

RETURN TO:

NorthWestern Energy
Lands & Permitting Dept.
40 East Broadway
Butte, MT 59701

PARTIAL RELEASE OF EASEMENTS

THIS PARTIAL RELEASE OF EASEMENTS is made and entered into this _____ day of June, 2011, between **NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY**, a Delaware corporation, 40 East Broadway, Butte, MT 59701-9394, ("Grantor") and **MONTANA TECH OF THE UNIVERSITY OF MONTANA**, on behalf of the Montana University System, 1300 West Park Street, Butte, MT 59701, ("Grantee").

Recitals

1. Grantee is the owner of certain real property, which is subject to the herein described Indentures. In particular such real property is located in Silver Bow County, Montana, and is more particularly described as follows:

TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M.

Section 14: Tracts 1, 2, and 3 of Certificate of Survey 852-A, a portion of Anglo Saxon Lode MS 590 and Anglo Saxon No. 2 Lodge MS 4251; and Lot 1, Block No. 11 of the Fairview Addition, and also a portion of Lodge MS 4251 lying within Tract 1A of Certificate of Survey 610-B; all as shown and more fully described on the attached Exhibit (the Real Property).

2. NorthWestern is the beneficial owner of the rights, privileges and entitlements arising under the instrument described as follows:
 - a) Right of Way Easement from Jane Taylor Marshall to The Montana Power Company, a corporation, recorded October 16, 1941 in Volume 187 of Deeds, Page 314 in the Office of the Clerk and Recorder of Silver County, Montana. (E#34764)
 - b) Indenture from Anaconda Copper Mining Company, a Montana corporation, to The Montana Power Company, a New Jersey corporation, recorded August 27, 1943, in Book 192 of Deeds, Page 60 in the Office of the Clerk and Recorder of Silver County, Montana. (E#61351)
 - c) Reservation of Easement No. 4 (12" North Loop Line) as described in that certain Quitclaim Deed from The Montana Power Company to Montana Tech Foundation, acquired November 23, 1981, a copy of which is attached hereto and made a part hereof.
 - d) Reservation of that certain twenty (20) foot wide easement being ten (10) feet on each side of the centerline of the existing pipeline as now located upon Lot 1, Block 11 of the Fairview Addition to the City of Butte, and described in that certain Quitclaim Deed from The Montana Power Company to Montana College of Mineral Science & Technology, a unit of the State of Montana University System, recorded August 2, 1982 in Roll 50, Card 458 in the Office of the Clerk and Recorder of Silver County, Montana.

(Collectively the "Easements")

QUITCLAIM DEED

THIS INDENTURE, made the 23rd day of November, 1981 between THE MONTANA POWER COMPANY, a Montana corporation, with offices at 40 E. Broadway, Butte, Montana 59701, the Party of the First Part, and MONTANA TECH FOUNDATION, a Montana corporation of Butte, Montana, the Party of the Second Part;

W I T N E S S E T H:

That the said Party of the First Part for and in consideration of the sum of Ten Dollars (\$10.00) to it in hand paid by the said Party of the Second Part, receipt of which is hereby acknowledged, does hereby convey, remise, release and forever quitclaim unto the said Party of the Second Part, and to its successors and assigns, all right, title and interest in and to the following described real estate, situated in Silver Bow County, State of Montana, to wit:

1. The surface only of a tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, of Section 14, Township 3 North, Range 8 West, and also being a portion of the Orphan Girl Lode Mineral Survey No. 685, Lot 121, more particularly described as follows:

Starting at a point which bears S. 43°04' E., 490 feet from Corner No. 6 of the Orphan Girl Lode; thence from said point of beginning N. 75°04' E., 200 feet; thence S. 14°56' E., 150 feet; thence S. 75°04' W., 200 feet; thence N. 14°56' W., 150 feet to the point of beginning and containing an area of 0.6887 acres, more or less.

RECORDED
11-25-81
MC 11-25-81
BT 626-11-25-81
L.S.A. 11-25-81

2a. A tract of land being a portion of the Joseph Joyce Mining Claim and described as follows:

Beginning at a point which is known as Corner No. 3 of the Joseph Joyce Quartz Lode Mining Claim, designated by the U.S. Surveyor General as Survey No. 1755, located within the SW $\frac{1}{4}$ of Section 14, Township 3 North, Range 8 West, P.M.M., Silver Bow County, Montana; thence S. 72°30' W., a distance of 472.8 feet to the South line of the Butte-Anaconda & Pacific Railroad Company right-of-way; thence North by East along and parallel to said right-of-way a distance of 645.2 feet more or less; thence S. 13°15' E., a distance of 405.4 feet more or less to the point of beginning, containing 2.12 acres, more or less,

and also,

RECORDED
DATE 11-25-81
ROLL 187-759
REL 11-25-81
12 00 857-43-81
NOV 11 1981

2b. That certain tract of land known as the Arrow Lode Mining Claim and designated by the U.S. Surveyor General as Survey No. 10672, embracing a portion of Section 14, Township 3 North, Range 8 West, P.M.M.,

000 857-43-81
E#58344

G-00857-43-81

Silver Bow County, Montana, in the Independence Unorganized Mining District, and particularly described in that certain patent from the United States of America to Anaconda Copper Mining Company, dated March 30, 1933 and recorded April 26, 1933 in Book "J" of Patents at Page 368, Records of Silver Bow County, Montana, subject to the easements and rights-of-way of the Butte-Anaconda & Pacific Railway Company as the same are now located and used. Containing 0.505 acres, more or less.

Previously described in Book 177 of Deeds, Page 617.

3. A parcel of land situated in the SW $\frac{1}{4}$ of Section 14, Township 3 North, Range 8 West, P.M.M.; being a portion of the Donegal Quartz Lode Mining Claim, M.S. 2876, Lot 606 and described as follows:

Beginning at the southwest corner of the tract herein described, being a point on the West end line of said Donegal Lode, from which point Corner No. 2 of said Lode bears S. 20°08' E., 113.94 feet; thence from said point of beginning, 1st Course along said West end line, N. 20°08' W., 225.56 feet to the point of intersection with the East end line of the Joseph Joyce Lode Claim, M.S. 1755, Lot 450; thence 2nd Course, along said East end line, N. 13°25' W., 45.38 feet; thence 3rd Course, N. 89°56' E., 212.68 feet; thence 4th Course, Due South, 256.20 feet; thence 5th Course, Due West, 124.64 feet to the point of beginning and containing in all 1.01 acres.

Said parcel being Parcel No. 3A as depicted on Certificate of Survey No. 208A, on file in the office of the Clerk and Recorder of Silver Bow County.

EXCEPTING and reserving unto the Party of the First Part, its successors and assigns, the right to construct, maintain, operate and remove gas pipelines over, under, along and across the following real property located in Silver Bow County, State of Montana, to wit:

A forty (40) foot wide easement, being twenty (20) feet on each side of the centerline of the following described lines:

EASEMENT NO. 1: (12" Butte-Bozeman Line) Proj # 112

Beginning at a point on the North boundary of Parcel 3A, from which point the northwest corner of said parcel bears, S. 89°56' W., 48.00 feet; thence, from said point of beginning, S. 20°08' E., 225.0 feet; thence, S. 26°47' E., 50.14 feet to a point on the South boundary of said parcel and the terminus point of said easement.

EASEMENT NO. 2: (12" South Loop Line) - Dist . 58190

Beginning at a point on the North boundary of Parcel 3A, from which point the northeast corner of said parcel bears, N. 89°56' E., 31.00 feet; thence, from said point of beginning, S. 02°30' E., 80.00 feet; thence, S. 18°22' E., 82.07 feet to a point on the East boundary of said parcel and the terminus point of said easement.

EASEMENT NO. 3: (8" Emergency Line) - Dist # 5312

Beginning at a point on the northerly line of the Donegal Lode Mining Claim, M.S. #2876, from which point Corner No. 3 of said Donegal Lode bears, S. 83°20' W., 167 feet; thence, from said point of beginning, N. 47° W., across the Arrow Lode Mining Claim, M.S. #10672, 43 feet to a point on the southerly line of the Orphan Girl Lode Mining Claim, M.S. #685, and the terminus of said easement. (See attached Exhibit "A")

EASEMENT NO. 4: (12" North Loop Line) - Dist - 52191

Beginning at a point on the northerly line of the Donegal Lode Mining Claim, M.S. #2876, from which point Corner No. 3 of said Donegal Lode bears, S. 83°20' W., 178 feet; thence, from said point of beginning, N. 23°30' E., across the Arrow Lode Mining Claim, M.S. #10672, 55 feet to a point on the southerly line of the Orphan Girl Lode Mining Claim, M.S. #685, and the terminus of said easement. (See attached Exhibit "A")

EASEMENT NO. 5: (16" Cut Bank-Butte Line) - MOVEL-Butte Dist # 2381

Beginning at a point on the southerly boundary line of the existing gas metering parcel, as described in Book 191 of Deeds, Page 626, Silver Bow County records, from which point the southeast corner of said parcel bears, N. 75°04' E., 80 feet; thence from said point of beginning, running in a northwesterly direction, 210 feet more or less to a point on the northerly boundary line of said parcel and the terminus of said easement. (See attached Exhibit "A").

and FURTHER EXCEPTING and reserving unto the Party of the First Part a right of access along the existing road as shown in the northwest corner of Parcel No. 3A as depicted on Certificate of Survey No. 208A, on file in the office of the Clerk and Recorder of Silver Bow County.

SUBJECT, however, to all exceptions, reservations, rights-of-way, easements, licenses, restrictions, encumbrances and covenants of record or located on the ground.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interests, property, possession, claim and demand whatsoever as well as in law as in equity, of the said Party of the First Part, of in or to the said premises and every part and parcel thereof, with the appurtenances thereto belonging.

TO HAVE AND TO HOLD, all and singular the said premises, unto the said Party of the Second Part, its successors and assigns, forever.

IN WITNESS WHEREOF, the Party of the First Part has caused its corporate name to be subscribed and its corporate seal to be affixed, by its proper officers, thereunto duly authorized on the day and year first above written.

ATTEST: Bernie N. Wilson

THE MONTANA POWER COMPANY

By Joseph A. McElwain
Its Chairman and Chief Executive

STATE OF MONTANA)
County of Silver Bow) : SS.

Approved	Date
FORM	<u>MC-5 11/23/81</u>
CONT.	
DESCR.	

On this 23rd day of November, 19 81, before me, the undersigned, a Notary Public for the State of Montana, personally appeared JOSEPH A. McELWAIN known to me to be the Chairman and Chief Executive of THE MONTANA POWER COMPANY and acknowledged to me that he executed the within instrument for and on behalf of that corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.

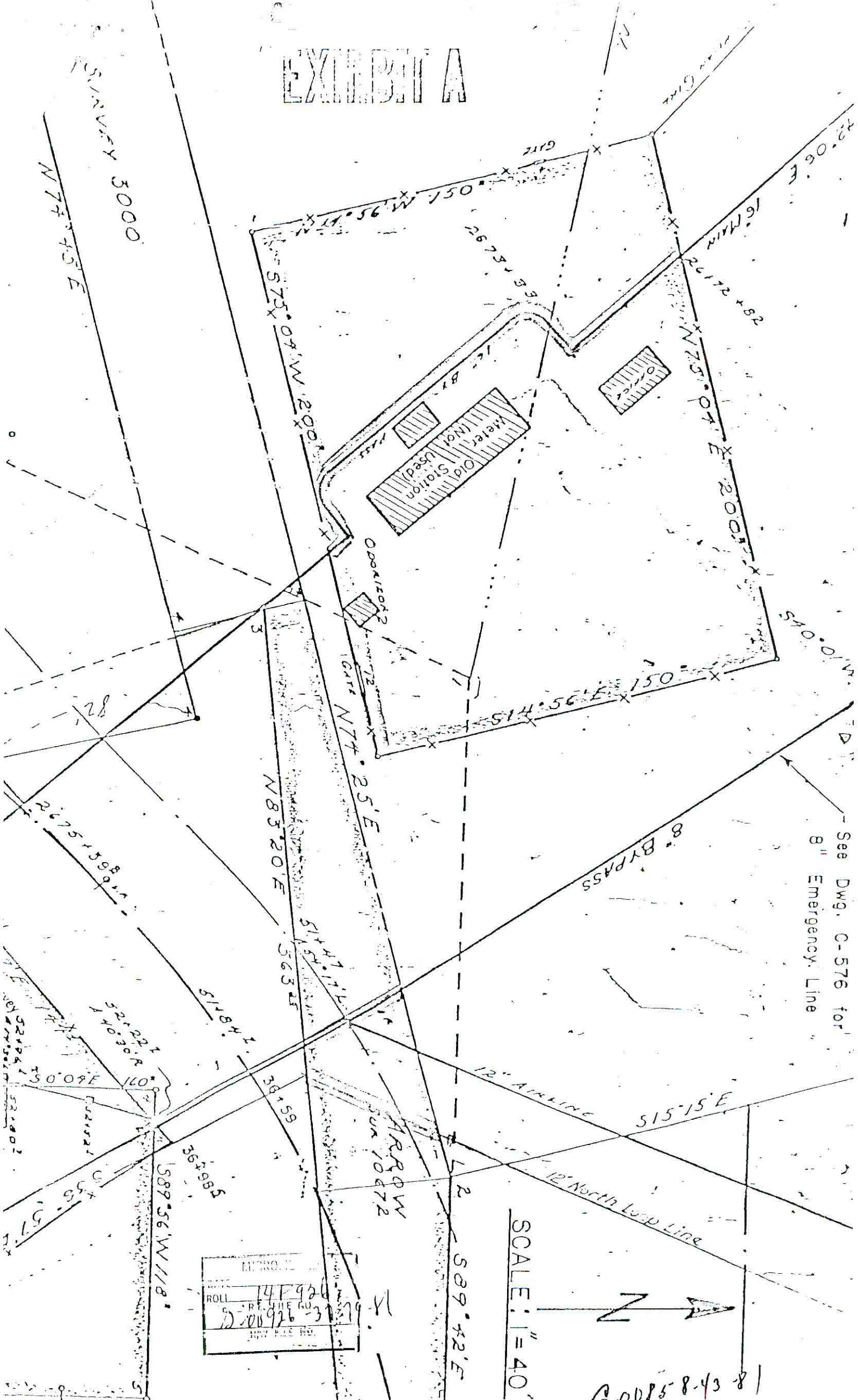
Mari M. Stasich
Notary Public for the State of
Montana
Residing at Butte, Montana
My Commission expires June 9, 1984

(NOTARIAL SEAL)

MCS5H

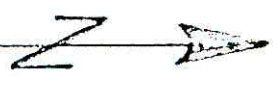
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EXHIBIT A



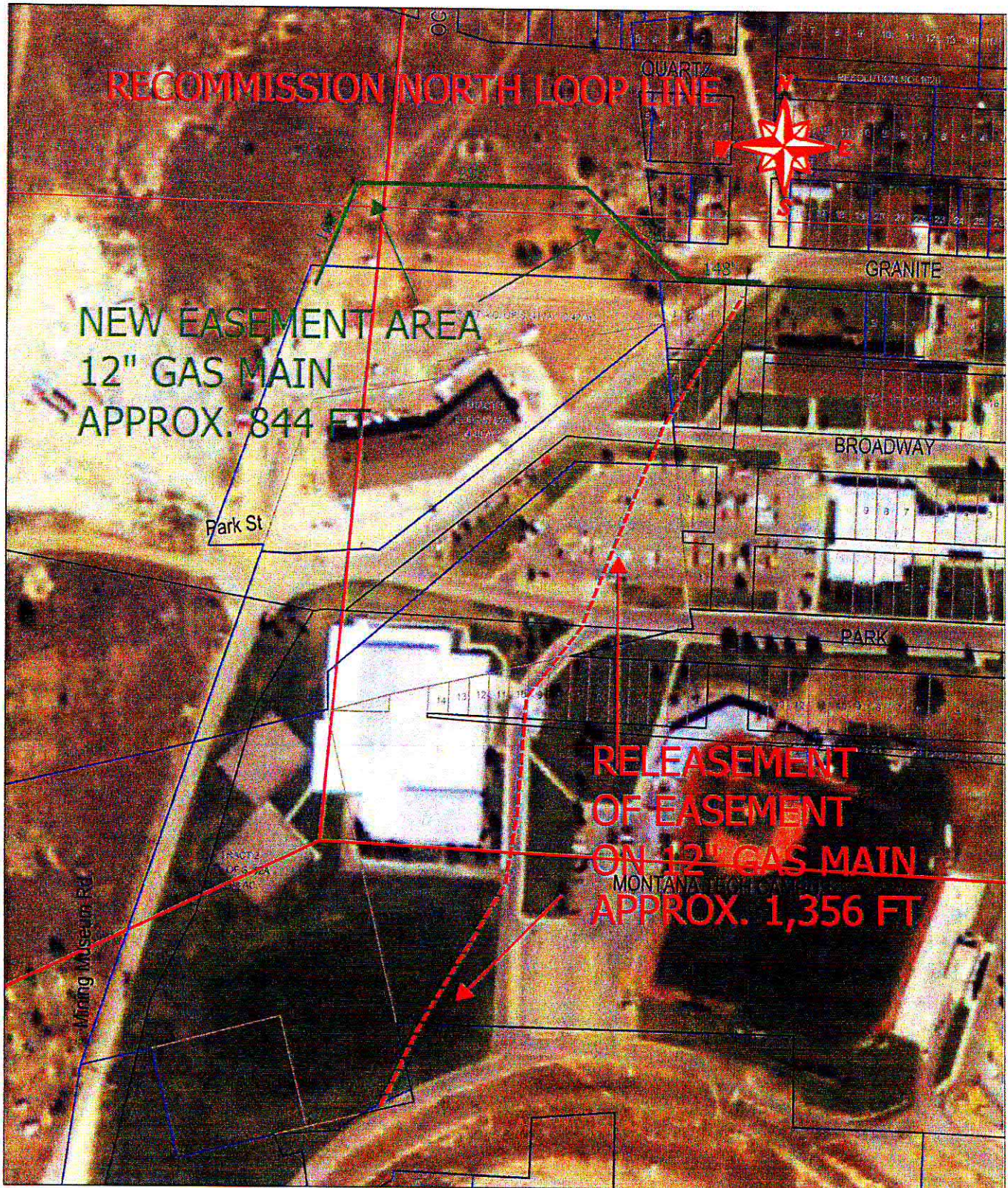
See Dwg. C-576 for
8" Emergency Line

SCALE: 1" = 40'



MIDCO	
ROLL	141926
	201926-3

18-5858-43-8



Time: 5/2/2011 9:35:05 AM

Scale: 1 IN = 200 FT

Session: C:\GTViewerMaps\Butte Auto Update.gts

NorthWestern Energy Map Extract

This information is proprietary and confidential data of NorthWestern Energy

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Zoom: 272.0123