

Indenture

BETWEEN

AMERICAN SMELTING AND REFINING COMPANY

AND

KENNECOTT COPPER CORPORATION

THIS INDENTURE, made this 2nd day of January, 1959, by and between AMERICAN SMELTING AND REFINING COMPANY, a corporation of the State of New Jersey, GRANTOR, and KENNECOTT COPPER CORPORATION, a corporation of the State of New York, GRANTEE, WITNESSETH That:

American Smelting and Refining Company, Grantor, in consideration of the sum of One Thousand Dollars (\$1,000.00) and other good and valuable consideration to Grantor paid by Grantee, the receipt whereof by Grantor is hereby acknowledged, does hereby grant, bargain, sell, convey and confirm, assign and set over unto Kennecott Copper Corporation, Grantee, its successors and assigns, all the following described property, lands and premises, real, personal and mixed, more particularly described in the following Sections I to IV inclusive, to wit:

SECTION I

All those certain lots, tracts, pieces and parcels of land situate in Salt Lake and Tooele Counties, in the State of Utah, bounded and described as follows:

SUBSECTION A

All the following described real estate situated in Township 1 South, Range 2 West of the Salt Lake Base and Meridian:

(1) That portion of Section 20 described as follows:

*8° 20' 48" W
20-12-20*

BEGINNING at a point North 32° 24' West 385.6 feet from the Quarter Corner common to said Section 20 and Section 29, and running thence North 19° 30' East 1439.53 feet; thence North 11° 25' East 203.01 feet;



thence West 118.08 feet; thence South 11°25' West 171.49 feet; thence South 19°30' West 1422.6 feet; thence South 66°10' East 116.03 feet to the place of beginning; BEING the premises conveyed by Arthur Kesler to American Smelting and Refining Company by a deed dated March 21, 1942 and recorded in Book 306, at page 73, of the records of Salt Lake County; EXCEPTING, HOWEVER, that portion thereof conveyed by American Smelting and Refining Company to State Road Commission of Utah by a deed dated May 12, 1955 and recorded in Book 1213 at page 270 of the records of Salt Lake County.

(2) Those portions of Section 28 described as follows:

1ST. BEGINNING at the Northwest Corner of the Northeast Quarter of said Section 28, and running thence South 379.5 feet; thence East 82.5 feet; thence North 66 feet; thence East 66 feet; thence South 330 feet; thence East 39.5 feet; thence South 330 feet; thence West 66 feet; thence South 74.25 feet; thence West 110 feet; thence North 404.25 feet; thence West 12 feet; thence South 1006.5 feet to a point 60 rods North of the Southwest Corner of the Northeast Quarter of said Section 28, thence East 1320 feet; thence North 957 feet; thence West 336.46 feet; thence North 693 feet; thence West 983.54 feet to the place of beginning; BEING the premises conveyed by Mary E. Doran to American Smelting and Refining Company by a deed dated March 25, 1942 and recorded in Book 305 of Deeds, at page 91 of the records of Salt Lake County; EXCEPTING, HOWEVER, a tract of land containing 4.14 acres described in, and conveyed by American Smelting and Refining Company to James Hardman by, a deed dated November 28, 1944, and recorded in Book 426, at page 79, of the records of Salt Lake County.

W 1/4 Sec 28 - 18.2 W

2ND. BEGINNING 72 rods North and 207.9 feet West from the Southeast Corner of the Northwest Quarter of Said Section 28, thence North 49 rods; thence West 224.4 feet; thence South 49 rods; thence East 224.4 feet to beginning; BEING the premises conveyed by Tom Angelos and Marie Angelos to American Smelting and Refining Company by a deed dated May 10, 1943, and recorded in Book 360 of Deeds, at page 199, of the records of Salt Lake County; EXCEPTING, HOWEVER, a tract of land containing approximately 0.39 acres, described in, and conveyed by American Smelting and Refining Company to Frank R. Worthen and Barbara Worthen, by, a deed dated December 2, 1952, and recorded in Book 972, at page 181, of the records of Salt Lake County.

E 1/4 Sec 28 - 18.2 W

3RD. BEGINNING 50 rods North from the Southwest Corner of the Northwest Quarter of said Section 28, running thence North 50 rods; thence East 79 rods; thence South 50 rods; thence West 79 rods to place of beginning; BEING a part of the premises conveyed by Walter F. Reid, Administrator, to American Smelting and Refining Company by a deed dated September 30, 1940 and recorded in Book 256 of Deeds, at page 141, of the records of Salt Lake County.

W 1/4 Sec 28 - 18.2 W

4TH. BEGINNING at the Southwest Corner of the Northwest Quarter of said Section 28, and running thence North 50 rods; thence East 79 rods; thence South 50 rods; thence West 79 rods to the place of beginning; EXCEPTING, HOWEVER, that portion thereof formerly owned by Salt Lake & Utah Railroad Company; BEING a portion of the premises conveyed by C. R. Sorenson and Martha D. Sorenson to American Smelting and Refining Company by a deed dated April 16, 1940 and recorded in Book 246 of Deeds, at pages 528-529, of the records of Salt Lake County.

W 1/4 Sec 28 - 18.2 W

5TH. BEGINNING at a point which bears South

89°47' East 540.6 feet from the Southwest Corner of the Northwest Quarter of said Section 28, thence North 68°11' West 582.8 feet; thence North 71 feet; thence South 68°11' East 775.6 feet, thence West 179.3 feet to point of beginning, containing an area of 1.03 acres, more or less; BEING a section of the Old Salt Lake & Utah Railroad right of way and a part of the premises conveyed by Clem Toone and Elmina S. Toone to American Smelting and Refining Company by a deed dated April 28, 1947 and recorded in Book 537 of Deeds, at page 287, of the records of Salt Lake County.

82°11'12"

6TH. BEGINNING 20 rods West from East Quarter Corner of said Section 28, running thence West 20 rods; thence South 36 rods; thence East 40 rods; thence North 20 rods; thence West 20 rods; thence North 16 rods to the place of beginning; BEING the premises conveyed by Salt Lake County, Utah, to American Smelting and Refining Company by a tax deed dated December 30, 1943 and recorded in Book 368 at page 47, of the records of Salt Lake County.

22°8'1"
82°28'32"

(3) Those portions of Section 29 described as follows:

1ST. BEGINNING 810 feet South of the Northeast Corner of the Southwest Quarter of said Section 29, South 510 feet; West 80 rods; North 40 rods; East 1067 feet; South 150 feet; East 253 feet to beginning; BEING the premises conveyed by Isaac E. Coon and Arthur Coon, Executors, to American Smelting and Refining Company by a deed dated August 30th, 1939 and recorded in Book 244 of Deeds, at pages 184-185;

22°8'1"
82°07'32"

EXCEPTING, HOWEVER, the following lots or parcels of land:

(a) BEGINNING at a point 810 feet South and 33 feet West of the Northeast Corner of the Southwest

Quarter of said Section 29, thence South 292 feet; thence West 128 feet; thence North 292 feet; thence East 128 feet to the point of beginning;

22°8'1"
82°28'32"

(b) BEGINNING 1191 feet South of the Northeast Corner of the Southwest Quarter of said Section 29, South 129 feet; West 253 feet; North 129 feet; East 253 feet to beginning;

22°20'29"
82°22'

(c) A strip 1 rod wide being a portion of the strip of land described in, and conveyed by American Smelting and Refining Company to Thomas L. Thomas by, a deed dated February 4, 1948, and recorded in Book 590, page 229, of the records of Salt Lake County.

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2ND. The Southwest Quarter of the Southwest Quarter of said Section 29; BEING premises conveyed by Alida Coon and James D. Coon to American Smelting and Refining Company by a deed dated March 16, 1939 and recorded in Book 207 of Deeds at page 582, of the records of Salt Lake County, and by Luigi Nicoletti and Rosa Nicoletti to American Smelting and Refining Company by a deed dated November 20, 1940 and recorded in Book 257 of Deeds, at page 420, of the records of Salt Lake County, EXCEPTING, HOWEVER, a parcel of land described as BEGINNING at a point marked by an iron stake which is 411 feet more or less East and 33 feet more or less North of the Southwest corner of said Section 29, and running thence North 254 feet; thence West 89 feet; thence South 254 feet; thence East 89 feet to the place of beginning, containing approximately 0.52 acres, conveyed by American Smelting and Refining Company to Sydney I. Lester and Myrtle S. Lester by deed dated February 26, 1953, and recorded in Book 989, page 355 of the records of Salt Lake County.

62°08'14"

3RD. BEGINNING 80 rods North from the Southeast Corner of the Southwest Quarter of said Section 29,

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running thence West 1320 feet; thence South 313.5 feet; thence East 1287 feet; thence North 292 feet; thence East 33 feet; thence North 21.5 feet to place of beginning; BEING the premises conveyed to American Smelting and Refining Company by Eliza A. Coon and Isaac W. Coon, Inez Coon Lindsay and Edwin R. Lindsay, and Effe Coon Foremaster and J. LaMar Foremaster by a deed dated November 19, 1940 and by Ernest A. and Bernetta Devine Croxford by a deed dated October 20, 1954, and recorded in Book 256 of Deeds at pages 505-506, and in Book 1136, at page 460, respectively, of the records of Salt Lake County.

4TH. BEGINNING at a point East 15 feet from the Northwest Corner of Lot 606, OQUIRRE HILLS No. 6, a subdivision located in the Southwest Quarter of said Section 29, and running thence South 120.03 feet; thence North $89^{\circ}42'10''$ West 90 feet; thence North 119.56 feet; thence East 90 feet to the point of beginning; BEING the premises conveyed to American Smelting and Refining Company by Cannon-Papanikolas Construction Company by deed dated December 24, 1957 and recorded in Book 1470, page 458, of the records of Salt Lake County.

(4) Those portions of Section 30 described as follows:

1ST. North 148 feet of South 1798 feet of West 18 feet of East 2540 feet, and North 148 feet of South 1946 feet of West 28 feet of East 2550 feet of said Section 30; BEING the premises conveyed by Salt Lake County to American Smelting and Refining Company by a deed dated August 26, 1949 and recorded in Book 703 at page 349 of the records of Salt Lake County.

2ND. BEGINNING at a point 1338 feet West and 243 feet North from the Southeast Corner of said Section 30, and running thence North 1077 feet; thence West 1303 feet; thence South $12^{\circ}14'$ West 78 feet; thence

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South $58^{\circ}31'$ East 928 feet; thence following the arc of a 5° curve, the chord of which bears South $50^{\circ}16'$ East, 426 feet; thence South 40° East 315 feet more or less to the point of beginning; EXCEPTING, HOWEVER, (a) the portion of the above described property conveyed to Utah Copper Company by the following deeds, to-wit: Deed in Book 11-K, page 541, Deed in Book 79, page 188, and Deed in Book 80, page 293, Records of Salt Lake County, Utah, and (b) that portion conveyed to Salt Lake County for Road; BEING the premises conveyed by Wilma Klekas and John Klekas to American Smelting and Refining Company by a deed dated March 1, 1945 and recorded in Book 415 at page 477 of the records of Salt Lake County.

3RD. BEGINNING at a point 1338 feet West and 243 feet North of the Southeast Corner of said Section 30, and running thence North 1,077 feet; thence East 18 feet; thence South 1,098.5 feet to county road; thence North 40° West 28 feet, more or less, to point of beginning; BEING the premises conveyed by Wilma Klekas and John Klekas to American Smelting and Refining Company by a deed dated March 1st, 1945 and recorded in Book 419 at page 79 of the records of Salt Lake County.

4TH. BEGINNING at the Southwest Corner of the Southeast Quarter of the Southeast Quarter of said Section 30, and running thence North 90 rods; thence East 23.07 rods; thence South 68.64 rods to canal; thence Northwesterly on canal 23.9 rods; thence South 37 rods to section line; thence West to the place of beginning; EXCEPTING, HOWEVER, that portion conveyed to The Rio Grande Western Railway Company; BEING the premises conveyed by Amelia H. Sadler to American Smelting and Refining Company by a deed dated December 5, 1940 and recorded in Book 256 of Deeds at pages 555-556.

SE SW 29-182W

SE SW 29-182W
Pt Lot 606. Og. Nels

5TH. BEGINNING 693 feet West and 33 feet North from the Southeast Corner of said Section 30; North 115.5 feet, East 120.45 feet; North $47^{\circ}45'$ West 53.62 feet; North 250 feet; West 136.865 feet; North 200 feet; East 136.865 feet; North 150 feet; West 136.865 feet; North 100 feet; East 136.865 feet; North 100 feet; West 136.865 feet; North 500 feet; West 25 feet; South 344.11 feet; West 161.865 feet; South 788.45 feet; North $58^{\circ}45'45''$ West 387.39 feet; South 369 feet; South $39^{\circ}47'34''$ East 196.33 feet; East 468.1 feet to beginning; BEING the premises conveyed by Ruth M. Larson Vaughn to American Smelting and Refining Company by a deed dated May, 1943 and recorded in Book 347 at page 211 of the records of Salt Lake County, and conveyed by Salt Lake County to American Smelting and Refining Company by deed dated July 7, 1943 and recorded in Book 349, page 451 of the records of Salt Lake County;

EXCEPTING, HOWEVER, the following lots or parcels of land:

(a) BEGINNING 753.14 feet West and 885 feet North from the Southeast Corner of said Section 30, thence North 100 feet; thence East 136.865 feet; thence South 100 feet; thence West 136.865 feet to point of beginning.

(b) BEGINNING 753.14 feet West and 635 feet North from the Southeast Corner of said Section 30, thence North 150 feet; thence East 136.865 feet; thence South 150 feet; thence West 136.865 feet to point of beginning.

(c) BEGINNING 693 feet West and 33 feet North from the Southeast Corner of said Section 30, thence North 115.5 feet, East 120.45 feet, North $47^{\circ}45'$ West 53.62 feet North 250 feet West 136.865 feet, South 402 feet, East 50.14 feet more or less to point of beginning.

6TH. BEGINNING 49.7 rods North of the Southeast Corner of Section 30, running thence North 40.3 rods; thence West 19.85 rods; thence South 40.3 rods; thence East 19.85 rods to beginning, containing 5 acres more or less, EXCEPTING, HOWEVER, a strip of land 8 feet by 165 feet conveyed by American Smelting and Refining Company to Cannon-Papanikolas Construction Company by deed acknowledged June 29, 1956 and recorded in Book 1366, page 207, of the records of Salt Lake County; TOGETHER WITH a perpetual right of way over the following described ground, to-wit: COMMENCING at the Southeast corner of said Section 30, thence North 49.7 rods; thence West 1 rod; thence South 49.7 rods; thence East 1 rod to beginning; BEING part of the premises conveyed by Hiram D. Nielson and Augusta R. Nielson to American Smelting and Refining Company by a deed dated April 26, 1939 and recorded in Book 207 of Deeds at page 586 of the records of Salt Lake County.

(5) Those portions of Section 31 described as follows:

1ST. BEGINNING at a point 6.82 chains West from the Northeast Corner of the Northwest Quarter of said Section 31; thence West 4.62 chains; thence South $17^{\circ}30'$ West 7.13 chains; thence South 60° West 16.80 chains; thence North 18° West 4.50 chains; thence West 5 chains; thence North 35° West 9.50 chains to the West line of Lot 1 of said Section 31; thence South 17 chains to the Southwest corner of said Lot 1; thence East 30 chains; thence Northerly 81 rods to the place of beginning.

ALSO, the Southeast Quarter of the Northwest Quarter and Lot 2 of said Section 31;

ALSO, Lot 3 and the Northeast Quarter of the Southwest Quarter of said Section 31;

EXCEPTING, HOWEVER, an irregular tract of land in the Southwest Quarter of said Section 19 conveyed by American Smelting and Refining Company to Calera Mining Company by a deed dated June 30, 1950, lying Southeasterly from the Southeasterly right of way limits of the main track and Smelter Spur of the Los Angeles and Salt Lake Railroad Company, and more particularly described as follows:

BEGINNING at a point 1320.0 feet North of the Southwest Corner of said Section 19, and running thence East 1249.39 feet; thence North $56^{\circ}04'$ East 1676.07 feet; thence North 340.65 feet to a point on the Southeasterly right of way limits of said Smelter Spur normal to and 50 feet from its center line; thence Southwesterly parallel to and 50 feet from said center line 1550.0 feet, more or less to a point; thence Southwesterly on a curve gradually changing from a 50 foot right of way limit on said Smelter Spur 450.0 feet more or less to a point on the Southeasterly right of way limit of the main track of said Los Angeles and Salt Lake Railroad Company normal to and 100 feet from its center line; thence South $53^{\circ}13'$ West parallel to and 100 feet from said center line 900 feet more or less to the West line of said Section 19; thence South 97.0 feet more or less to the point of beginning.

(6) All of Section 20, EXCEPTING, HOWEVER, the following parcels:

(a) That certain parcel, constituting part of the line of Los Angeles & Salt Lake Railroad Company, reserved to the grantor in a deed of a portion of said Section 20 from Los Angeles & Salt Lake Railroad Company to Garfield Smelting Company, dated August 23, 1917, and recorded in Book 10-Q, at page 114, of the records of Salt Lake County, bounded and described as follows:

BEGINNING at the North Quarter-Corner of Section 20; thence East, along the North line of Section 20, 260 feet to a point on the East right of way line of the wye track of Los Angeles & Salt Lake Railroad Company and 50 feet distant from the center line of said track; thence Southerly, along a curve to the left 50 feet from and parallel to the center line of said wye track, 350 feet; thence, continuing Southerly tangent to said curve and 50 feet from the center line of said wye track, 500 feet to a point; thence at right angles Southwesterly 100 feet to a point; thence Northwesterly, parallel to and 50 feet from the center line of said wye track, 500 feet to a point; thence Northerly, on a curve to the left parallel to and 50 feet from the center line of said wye track, 500 feet to a point on the North line of Section 20; thence West, along said North line, 200 feet to a point 100 feet from the center line of the Los Angeles & Salt Lake Railroad Company's main line, measured at right angles; thence Southwesterly, parallel to and 100 feet from the center line of said Los Angeles & Salt Lake Railroad Company's main line, 2960 feet to a point on the West boundary line of Section 20; thence North to the Northwest Corner of Section 20; thence East along the Northern boundary line to the place of beginning.

(b) A strip of land 100 feet in width lying 50 feet on each side of the center line of the "Smelter Track" formerly of San Pedro, Los Angeles & Salt Lake Railroad Company, across the South Half of the Northwest Quarter of said Section 20; a part thereof having been conveyed by American Smelting and Refining Company to San Pedro, Los Angeles & Salt Lake Railroad Company by a deed dated May 9, 1907, and a part thereof having been reserved to the grantor in a deed of a portion of said Section 20 from Los Angeles & Salt Lake Railroad Company to Garfield Smelting Company, dated August 23, 1917,

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and recorded in Book 10-Q, at page 114, of the records of Salt Lake County.

(c) A strip of land in the Northwest Quarter of said Section 20 described in, and conveyed by American Smelting and Refining Company to State Road Commission of Utah for a right of way for a highway known as F. A. Project No. 39 by, a deed dated June 3, 1946 and recorded in Book 491, at page 118, of the records of Salt Lake County and Book 4-B, at pages 190-191, of the records of Tooele County.

(d) A strip of land within the right of way boundary lines of highway known as U. S. 50.

(7) All of Section 21; the West Half of the Northwest Quarter of Section 22; the South Half, the South Half of the Northeast Quarter, and the South Half of the North Half of the Northeast Quarter of Section 25; the South Half, the Northwest Quarter, the West Half of the Northeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 26; all of Sections 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36; EXCEPTING, HOWEVER, a parcel of land situate in said Section 36 conveyed by American Smelting and Refining Company to Kennecott Copper Corporation by deed dated April 5, 1957 and recorded in Book 1405, at page 190, of the records of Salt Lake County, and particularly described therein.

TOGETHER with the following appurtenances to the foregoing parcels numbered "(1)" to "(7)", inclusive:

(a) All the water rights of American Smelting and Refining Company with respect to the waters flowing from Jap Spring in the Northwest Quarter of the Northeast Quarter of said Section 20, and from Kesler Spring in the Southwest Quarter of Section 15 in Township 1 South, Range 3 West, on the terms and

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subject to the conditions of an agreement dated September 26, 1906, confirmed by deed dated November 23, 1907, between Inland Crystal Salt Company, Saltair Beach Company and American Smelting and Refining Company.

(b) All the right, title and interest of American Smelting and Refining Company in and to the land lying between the meander line of the Great Salt Lake and the water line thereof from a point on said water line due West of the Southwest Corner of Lot 2 of said Section 9 to a point on said water line due West of the East Quarter Corner of said Section 9, conveyed by American Smelting and Refining Company to Garfield Smelting Company by a deed dated September 3, 1913, and recorded in Book 8-G, at page 570, of the records of Salt Lake County.

AND ALSO, TOGETHER WITH all right, title and interest of American Smelting and Refining Company in and to the land lying between the meander line of Great Salt Lake and the water line thereof and adjoining the lands hereinabove conveyed but not otherwise included therein.

BEING part of the premises conveyed by Garfield Smelting Company to American Smelting and Refining Company by a deed dated May 31, 1923, and recorded in Book 11-Q of Deeds, at pages 580-583, of the records of Salt Lake County, and recorded in Book 3-O of Deeds, at pages 14-18, of the records of Tooele County; and also the premises conveyed to American Smelting and Refining Company by a deed dated December 22, 1937, from Zion's Savings Bank and Trust Company, and recorded in Book 207 of Deeds, at page 136, of the records of Salt Lake County.

SUBSECTION D

All the following described real estate situate in Township 2 South, Range 3 West of Salt Lake Base and Meridian:

- (1) All of Section 1, EXCEPTING, HOWEVER, the Southeast Quarter of the Southeast Quarter.
- (2) All of Section 2.
- (3) All of Section 3.
- (4) All of Section 4.
- (5) Lots 1 and 2, the South Half of the Northeast Quarter, all of the Southeast Quarter of the Southwest Quarter and all of the Southeast Quarter of Section 5.
- (6) The Northeast Quarter of Section 7 and all of the East Half, the Northwest Quarter, and the South Half of the Southwest Quarter of Section 8; EXCEPTING, HOWEVER, that portion thereof conveyed by American Smelting and Refining Company to Radio Service Corporation of Utah by a deed dated December 22, 1953, and recorded in Book 1065, at page 131, of the records of Salt Lake County and in Book 4-F of Deeds, at page 204, of the records of Tooele County, as corrected by a correction grant from said grantee to said grantor, dated March 30, 1954, and recorded in Book 1080, at page 128 of the records of Salt Lake County and in Book 4-F of Deeds, at page 255, of the records of Tooele County.
- (7) All of Section 9.
- (8) All of Section 10.
- (9) All of Section 11.
- (10) All of the West Half of Section 12.

- (11) All of the East Half and the Southwest Quarter of Section 13.
- (12) All of Section 14.
- (13) All of Section 15.
- (14) All of Section 16.
- (15) All of the North Half of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, the East Half of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter of Section 17.
- (16) All of the North Half of the North Half of Section 20.
- (17) All of the Northwest Quarter, the Southeast Quarter of the Northeast Quarter, and the Northeast Quarter of the Southeast Quarter of Section 21.
- (18) All of the North Half, the North Half of the Southeast Quarter, and the North Half of the Southwest Quarter of Section 22.
- (19) All of the North Half, and the Northwest Quarter of the Southwest Quarter of Section 23.
- (20) All of the Northeast Quarter and the North Half of the Northwest Quarter of Section 24.

BEING part of the premises conveyed by Garfield Smelting Company to American Smelting and Refining Company by a deed dated May 31, 1923, and recorded in Book 11-Q of Deeds, at pages 580-583, of the records of Salt Lake County, and recorded in Book 3-O of Deeds, at pages 14-18, of the records of Tooele County; the premises conveyed to American Smelting and Refining Company by Glenn W. Reid and Vanice Reid, by deeds dated December 20, 1937 and May 19, 1954 and recorded in Book 207 of Deeds, at page 136 and Book 1090, at page 62, respectively,

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of the records of Salt Lake County, and in Book 3-Y of Deeds, at page 121, and Book 4-F of Deeds, at pages 308-309, respectively, of the records of Tooele County; and also the premises conveyed to American Smelting and Refining Company by Luis Fratto by a deed dated December 15, 1925, and recorded in Book 12-N of Deeds, at page 352, and by Saverio Granato by a deed dated December 23, 1929, and recorded in Book 70 of Deeds, at page 54, and by Luigi Nicoletti by a deed dated December 17, 1929, and recorded in Book 63 of Deeds, at pages 322-323, and by Wilford Coon and Zula Coon by a deed dated May 12, 1941, and recorded in Book 271 of Deeds, at page 167, and by Alonzo Coon by a deed dated July 6, 1944, and recorded in Book 392 of Deeds, at page 539, the recordations of the last five deeds being in the records of Salt Lake County.

SUBSECTION E

All the following described real estate situate in Township 1 South, Range 4 West, of the Salt Lake Base and Meridian:

(1) That portion of Section 35 described as follows:

BEGINNING 12.60 chains West of the Southeast Corner of the Northeast Quarter of said Section 35, and running thence South two chains; thence West five chains; thence North 10.31 chains; thence East five chains; thence South 8.31 chains to the place of beginning, containing 5.15 acres of land, more or less.

(2) That portion of Section 36 described as follows:

The East Half, and the East Half of the Northeast Quarter of the Northwest Quarter of said Section 36.

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BEING part of the premises conveyed by Almon J. Williams to American Smelting and Refining Company by a deed dated March 25, 1941 and recorded in Book 3-Z of Deeds, at page 79, of the records of Tooele County.

SUBSECTION F

All the following described real estate situate in Township 2 South, Range 4 West of the Salt Lake Base and Meridian:

(1) All of the Southwest Quarter and Lots 8 and 9 of Section 1.

EXCEPTING, HOWEVER, the following lots and parcels of land:

(a) An undivided two-thirds of a strip of land 150 feet in width, of which the center line is the center line of the grantee's railroad line, conveyed by A. B. Sawyer to Oregon Short Line Railroad Company by Quitclaim Deed dated April 10, 1902, and recorded in Book ZZ of Deeds, at page 57, of the records of Tooele County; and

(b) That parcel of land containing .7 of an acre, more or less, described in, and conveyed by Joseph Mayne, unmarried, and John H. Yates and Frances Yates, his wife, to San Pedro, Los Angeles & Salt Lake Railroad Company by deed dated August 9, 1912, and recorded in Book 3-H of Deeds, at page 215, of the records of Tooele County:

(2) That portion of Section 2 described as follows:

BEGINNING at a point 27.23 chains North and 2.75 chains West from the Southeast Corner of the Northeast Quarter of said Section 2, and running thence West 19.65 chains; thence North 2.39 chains; thence East 3.12 chains, thence North 1.43 chains, thence

East 17.86 chains; thence South $19^{\circ}24'$ West 4.05 chains to the place of beginning, containing 7.79 acres, more or less; EXCEPTING, HOWEVER, that parcel of land containing approximately .47 of an acre, described in, and conveyed by American Smelting and Refining Company to Alvin P. Vorwaller and LaVon Vorwaller by, a deed dated December 2, 1952 and recorded in Book 4-E of Deeds, at page 547, of the records of Tooele County; and that parcel of land containing approximately .09 of an acre; described in, and conveyed by American Smelting and Refining Company to Kenneth J. Garrard and Endean T. Garrard by, a deed dated May 21, 1953 and not yet recorded in the records of Tooele County.

(3) That portion of Section 11 described as follows: BEGINNING at the Northwest Corner of the Northeast Quarter of said Section 11, and running thence South 40 chains; thence East 5 chains; thence North 40 chains; thence West 5 chains to the place of beginning, containing 20 acres of land, more or less.

(4) Those portions of Section 15 described as follows:

1st. All of the Northeast Quarter, EXCEPTING, HOWEVER, a strip of land 100 feet in width of which the center line is the center of the railroad line of the grantee, conveyed by William B. Clark to Oregon Short Line Railroad Company by deed dated March 13, 1902 and recorded in Book ZZ of Deeds, at page 10 of the records of Tooele County.

2nd. BEGINNING at a point about four chains West of the North Quarter Corner of said Section 15, thence West 16 chains, more or less; thence South 40 chains, thence East 13 chains, more or less, to the West boundary of the State Highway; thence Northeasterly along the West boundary of said State Highway about 40 chains, more or less, to point of

beginning, containing 65 acres, more or less, and being a part of the East Half of the Northwest Quarter of said Section 15; EXCEPTING, HOWEVER, (a) two parcels of land containing 6.30 acres, more or less, described in, and conveyed by Almon J. Williams and Mary Williams, his wife, to Tooele County by, a deed dated September 6, 1928, and recorded in Book 3-Q of Deeds at pages 446-7 of the records of Tooele County, and (b) a tract of land described in, and conveyed by American Smelting and Refining Company to J. Reuben Clark, Jr., by a deed dated November 25, 1942 and recorded in Book 4-A, at pages 158-9, of the records of Tooele County.

Also, commencing at the North Quarter Corner of said Section 15, thence South 40 chains; thence West four chains; thence Northeasterly forty chains, more or less, thence East one chain to the place of beginning, containing 12 acres.

3rd. All of that part of the Southwest Quarter of said Section 15, which lies East of State Highway No. 36 described as follows: BEGINNING at a point on the South line of the Northwest Quarter of said Section 15, and East 1662.0 feet along section line and South $5^{\circ}40'$ East 2681.0 feet along center line of concrete road and East 50.3 feet from the Northwest Corner of said Section 15, thence South $5^{\circ}40'$ East along a line 50.0 feet Easterly and parallel from the center line of a concrete road 981.0 feet, thence around a curve with a radius of 1960.0 feet to the right 50.0 feet Easterly and parallel to center line of said road 591.2 feet; thence South $11^{\circ}37'$ West parallel to and 50.0 feet Easterly from the center line of concrete road 1127.5 feet to the South line of said Section 15; thence East along the South line of said Section 15, 926.0 feet to the South Quarter Corner of said Section 15; thence North along the Quarter section line 2668.0 feet to the center of said Section 15; thence West

along the Quarter section line 710.0 feet to the point of beginning;

Also, that certain strip of land 94 rods long by 4 rods wide situate in the East half of the Southwest Quarter of said Section 15, and conveyed by Francis Clark to Tooele County as a permanent right of way for a County road by a warranty deed dated November 4, 1911, said deed being recorded in the office of the Tooele County Recorder on the 11th day of December, 1911, in Book 3-H of Deeds, page 88, as instrument #141075 and conveyed by said Tooele County to American Smelting and Refining Company by deed dated April 19, 1943 and recorded in the office of the Tooele County Recorder in Book 3-Z of Deeds, page 518.

(5) That portion of Section 16 described as follows: BEGINNING at the Northeast Corner of the Northwest Quarter of said Section 16, and running thence West 20 rods; thence South 160 rods; thence East 20 rods; thence North 160 rods to the place of beginning, containing 20 acres; EXCEPTING, HOWEVER, a tract of land containing .85 of an acre which is described in, and conveyed by A. J. Williams and Mary Williams, his wife, to Tooele County by, a deed dated January 3, 1938 and recorded in Book 3-Y of Deeds, at page 105, of the records of Tooele County.

BEING part of the premises conveyed to American Smelting and Refining Company by Almon J. Williams by a deed dated March 25, 1941 and recorded in Book 3-Z of Deeds, at page 79; by Mary K. Griffith by a deed dated October 22, 1941, and recorded in Book 3-Z of Deeds at page 196; by Phoebe Rodeback Young by a deed dated November 23, 1942, and recorded in Book 3-Z of Deeds, at page 415; and the premises so conveyed by J. Reuben Clark, Jr.; and Luacine S. Clark by a deed dated Decem-

ber 15, 1942, and recorded in Book 3-Z of Deeds, at page 414; and by Tooele County by a deed dated April 19, 1943, and recorded in Book 3-Z, at page 518; all of such recordations being in the records of Tooele County.

SUBSECTION G

All right, title and interest of American Smelting and Refining Company in and to any and all lands and all rights and interests in lands, other than those particularly described and conveyed above in and under Subsections "A" to "F" hereof, which are located in the six Townships 1 and 2 South, Ranges 2, 3 and 4 West, Salt Lake Base & Meridian, Salt Lake and Tooele Counties, Utah, EXCEPTING, HOWEVER, the following described lands and all water rights and other rights appurtenant thereto:

(1) All lands situate in the East Half of Section 29, Township 1 South, Range 2 West, S.L.B. & M.;

(2) A parcel of land situate in Section 32, Township 1 South, Range 2 West, S.L.B. & M., commencing at a point marked by an iron stake, said point being South 557.2 feet and West 35.6 feet from the North Quarter Corner of said Section 32; thence West 200 feet; thence South 104 feet, thence East 200 feet to a point marked by an iron stake; thence North 104 feet to point of beginning; containing .45 acres;

(3) A parcel of land situate in Section 32, Township 1 South, Range 2 West, S.L.B. & M., commencing at the South Quarter corner of said Section 32 and running thence West 444 feet; thence North 709.5 feet; thence East 444 feet; thence South 709.5 feet to the place of beginning; together with the well appurtenant to said land;

(4) A parcel of land situate in Section 5, Township 2 South, Range 2 West, commencing at the North Quarter corner of said Section 5 and running thence West 444 feet; thence South 70.31 feet; thence North 81° East 449.53 feet, less road right of way;

(5) All lands situate in the Northeast Quarter of Section 35 and the Northwest Quarter of Section 36, Township 1 South, Range 4 West, S.L.B. & M., other than the lands therein particularly described and conveyed above in and under "Subsection E" hereof.

Together with the copper smelter and plant (hereinafter sometimes referred to as the "Garfield Smelter") of Grantor, American Smelting and Refining Company at Garfield, in Salt Lake County, State of Utah, on lands hereinbefore described, and all buildings, works, structures, fixtures, erections, tracks, pipes, improvements, streets, ways, alleys, passages, sewer rights, waters, water courses, water rights, including underground waters and rights thereto, rights of way, licenses, easements, including smoke easements, estates, rights, franchises, interests, privileges, liberties, hereditaments and appurtenances whatsoever now upon or belonging or appertaining to each, any and every part, portion and parcel of the lands hereinbefore described and hereby conveyed, and to the said smelting and reduction works or plant situated thereon; and all reversion and reversions, remainder and remainders, reverters, rights and possibilities of reverter, rents, issues and profits thereof; and also together with all options of Grantor to purchase lands (other than mining properties) in the six (6) townships in Salt Lake and Tooele Counties, numbered 1 and 2 South, in Ranges 2, 3 and 4 West, S.L.B. & M.

THERE ARE EXPRESSLY EXCEPTED AND RESERVED by American Smelting and Refining Company, Grantor herein, from all and each of the parcels of land hereinbefore in "Subsection A" to and including "Subsection G" described and hereby conveyed (except the lands hereinafter mentioned), all the minerals, mineral and mining rights thereof and therein, including oil and gas but excluding sand, gravel, limesand and water; and Grantor, its successors and assigns, reserve and shall have the right of ingress and egress to and from and the use of, so much of the surface of said lands in which Grantor reserves said mineral and mining rights, as may be necessary for exploration for, the mining of, concentrating and carrying away any and all such minerals; but in the event of the exercise of such reserved mineral rights said Grantor, its successors and assigns shall pay Grantee, its successors and assigns the fair value of the use of so much of such surface as Grantor may require as a millsite or otherwise for the concentration of such minerals and compensate Grantee, its successors and assigns for any damage or injury caused to any improvements and installations of the latter on such surface by such use thereof as a millsite or otherwise for concentration of minerals. The minerals, mineral and mining rights, including oil and gas, of and in the following mentioned lands are not excepted and reserved but are hereby conveyed with said lands, namely: the lands hereinabove described and hereby conveyed which are located in Section 9, the West Half and the West Half of the East Half of Section 16, the East Half of Section 17 to the shore of Great Salt Lake, the Northeast Quarter of Section 20, and the Northwest Quarter of Section 21, Township 1 South, Range 3 West, S.L.B. & M., Salt Lake County, Utah.

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SUBJECT, in the case of all of the foregoing lands described and conveyed in the foregoing Subsections "A" to "G", to streets, roads and highways on and over the same.

SECTION II

All smoke easements, rights of way and all other easements and rights, licenses, permits, franchises and privileges, whether or not appurtenant to the aforesaid lands hereby conveyed but owned by Grantor and used or held for use or the benefit of or in connection with the operation of the said Garfield Smelter and plant site or other of said lands, and all leases and leaseholds owned by Grantor and similarly used or held for use, subject in each instance to the same being validly transferable and to the consent of third parties where required; together with all improvements, appurtenances and property thereon or belonging thereto; excepting from the foregoing Grantor's lease on its Salt Lake City office.

Without limiting the generality of the foregoing language in this "Section II" or in the foregoing "Section I," there is expressly included and assigned, transferred and conveyed hereby all those certain rights, including water rights, licenses, privileges and easements, including smoke easements, leases to Grantor, and rights and options of Grantor to purchase lands of others, acquired or reserved by Grantor, as stated in the following Subsections "A" to "D" inclusive:

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SUBSECTION A

a. Instruments recorded in the office of the County Recorder of Salt Lake County, State of Utah, and pertaining to lands in said County, to wit:

<u>Dated</u>	<u>Party from whom acquired</u>	<u>Recorded</u>
1. Oct. 22, 1954	Los Angeles & Salt Lake RR. Co. and Union Pacific RR. Co.	Book 1150, p. 346
2. Nov. 7, 1906	San Pedro, Los Angeles & Salt Lake RR. Co. & Equitable Trust Co.	Book 7-N, p. 233
3. Sept. 13, 1950	Los Angeles & Salt Lake RR. Co.	Book 815, p. 334
4. Dec. 7, 1945	Los Angeles & Salt Lake RR. Co. and Union Pacific RR. Co.	Book 457, p. 513
5. Aug. 25, 1958	State of Utah (Certificate of Appropriation of Water, #5525)	Book 1535, p. 292

b. Instruments recorded in the office of the County Recorder of Tooele County, State of Utah, and pertaining to lands in said County, to wit:

<u>Dated</u>	<u>Party from whom acquired</u>	<u>Recorded</u>
Nov. 7, 1906	San Pedro, Los Angeles & Salt Lake RR. Co. & Equitable Trust Co.	Book 3-C, p. 325

SUBSECTION B

Options granted to American Smelting and Refining Company to purchase lands, as follows:

<u>Dated</u>	<u>Party from whom acquired</u>	<u>Recorded (All Salt Lake County)</u>	<u>Location of Lands Affected (All Salt Lake Base & Meridian)</u>
1. Dec. 14, 1952	Clarence Hardman Wilma Hardman	Book 973, p. 318	Sec. 28, T. 1 S., R. 2 W.
2. June 22, 1953	Ural A. Major Bessie E. Major	Book 1018, p. 577	Sec. 28, T. 1 S., R. 2 W.

SUBSECTION B (Continued)

<u>Dated</u>	<u>Party from whom acquired</u>	<u>Recorded (All Salt Lake County)</u>	<u>Location of Lands Affected (All Salt Lake Base & Meridian)</u>
3. Jan. 13, 1953	Oquirrh Stake of Church of Jesus Christ of Latter Day Saints	Book 983, p. 350	Sec. 20, 21, 29, T. 1 S., R. 2 W.
4. Dec. 18, 1952	Frank R. Worthen Barbara Worthen	Book 989, p. 595	Sec. 28, T. 1 S., R. 2 W.
5. June 11, 1956	Erick H. Broadhead Eldora D. Broadhead	Book 1319, p. 256	Sec. 5, T. 2 S., R. 2 W.
6. Jan. 4, 1955	Elmina S. Toone Clements T. Toone (Option to repurchase 10 shares of Utah & Salt Lake Canal Co. stock)	(Not recorded)	Sec. 32, T. 1 S., R. 2 W.
7. Apr. 27, 1954	Mack R. Irving Roxana Lee Irving	(Unrecorded contract of sale)	Sec. 35, 36, T. 1 S., R. 4 W.
8. May 21, 1954	James D. Buck Cleo D. Buck	(Unrecorded contract of sale)	Sec. 32, T. 1 S., R. 2 W.; Sec. 5, T. 2 S., R. 2 W.
9. June 17, 1954	Malcolm F. Orr Hazel S. Orr	(Unrecorded contract of sale)	Sec. 32, T. 1 S., R. 2 W.

SUBSECTION C

Instruments not recorded, to wit:

a. Water rights processed through office of State Engineer:

	<u>Application or Claim Number</u>	<u>Certificate Number</u>	<u>Location (All Salt Lake Base & Meridian)</u>
1.	26531	5525	Well, Sec. 17, T. 1 S., R. 3 W.
2.	593	48-B	Springs, Sec. 20, T. 1 S., R. 3 W.
3.	594	145-B	Jap Springs, NE 1/4 Sec. 20, T. 1 S., R. 3 W.
4.	20990	*	Sec. 32, T. 1 S., R. 2 W.

SUBSECTION C (Continued)

	<u>Application or Claim Number</u>	<u>Certificate Number</u>	<u>Location (All Salt Lake Base & Meridian)</u>
5.	20983	*	Sec. 28, T. 1 S., R. 2 W.
6.	20984	*	Sec. 5, T. 2 S., R. 2 W.
7.	20985	*	Sec. 5, T. 2 S., R. 2 W.
8.	20988	*	Sec. 5, T. 2 S., R. 2 W.
9.	3087	*	Sec. 5, T. 2 S., R. 2 W.
10.	3693	*	Sec. 32, T. 1 S., R. 3 W.

* Automatically approved in accordance with original filing under Underground Water Statutes.

b. Leases, licenses, easements and miscellaneous rights:

<u>Dated</u>	<u>Lessor, Grantor or Licensor</u>	<u>Description</u>	<u>Location (All Salt Lake Base & Meridian)</u>
1. Jan. 30, 1957	Homer H. Pitts & wife	Lease for doctor's office	9008 West 2700 South, Magna
2. Feb. 16, 1951	State Land Board of State of Utah	Public land grazing lease—160 acres	NW 1/4, Sec. 13, T. 2 S., R. 3 W.
3. Feb. 18, 1948	George Feulner	Lease 150' x 25' for SO ₂ recorder	NE 1/4, Sec. 34, T. 1 S., R. 2 W.
4. Feb. 18, 1948	Orson Lewis	Lease 25' square for SO ₂ recorder	Sec. 35, T. 1 S., R. 2 W.
5. Feb. 18, 1958	Newton Rolfe	Lease 25' square for SO ₂ recorder	Sec. 36, T. 1 S., R. 2 W.
6. Jan. 14, 1957	Hereules Powder Co.	Lease 62.5 acre tract for reservoir	Sec. 5, T. 2 S., R. 2 W.
7. Nov. 17, 1950	State Road Commission of Utah	Water & power lines	Sec. 20, T. 1 S., R. 3 W.
8. Nov. 17, 1950	State Road Commission of Utah	Acid waste water line	Sec. 20, T. 1 S., R. 3 W.
9. Mar. 15, 1926	Los Angeles & Salt Lake RR. Co.	Spur track	Sec. 20, T. 1 S., R. 3 W.

SUBSECTION C (Continued)

<u>Dated</u>	<u>Lessor, Grantor or Licensor</u>	<u>Description</u>	<u>Location (All Salt Lake Base & Meridian)</u>
10. May 10, 1928	Los Angeles & Salt Lake RR. Co.	Power line	Sec. 17, T. 1 S., R. 3 W.
11. May 1, 1929	Los Angeles & Salt Lake RR. Co.	Water line	Sec. 17, T. 1 S., R. 3 W.
12. Sept. 12, 1917	Western Pacific RR. Co.*	Water & sewer lines	Sec. 17, T. 1 S., R. 3 W.
13. Feb. 13, 1913	San Pedro, Los Angeles & Salt Lake RR. Co.*	Slag viaduct	Sec. 16, T. 1 S., R. 3 W.
14. May 11, 1918	Los Angeles & Salt Lake RR. Co.*	Water & sewage lines	Sec. 17, T. 1 S., R. 3 W.
15. Sept. 13, 1950	Los Angeles & Salt Lake RR. Co. and Union Pacific RR. Co.	Power line	Sec. 17, T. 1 S., R. 3 W.
16. Nov. 16, 1950	Western Pacific RR. Co.	Water & power lines	
17. July 5, 1910	San Pedro, Los Angeles & Salt Lake RR. Co.*	Water line	Sec. 17, T. 1 S., R. 3 W.
18. July 25, 1910	Western Pacific RR. Co.*	Water line	Sec. 17, T. 1 S., R. 3 W.
19. May 11, 1954	Hereules Powder Co.	Right to use waters of Coon Canyon Creek	

* Grantee or licensee is Garfield Smelting Company.

SUBSECTION D

- a. Rights to discharge over and upon lands, through the medium of the air, smoke, dust, fumes, cinders and other matter (which rights are in this Indenture referred to as "smoke easements"), together with all rights of entry on such lands, reserved in favor of American Smelting and Refining Company in deeds wherein American Smelting and Refining Company or Garfield Smelting Company is grantor:

<u>Dated</u>	<u>Grantee</u>	<u>Location of Lands Affected (All Salt Lake Base & Meridian)</u>
1. Mar. 4, 1914	Bingham & Garfield Railway Company	Sec. 21, 28, 29, T. 2 S., R. 2 W.; Sec. 31, T. 1 S., R. 2 W.; Sec. 3, 9, 10, 16, T. 1 S., R. 3 W.

SUBSECTION D (Continued)

<u>Dated</u>	<u>Grantee</u>	<u>Location of Lands Affected (All Salt Lake Base & Meridian)</u>
2. Sept. 14, 1939	Isaac E. Coon, Arthur Coon	SW $\frac{1}{4}$, Sec. 29, T. 1 S., R. 2 W.
3. Mar. 31, 1943	State Road Commission of Utah	NE $\frac{1}{4}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, T. 1 S., R. 2 W.; and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 2 S., R. 2 W.
4. Dec. 30, 1942	Vinol S. Turner	Sec. 32, T. 1 S., R. 2 W.
5. June 30, 1943	Tom Angelos	1.07 acres in Sec. 33, T. 1 S., R. 2 W.
6. May 12, 1943	Ruel Unsworth	Part of Sec. 20, T. 1 S., R. 2 W.
7. Nov. 23, 1943	Ruth M. Larson Vaughn	.34, .47 and 1.05 acre tracts in Sec. 30, T. 1 S., R. 2 W.
8. Dec. 29, 1943	Oquirrh Stake of Church of Jesus Christ of Latter Day Saints	NW $\frac{1}{4}$ of Sec. 29, T. 1 S., R. 2 W.
9. May 24, 1944	William R. Holt	Parts of NE $\frac{1}{4}$ of Sec. 33, T. 1 S., R. 2 W.
10. Nov. 28, 1944	James Hardman	4.14 acres in Sec. 28, T. 1 S., R. 2 W.
11. July 27, 1948	Clem Toone	In Block 5, Reynolds Subdivi- sion, a part of NW $\frac{1}{4}$ Sec. 29, T. 1 S., R. 2 W.
12. Sept. 30, 1948	Hyrum D. Cluff & Elizabeth Lavenia Cluff	NW $\frac{1}{4}$ of Sec. 29, T. 1 S., R. 2 W.
13. July 28, 1948	Allen F. Christensen	R. 2 W. SW $\frac{1}{4}$ of Sec. 28, T. 1 S.,
14. Jan. 26, 1949	John M. Russon	SE $\frac{1}{4}$ Sec. 30, T. 1 S., R. 2 W.
15. Sept. 27, 1949	John H. Breeze	NE $\frac{1}{4}$ Sec. 29, T. 1 S., R. 2 W.
16. Sept. 27, 1949	Leo G. Flangas	1.09 acre in NW $\frac{1}{4}$ Sec. 29, T. 1 S., R. 2 W.
17. Sept. 27, 1949	Oquirrh Stake of Church of Jesus Christ of Latter Day Saints	.86 acre in Sec. 29, T. 1 S., R. 2 W.
18. Dec. 27, 1949	John Papanikolas	.15 acre in NW $\frac{1}{4}$ Sec. 29, T. 1 S., R. 2 W.

SECTION III

All Grantor's right, title and interest in and to any and all waters, water courses, water rights, including underground waters and water rights, reservoirs, flumes, pipe lines and other facilities for the diversion, storage and use of said waters, not hereinbefore particularly described, now upon or belonging or appertaining to the lands hereby conveyed, and also such of the same whether or not appurtenant to said lands but owned by Grantor and used or held for use or the benefit of or in connection with the operation of Garfield Smelter and its plant site or other of said lands, however said waters and rights thereto have been acquired and in whatever form owned or claimed, whether by ownership of or right in lands or by virtue of development, use, application to appropriate or certificate of appropriation, including all percolating waters and all waters flowing either upon or beneath the surface, in channels known or unknown, defined or undefined, together with the right to develop, take, appropriate, use and consume the same.

SECTION IV

All personal property, buildings and structures in, upon or about or pertaining to any of the property hereby conveyed or intended so to be, including but not limited to the following:

(a) All furniture, fixtures, furnaces, machinery, equipment, tools, patterns, dies, implements, apparatus, appliances, railroad cars and engines, automobiles and trucks, and all other tangible property, real, personal and mixed (other than the property particularly described in subparagraphs (b) and (c) below of this "Section IV"), on the premises hereby con-

veyed or located elsewhere but exclusively used or held or intended for exclusive use in connection therewith or for the benefit thereof, but excluding any items of personal property such as aforesaid which may belong to others than Grantor or which may be located at the said plant site but held by Grantor for use of Grantor's Salt Lake City office or its Western Engineering Department, and excluding all furniture, equipment, automobiles and office supplies located at or held for use at Grantor's Salt Lake City office or at its Western Engineering Department.

(b) All fuel, barren flux, materials and supplies, repair and spare parts and other warehouse stocks of said Garfield Smelter on hand at said smelter or in transit thereto and title to which is in Grantor, as the same were constituted and existed on January 1, 1959, at 7:45 A.M., Mountain Standard Time.

(c) All the following property as it existed and was constituted on January 1, 1959, at 7:45 A.M., Mountain Standard Time, namely: all metal stocks at said Garfield Smelter, including crude ores, concentrates, precipitates, molten furnace contents, furnace bottoms, plant absorptions, by-products, converter Cottrell dust, anode moulds and products ready for shipment, but excluding therefrom

(i) all metal and metal-bearing materials belonging to Grantee under the agreement between the parties hereto dated November 29, 1940 and known as the New Utah Contract, as supplemented and amended, and to which Grantee shall continue to retain title.

(ii) converter Cottrell dust loaded in cars ready for shipment at the smelter, to which Grantor shall retain title.

(iii) the gold, silver and copper to be returned by Grantee to Grantor as provided in the agreement between them dated April 30, 1958.

(d) All contracts for materials, supplies, equipment, machinery, tools, electric power, natural gas and other fuel to be furnished said Garfield Smelter, construction contracts covering work in progress thereat or contracted for, entered into by Grantor and remaining unperformed in whole or in part, contracts for rentals of equipment and the like and independent contractors' service contracts for the benefit of said smelter.

(e) Originals or true copies of all the records, maps, plats and files of Grantor; all the reports of a scientific nature of metallurgists, engineers, geologists and others; and all pleadings, testimony, briefs and arguments, departmental correspondence, rulings, orders, judgments and decrees of courts in any manner related to the properties hereby conveyed or any of them, or to said smelter or to the operation or maintenance thereof.

(f) 2211 shares of stock of Garfield Water Company, a New York corporation, constituting all shares of stock now owned by Grantor in said Garfield Water Company.

(g) 342 shares of stock of Utah & Salt Lake Canal Co., subject to existing rights of various lessees of farm lands to use of water represented by such shares.

(h) All other property, tangible and intangible (including accruals, reserves and accounts) pertaining to said Garfield Smelter operations to the extent that the same have been charged into costs under said New Utah Contract.

(i) 130 shares of Coon Canyon Irrigation Company, and $8\frac{1}{2}$ shares of E. T. Irrigating Canal Co., subject to existing rights of various lessees of farm lands to use of water represented by such shares.

TO HAVE AND TO HOLD all and singular the above granted property and premises, together with the appurtenances, and every part thereof unto the Grantee, its successors and assigns, forever.

Grantor covenants to warrant and defend all the personal property described in "Section IV" hereof and hereby sold and conveyed unto the Grantee, its successors and assigns against all and every person and persons whomsoever.

It is the intention of this Indenture to convey not only all Grantor's present estate, right, title and interest in and to said described properties hereby conveyed, but also such right, title and interest as Grantor, its successors or assigns may hereafter acquire therein which would in any way be adverse to or in conflict with this deed conveying and the Grantee, its successors and assigns acquiring hereby and hereunder fee simple absolute title in and to said properties; and Grantee shall have the benefit under this Indenture of any such right, title and interest which Grantor, its successors in interest or assigns, may hereafter acquire and Grantor does hereby convey the same to and the same shall forthwith vest hereunder in Grantee, its successors and assigns.

Grantor shall at any and all times hereafter, upon the request and at the cost of Grantee, make and execute such other and further deed, deeds or instruments for the more certain and effectual conveyance or sale of said lands, premises and property unto Grantee as Grantee shall require for said purpose.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their corporate names by their respective corporate officers thereunto duly authorized and their corporate seals to be hereunto affixed, duly attested, as of the 2nd day of January, 1959.

AMERICAN SMELTING AND REFINING COMPANY

By *John D. MacKenzie*
President

ATTEST:

Kenned Lane
Secretary

KENNECOTT COPPER CORPORATION

By *C.R. Cox*
President

ATTEST:

Paul D. [unclear]
Secretary

STATE OF NEW YORK }
COUNTY OF NEW YORK } SS.:

On the 2nd day of January, 1959, personally appeared before me JOHN D. MACKENZIE, who, being by me duly sworn, did say that he is the President of AMERICAN SMELTING AND REFINING COMPANY, and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and said JOHN D. MACKENZIE acknowledged to me that said corporation executed the same.

W. Thomas Reed

W. THOMAS REED
Notary Public, State of New York
No. 31-8519150
Qualified in New York County
Commission Expires March 30, 1960

STATE OF NEW YORK }
COUNTY OF NEW YORK } SS.:

On the 2nd day of January, 1959, personally appeared before me C. R. COX, who, being by me duly sworn, did say that he is the President of KENNECOTT COPPER CORPORATION, and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors, and said C. R. COX acknowledged to me that said corporation executed the same.

Doris M. Lueth

DORIS M. LUETH
Notary Public, State of New York
No. 31-2423875
Qualified in New York County
Commission Expires March 30, 1959

No. 251788

RECORDED AT THE REQUEST OF
A. P. Sabin, Trustee
DATE *Jan. 15-1959* TIME *9:45 A.M.*
BOOK *44 of Bond* PAGE *270-497* FEE *70.00*
W. P. Thayer
Tooele County Recorder