

RIGHT OF WAY AND EASEMENT GRANT

Grantee: MOUNTAIN FUEL SUPPLY COMPANY, a Corporation of the State of Utah, Grantor: FERTILISER, INC., a Corporation of the State of Idaho, DOLLARS

The land of the grantor, located in the Southwest quarter of Section 30, Township 2 North, Range 1 East, Salt Lake Base and Meridian;

the center line of said right of way and easement shall extend through and across the above described land and premises as follows, to-wit:

Beginning at a point approximately 1,255.02 feet North and 1,032.89 feet East from the Southwest corner of said Section 30, thence South 31° 13' West 191 feet, thence South 71° 50' West 13.7 feet, more or less, to existing Mountain Fuel Supply Company right-of-way.

TO HAVE AND TO HOLD THE SAME UNTO THE SAID MOUNTAIN FUEL SUPPLY COMPANY, ITS SUCCESSORS AND ASSIGNS, SO LONG AS SUCH FACILITIES SHALL BE MAINTAINED, WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM SAID RIGHT OF WAY TO MAINTAIN, OPERATE, REPAIR, INSPECT, PROTECT, REMOVE AND REPLACE THE SAME. DURING TEMPORARY PERIODS GRANTEE MAY USE SUCH PORTION OF THE PROPERTY ALONG AND ADJACENT TO SAID RIGHT OF WAY AS MAY BE REASONABLY NECESSARY IN CONNECTION WITH CONSTRUCTION, MAINTENANCE, REPAIR, REMOVAL OR REPLACEMENT OF THE FACILITIES. THE SAID GRANTOR SHALL HAVE THE RIGHT TO USE THE SAID PREMISES EXCEPT FOR THE PURPOSES FOR WHICH THIS RIGHT OF WAY AND EASEMENT IS GRANTED TO THE SAID GRANTEE, PROVIDED SUCH USE DOES NOT INTERFERE WITH THE FACILITIES OF ANY OTHER RIGHTS GRANTED TO THE GRANTEE HEREUNDER, INCLUDING, AMONG OTHER THINGS, THE RIGHT TO AN EARTH COVER OF AT LEAST 24 INCHES IN DEPTH AROUND AND ABOVE ANY PIPE OR PIPES LAID. THE GRANTOR SHALL NOT BUILD OR CONSTRUCT NOR PERMIT TO BE BUILT OR CONSTRUCTED ANY BUILDING OR OTHER IMPROVEMENT OVER OR ACROSS SAID RIGHT OF WAY WITHOUT WRITTEN CONSENT OF GRANTEE. THIS RIGHT OF WAY GRANT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE SUCCESSORS AND ASSIGNS OF GRANTOR AND THE SUCCESSORS AND ASSIGNS OF THE GRANTEE. IT IS HEREBY UNDERSTOOD THAT ANY PARTIES SECURING THIS GRANT ON BEHALF OF THE GRANTEE ARE WITHOUT AUTHORITY TO MAKE ANY REPRESENTATIONS, COVENANTS OR AGREEMENTS NOT HEREIN EXPRESSED. IN WITNESS WHEREOF THE GRANTOR HAS CAUSED ITS CORPORATE NAME AND SEAL TO BE HEREIN TO AFFIXED THIS 21st DAY OF February, 1960.

ATTEST:

(SEAL)

Secretary

By

President

STATE OF IDAHO  
COUNTY OF ADA

ON THIS 21st DAY OF February, 1960, before me, a Notary Public in and for said State, personally appeared N. L. FERTILISER, known to me to be the President of FERTILISER, INC., a Washington Corporation, qualified as a foreign corporation to do business in the State of Idaho, the corporation that executed the foregoing instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR IDAHO,  
RESIDING AT BOISE.