

Appendix D

After recording, return to:

Kennecott Utah Copper Corporation
P.O. Box 6001
Magna, UT 84044-6001

With copy to:

Division Director
Division of Environmental Response and Remediation
Utah Department of Environmental Quality
168 North 1950 West
P.O. Box 144840
Salt Lake City, UT 84114-4840
Re: _____

DRILLING RESTRICTION

KENNECOTT UTAH COPPER COMPANY, owner of the property located in Salt Lake County, State of Utah, more particularly described on Attachment A, (the "**Property**") hereby makes and imposes upon the Property the following described use restriction, subject to the terms and conditions herein stated:

1. Notice is hereby given that: (i) an aquifer lying approximately ____ feet below the surface of the Property is subject to the requirements and provisions of that Consent Decree dated _____, in the matter of United States and State of Utah, UDEQ v. Kennecott Utah Copper Corporation, Case No. _____, United States District Court for the District of Utah (the "Consent Decree"), and the related remedial action concerning cleanup of contaminated ground water; and (ii) a restriction on drilling on the Property is necessary to mitigate risks to the public health, safety and welfare and the environment. Kennecott Utah Copper Corporation, together with those of its successors and assigns that assume the obligations of the Consent Decree, are referred to herein as "**KUCC**".

Pursuant to the provisions of Utah Code Sections 19-10-101 to 19-10-108, use of the Property is hereby restricted as follows: except as provided herein, no owner of an interest in the Property, including all successors and assigns of KUCC, shall drill any well on the Property that would extract, or is capable of extracting, water (the "Drilling Restriction"); provided, however:

(a) the Drilling Restriction does not extend to activities conducted by or on behalf of KUCC

Dianne R. Neilson, Executive Director of the Utah Department of Environmental Quality, or her designated representative, hereby approves the foregoing Drilling Restriction pursuant to Utah Code Section 19-10-103.

Dianne R. Neilson, Executive Director,
Utah Department of Environmental Quality

STATE OF UTAH)
)
COUNTY OF SALT LAKE)

On this ___ day of _____, 2005, personally appeared before me, a Notary Public, _____, the _____ of **KENNECOTT UTAH COPPER COMPANY** personally known or proved to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument on behalf of **KENNECOTT UTAH COPPER COMPANY**.

Notary Public

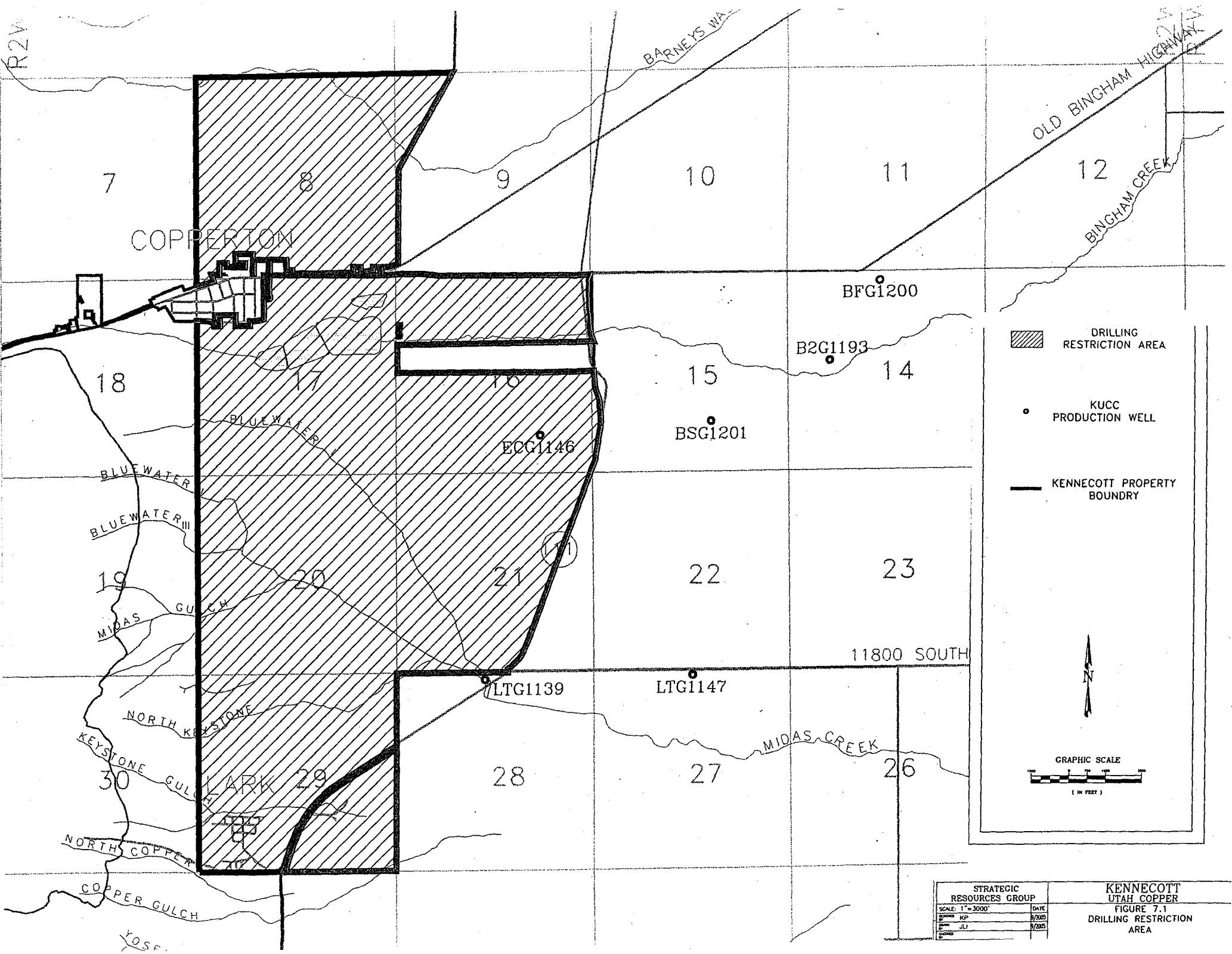
My Commission Expires:




STATE OF UTAH)
)
COUNTY OF SALT LAKE)

Subscribed and sworn to and acknowledged before me this ___ day of _____, 2005, by Dianne R. Neilson, Executive Director of the **UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**, or her designated representative.

Notary Public

My Commission Expires:



-  DRILLING RESTRICTION AREA
-  KUCC PRODUCTION WELL
-  KENNECOTT PROPERTY BOUNDARY



STRATEGIC RESOURCES GROUP	
SCALE: 1" = 3000'	DATE
DRAWN: KP	8/2003
CHECKED: JLU	9/2003
DESIGNED:	

KENNECOTT UTAH COPPER
 FIGURE 7.1
 DRILLING RESTRICTION AREA