

After recording return to:
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Helena, MT 59624-1144

Right of Way Application No. 14298
Affecting a 100-foot strip across the
Missouri River in the NW4NW4, Sec. 30,
Twp. 21N, Rge. 5E
Cascade County, Montana

EASEMENT NO. D-12539

RIGHT OF WAY DEED

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF MONTANA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Know ye that the State of Montana (hereinafter referred to as "Grantor"), in consideration of the sum of Three Thousand Nine Hundred Seventy and No/100 Dollars (\$3,970.00), now paid, grants to Southern Montana Electric Generation and Transmission Cooperative (hereinafter referred to as "Grantee") a right of way for a 230kv power transmission line upon and across State lands, as follows:

A 100-foot strip across the Missouri River in the NW4NW4, Section 30, Township 21 North, Range 5 East, Principal Meridian Montana, Cascade County, Montana, more particularly described as follows:

A tract or strip of land 100 feet wide, 50 feet on each side of a centerline as shown and depicted on the Exhibit attached hereto and made a part hereof and containing 1.985 acres, more or less.

The grant of this easement is subject to the following conditions:

The Grantee shall comply with the Montana Antiquities Act, Title 22, Chapter 3, MCA. In particular, Sections 22-3, Parts 4 and 8.

It is also agreed that the Grantee shall comply with such rules or regulations as may be hereafter imposed by the State Board of Land Commissioners to insure that the environment will be adequately protected and the public health and safety not be endangered.

The Grantee shall be responsible for controlling any noxious weeds introduced by Grantee's activity on state-owned land. The Grantee's methods of control must be reviewed by the Grantor's Area Field Office that has jurisdiction for that locale.

The Grantee shall comply with the Montana County Noxious Weed Management Act, Section 7-22-2101 MCA et. seq., as follows:

The Grantee shall notify the local weed board that is responsible for that geographical area that the project is located in. If the Grantee disturbs vegetation for any reason, Grantee shall be required to revegetate the disturbed area. The Grantee shall submit to the local weed board a written plan specifying the methods to be used to accomplish revegetation. The plan must describe the time and method of seeding; fertilization, recommended plant species, use of weed-free seed, and the weed management procedures to be used. This plan is subject to approval by the local weed board, and therefore must be signed by the chairman of the board. Upon termination of this easement, Grantee shall reclaim the entire area in accordance with this paragraph.



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Provided further, lines should be designed to prevent possible electrocution of peregrine falcons, bald eagles, and other raptors. Reconstruction of existing lines should assure that clearances between conductors, and conductors and ground wire, are sufficient to preclude raptor electrocutions. The recommendation is that power pole construction shall be designed as illustrated in "Suggested Practices for Raptor Protection of Power Lines" (Raptor Research Report No. 4, Raptor Research Foundation, Inc., 1981). A copy of this report can be obtained by writing Raptor Research Foundation, Department of Veterinary Biology, University of Minnesota, St. Paul, Minnesota 55108.

Provided, further, that the right of way deed granted herein shall be assignable by Grantee only with the written approval of the Director, Department of Natural Resources and Conservation.

Provided, further, that this right of way deed is granted under the express condition that the Grantee's exercise of the rights herein granted shall not interfere with the Grantor's use of the adjacent land.

Provided, further, that permission must be obtained in writing, from the Director, Department of Natural Resources and Conservation, prior to the construction of any improvements on the right of way herein granted which is 100 feet wide, 50 feet on each side of the centerline.

The Grantee shall have secured all permits and approvals as may be required by law before beginning any construction within the riverbed. These permits may include, but are not limited to, any permit issued by the Army Corps of Engineers, the State of Montana Department of Environmental Quality, the County Flood Plain Manager, the local County Soil Conservation District and/or the Montana Department of Fish, Wildlife and Parks.

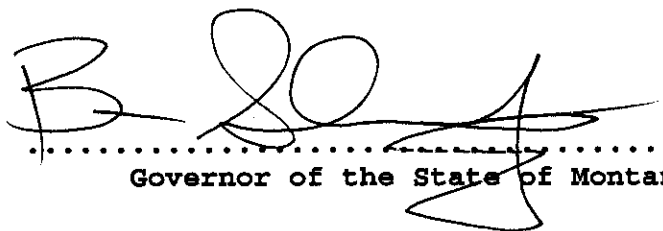
All terms, conditions, project specifications and time-frames contained in all of the required permits, authorizations and construction specification plans become a part of the terms and conditions of this easement.

Provided, that Grantor may terminate this right of way for a material breach of any of the conditions or provisions of this deed. Before termination, the Board shall give Grantee written notice of intent to terminate and a reasonable period to cure the breach.

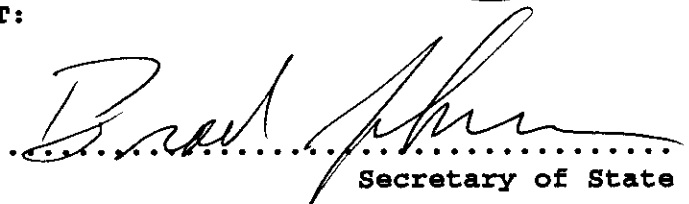
It is further provided that whenever said lands herein granted as a right of way shall cease to be used for such purpose, the right of way shall terminate upon notice to that effect being given to the said grantee named herein.

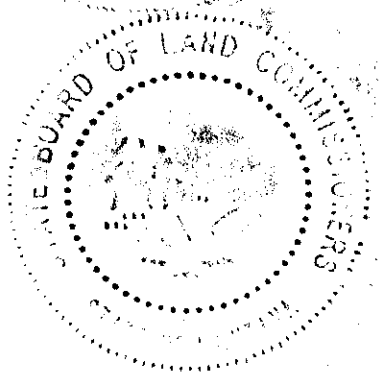
IN TESTIMONY WHEREOF, the State of Montana has caused these presents to be executed by the Governor, and to be attested by the Secretary of State, and countersigned by the Director, Department of Natural Resources and Conservation, and the Great Seal of the State, and the Seal of the State Board of Land Commissioners to be hereunto affixed this 30th day of August, A.D. 2007.



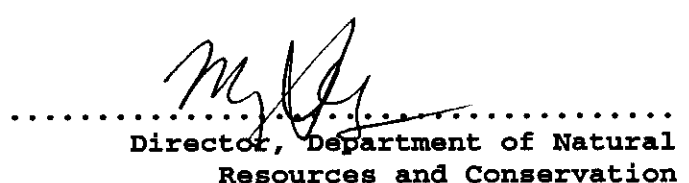

Governor of the State of Montana

ATTEST:


Secretary of State



Countersigned by:


Director, Department of Natural Resources and Conservation

Accepted and Approved:

.....T-R.G.....
Applicant

.....Tim R. GREGORI.....
Printed Name

General Manager
Southern Montana Electric Generation
and Transmission Cooperative, Inc.

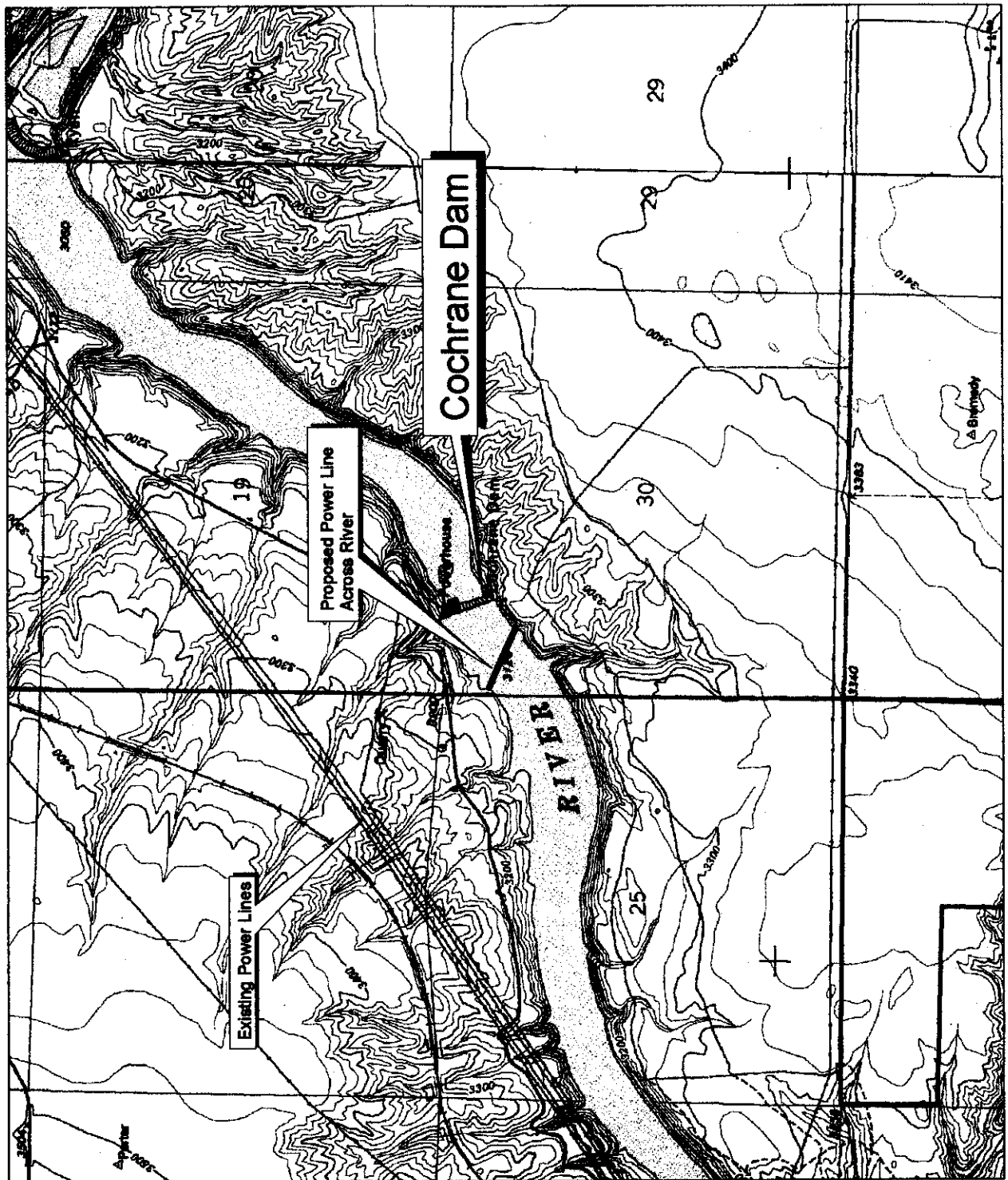


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SME Highwoods Generating Facility

Easement location to cross River

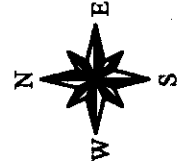


Power_line.shp
Helena unit lands.shp

EXHIBIT A

Montana DNRC
Trust Land Management Division
Central Land Office
Helena Unit

750 0 750 1500 2250 Feet
1:24,000 1 inch = 2000.00 feet



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