

Entry No. 26784  
Indexed ✓  
Abstracted ✓  
Redg. Fee 15.50

STATE OF UTAH } 88  
COUNTY OF CARBON }  
FILED AND RECORDED FOR

840

S.E. Utah Title  
APR 5 11 09 AM '90  
BOOK 295 RECORDS  
PAGE 840-845

**ASSIGNMENT OF RIGHT OF WAY**  
**SERIAL NO. UTSL 0034138**

THIS ASSIGNMENT, made and entered into this 5 day of APRIL, 1990, by and between KAISER COAL CORPORATION, KAISER COAL CORPORATION OF UTAH, KAISER COAL CORPORATION OF SUNNYSIDE, KAISER FUEL CORPORATION, all Delaware corporations with their principal offices at P.O. Box 1107, Raton, New Mexico 87740 (collectively "Assignor") and INTERMOUNTAIN POWER AGENCY, a political subdivision of the State of Utah, whose address is c/o Los Angeles Department of Water & Power, P.O. Box 111, Los Angeles, California 90051 (hereinafter "Assignee").

**RECITALS:**

A. Assignor is debtor in possession in jointly administered bankruptcy proceedings designated as Case No. 87-01552E pending before the United States Bankruptcy Court for the District of Colorado ("Bankruptcy Court").

B. Assignor is the owner of that certain United States Right of Way Serial No. UTSL 0034138 (the "Subject Right of Way"), covering the following described tracts of land, containing 1,000 acres, more or less, situated in Carbon County, State of Utah:

**Township 15 South, Range 13 East, SLBM**

- Section 1: All
- Section 12: All

**Township 15 South, Range 14 East, SLBM**

- Section 7: All
- Section 17: All
- Section 20: All

C. Assignor desires to assign to Assignee and Assignee desires to acquire the Subject Right of Way, all in accordance with the terms and conditions set forth below.

D. By Order dated February 15, 1989, the Bankruptcy Court approved the sale of the Subject Right of Way to Assignee.

NOW, THEREFORE, for and in consideration of the sum of TEN DOLLARS (\$10.00), in hand paid and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee hereby agree as follows:

AGREEMENT

1. Assignor hereby sells, assigns, transfers and conveys unto Assignee, its successors and assigns forever, all of Assignor's right, title and interest, now owned or hereafter acquired, in and to the Subject Right of Way and the lands covered thereby, without warranty.
2. Assignee hereby accepts the assignment of the Subject Right of Way and agrees hereafter to keep and perform all of the Assignor's covenants and obligations pursuant to the Subject Right of Way.
3. This Assignment is subject to and contingent upon the approval of the Bureau of Land Management of the Department of the Interior.
4. This Assignment shall extend to, be binding upon and inure to the benefit of the respective successors and assigns of Assignor and Assignee.

IN WITNESS WHEREOF, this Assignment is executed and delivered as of the day and year first above written.

ASSIGNOR:

KAISER COAL CORPORATION

BY C. G. Bradford  
ITS President

KAISER COAL CORPORATION OF UTAH

BY C. G. Bradford  
ITS Vice President

KAISER COAL CORPORATION OF  
SUNNYSIDE

BY C. G. Bradford  
ITS Vice President

KAISER FUEL CORPORATION

BY C. G. Bradford  
ITS Vice President

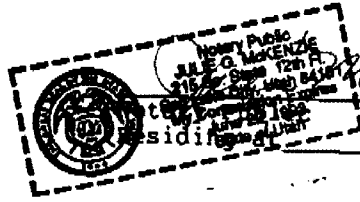
ASSIGNEE:

INTERMOUNTAIN POWER AGENCY

BY Reed T. Seale  
ITS Gen. Mgr.

STATE OF Utah )  
CITY AND COUNTY OF Salt Lake : ss.

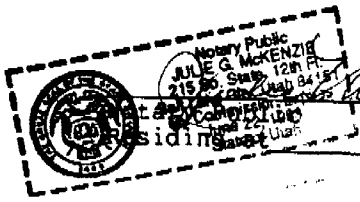
On this 5 day of April, 1990, personally appeared before me CA Bradford, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that he/she is the Pres. of KAISER COAL CORPORATION, and that said document was signed by him in behalf of said corporation by authority of its bylaws, and said CA Bradford acknowledged to me that said corporation executed the same.

 Julie G. McKenzie

My Commission Expires:  
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STATE OF Utah )  
CITY AND COUNTY OF Salt Lake : ss.

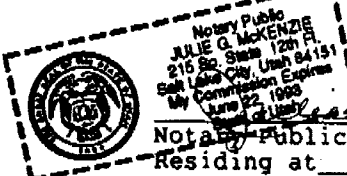
On this 5 day of April, 1990, personally appeared before me CA Bradford, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that he/she is the Pres. of KAISER COAL CORPORATION OF UTAH, and that said document was signed by him in behalf of said corporation by authority of its bylaws, and said CA Bradford acknowledged to me that said corporation executed the same.

 Julie G. McKenzie

My Commission Expires:  
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STATE OF Utah  
CITY AND COUNTY OF Salt Lake: ss.

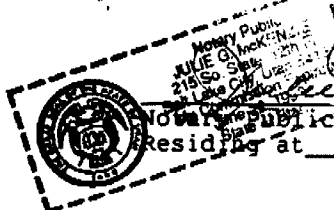
On this 5 day of April, 1990, personally appeared before me Ca Bradford, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that he/she is the V. Pres. of KAISER COAL CORPORATION OF SUNNYSIDE, and that said document was signed by him in behalf of said corporation by authority of its bylaws, and said Ca Bradford acknowledged to me that said corporation executed the same.

 Julie G. McKenzie  
Notary Public  
Residing at \_\_\_\_\_

My Commission Expires:  
\_\_\_\_\_

STATE OF Utah  
CITY AND COUNTY OF Salt Lake: ss.

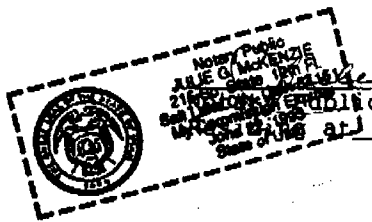
On this 5 day of April, 1990, personally appeared before me Ca Bradford, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that he/she is the V. Pres. of KAISER FUEL CORPORATION, and that said document was signed by him in behalf of said corporation by authority of its bylaws, and said Ca Bradford acknowledged to me that said corporation executed the same.

 Julie G. McKenzie  
Notary Public  
Residing at \_\_\_\_\_

My Commission Expires:  
\_\_\_\_\_

STATE OF Utah )  
CITY AND COUNTY OF Salt Lake : ss.

On this 5 day of April, 1990, personally appeared before me Reed J. Seale, whose identity is personally known to or proved to me on the basis of satisfactory evidence, and who, being by me duly sworn, did say that he/she is the Gen. Mgr. of INTERMOUNTAIN POWER AGENCY, and that said document was signed by him in behalf of said corporation by authority of its bylaws, and said Reed J. Seale acknowledged to me that said corporation executed the same.

 Julie G. McKenzie  
Notary Public  
Salt Lake County, Utah  
Commission Expires 03/12/95  
Julie G. McKenzie

My Commission Expires:  
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