

DEED, BILL OF SALE AND ASSIGNMENT

THIS DEED, BILL OF SALE AND ASSIGNMENT, made as of the 25TH day of SEPTEMBER, 1979 by DAY CATTLE CO., a Nevada corporation, hereinafter called "Corporation" and ROBERT A. DAY, Jr., a married man, hereinafter called "First Party", HOWARD M. DAY, a married man, hereinafter called "Second Party", TAMMIS M. DAY, a single woman, hereinafter called "Third Party", LAURENCE H. DAY, a married man, hereinafter called "Fourth Party", and THEODORE J. DAY, a married man, hereinafter called "Fifth Party",

W I T N E S S E T H:

That Corporation for and in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, and other good and valuable consideration to it in hand paid by First Party, Second Party, Third Party, Fourth Party and Fifth Party, the receipt whereof is hereby acknowledged does hereby grant, bargain, sell, convey, warrant, transfer and assign unto the First Party, as his sole and separate property, and to his heirs, executors, administrators and assigns, an undivided One-Fifth (1/5) interest, and unto Second Party as his sole and separate property, and to his heirs, executors, administrators and assigns an undivided One-Fifth (1/5) interest, and unto the Third Party as her sole and separate property, and to her heirs, executors, administrators and assigns, an undivided One-Fifth (1/5) interest, and unto the Fourth Party, as his sole and separate property, and to his heirs, executors, administrators and assigns, an undivided One-Fifth (1/5) interest, and unto the Fifth Party, as his sole and separate property, and to his heirs, executors, administrators and assigns, an undivided One-Fifth interest, in and to the following described property located in the County of Eureka, State of Nevada, together with all rights, rights of way, easements, interest, privileges, appurtenances and facilities to said properties and anywise appertaining or belonging, to-wit:

VAUGHAN, HULL, MARFISI & COPENHAVER, LTD.
ATTORNEYS AND COUNSELORS
830 IDAHO STREET
ELKO, NEVADA 89801

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I.

All geothermal resources and by-products as now defined either in Nevada Revised Statutes, Section 361.027 or 30 United States Code, Section 1001 in and to the following described lands:

TOWNSHIP 31 NORTH, RANGE 49 EAST, MDB&M

- Section 1: All
- Section 3: South half and the Northeast quarter.
- Section 4: Southwest quarter of the Northwest quarter; Northwest quarter of the Southwest quarter.
- Section 5: All, except that portion contained within the Town of Beowawe as shown on the Plat filed in the office of the County Recorder of Eureka County, Nevada, as Document No. 2166 on June 15, 1908.
- Section 9: All
- Section 10: South half and the North half; North half of the South half.
- Section 11: All
- Section 12: North half of the South half; North half.

EXCEPTING from Sections 5, 8, 10, 11 and 12 all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

TOWNSHIP 31 NORTH, RANGE 50 EAST, MDB&M

- Section 3: All, EXCEPTING THEREFROM all those portions lying within the rights-of-way of the Wouthern Pacific Railroad Company (or Central Pacific Railroad Company).
- Section 5: All
- Section 7: All that portion of Lot 3 (Northwest quarter of the Southwest quarter) lying Northerly of a line parallel with and 200.00 feet distant northerly of the center line of Central Pacific Railway Company's railroad: Northeast

quarter; East half of the Northwest quarter; Lots 1 and 2 (West half of the Northwest quarter) Northeast quarter of the Southwest quarter and North half of the Southeast quarter.

EXCEPTING all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 8: North half of the Southwest quarter, EXCEPTING all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 9: That portion of the North half lying Northerly of a line parallel with and 100 feet distant Northerly of the center line of the Western Pacific Company's railroad as now constructed. That portion of the North half and the Southeast quarter Southeasterly of a strip of land 100 feet wide containing 23.18 acres conveyed to Western Pacific Railway Company by Deed dated November 27, 1908, and Northwesterly of a line parallel with and 200.00 feet distant Northwesterly of center line of C.P.R.R. Co.'s railroad as now constructed.

Section 10: Northwest quarter of the Northeast quarter, EXCEPTING all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 11: That portion of the Northeast quarter lying Northeasterly of the Northeasterly boundary of that parcel conveyed to the Western Pacific Railway Company by Deed dated November 27, 1908.

EXCEPTING FROM Sections 7 and 9 all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

FURTHER EXCEPTING from Lot 3 of Section 7, and those portions of Sections 9 and 11 described above, all petroleum, oil, natural gas and products derived therefrom, within or underlying said land or that may be produced therefrom as reserved by Southern Pacific Land Company in Deed recorded October 27, 1948 in Book 23 of Deeds at page 501, Eureka County, Nevada, records.

TOWNSHIP 31 NORTH, RANGE 52 EAST, MDB&M

Section 6: Lot 7 (Southwest quarter of the Southwest quarter).

TOWNSHIP 32 NORTH, RANGE 48 EAST, MDB&M

Section 1: East half lying Easterly of a line parallel with and 200.00 feet distant Easterly of the center line of the Central Pacific Railway Company's railroad right-of-way. EXCEPTING THEREFROM all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 12: East half of the East half, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 13: Southeast quarter of the Northwest quarter; East half of the Northeast quarter; Southwest quarter of the Northeast quarter; East half of the Southwest quarter; Southeast quarter.

Section 23: East half of the Southeast quarter.

Section 24: East half; Southwest quarter; East half of the Northwest quarter.

Section 25: All

Section 26: Southeast quarter; East half of the Southwest quarter; South half of the Northeast quarter; Northeast quarter of the Northeast quarter.

Section 27: South half of the Southeast quarter; Northeast quarter of the Southeast quarter.

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- Section 34: East half of the East half.
Section 35: All
Section 36: North half; Southwest quarter;
West half of the Southeast
quarter.

EXCEPTING therefrom the Southeast quarter of the Northwest quarter of Section 13, the Northeast quarter of the Southeast quarter of Section 23, and the Northeast quarter of the Southeast quarter and the South half of the Southeast quarter of Section 27 all petroleum, oil, natural gas and products derived therefrom, within or underlying said land or that may be produced therefrom as reserved by Southern Pacific Land company in Deed recorded November 12, 1948, in Book 23 of Deeds at page 506, Eureka County, Nevada, records.

TOWNSHIP 32 NORTH, RANGE 49 EAST, MDB&M

- Section 5: All, excepting therefrom that portion lying Northeasterly of U.S. Highway 40. Further excepting therefrom that parcel conveyed to the State of Nevada by Deed recorded September 24, 1963 in Book 27 of Deeds, at Page 25, Eureka County, Nevada records.
- Section 6: Lot 5 (Southwest quarter of the Northwest quarter); Lots 6 and 7 (West half of the Southwest quarter); Southeast quarter of the Southwest quarter; Southwest quarter of the Southeast quarter.
- Section 7: All, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.
- Section 8: Northwest quarter of the Northwest quarter; South half of the Northwest quarter; Southwest quarter; Southwest quarter of the Northeast quarter; West half of the Southeast quarter; Southeast quarter of the Southeast quarter.
- Section 9: All, except that portion lying Northerly of U.S. Highway 40. Further excepting therefrom that parcel conveyed to the State of Nevada by Deed recorded September 24, 1963, in Book 27

of Deeds at page 25, Eureka County, Nevada records.

- Section 11: All, except that portion lying Northerly of U.S. Highway 40. Further excepting therefrom that parcel conveyed to the State of Nevada by Deed recorded August 10, 1964 in Book 5 of Official Records, at Page 38, Eureka County, Nevada.
- Section 15: All
- Section 17: All
- Section 18: All, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.
- Section 19: All, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.
- Section 20: All
- Section 21: All
- Section 23: North half and the Southwest quarter.
- Section 25: Northeast quarter; South half.
- Section 27: North half; Southwest quarter.
- Section 28: West half; Northeast quarter; West half of the Southeast quarter; Northeast quarter of the Southeast quarter.
- Section 29: All
- Section 30: All, excepting all those portions lying with the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.
- Section 31: North half and the East half of the Southeast quarter, excepting all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 32: North half; Southwest quarter; Southwest quarter of the Southeast quarter and the North half of the Southeast quarter, exceptig all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 33: West half and he Northeast quarter.

Section 35: South half and the Northeast quarter.

TOWNSHIP 32 NORTH, RANGE 50 EAST, MDB&M

Section 7: All, except that portion lying North of U.S. Highway 40.

Section 13: All

Section 15: All, except that portion lying Northeasterly of U.S. Highway 40.

Section 17: All, except that portion lying Northeasterly of U.S. Highway 40.

Section 19: All

Section 21: All

Section 23: All

Section 25: All

Section 27: All

Section 29: All

Section 31: All

Section 33: All

Section 35: All

EXCEPTING from Section 7, 15, and 17 those parcels conveyed to the State of Nevada by Deed recorded August 10, 1964, in Book 5 of Official Records at Page 38, Eureka County, Nevada.

FURTHER EXCEPTING from Section 13, that parcel conveyed to the State of Nevada by Deed recorded September 10, 1965, in Book 5 of Official Records, at Page 38, Eureka County, Nevada.

TOWNSHIP 33 NORTH, RANGE 48 EAST, MDB&M

Section 36: Southeast quarter; West half of the Northeast quarter; East half of the Northwest quarter; Northeast quarter of the Southwest quarter. EXCEPTING all those portions lying within the rights-of-way of

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the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

FURTHER EXCEPTING therefrom, those parcels conveyed to the State of Nevada by Deeds recorded September 24, 1963, in Book 27 of Deeds, at Pages 22 and 25, Eureka County, Nevada records.

TOWNSHIP 33 NORTH, RANGE 49 EAST, MDB&M

Section 31: All, excepting therefrom that portion lying Northeasterly of U.S. Highway 40. Excepting therefrom, those parcels conveyed to the State of Nevada by Deeds recorded September 14, 1963, in Book 27 of Deeds, at pages 23, 25, and 31.

All those parcels lying within the townsite of Beowawe as shown on the plat filed in the office of the County Recorder of Eureka County, Nevada on June 15, 1908, described as follows:

- Block 1: Lots 1 thru 12, inclusive.
- Block 2: Lots 1 thru 12, inclusive.
- Block 3: Lots 1 thru 12, inclusive.
- Block 4: Lots 1, 2, 3, 10, 11 and 12.
- Block 5: Lots 1 thru 6, inclusive.
- Block 6: Lots 1 thru 6, inclusive.
- Block 7: Lots 1 thru 6, inclusive.
- Block 8: Lots 1, 2, 3, 7 thru 18, inclusive.
- Block 9: Lots 7 thru 12, inclusive, and Lots 15 thru 18, inclusive.
- Block 10: Lots 5, 6 and 18.
- Block 11: Lots 1 thru 6, Lots 8, 9, 10, 16, 17 and 18.

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- Block 12: Lots 1 thru 15,
inclusive.
- Block 13: Lots 1 thru 18,
inclusive.
- Block 14: Lots 1 thru 18,
inclusive.
- Block 15: Lots 1 thru 18,
inclusive.
- Block 16: Lots 1 thru 12,
inclusive.
- Block 17: Lots 6 thru 12,
inclusive.
- Block 18: Lots 1 thru 6,
inclusive, except
the Northwesterly 13
feet of Lot 6.
- Block 19: Lots 1 thru 18,
inclusive.
- Block 20: Lots 1, 2, 9, 10,
11, 12, 13, 14, and
18. Lots 3, 4, 5,
6, 7, 8, 15, 16, 17,
excepting therefrom
that parcel conveyed
by R.H. Hadley et
ux. to Roman Catholic
Bishop of Reno by
Deed recorded April 2,
1958, in Book 25 of
Deeds at Page 214,
Eureka County,
Nevada, records.
- Block 21: Lots 4 thru 18,
inclusive.
- Block 22: Lots 13, 14, 15, 16,
17 and 18.
- Block 23: Lots 1 thru 18,
inclusive.
- Block 24: Lots 1 thru 18,
inclusive.
- Block 25: Lots 1 thru 12,
inclusive.
- Block 26: Lots 1 thru 12,
inclusive.
- Block 27: Lots 1 thru 12,
inclusive.
- Block 28: Lots 1 thru 12,
inclusive.

Block 29: Lots 1 thru 12,
inclusive.

EXCEPTING from Townsite of Beowawe a plot of ground upon which the jail building of the County of Eureka, State of Nevada is situate, together with 30 feet in each direction from the outer wall thereof 30 feet and surrounding said jail as conveyed to County of Eureka by Deed recorded June 6, 1904, in Book 14 of Deeds at Page 583, Eureka County, Nevada records.

FURTHER EXCEPTING therefrom those portions of Lots 1, 2 and 18, Block 20; Lots 9 thru 18, Block 21; Lots 13 and 14, Block 22; Lots 1 and 12, Block 29; Lots 1 thru 12, Block 28; Lots 1 thru 12, Block 27; and Lots 7 and 8, Block 26, conveyed to Eureka County School District by Deed recorded November 14, 1967, in Book 21 of Official Records, at page 87, Eureka County, Nevada and described as follows:

Commencing at the Northwest corner of parcel, wich point bears North 63°28'16" East a distance of 7098.59 feet from the Southwest corner of Section 6, Township 31 North, Range 49 East, MDB&M; thence North 49°12' East a distance of 609.75 feet to the intersection of the West right-of-way boundary of Nevada State Route 21; thence along the West right-of-way boundary of said highway on a 1,250.00 foot radius, curving to the right, through a central angle of 48°17'12" an arc distance of 1,053.45 feet to end of said curve; thence South 12°53'41" West a distance of 966.99 feet to the point of beginning.

Reserving and excepting from the foregoing the following four parcels of land, together with the buildings and improvements thereon, which parcels are more particularly described as follows, to-wit:

Parcel #1:

A parcel of land located in Sections 32 and 33, T 32 N, R 49 E, MDB&M, in Eureka County, Nevada, being more particularly described as follows:

Beginning at Corner #1, a point in said Section 32, which bears S 37°15'50" W, 9642.52 feet from the NE corner of Section 28, T 32 N, R 49 E, MDM (and which said Point of Beginning also bears S 59°00' E 151.35 feet from Corner #1 of Parcel #2 hereinafter described), thence N 47°34' E 669.25 feet to Corner #2; thence N 19°49' E 259.50 feet to Corner #3; thence N 40°15' W 799.25 feet to Corner #4; thence S 49°45' W 893.64 feet to Corner #5; thence S 40°15' E 954.22 feet to Corner #1, the Point of Beginning, containing 16.947 acres, more or less.

Parcel #2:

A parcel of land located in Section 32, T 32 N, R 49 E, MDM, in Eureka County, Nevada, being more particularly described as follows:

Beginning At Corner #1, a point in said Section 32, which bears S 36°54'51" W, 9500.63 feet from the NE corner of Section 28, T 32 N, R 49 E, MDM (and which said Point of Beginning also bears N 59°00' E 151.35 feet from Corner #1 of Parcel #1 hereinbefore described), thence S 47°35' W 203.20 feet to Corner #2; thence S 40°21' W 852.30 feet to Corner #3, a point in the northerly right-of-way line of Nevada State Highway No. 21; thence N 77°39'41" E along said right-of-way 926.31 feet to Corner #4; thence N 19°02' W 622.70 feet to Corner #1, the Point of Beginning, containing 6.826 acres, more or less.

Parcel #3:

A parcel of land located in Section 32, T 32 N, R 49 E, MDB&M, in Eureka County, Nevada, being more particularly described as follows:

Beginning at Corner #1, a point in said Section 32, which bears S 36°50'49" W 9447.77 feet from the NE corner of Section 28, T 32 N, R 49 E, MDB&M (and which said Point of Beginning also bears N 47°35' E 55.00 feet from the most northerly corner of Parcel #2, hereinbefore described), thence N 51°48'36" E 260.00 feet to Corner #2; thence S 38°11'24" E 150.00 feet to Corner #3; thence S 51°48'36" W 312.11 feet to Corner #4; thence N 19°02'00" W 158.79 feet to Corner #1, the Point of Beginning, containing 0.985 acres, more or less.

Parcel #4:

A parcel of land located in Sections 32 and 33, T 32 N, R 49 E, MDM, in Eureka County, Nevada, being more particularly described as follows:

Beginning at Corner #1 from which the NE corner of Section 28, T 32 N, R 49 E, MDM, bears N 33°45'35" E 9388.84 feet; thence N 53°17'10" E 851.00 feet to Corner #2; thence S 36°42'50" E 292.92 feet to Corner #3, which lies on the northerly right-of-way of Nevada State Highway No. 21; thence from a tangent bearing S 44°29'06" W on a curve to the right with a radius of 2425.00 feet through an angle of 21°49'16", a distance of 923.57 feet along the northerly right-of-way of said Highway 21 to Corner #4, which bears N 71°05'30" E 402.50 feet from Corner #4 of Parcel #2 hereinbefore described; thence N 22°20'42" W 267.50 feet to Corner #1, the Point of Beginning, containing 6.233 acres, more or less.

Together with the right to enter and make use of the above-described lands as may be reasonably necessary or convenient for the purposes of exploring for, developing, producing, treating, transporting and marketing such geothermal resources and by-products (including the right to erect and maintain one or more plants for the generation of electrical energy utilizing geothermal resources produced from said lands and from other lands in the vicinity of said lands).

Together with the right to take and use water in any geothermal operations pursuant to any water rights appertaining to said lands, and as well as the right of access to and the use of surface and ground water resources in said lands and the right to apply for and obtain appropriate water rights under Nevada law for use in such operations.

Together with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, and the reversion or reversions, remainder or remainders, rents, issues and profits thereof.

II.

All right, title and interest of the Corporation in and to all leases, contracts, agreements, including, but not limited to:

1. That certain Geothermal Lease dated July 7, 1978 executed by Day Cattle Co., as Lessor, and Chevron U.S.A., Inc., an Anadarko Production Company as Lessee, said Lease recorded October 26, 1978 in Book 66 of Official Records at Page 525 in the office of the County Recorder of Eureka County, Nevada.
2. That certain option of exclusive right to lease and let real property for the purpose of exploring and for drilling and producing geothermal energy and all related resources, executed by Day Cattle Co. in favor of the Dow Chemical Company, dated August 6, 1976 and recorded November 30, 1976 in Book 57 of Official Records at Page 523 in the office of the County Recorder of Eureka County, Nevada.
3. That certain Lease and Agreement, geothermal steam, dated November 11, 1974, executed by Day Cattle

Co. and Willametta K. Day as Lessors and Magma Energy, Inc. as Lessee, recorded September 2, 1975 in Book 52 of Official Records at Page 160 and modified by document recorded September 9, 1976 in Book 56 of Official Records at Page 427, in the office of the County Recorder of Eureka County, Nevada.

III.

All merchandise, materials, supplies, inventory, tools, machinery, equipment, appliances, facilities and other tangible assets and personal property owned by or in which an interest is owned by the Corporation.

IV.

All books, records, contracts, abstracts, deeds, drawings, engineering and accounting data, correspondence and memoranda, books and periodicals and bookkeeping systems and equipment used in connection with the Corporation.

V.

All current and accrued assets, including but not limited to accounts receivable, claims, contracts, stock, notes, deeds of trust, mortgages, bonds, good will, securities, security interest and other intangible assets, licenses, permits, prepayments, deposits and credits due, to become due or held by any person or persons, firms, partnerships, corporations, agencies or departments and all policies of insurance wherein the Corporation is either the owner or the insured or both.

VI.

All cash on hand, cash on deposit in banks, certificates of deposit and other monies or deposits held by or for the Corporation.

VII.

All other property of any kind, character or description, real or personal, wheresoever situate owned or claimed by the Corporation.

TO HAVE AND TO HOLD all in singular, the said premises together with the appurtenances onto the First Party, and to his heirs and assigns, an undivided One-Fifth (1/5) interest, unto the Second Party and to his heirs and assigns and forever, an undivided One-Fifth (1/5) interest, unto the said Third Party and to her heirs and assigns forever an undivided One-Fifth (1/5) interest, unto the said Fourth Party and to his heirs and assigns forever an undivided One-Fifth (1/5) interest and unto the said Fifth Party and to his heirs and assigns, forever, an undivided One-Fifth (1/5) interest.

IN WITNESS WHEREOF, the said Corporation has caused this Deed, Bill of Sale and Assignment to be executed in its name and attested by its officers thereunto duly authorized.

Documentary Transfer Tax \$ -0- NCS 32,048.3)

- Computed on full value of property conveyed; or
 Computed on full value less liens and encumbrances remaining thereon at time of transfer.

Under penalty of perjury:

Signature of declarant or agent determining tax-firm name

DAY CATTLE CO., a Nevada corporation

BY [Signature] ROBERT A. DAY, JR., President

Attest:

[Signature] HOWARD M. DAY, Secretary

STATE OF CALIFORNIA)
COUNTY OF Los Angeles) SS.

On September 25, 1979, personally appeared before me, a Notary Public, ROBERT A. DAY, JR., President and HOWARD M. DAY, Secretary of DAY CATTLE CO., a Nevada corporation, and acknowledged that they executed the above instrument on behalf of the Corporation.

70788



[Signature] NOTARY PUBLIC

RECORDED AT THE REQUEST OF Vaughan, Hull, Marfisi & Copenhaver Ltd. on October 19, 1979, at 46 min. past 10 A.M. in Book 75 of OFFICIAL RECORDS, page 393-406, RECORDS OF EUREKA COUNTY, NEVADA. WILLIS A. DePAOLA Recorder File No. 70788 Fee \$ 16.00

VAUGHAN, HULL, MARFISI & COPENHAVER, LTD. ATTORNEYS AND COUNSELORS 330 IDAHO STREET ELKO, NEVADA 89801

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