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Recorded JAN 5 1950 3:10 P. m.
Request of A. E. LARKIN, Trustee
Fee Paid, Neill M. Jack,
Recorder, Salt Lake County, Utah
\$ 7.90 By J. J. [illegible] Deputy
Ref. _____

5 1950 A S E M E N T

AMERICAN SMELTING AND REFINING COMPANY, a corporation of the State of New Jersey, Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby gives and grants to KENNECOTT COPPER CORPORATION, a corporation of the State of New York and to WESTERN PHOSPHATES, INC., a corporation of the State of Delaware, Grantees, and to each of them, their successors and assigns, a perpetual easement and right to at any and all times discharge over and upon the hereinafter described lands, through the medium of the air, such dust, smoke, fumes, cinders and other matter as may be released or thrown off by or in the course of the operation of any and all smelters, plants, refineries or other industrial installations now or hereafter constructed, maintained or operated by Grantees, their successors and assigns, within the counties of Salt Lake or Tooele, State of Utah.

Grantor agrees that the rights and easements hereby granted shall be perpetual, and that Grantor will not in the future make or assert any claims directly or indirectly against Grantees, their successors and assigns, by reason of the discharge over or upon said lands of dust, smoke, fumes, cinders and other matter which may be released or thrown off by or in the course of the operation of any smelting plants, concentrating plants, refineries or other industrial installation operated or maintained by Grantees, their successors or assigns, within the counties of Salt Lake or Tooele, State of Utah, as said counties are now established.

These easements and rights are intended to attach to and adhere to the said lands and be binding upon Grantor, its successors and assigns.

Grantees, in the enjoyment of the easements hereby granted, shall have the right at reasonable times, and from time to time, to go upon the property covered hereby for the purpose of observing and inspecting vegetation, animals and personal property, not located in any dwelling.

The lands herein referred to and over and upon which said easements and rights are granted are particularly described as follows:

1. All that certain parcel of land situate, lying and being in Section 6, Township 3 South, Range 1 East, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

Beginning at a point 445.8 feet east from the west quarter corner of said Section 6, and running thence No. $0^{\circ} 54'$ E. 68.5 feet to the South side of 7th South St., in the Town of Sandy; thence S. $89^{\circ} 52'$ E. along the south side of said street 746.8 feet to the center line of the East Jordan Irrigation Co.'s canal; thence S. $35^{\circ} 48'$ W. along the center of said canal 204.8 feet; thence S. $39^{\circ} 27'$ W. along the center of said canal 276.1 feet; thence S. $23^{\circ} 34'$ W. along the center of said canal 386.17 feet; thence West 308.71 feet; thence No. $0^{\circ} 54'$ E. 666.6 feet to the point of beginning.

2. All that certain parcel of land situate, lying and being in Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

Beginning at a concrete monument 18" below the surface, at the center of Germania Avenue, Murray, said monument being 2720.95 feet North and 418.98 feet East from the Southeast Corner Monument of Section 12, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence South 358.0 feet to concrete monument set in the slag dump; thence North $72^{\circ} 16'$ West, 1411.82 feet; thence South $23^{\circ} 10'$ West, 1713.90 feet; thence West 45.65 feet to the East line of Union Pacific (Oregon Short Line) Right of Way; thence Northerly along a curve to the right, 96.62 feet, the radius of said curve being 2814.93 feet, and the sub-chord of said curve bears North $22^{\circ} 21'$ East, 94.89 feet to a concrete monument; thence North along said right of way $23^{\circ} 48' 30''$ East, 1698.66 feet to a steel peg between the ties of a track; thence Northerly along a curve to the left 771.61 feet to a steel peg at the intersection of the south boundary of 2nd Avenue with the Union

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Pacific Right of Way, the radius of said curve being 14.93 feet, and whose sub-chord bears North 16° 23' 30" East, 768.45 feet; thence East along south side of 2nd Avenue 981.03 feet; thence South 78.10 feet; thence East 141.60 feet; thence South 197.55 feet; thence South 35° 31' East, 149.70 feet; thence East 20.1 feet; thence South 5.73 feet; thence West 42.16 feet to the center of Little Cottonwood Creek; thence South along said creek 29° 12' East, 234.0 feet; thence South along creek 44° 03' East, 140.59 feet; thence North 81° West, 163.56 feet; thence North 61° West, 127.94 feet; thence South 237.82 feet to a concrete monument above the surface on the north side of Germania Avenue; thence South 16.67 feet to concrete monument in center of Germania Avenue, the point of beginning, containing 31.417 acres.

3. The patented placer mining claim known as "American", granted American Smelting and Refining Company by The United States of America by Letters Patent #466655, dated April 3, 1915, and recorded in Book 162 of Mining Records, Page 97 in the Office of the Recorder of Utah County and Book 3-F of Mining Records, page 381, in the Office of the Recorder of Tooele County, Utah and included in Survey No. 5704 of the U.S. Surveyor General, and situate in Sections 10, 11, 14 and 15, Township 8 South, Range 3 West, Salt Lake Base and Meridian, and partly in Utah County and partly in Tooele County, State of Utah, and more particularly described as follows:

Beginning at a point on the boundary line of the "American No. 2" placer claim, U. S. Letters Patent #466655, and from which point the closing corner between Sections 10 and 15, said Township and Range, bears S. 2° 44' W., 1024.4 feet distant; thence South 2640 feet; thence East 2640 feet; thence North 2640 feet; thence West 2640 feet to the place of beginning.

4. The Century Placer Mining Claim, situate in the Hot Springs Mining District, Salt Lake County, Utah, described as follows:

The East Half of the Southeast Quarter of Section 23, Township 1 South, Range 1 East, Salt Lake Base and Meridian, containing 80 acres more or less.

Subject to (1) right of way for highway granted by American Smelting and Refining Company to Salt Lake County by deed dated December 12, 1927 and recorded in Book 27, page 511 of the records of said County; (2) right of way for water conduit granted by American Smelting and Refining Company to Salt Lake City by deed dated December 31, 1919 and recorded in Book 3-M, page 340 of the records of said County; (3) rights of way for high-

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ways granted by American Smelting and Refining Company to State Road Commission of Utah by deeds dated April 14, 1937 and September 7, 1955.

5. All those certain lots, pieces and parcels of land situate in Sections 26 and 35, Township 1 South, Range 1 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

Lots 7 and 12 in Block 4 of Ten Acre Plat B in the Big Field Survey.

That portion of Lots 8, 9, 10 and 11 in said Block 4 of Ten Acre Plat B in the Big Field Survey, described as follows:

Beginning at the Southwest corner of said Lot 8; thence East 92 rods to the Southeast corner of said Lot 11; thence North along the East line of said Lots 11 and 10, 64.3 rods to the South line of the County Road; thence along the South line of said County Road, South 87-1/2° West, 36.5 rods; thence West, to a point 24.52 rods North and North 89° 51' East 439 feet from the Southwest corner of said Lot 9; thence South 5° West 847.44 feet; thence South 82° West 5.51 chains to the West line of said Lot 8; thence South 4.96 rods to the place of beginning.

Subject to any streets and highways open or proposed, upon said premises.

6. The Belshazzar Lode Mining Claim, Survey No. 100, situate in the Big Cottonwood Mining District, County of Salt Lake, State of Utah:

Being the premises conveyed to American Smelting and Refining Company by Alois P. Swoboda by deed dated February 9, 1934 and recorded in Book 120 of Deeds, page 293, in the office of the recorder of Salt Lake County, Utah.

7. The following described tracts of land situate in Section 29, Township 1 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah:

Beginning at a point in the fence bounding Taylor's land on the west, which point is situated 15.1 rods, more or less, west from the southeast corner of the northeast quarter of said Section 29, and running thence North 114.5 rods to the center of a 4-rod road; thence North 66° West, 85.391 rods along the center of said road to a point; thence South 338.835 feet; thence West 119.22 feet; thence South 124.797 rods, more or less, to the quarter section line, and thence East 85.5 rods to the point of beginning.

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All that part of Lot 4, Block 1, Adobie Rock Plat, described as beginning in the center of a 6-rod street at a point 52 rods South and North 66° West 2 rods from the Northeast corner of said Section 29; thence North 66° West 14 rods; thence South along the West line of said Lot 4, 25 rods; thence South 66° East 117.14 feet; thence East 104.02 feet more or less to the East line of said Lot 4, and thence North 366.19 feet more or less to the point of beginning.

Beginning at a point 20.43 chains North and 2.15 chains West from the Southeast corner of the Northeast quarter of said Section 29, and running thence due West 1.65 chains; thence North 1° East 73 links; thence South 66° East 1.79 chains to the place of beginning.

Beginning at a point 120 rods North of the Southeast corner of said Section 29, and running thence North 40 rods; thence West 40 rods; thence South 40 rods; thence East 40 rods to the place of beginning.

The foregoing parcels described in this Item 7 are subject to the following:

- (a) Existing roads and streets.
- (b) Right of way for a pole line granted by American Smelting and Refining Company to Mountain States Telephone and Telegraph Co. by instrument dated May 1, 1952.
- (c) Right of way for a pipeline granted by American Smelting and Refining Company to Mountain Fuel Supply Co. by instrument dated December 22, 1954.

8. The following described tracts of land situate in Sections 35 and 36, Township 1 South, Range 4 West, Salt Lake Base and Meridian:

Beginning at a point which is 19.09 chains North from the Southeast corner of the Northeast quarter of said Section 35, and running thence North 8.39 chains; thence West 17.60 chains; thence South 8.39 chains; thence East 17.60 chains to the place of beginning, containing 14.26 acres of land, more or less; excepting therefrom the following: Beginning at a point which is 1813.7 feet North and 1066.7 feet West from the Southeast corner of the Northeast quarter of said Section 35, and running thence West 94.9 feet; thence South 141.9 feet; thence North $34^{\circ} 10'$ East along the State Highway 171.5 feet to the place of beginning, containing .15 of an acre, more or less.

Also, beginning at a point which is 20 chains East and 19.06 chains North from the Southwest corner of the Northwest quarter of said Section 36, and running thence West 15.40 chains; thence North 3.54 chains; thence East 15.40 chains; thence South 3.54 chains to the place of beginning, containing 5.45 acres of land more or less.

Also, beginning at a point which is 12.52 chains South from the Northwest corner of said Section 36, and running thence South 8.42 chains; thence East 85 links; thence North 4° West 8.50 chains; thence West 19 links to the place of beginning, containing .44 of an acre, more or less.

Also, beginning at a point which is 19.09 chains North and .85 chains East of the Southwest corner of the Northwest quarter of said Section 36, and running thence East fifteen rods; thence North one rod; thence West fifteen rods; thence South 4° East one rod, more or less, to the place of beginning, containing fifteen square rods of land, more or less.

Also, beginning at a point which is 1259.9 feet North and 1161.6 feet West from the Southeast corner of the Northeast quarter of said Section 35, and running thence North 230 feet; thence South $34^{\circ} 10'$ West along the State Road Easterly right of way line 278 feet; thence East 156.1 feet to the place of beginning, containing 0.41 of an acre of land, more or less.

Subject to existing rights of way of record.

9. The following described tracts of land situate in Section 32, Township 1 South, Range 2 West, and in Section 5, Township 2 South, Range 2 West, both Salt Lake Base and Meridian:

Beginning at the South $1/4$ 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, less Road Right of Way, containing a net acreage of 6.42 acres. Together with the well appurtenant to above described land.

Beginning at a point marked by an iron stake, said point being South 557.2 feet and West 35.6 feet from the N- $1/4$ 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.

Also beginning at the North $1/4$ 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.

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10. The following named patented mining claims, situate in the Clifton Mining District, Tooele County, State of Utah:

"Atlantas", U.S. Survey #4385, containing 20.661 acres more or less, patented on or about December 18, 1901;

"Bonanza King", "Bonanza Queen" and "New Years", containing 39.115 acres more or less, patented on or about August 17, 1893;

"Carrie", containing 6.820 acres more or less, patented on or about November 16, 1892;

"Calaveras" and "Calaveras No. 2", U. S. Survey #4383, containing 37.071 acres more or less, patented on or about December 18, 1901;

"Ochre Springs", containing 20.625 acres more or less, patented on or about August 1, 1893;

"Tucson", U.S. Survey #4384, containing 15.867 acres more or less, patented on or about December 18, 1901;

"Union", U.S. Survey #4394, containing 20.188 acres more or less, patented on or about November 17, 1902;

"Tuolumne", U.S. Survey #4386, containing 20.661 acres more or less, patented on or about December 18, 1901.

"Dottie" and "Grand Cross", containing 31.492 acres more or less, patented on or about September 20, 1893;

"Export", U.S. Survey #4380, containing 20.660 acres, more or less, patented on or about April 1, 1903;

"Gilberson", containing 12.706 acres more or less, patented on or about March 20, 1889;

"Golden Gem", U.S. Survey #4381, containing 15.648 acres more or less, patented on or about December 18, 1901;

"Dottie No. 2" (amended), U.S. Survey #6428, containing 14.661 acres more or less, patented on or about October 30, 1920;

"Gold Hill No. 2", U.S. Survey #6426, containing .495 acre more or less, patented on or about January 23, 1919.

Being part of the premises conveyed to American Smelting and Refining Company by the following two deeds: (1) from Columbia Trust Company, Trustee, by deed dated February 28, 1930 and recorded March 13, 1930 in Book 3-S of Deeds, pages 64-5, in the Recorder's Office of Tooele County; (2) by Preston D. Richards and Barbara H. Richards, his

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wife, by deed dated February 28, 1930 and recorded March 13, 1930 in Book 3-S of Deeds, page 65, in the Recorder's Office of Tooele County.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed by its duly authorized officers the 2nd day of January, 1959.

AMERICAN SMELTING AND REFINING COMPANY

By John Mackenzie
Its President

ATTEST:
David Home
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 first duly sworn, on oath did say:

That he is 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 duly acknowledged to me that said corporation executed the same.

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

W. Thomas Reed
Notary Public

AMERICAN SMELTING & REFINING COMPANY

TO

KENNECOTT COPPER CORPORATION

SMOKE INSURANCE

Dated: JANUARY 2, 1959