to, the construction, operation and maintenance, or salvage of any phase of Cove Fort Station No. 1, the Station No. 1 Steam Supply System, the Station No. 1 Water Supply System or any Joint Development Project, as such terms are defined in such Agreement. Such nonexclusive easement is expressly subject to the terms, conditions and agreements contained in the Joint Resource Ownership and Development Agreement.

This easement and the rights assigned hereby shall be granted for an initial period of 30 years from the date hereof or 50 years if the Grantee and Grantor have begun development of any Joint Development Project, renewable pursuant to the renewal provisions of the Joint Resource Ownership and Development Agreement, plus one year following such initial period or any renewal period, to allow for salvage by Grantee. In the event that the Joint Resource Ownership and Development Agreement terminates prior to the end of the Useful Life of any phase of Cove Fort Station No. 1, the easement and the rights assigned hereby shall extend until one year after the Useful Life of such phase, as the term Useful Life is defined in the Joint Resource and Ownership Development Agreement.

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The Grantor hereby warrants that it is either the lawful owner of the real estate described in Attachment 1 hereto or has, under valid leases, all rights necessary for granting of this easement. The Grantor further warrants that it has authority to grant the easement granted hereby.

WITNESS the hand of said Grantors this 16th day of December, 1988.

MOTHER EARTH INDUSTRIES, INC.

By: Wayne A. Portanova

Title: Pres

STATE OF Utah)
COUNTY OF Salt Lake) ss.

On the 16th day of December, personally appeared before me Wayne A. Portanova, who being by me duly sworn did say that he is the President of MOTHER EARTH INDUSTRIES, the corporation that executed the above and foregoing instrument, and that said instrument was signed in behalf of said corporation and said Wayne A. Portanova acknowledged to me that said corporation executed the same.

My Commission Expires:

11/31/90

Julie Barthlow
NOTARY PUBLIC
Residing at: Salt Lake City
Utah

CDN8280S

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Description of Land

The following lands leased by the Grantor:

BLM Leases

Lease U-29533: 1,268.79 acres

T25S, R6W, SLM, Millard County, Utah

Sec. 19: Lots 3, 4, 5, 7, 9, 10, NE1/4SW1/4, W1/2SE1/4

Sec. 29: Lots 1, 2, 3, SE1/4NE1/4, W1/2NE1/4, N1/2SW1/4,
NE1/4SE1/4

Sec. 30: Lots 1, 2, 3, 5, 6, 7, W1/2NE1/4, SE1/4NE1/4,
E1/2SW1/4, SE1/4

Lease U-29554: 2,366.28 acres

T25S, R6W, SLM, Millard County, Utah

Sec. 17: Lots 1-6, E1/2, N1/2NW1/4, SE1/4SW1/4

Sec. 20: Lots 1-5, N1/2NE1/4, SW1/4NE1/4, NW1/4, E1/2SW1/4,
W1/2SE1/4

Sec. 21: All (excluding mining claims)

Sec. 28: N1/2, E1/2SW1/4, SW1/4SW1/4, SE1/4

Consolidated Lease U-29555-29556: 2,516.06 acres

T25S, R6W, SLM, Millard County, Utah

Sec. 31: E1/2SW1/4, SE1/4

Sec. 32: NE1/4, S1/2NW1/4, S1/2

Sec. 33: All

T26S, R6W, SLM, Beaver County, Utah

Sec. 5: All

Sec. 6: All

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Attachment 1 to Access Easement, Page 2

Consolidated Lease U-29557-29558-37918: 2,594.37 acres

T26S, R6W, SLM, Beaver County, Utah

Sec. 7: Lots 1, 2, E1/2, E1/2 W1/2;

Sec. 8: All;

Sec. 17: Lots 1-3, N1/2 NE1/4, E1/2 NW1/4

S1/2, SW1/4 NW1/4;

Sec. 18: All;

T26S, R7W, SLM, Beaver County, Utah

Sec. 12: Lots 1, 2, 3, 5, 7, 8, 9,

10, SE1/4 NW1/4, NE1/4

Lease UTU-64272: 918.34 acres

T26S, R7W, SLM, Millard and Beaver Counties, Utah

Sec. 1: Lot 4, SW1/4NW1/4, SE1/4SE1/4

Secs 2: Lots 2 and 3, SW1/4NE1/4, SE1/4NW1/4

Sec. 3: All

Private Leases

David O. Kesler, Trustee: 560.28 acres

T25S, R6W, SLM, Millard County, Utah

Sec. 28: NW1/4 SW1/4

Sec. 29: E1/2SE1/4, SW1/4SE1/4, SE1/4SW1/4

Sec. 30: Lot 4

Sec. 31: Lot 1, NE1/4NW1/4, N1/2E1/4

Sec. 32: N1/2NW1/4

T26S, R7W, SLM, Beaver County, Utah

Sec. 1: Lots 1 and 2

David O. Kesler, Trustee: 1040.0 acres

T25S, R7W, SLM, Millard County, Utah

Sec. 25: N1/2NW1/4, E1/2

Sec. 36: All

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Attachment 1 to Access Easement, Page 3

Merrill W. and Leola W. Yardley: 1145.41 acres

T26S, R7W, SLM, Beaver County, Utah

Sec. 12: Lots 6 and 11

Sec. 13: Lots 4, 5, 12, and 13

Sec. 14: SE1/4NE1/4, N1/2SE1/4, SE1/4SW1/4, S1/2SE1/4,
less those lands conveyed by Warranty Deed
recorded in Book 123, page 205, Beaver County,
Utah records.

Sec. 23: S1/2, and that portion of the NW1/4 as conveyed
to Lessor in Warranty Deed recorded in Book 108,
page 691, parcels "D" and "E", Beaver County,
Utah records

Sec. 24: NW1/4NW1/4

Sec. 26: E1/2E1/2, NW1/4NE1/4, N1/2NW1/4

Lela L. Cummings, widow of Orrin Cummings: 77.21 acres

T26S, R7W, SLM, Beaver County, Utah

Sec. 14: Lot 2, SW1/4NE1/4

State of Utah Leases

ML41984: 789.59 acres

T26S, R7W, SLM, Beaver/Millard Counties, Utah

Sec. 1: S1/2NE1/4, N1/2SE1/4, SW1/4SE1/4

Sec. 2: Lots 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,
15, SE1/4NE1/4, NW1/4SE1/4

Sec. 11: NE1/4NE1/4

Sec. 14: Lot 2, SW1/4NE1/4

ML 41985: 595.08 acres

T25S, R7W, SLM, Millard County, Utah

Sec. 24: Lots 2 and 3, W1/2SE1/4

Sec. 25: S1/2NW1/4, N1/2SW1/4, SW1/4SW1/4

Sec. 26: NW 1/4, W1/2SW1/4

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Attachment 1 to Access Easement, Page 4

ML 40983: 200 acres

T25S, R6W, SLM, Millard County, Utah
Sec. 31: W1/2SW1/4, S1/2NE1/4, SE1/4NW1/4

SLA-648: 363.64 acres

Highway right-of-way as it lies in following sections
(Beaver/Millard Counties):

T24S, R7W, SLM: Section 36
T25S, R6W, SLM: Sections 28, 29, 30, 31, 32
T25S, R7W, SLM: Sections 1, 12, 25, 36
T26S, R7W, SLM: Sections 1, 2, 11, 12, 13, 14, 23, 26

The following lands owned, or in which rights are held, by the
Grantor:

T26S, R6W, SLM, Beaver County, Utah
Sec 7: Lots 3 and 4
79.82 acres

Washington Lode Mining and Mill Site Claim, designated by
Surveyor General Lot No. 57A and 57B.

Newark Lode Mining Claim, designated by Surveyor General
Lot No. 58.

NE1/4 NE1/4 of Section 14, T26S, R7W, SLM, Beaver County,
Utah.

CDN8280S

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