

Audit: S194265  
Folder: 01779-04

## SUPPLEMENTAL AGREEMENT

THIS SUPPLEMENTAL AGREEMENT is entered into on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, between UNION PACIFIC RAILROAD COMPANY (“Lessor”) and BASIN FERTILIZER & CHEMICAL CO, whose address is 22990 Malone Rd, Merrill, Oregon 97633 (“Lessee”).

### RECITALS:

By instrument dated June 23, 2015, Lessor and Lessee, or their predecessors in interest, entered into an agreement (“Basic Agreement”), identified as Audit No. S194265, at Malone, Oregon.

### AGREEMENT:

IT IS AGREED between Lessor and Lessee to modify the Basic Agreement as follows:

#### Article 1. EFFECTIVE DATE.

This Supplemental Agreement is effective December 01, 2021.

#### Article 2. SUBSTITUTION OF PRINT.

The print dated October 18, 2021, attached as Exhibit 'A', shall be substituted for the print dated May 19, 2015, attached to the Basic Agreement.

#### Article 3. AMENDMENT OF ARTICLE 1 “PREMISES; USE.” OF THE BASIC AGREEMENT.

Effective December 1, 2021, Article 1 “Premises; Use.” of the Basic Agreement is amended to read as follows:

Lessor leases to Lessee and Lessee leases from Lessor the premises (“Premises”) at Malone, Oregon, identified as “Lease Area” and “Beautification Area” on the print dated October 18, 2021, marked **Exhibit A**, hereto attached and made a part hereof, subject to the provisions of this Lease and of **Exhibit B** attached hereto and made a part hereof. The Premises labeled as “Lease Area” may be used for access to Lessee’s facilities and industry track in support of Lessee’s fertilizer shipping operation, as well as two underground conveyors, and purposes incidental thereto, only, and for no other purpose. The Premises labeled as “Beautification Area” may be used for vegetation control only, and for no other purpose.

**Article 4. AGREEMENT SUPPLEMENT.**

Nothing in this Supplemental Agreement shall be construed as amending or modifying the Basic Agreement unless specifically provided herein.

IN WITNESS WHEREOF, Lessor and Lessee have duly executed this Supplemental Agreement as of the date first herein written.

**UNION PACIFIC RAILROAD COMPANY**

**BASIN FERTILIZER & CHEMICAL CO**

By: \_\_\_\_\_  
Senior Manager - Real Estate

By: \_\_\_\_\_  
Title: \_\_\_\_\_



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Total Lease Area = 28,548 Sq. ft. = 0.66 Acres  
 Total Non Exclusive Roadway = 7,375 Sq. Ft. = 0.17 Acres  
 Total Beautification Area = 4,531 Sq. Ft. = 0.10 Acres  
 Total Agreement Area = 40,454 Sq. Ft. = 0.93 Acres

**LEGEND:**

LEASE AREA.....	
NON-EXCLUSIVE ROADWAY.....	
BEAUTIFICATION AREA.....	
UPRRCO. R/W OUTLINED.....	

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.  
 EXHIBIT "A"  
**UNION PACIFIC RAILROAD COMPANY**  
 MALONE, KLAMATH COUNTY, OR  
 M.P. 536.04 TO 536.17 - MODOC SUB

SP OR V-35 / 19  
 SCALE: 1" = 100'  
 OFFICE OF REAL ESTATE  
 OMAHA, NEBRASKA DATE: 10-18-2021  
 DSK-AJM FILE: 1779-04

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