

Recorded at the request of  
Kern River Gas Transmission Company

When Recorded Mail to:  
Kern River Gas Transmission Company  
1615 West 2200 South, Suite C  
Salt Lake City, UT 84119  
Attn: Cynthia Lowrey

ENT 25701:2002 PG 1 of 4  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2002 Mar 06 11:29 am FEE 16.00 BY SS  
RECORDED FOR KERN RIVER GAS TRANSMISSION

Assessor Parcel Number 61-095-0003 AND 35-104-0007

AMENDMENT TO RIGHT-OF-WAY and EASEMENT CONTRACT.

This Right-of-Way Contract Amendment ("Amendment") is dated this 21 day of FEB, 2002, by and between Kern River Gas Transmission Company, located at P.O. Box 58900, Salt Lake City, Utah 84158-0900 ("Grantee"), and Chief Consolidated Mining Company, a corporation of the State of Arizona, whose address is 866 Second Ave, New York, NY 10017 ("current Grantor").

RECITALS:

- A. Whereas, by that certain Right-of-Way Contract filed 6/10/91, "The Contract", Land Number 355W and 355.01W, recorded in the records of Utah County, Book 2800, Page 220, Sunshine Precious Metals, Inc. (formerly Sunshine Mining Company) and HMC Mining, Inc., as Grantors, granted and conveyed unto Grantee a right-of-way on, over and through certain real property situated in Utah County, State of Utah, as described and identified in the Contract and by the Affidavit of Right-of-Way and Easement Centerline Description filed 2/11/93, in Book 3086, Page 215 in said county.
- B. Whereas, the undersigned Grantor warrants that it is now the owner in fee simple of the following described property:

TOWNSHIP 10 SOUTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN

Section 18: The Northeast Quarter, excepting therefrom a perpetual right-of-way held by the State Road Commission of Utah for highway purposes, as stated in a deed recorded in the office of the Utah, County Recorder on November 10, 1937, in Book 336, Page 256.

Excepting also a tract of land beginning at a point on the South right-of-way line of U.S. Highway No. 6, which point is 480 feet West and 50 feet South, from the Northeast corner; thence South 100 feet; thence South 89°3'30" West 100 feet; thence North 100 feet; thence North 89°3'30" East 100 feet, along said right-of-way line to the point of beginning, And excepting therefrom that portion as described in deed recorded 5/9/89, Book 2597, Page 89.

Tract # K-UT-UT-355W, K-UT-UT-355.01W

TOWNSHIP 10 SOUTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN

Section 13: That portion of the following described property: beginning at a point in the South line of U.S. Highway 6, said point being South 60.0 feet more or less from the Northwest corner; thence South along said section line 660.0 feet; thence East parallel to said Highway 7,920.0 feet; thence North 660.0 feet to the Southerly line of said Highway; thence West along said Highway 7,920.0 feet to the point of beginning.

ENT 25701:2002 PG 2 of 4

AGREEMENT:

NOW THEREFORE, for and in consideration of the mutual promises contained in this Amendment, Grantor grants to Grantee an amendment as described below:

1. The parties desire and agree to amend the Contract to allow construction of an additional pipeline and appurtenances. The additional pipeline will be located approximately 25-feet from the existing pipeline and the right-of-way configuration will be 25-feet from the edge of the right-of-way to each pipeline and 25-feet between pipelines. The total width of the right-of-way easement for the pipelines is 75-feet.
2. The parties agree that in the event that Grantee determines that its pipeline is in need of repair, maintenance or replacement, Grantee will use its best efforts not to disturb Grantors improvements within the 75-foot easement area.

This Amendment will be binding upon and inure to the benefit of the heirs, successors and assigns of the parties to this Amendment.

Except as amended, all terms, conditions and provisions of the existing Right-of-Way Contract will remain and continue in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment as of this 21 day of

February 2002.

ATTEST:

Chief Consolidated Mining Company, a corporation of  
the State of Arizona

By: \_\_\_\_\_

By: [Signature]

Title: \_\_\_\_\_

Title: President

(Corporate Seal)

KERN RIVER GAS TRANSMISSION COMPANY

[Signature]  
Attorney-in-Fact

## ALL PURPOSE ACKNOWLEDGMENT

STATE OF Utah  
 COUNTY OF Juab ) ss.

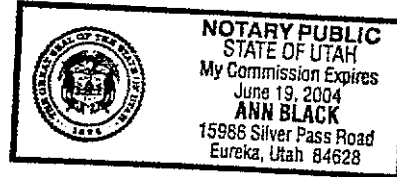
On February 21 2002 before me, Ann Black  
Andre Douchane, President & CEO personally appeared  
Chief Consolidated Mining Company  
15988 Silver Pass Rd Eureka UT 84628

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Ann Black



(NOTARY SEAL)

**ATTENTION NOTARY:** Although the information requested below is **OPTIONAL**, it could prevent fraudulent attachment of this certificate to another document.

THIS CERTIFICATE **MUST** BE ATTACHED TO  
 THE DOCUMENT DESCRIBED AT RIGHT.

Title of Document Type \_\_\_\_\_  
 Number of Pages \_\_\_\_\_ Date of Document \_\_\_\_\_  
 Signer(s) Other Than Named Above \_\_\_\_\_

## ALL PURPOSE ACKNOWLEDGMENT

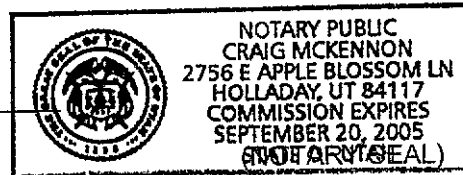
STATE OF Utah  
 COUNTY OF Salt Lake ) ss.

On February 21, 2002 before me, Craig McKennon,  
Notary Public personally appeared  
Paul Ruetter, Attorney-in-Fact for Kern River  
Gas Transmission Company

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Craig McKennon



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