

After recording return to:
Mike McCarter
Luxan & Murfitt, PLLP
P. O. Box 1144
Helena, MT 59624-1144

Right of Way Application No. 14297
Affecting a 30-foot strip across the
Missouri River in the SW4NW4, Sec. 14,
Twp. 21N, Rge. 5E
Cascade County, Montana

EASEMENT NO. D-12540

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 Six Hundred Eighty and No/100 Dollars (\$680.00), now paid, grants to Southern Montana Electric Generation and Transmission Cooperative (hereinafter referred to as "Grantee") a right of way for a 20" steel water intake pipeline upon and across State lands, as follows:

A 30-foot strip across the Missouri River in the SW4NW4, Section 14, Township 21 North, Range 5 East, Principal Meridian Montana, Cascade County, Montana, more particularly described as follows:

A tract or strip of land 30 feet wide, 15 feet on each side of a centerline as shown and depicted on the Exhibit attached hereto and made a part hereof and containing 0.34 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 MCA.

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.



CASCADE COUNTY, MT ES

R0159929

Page: 1 of 4
10/15/2007 10:20A
44.00 By: LDAGGETT

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 30 feet wide, 15 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 activity within, above or below the riverbed. These permits 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.

In the event the water source is such that a permit is required from the Department of Natural Resources and Conservation prior to diverting, using or conveying water through the pipeline, then the Grantee must secure said water right permit from the Department of Natural Resources and Conservation prior to any entry or initiation of any construction activity.

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.



A handwritten signature in black ink, appearing to read "B. Blunt".

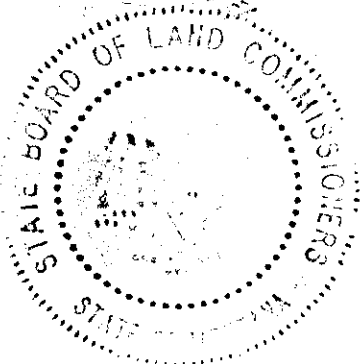
.....
Governor of the State of Montana

ATTEST:

A handwritten signature in black ink, appearing to read "Brad Scher".

.....
Secretary of State

Countersigned by:



A handwritten signature in black ink, appearing to read "M. B. Blunt".

.....
Director, Department of Natural Resources and Conservation



R0159929

Page: 2 of 4

10/15/2007 10:20A

CASCADE COUNTY, MT ES

44.00 By: LDAGGETT

Accepted and Approved:

T-R-G.....
Applicant

Tim R. GREGOR.....
Printed Name

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



EXHIBIT A

LEGAL DESCRIPTION

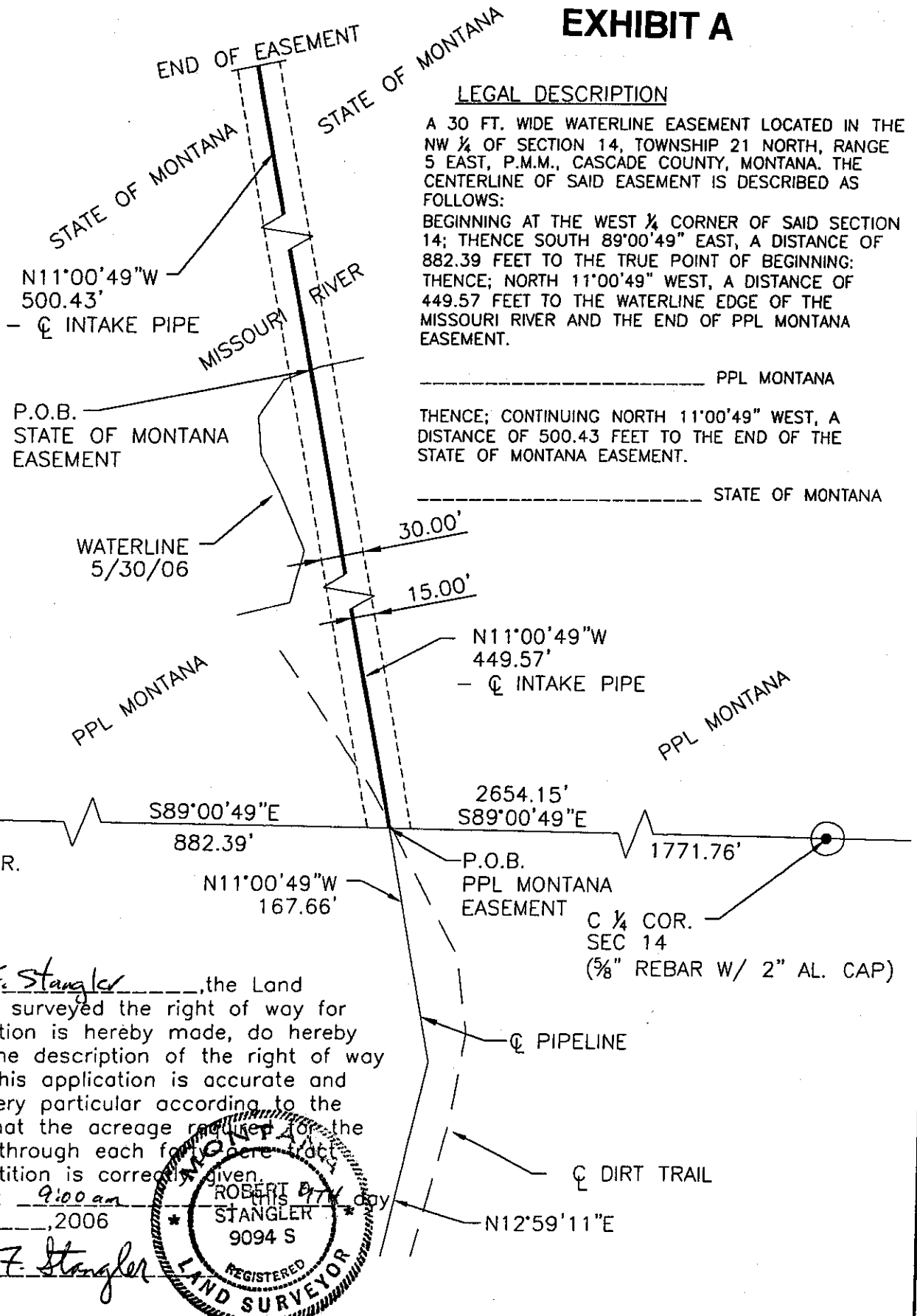
A 30 FT. WIDE WATERLINE EASEMENT LOCATED IN THE NW ¼ OF SECTION 14, TOWNSHIP 21 NORTH, RANGE 5 EAST, P.M.M., CASCADE COUNTY, MONTANA. THE CENTERLINE OF SAID EASEMENT IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ¼ CORNER OF SAID SECTION 14; THENCE SOUTH 89°00'49" EAST, A DISTANCE OF 882.39 FEET TO THE TRUE POINT OF BEGINNING; THENCE; NORTH 11°00'49" WEST, A DISTANCE OF 449.57 FEET TO THE WATERLINE EDGE OF THE MISSOURI RIVER AND THE END OF PPL MONTANA EASEMENT.

PPL MONTANA

THENCE; CONTINUING NORTH 11°00'49" WEST, A DISTANCE OF 500.43 FEET TO THE END OF THE STATE OF MONTANA EASEMENT.

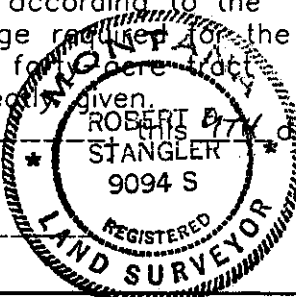
STATE OF MONTANA



I, Robert F. Stangler, the Land Surveyor who surveyed the right of way for which application is hereby made, do hereby certify that the description of the right of way as given in this application is accurate and correct in every particular according to the survey and that the acreage required for the right of way through each of the above tract under this petition is correctly given.

Dated at 9:00 am of NOVEMBER, 2006

Robert F. Stangler



HIGHWOOD GENERATING STATION
CASCADE COUNTY, MONTANA

PIPELINE EASEMENT DESCRIPTION
FOR PPL MONTANA AND THE STATE OF MONTANA



THOMAS, DEAN & HOSKINS, INC.
ENGINEERING CONSULTANTS

GREAT FALLS-BOZEMAN-KALISPELL-HELENA
SPOKANE
LEWISTON

MONTANA
WASHINGTON
IDAHO

DRAWN BY: TJR	DATE: 8/7/06
DESIGNED BY:	JOB NO. 04-143
QUALITY CHECK:	CAD NO. 04-143-01.DWG

SHEET 1



R0159929

Page: 4 of 4

10/15/2007 10:20AM

CASCADE COUNTY, MT ES

44.00 By: LDAGGETT