

After Recording please return to:
Ruby Pipeline LLC
2 N Nevada Ave - 5th Flr
Colorado Springs, CO 80903

Egt. 289379 Bk 1121 Pg 1054
Date 18-Mar-2010 09:54PM Fee \$44.00
LuAnn Adams - Filed By as
Box Elder Co., UT
For RUBY PIPELINE LLC

04-037-0064
0016
04-047-0011

RUBY PIPELINE, L.L.C.

MODIFICATION OF RIGHT OF WAY AND EASEMENT AGREEMENT

STATE OF UTAH) LL Ruby - LL# 2147
)ss.
COUNTY OF BOX ELDER) CO 128575

RECITALS:

WHEREAS the undersigned (hereinafter called OWNER, whether one or more), and its successors and assigns, and RUBY PIPELINE, L.L.C., a Delaware limited liability company (hereinafter called COMPANY), and its successors and assigns entered into that certain Right of Way and Easement Agreement (the "Agreement") effective the 29th day of May, 2009. Said Agreement having been recorded in the Office of the Box Elder County Recorder, State of Utah, as entry number 279376 in Book 1095, Page 580, on the 9th day of June, 2009.

AND WHEREAS, OWNER and COMPANY desire to modify the Agreement so as to insert certain language into the Agreement to permit the dispersion of water from the pipeline trench during construction, and to change the location of the Grant of Easements in the first paragraph (Paragraph 1) of the Agreement, by deleting plat number 300AU-2147 marked "Exhibit A", and attached to and made a part of the Agreement, and substituting plat numbers 300AU-2147 dated 02/03/2010 marked "Exhibit B", attached hereto and made a part of this Modification of Right of Way and Easement Agreement (this "Modification"). The location of that certain real property for which OWNER is the record title holder and a portion of which is described in Exhibit B is situated in Box Elder County, State of Utah, which is more particularly described as follows:

Township 10 North, Range 2 West, Section 27: SE¼

NOW, THEREFORE, for and in consideration of the sum of TEN AND NO/100 Dollars (\$10.00) in hand paid by COMPANY to OWNER, of the above recitals, the terms and conditions set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree and modify the Agreement this 10th of MARCH, 2010, as follows:

1. Insertion of language in Paragraph 2 of the Agreement so as to permit the dispersion of water from the pipeline trench onto other parts of Owner's land. After the second sentence of Paragraph 2 of the Agreement or the word "thereto," insert the following sentence:

OWNER grants to COMPANY the right to remove or disperse water, which may collect in the pipeline trench, into existing irrigation or drainage ditches, or onto the Right of Way and Easement area, or onto other portions of OWNER's land, during construction of the pipeline.

2. Deletion of Plat. Plat number 300AU-2147 marked "Exhibit A" and attached to the Agreement is hereby deleted from the Agreement.

3. Substitution of Plat. Plat number 300AU-2147, dated 02/03/2010, marked "Exhibit B" and attached to this Modification is hereby substituted with the effect as if this said plat was attached to and made a part of the Agreement.

4. Insertion in Paragraph 1. Immediately after the words, "..., marked "Exhibit A"", in Paragraph 1 of the Agreement, insert the words, "and "Exhibit B"."

5. No other changes. In all other respects other than the Recitals and Paragraphs 1, 2, and 3 of this Modification, the original Agreement is unchanged and remains in full force and effect.

5017618

Executed this 10 day of March 20 10

OWNER(s)



BRUCE M. EVANS


KIMBERLY U. EVANS

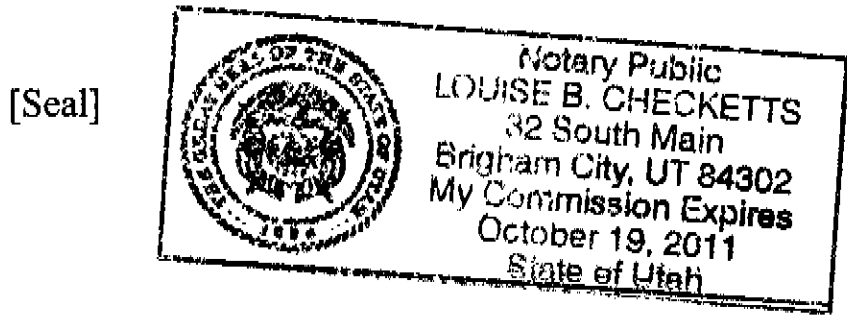
ACKNOWLEDGEMENTS

STATE OF UTAH)
)ss.
COUNTY OF BOX ELDER)

BEFORE ME, THE UNDERSIGNED, A Notary Public, within and for said State and County on this 10 day of March, 20 10, personally appeared BRUCE M. EVANS who 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 as a free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Handwritten signature of Louise B. Checketts, Notary Public

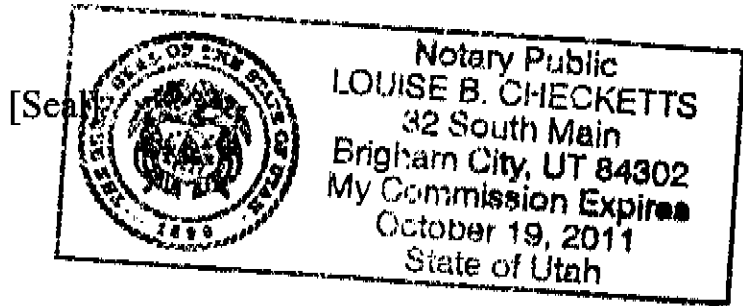


STATE OF UTAH)
)ss.
COUNTY OF BOX ELDER)

BEFORE ME, THE UNDERSIGNED, A Notary Public, within and for said State and County on this 10th day of March, 20 10, personally appeared KIMBERLY U. EVANS who 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 as a free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

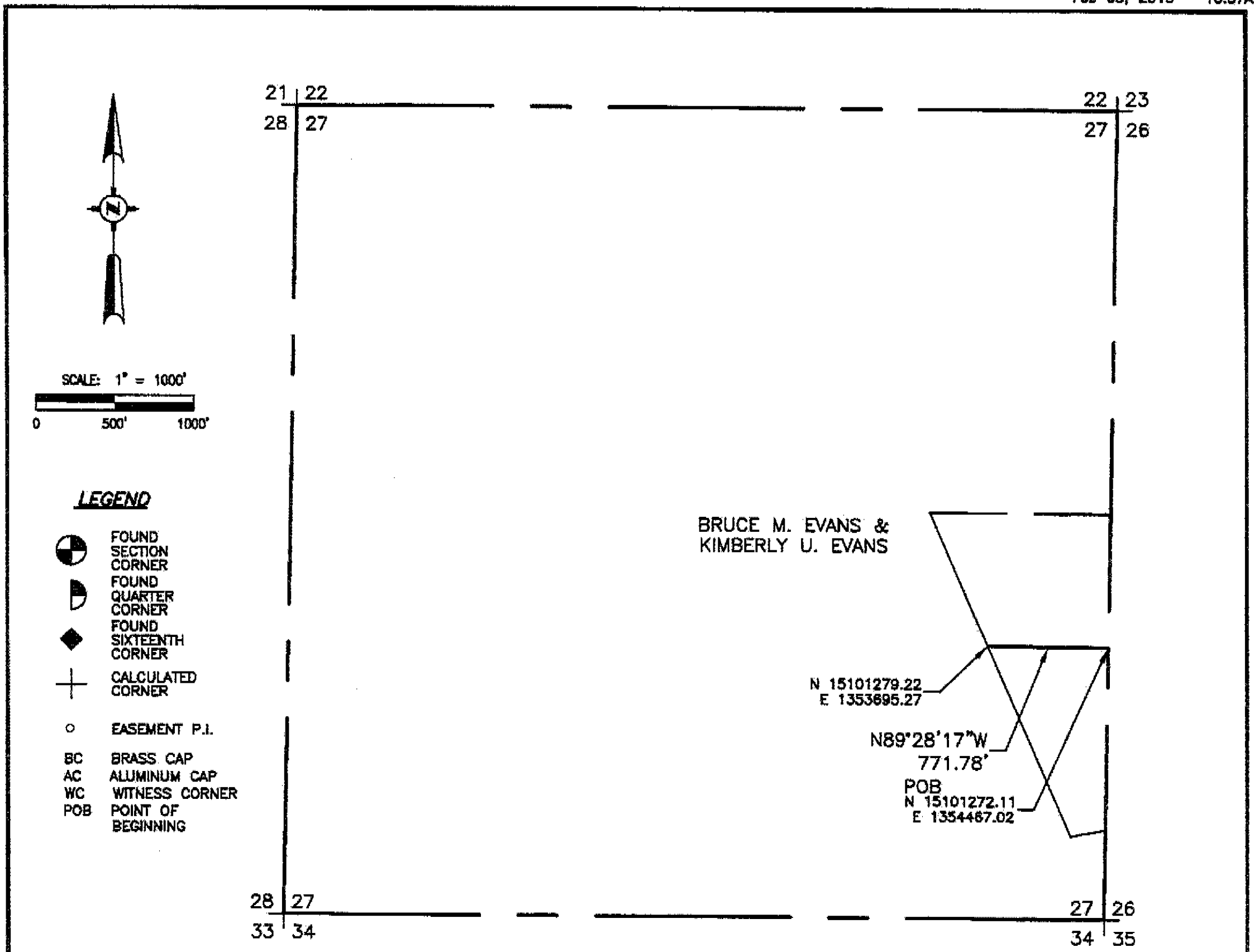
Handwritten signature of Louise B. Checketts, Notary Public



When Recorded, Please Return to:
ATTN: LAND DEPT - 5TH FLR
RUBY PIPELINE LLC
PO BOX 1087
COLORADO SPRINGS CO 80944-1087

EXHIBIT B

Feb 03, 2010 - 10:57AM



BRUCE M. EVANS & KIMBERLY U. EVANS

771.78 FEET 46.78 RODS 0.886 ACRES

EASEMENT DESCRIPTION

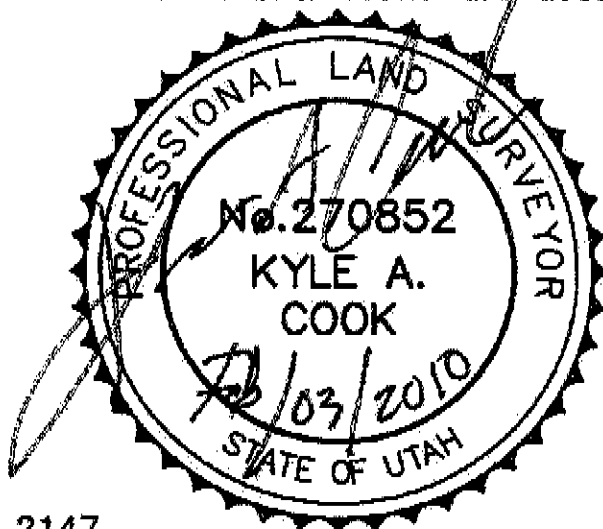
A 50.00 foot easement for pipeline purposes across a portion of the SE ¼ of Section 27, Township 10 North, Range 2 West of the Salt Lake Base Meridian, Box Elder County, Utah. (Section lines are indeterminate based on lack of field evidence. Section lines and subsequent breakdowns are based on the Bureau of Land Management Geographic Control Database grid.) Said Easement being 25.00 feet on each side of the following described centerline:

Beginning at a point on the East line of said Section 27, at coordinates N 15101272.11, E 1354467.02; thence N89°28'17"W a distance of 771.78 feet to a point on the West line of parcel in said Section 27, at coordinates N 15101279.22, E 1353695.27 and said centerline there terminating, said point lies on the East Right-of-Way line of the Union Pacific Railroad Company.

CERTIFICATE OF SURVEYOR

I, Kyle A. Cook, a professional land surveyor in the state of Utah, do hereby state that, to the best of my knowledge, information, and belief, this plat/exhibit was prepared from field notes taken during an actual survey made by Cook-Sanders Associates or under my supervision in September 2009 and that this plat/exhibit correctly shows the results of said field survey and that the monuments found are accurate to the best of our ability and knowledge.

Kyle A. Cook
LS 270852



NOTES:

- 1.) The accompanying plat does not constitute a boundary survey.
- 2.) Easement centerline may not represent location of pipeline.
- 3.) Client did not want rights-of-way and easements shown.
- 4.) Basis of bearings - Geodetic bearings as established by static GPS observations and relative to NAD 83 (CORS 98), UTM Zone 12 North, calculated by NGS-OPUS.
- 5.) Project elevations relative to NAVD 88 (Geoid 03) as determined from the same NGS-OPUS calculation.
- 6.) Combined adjustment factor: 1.000505285 (Grid to Ground).
- 7.) Calculated corner positions are determined from record information as shown on available GLO/BLM plats. Section lines are relative to the BLM GCDB or occupation lines in areas where PLSS corners were not found.

REF. DWG: LINE LIST NO.: 2147

SURVEYED AND PREPARED BY: Cook-Sanders Associates Inc 331 South Rio Grande Ave., Suite 120 Salt Lake City, Ut. 84101 801-364-4051		1	1/25/10	SRH	REVISED PROPERTY LINES		
Division: ROCKY MOUNTAIN Op. Area: ELKO		NO.	DATE	BY	DESCRIPTION	PROJ. ID	APPR.
State: UTAH Co./Par.: BOX ELDER		REVISIONS					
Section: 27 Township: 10N Range: 2W		LAND PLAT					
Dft: SRH Date: 1/25/10 Project ID: 128575		RUBY PIPELINE--LN 300A					
Chk: KAC Date: 2/03/10 Scale: AS SHOWN		CROSSING BRUCE M. EVANS &					
Appr: Date: Filename: 0300-AU-2147		KIMBERLY U. EVANS					
PROPERTY						RUBY PIPELINE LLC	
						300AU-2147	Sheet: 1 of 1 Type: ACAD
							Rev. 1