

RECORDED APRIL 2, 1976 BK 214 PG 376 NO. 682697 MARGARET LEWIS, COUNTY CLERK
ASSIGNMENT, CONVEYANCE AND AGREEMENT

THIS ASSIGNMENT, CONVEYANCE AND AGREEMENT is made this 11th day of September, 1975, between DECKER COAL COMPANY, a joint venture, comprised of Western Minerals, Inc., an Oregon corporation, and WYTANA, INC., a Delaware corporation, hereinafter called Assignor, and WESTANA CORPORATION, a Montana corporation, hereinafter called Assignee;

WITNESSETH; that for good and valuable consideration, the receipt hereof is acknowledged:

1. Assignor hereby grants, transfers, conveys, assigns and sets over unto Assignee, its successors and assigns forever, the Easements and Corrective Easements affecting lands situated in Sheridan County, Wyoming (hereinafter collectively called the premises), and more specifically described in paragraphs A through H of Exhibit A, attached hereto and incorporated herein by this reference, TOGETHER WITH all the estate, right, title and interest of the Assignor in and to each of the Easements and Corrective Easements described in paragraphs A through H of Exhibit A, attached hereto.

2. Assignor hereby further grants, transfers, conveys, assigns and sets over unto Assignee all of its estate, right, title and interest in all improvements, tenements, hereditaments, and appurtenances now located on or attached to the premises covered by the Easement Agreements or Corrective Easement Agreements.

TO HAVE AND TO HOLD the same unto the Assignee, its successors and assigns from the 11th day of September, 1975, SUBJECT, HOWEVER, to the following exceptions, reservations and obligations:

(a) All reservations and exceptions appearing in the U. S. patents, Easement Agreements or Corrective Easement Agreements effecting the premises described in paragraphs A through H of Exhibit A hereto.

(b) All vested rights for easements and rights-of-way of whatever nature.

(c) The payments, covenants, conditions and provisions contained in the Easements or Corrective Easements described in paragraphs A through H of Exhibit A, hereto.

Assignor hereby covenants that it has full right, power and authority to grant, transfer, convey, assign and set over unto the Assignee all its estate, right, title and interest in and to the Easements and Corrective Easements more specifically described in paragraphs A through H of Exhibit A, attached hereto and all improvements, tenements, hereditaments and appurtenances now located or attached to the premises.

Assignor further hereby covenants that all conditions necessary to keep the Easement Agreements and Corrective Easement Agreements described in Exhibit A in full force have been performed to date of this Assignment, and that all Easement Agreements and Corrective Easement Agreements are valid and existing and that no default by Assignor exists.

All of the covenants and agreements herein contained shall extend and be obligatory upon the successors and assigns of the parties, and by execution of this Agreement the Assignee assumes all of the obligations and duties of Assignor under the aforementioned Easement Agreements and Corrective Easement Agreements.

Executed this 11th day of September, 1975.

DECKER COAL COMPANY

By Donald L. Sturm
 Donald L. Sturm, Member of
 Management Committee of
 Decker Coal Company

WESTANA CORPORATION

By: Walter Scott, Jr.
Walter Scott, Jr., Secretary

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 11th day of September, 1975, before me, a Notary Public, duly qualified in said county, personally came Donald L. Sturm, Member of Management Committee of Decker Coal Company, known to me to be the identical person whose name is subscribed to the foregoing instrument and he acknowledged the execution thereof to be his voluntary act and deed under the authority of said joint venture.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of September, 1975.



J. S. Teplicky
Notary Public

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 11th day of September, 1975, before me, a Notary Public, duly qualified in said county, personally came Walter Scott, Jr., Secretary of Westana Corporation, to me known to be the identical person whose name is subscribed to the foregoing instrument and he acknowledged the execution thereof to be his voluntary act and deed under the authority of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of September, 1975.



J. S. Teplicky
Notary Public

A. An Easement Agreement between Adam Goodman and Anna Goodman, husband and wife, c/o Henry A. Burgess and Mary H. Burgess, Grantors, and Peter Kiewit Sons' Co., a Delaware corporation, Grantee, executed on October 14, 1970 and recorded on May 3, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Sheridan, Wyoming, in Book 181 of Deeds at pages 367 to 373; said Easement Agreement subsequently assigned from Peter Kiewit Sons' Co. to Decker Coal Company on October 19, 1971 and recorded on December 6, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Book 184 of Deeds at pages 558 and 559.

B. An Easement Agreement executed between Tuck Hape and Helen Hape, husband and wife, Grantors, and Peter Kiewit Sons' Co., a Delaware corporation, Grantee, on February 16, 1971, and recorded on May 3, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Sheridan, Wyoming, in Book 181 of Deeds at pages 407 to 415; said Easement Agreement subsequently assigned by Peter Kiewit Sons' Co. to Decker Coal Company on January 17, 1972, and recorded on January 18, 1972 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Sheridan, Wyoming, in Book 185 of Deeds at pages 315 and 316; said Easement Agreement corrected by a Corrective Easement Agreement executed between Tuck Hape and Helen Hape, husband and wife, Grantors, and Decker Coal Company, Grantee, on August 16, 1972, and recorded on August 21, 1972 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Sheridan, Wyoming in Book 188 of Deeds at pages 589 to 595.

C. An Easement Agreement executed between Minnie B. Hanson and Louise E. Peard, Grantors, and Peter Kiewit Sons' Co., a Delaware corporation, Grantee, on February 18, 1971, and recorded on May 3, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Sheridan, Wyoming in Book 181 of Deeds at pages 425 to 433; said Easement Agreement subsequently assigned by Peter Kiewit Sons' Co. to Decker Coal Company on October 19, 1971 and recorded on December 6, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Book 184 of Deeds at pages 558 and 559.

D. An Easement Agreement executed between Lyle W. Bentzen and Elizabeth M. Bentzen, Grantors, and Peter Kiewit Sons' Co., a Delaware corporation, Grantee, executed on March 24, 1971 and recorded on May 3, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Book 181 of Deeds at pages 374 to 384; said Easement Agreement subsequently assigned from Peter Kiewit Sons' Co. to Decker Coal Company on October 19, 1971 and recorded on December 6, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Book 184 of Deeds at pages 558 and 559.

E. An Easement Agreement executed between Joseph Plich and Anna Plich, Grantors, and Peter Kiewit Sons' Co., a Delaware corporation, Grantee, on March 24, 1971 and recorded on May 3, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Book 181 of Deeds at pages 385 to 396; said Easement Agreement subsequently assigned by Peter Kiewit Sons' Co. to Decker Coal Company on December 1, 1971 and recorded on December 6, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Book 184 of Deeds at pages 560 to 561.

F. An Easement Agreement between Jesse Gorman and Ferne M. Gorman, husband and wife, Grantors, and Peter Kiewit Sons' Co., a Delaware corporation, Grantee, executed on February 16, 1971 and recorded on May 3, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Book 181 of Deeds at pages 416 to 424; said Easement Agreement subsequently assigned from Peter Kiewit Sons' Co. to Decker Coal Company on October 19, 1971 and recorded on December 6, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Book 184 of Deeds at pages 558 and 559.

G. An Easement Agreement executed between John and Edith Fern Trembath, husband and wife, Grantors, and Peter Kiewit Sons' Co., a Delaware corporation, Grantee, on February 19, 1971 and recorded on May 3, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Sheridan, Wyoming in Book 181 of Deeds at pages 397 to 406; said Easement Agreement subsequently assigned by Peter Kiewit Sons' Co. to Decker Coal Company on December 1, 1971 and recorded on December 6, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Sheridan, Wyoming in Book 184 of Deeds at pages 562 to 563.

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H. An Easement Agreement executed between Pacific Power & Light Company, an Oregon corporation, Grantor, and Decker Coal Company, Grantee, on April 30, 1971 and recorded on May 5, 1971 in the Office of the Sheridan County Clerk and Ex-Officio Register of Deeds in Sheridan, Wyoming in Book 181 of Deeds at pages 472 to 481.