

WHEN RECORDED RETURN TO:  
Gordon Peake  
Barrick Goldstrike Mines Inc.  
293 Spruce Road  
Elko, NV 89801

172268

## GRANT OF EASEMENT

This GRANT OF EASEMENT is made this 28 day of May, 1999, by and between Newmont Gold Company ("Newmont") and Elko Land and Livestock Company ("ELLCO"), (collectively, "Grantors"), and Barrick Goldstrike Mines Inc. ("Grantee").

In consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following grants, agreements, and covenants are made:

1. Grant of Easement. Grantors hereby grant to Grantee, its permitted successors and assigns, a nonexclusive easement (the "Easement") in, over, under and across that portion of the lands described in Exhibit A attached hereto and incorporated herein by reference, in which Grantors or any of them hold an interest (the "Easement Parcels"), for the sole purpose of construction, operation, modification, maintenance and rebuilding of the "Discharge System" described in that certain Settlement Agreement made to be effective as of October 16, 1996, among Newmont, ELLCO, Grantee and Barrick Gold Corporation (the "Settlement Agreement"), the terms of which agreement are incorporated herein by reference. Grantors retain the right to use of the Easement Parcels as provided in Section 4(b) of the Settlement Agreement.

2. Grant of Temporary Construction Rights. Grantors also hereby grant to Grantee the right to enter upon and use, on a temporary basis, additional property owned or controlled by Grantors and adjacent to the Easement Parcels as is reasonably necessary for the construction, maintenance, modification or rebuilding of the Discharge System. Grantee will cooperate with Grantors in exercising such rights so as not to interfere unreasonably with Grantors' ranching operations.

3. Other Rights. Grantors also hereby grant to Grantee the right to use, maintain and improve roads located across lands owned or controlled by Grantors to cross and traverse property adjacent to the Easement Parcels for the purposes of exercising the rights granted hereunder. As provided in the Settlement Agreement, Grantee's right to use the Easement Parcels shall include the right to fence or otherwise enclose certain of its surface facilities located on the Easement Parcels.

4. Term of Easement. The Easement and the other rights granted herein are granted for a term of 20 years from the Effective Date of the Settlement Agreement subject to Grantee's right, under certain circumstances described in Section 4(b) of the Settlement Agreement, to extend the Easement and other rights granted herein.

5. Assignment. Except as provided in Section 4(d) of the Settlement Agreement, Grantee shall not assign the Easement or the other rights granted herein without the prior written

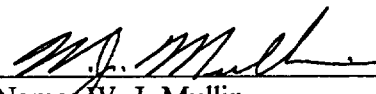
consent of Grantors, unless such assignment is made to an affiliate of the Grantee, or in connection with a merger or the sale of substantially all of the assets of Grantee. Any assignment of this Easement or the other rights granted herein shall be made subject to the terms and conditions of the Settlement Agreement.

6. Running of Benefits and Burdens. All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the respective permitted assigns and successors of Grantors and Grantee.

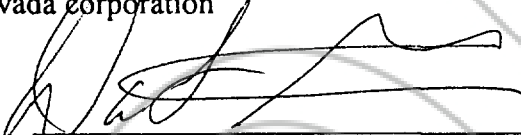
This Grant of Easement is executed and delivered effective as of the date written above.

**GRANTORS:**

**NEWMONT GOLD COMPANY,**  
a Delaware corporation

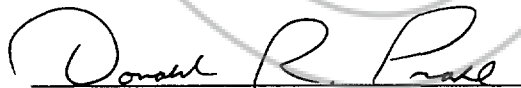
By:   
Name: W. J. Mullin  
Title: Senior Vice President

**ELKO LAND AND LIVESTOCK COMPANY,**  
a Nevada corporation

By:   
Name: Dan L. Galian  
Title: Vice President

**GRANTEE:**

**BARRICK GOLDSTRIKE MINES INC.,**  
a Colorado corporation

By:   
Name: Donald R. Prahl  
Title: Vice President

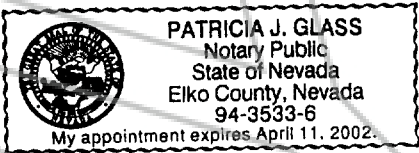
STATE OF NEVADA        )  
                                  ) ss.  
COUNTY OF ELKO        )

On this 28 day of May, 1999, personally appeared before me, a Notary Public, W. J. Mullin, a duly qualified and acting officer of Newmont Gold 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 Newmont Gold Company.

Patricia J. Glass  
Notary Public

My Commission Expires:

April 11, 2002



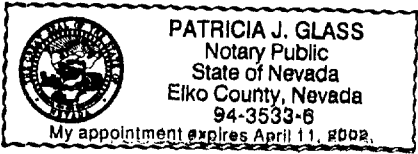
STATE OF NEVADA        )  
                                  ) ss.  
COUNTY OF ELKO        )

On this 1 day of June, 1999, personally appeared before me, a Notary Public, Dan L. Gralian, a duly qualified and acting officer of Elko Land and Livestock 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 Elko Land and Livestock Company.

Patricia J. Glass  
Notary Public

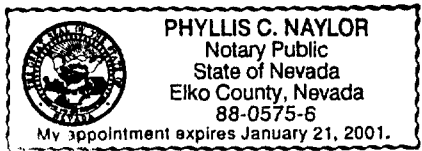
My Commission Expires:

April 11, 2002



STATE OF NEVADA            )  
                                          ) ss.  
COUNTY OF ELKO            )

On this 28<sup>th</sup> day of May, 1999, personally appeared before me, a Notary Public, Donald R. Prah, a duly qualified and acting officer of Barrick Goldstrike Mines Inc., 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 Barrick Goldstrike Mines Inc.



*Phyllis C. Naylor*  
\_\_\_\_\_  
Notary Public

My Commission Expires:

January 21, 2001

COPY

## EXHIBIT A

To Grant of Easement from Newmont Gold Company, Elko Land and Livestock Company to Barrick Goldstrike Mines Inc.

### POWER LINE PARCEL

A Strip of land 40 feet in width, 20 feet on both sides of the centerline, situated in Sections, 28,29,32,33 Township 36 North, Range 49 East, MDM, County of Eureka, State of Nevada, the center line of which is described as follows:

Commencing at the section corner common to sections 28,29,32,33, T 36 N, R 49 E, MDM, being a found iron pipe with a 3 inch brass cap marked "Paul Scherbel LS 6805 Big Piney Wyoming T 36 N R 49 E 29,28,32,33", from which an iron pipe with a 3 inch brass cap marked "32,33, T 36 N R 49 E SC General Land Office 1914" being a General Land Office standard corner for sections 32 and 33, T 36 N, R 49 E, MDM, bears South 00° 55' 28" West 5295.18 feet; thence from said point of commencement South 39° 05' 17" East 6156.06 feet to the point of beginning;

Thence South 90° 00' 00" West 1148.71 feet;\*\*

Thence North 29° 01' 58" West 1288.76 feet;

Thence North 29° 59' 14" West 5324 feet more or less to the Sierra Pacific Power Company 120 kilovolt power line easement recorded in Book 270 Page 156 of the Eureka County Records Office.

Containing 7.13 Acres more or less.

\*\* Also the right to install guy and anchor facilities at the angle pole to be located at or near the terminus of this call, within 75 feet of said angle pole.

End of Description.



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REV03/31/98:Court Power Legal033198.doc

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## ACCESS ROAD PARCEL

A strip of land 60 feet in width, 30 feet on both sides of the centerline, situated in Sections, 28,29,33 Township 36 North, Range 49 East, MDM, County of Eureka, State of Nevada, the centerline of which is described as follows:

Commencing at the section corner common to sections 28,29,32,33, T 36 N, R 49 E, MDM, being a found iron pipe with a 3 inch brass cap marked "Paul Scherbel LS 6805 Big Piney Wyoming 29,28,32,33 T 36 N R 49 E", from which an iron pipe with a 3 inch brass cap marked "32,33 T 36 N R 49 E SC General Land Office 1914" being a General Land Office standard corner for sections 32 and 33, T 36 N, R 49 E, MDM, bears South 00° 55' 28" West 5295.18 feet; thence from said point of commencement South 30° 24' 26" East 4207.89 feet to the point of beginning and the point at which the centerline and side lines intersect the northwesterly boundary of the "Water Treatment Plant Parcel";

Thence North 29° 59' 14" West 5135 feet more or less to the centerline of the traveled roadway of the Dunphy road.

Containing 7.07 acres more or less.

End of Description



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REV03/20/98:TS Road Legal032098.doc

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## WATER TREATMENT PLANT PARCEL

A parcel of land situated in Sections 33 and 34, Township 36 North, Range 49 East, MDM, County of Eureka, State of Nevada, bounded and described as follows:

Commencing at the section corner common to sections 28,29,32,33, T 36 N, R 49 E, MDM, being a found iron pipe with a 3 inch brass cap marked "Paul Scherbel LS 6805 Big Piney Wyoming 29,28,32,33 T 36 N R 49 E", from which an iron pipe with a 3 inch brass cap marked "32,33 T 36 N R 49 E SC General Land Office 1914" being a General Land Office standard corner for sections 32 and 33, T 36 N, R 49 E, MDM, bears South 00° 55' 28" West 5295.18 feet; thence from said point of commencement South 30° 19' 23" East 4208.78 feet to the point of beginning;

Thence South 44° 07' 26" West 277.00 feet;  
Thence South 31° 52' 08" West 95.38 feet;  
Thence South 12° 12' 27" East 92.92 feet;  
Thence South 31° 44' 08" East 256.88 feet;  
Thence South 48° 33' 08" East 70.46 feet;  
Thence North 85° 08' 23" East 302.80 feet;  
Thence South 29° 38' 00" East 673.37 feet;  
Thence South 81° 05' 46" East 163.21 feet;  
Thence South 83° 54' 59" East 267.42 feet;  
Thence South 69° 03' 33" East 89.21 feet;  
Thence South 59° 03' 19" East 165.35 feet;  
Thence South 46° 30' 58" East 288.31 feet;  
Thence South 71° 34' 48" East 89.69 feet;  
Thence North 86° 43' 52" East 124.30 feet;  
Thence North 63° 27' 13" East 166.47 feet;  
Thence North 35° 00' 45" East 129.77 feet;  
Thence North 43° 43' 45" East 166.70 feet;  
Thence North 90° 00' 00" East 283.65 feet;  
Thence South 76° 42' 06" East 207.88 feet;  
Thence North 82° 50' 14" East 894.95 feet;  
Thence North 00° 16' 21" East 1656.74 feet;  
Thence South 88° 02' 13" West 209.66 feet;  
Thence North 84° 43' 25" West 1148.22 feet;  
Thence South 39° 53' 09" West 1483.00 feet;  
Thence North 54° 40' 35" West 1194.53 feet;  
Thence South 52° 00' 54" West 141.62 feet to the point of beginning.

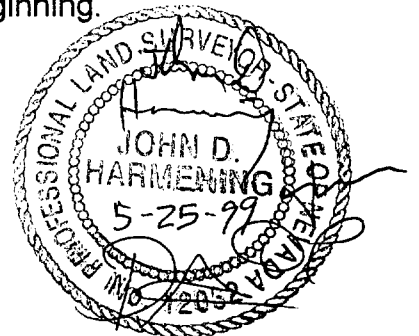
Containing 106.43 acres more or less.

End of Description.

A-3

REV03/20/98:TS Dam Legal032098.doc

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## NORTH PIPELINE PARCEL

A strip of land, which, except as defined in parentheses, is 50 feet wide, being 40 feet westerly and 10 feet easterly of the following described line, and generally situated in sections 32 and 33, T 36 N, R 49 E, Sections 4,5,8,17,18,19, T 35 N, R 49 E, MDM, in the county of Eureka, State of Nevada, the described line of which strip is described as follows:

Commencing at the section corner common to sections 28,29,32,33, T 36 N, R 49 E, MDM, being a found iron pipe with a 3 inch brass cap marked "Paul Scherbel LS 6805 Big Piney Wyoming T 36 N R 49 E 29,28,32,33", from which an iron pipe with a 3 inch brass cap marked "32,33, T 36 N R 49 E SC General Land Office 1914" being a General Land Office standard corner for sections 32 and 33, T 36 N, R 49 E, MDM, bears South 00° 55' 28" West 5295.18 feet; thence from said point of commencement South 28° 44' 24" East 4242.97 feet to the point of beginning, which is also the point at which the described line and side lines intersect the northwesterly boundary of the "Water Treatment Plant Parcel";

Thence North 62° 38' 33" West 1274.64 feet (40 feet northerly, 10 feet southerly);  
Thence North 62° 38' 33" West 100.00 feet (40 feet northerly, 55 feet southerly);  
Thence North 62° 38' 33" West 889.00 feet (40 feet northerly, 10 feet southerly) to the northeasterly extension of a line parallel to and 30 feet more or less northwesterly of the centerline of an existing irrigation pipe located under BLM right of way grant no. N-52388;  
Thence South 47° 50' 32" West 4072.00 feet (30 feet westerly, 10 feet easterly) along said line parallel to and 30 feet more or less northwesterly of the centerline of the existing irrigation pipe located under BLM right of way grant no. N-52388;  
Thence South 47° 50' 32" West 1833.88 feet;  
Thence South 44° 50' 29" East 100.87 feet;  
Thence South 6° 43' 44" West 5393.38 feet;  
Thence South 29° 05' 46" West 4205.50 feet;  
Thence South 33° 05' 14" West 2901.39 feet;  
Thence South 31° 52' 11" East 547.29 feet;  
Thence South 38° 23' 12" West 1863.53 feet;  
Thence South 1° 45' 46" West 2293.52 feet;  
Thence continuing South 1° 45' 46" West 250.00 feet (50 feet westerly, 50 feet easterly) to the end of the described line, also being on the centerline of the "Canal Parcel" from which the beginning point thereof bears North 1° 45' 46" East 100.00 feet .

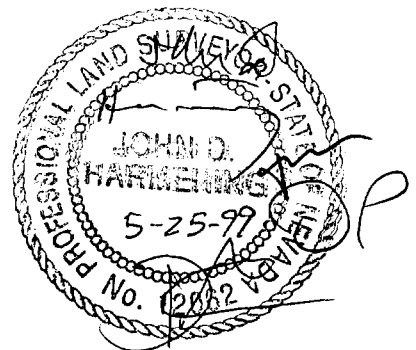
Containing 28.98 Acres more or less.

End of Description

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REV03/20/98:North Pipe Legal032098.doc

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## SOUTH PIPELINE PARCEL

A strip of land 50 feet wide, being 40 feet easterly and 10 feet westerly of the following line, and generally situated in sections 21,20,28 and 29, T 33 N, R 48 E, MDM, in the County of Eureka, State of Nevada, the described line of which strip is described as follows:

Commencing at the section corner marking the Southwest corner of section 32, T 33 N, R 48 E, MDM, being a found iron pipe with a 3 inch brass cap marked "T 33 N R 48 E S31 S32 General Land Office 1914", from which an iron pipe with a 3 inch brass cap marked "T 35 N R 48 E S36, T 34 N R 48 E S1, T 34 N R 49 E S6, T 35 N R 49 E S31, General Land Office 1914" being a General Land Office section corner bears North 22° 48' 54" East 68725.13 feet; thence from said point of commencement North 26° 20' 57" East 14945.23 feet to the point of beginning, also being the point of ending of the "Canal Parcel" centerline;

Thence South 25° 23' 21" West 6690.74 feet more or less to an outfall structure, contained within the "Humboldt River Outfall and Erosion Protection Parcel"; Thence continuing South 25° 23' 21" West to the center of the Humboldt River as it may exist from time to time.

Containing 7.68 acres more or less.

End of Description



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REV03/20/98:South Pipe Legal032098.doc

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## CANAL PARCEL

A strip of land 200 feet wide, 100 feet both sides of centerline, generally situated in sections 19, 30, 31, T 35 N, R 49 E, sections 6, 7, 18, T 34 N, R 49 E, sections 13, 24, 25, 26, 35, T 34 N, R 48 E, sections, 2, 3, 10, 15, 16, 21, T 33 N, R 48 E, all said townships referenced to the MDM, in the County of Eureka, State of Nevada, the center line of which strip is described as follows:

Commencing at the section corner marking the Southwest corner of section 31, T 35 N, R 49 E, MDM, being a found iron pipe with a 3 inch brass cap marked "T 35 N R 48 E S36, T 34 N R 48 E S1, T 35 N R 49 E S31, T 34 N R 49 E S6, General Land Office 1914", from which an iron pipe with a 3 inch brass cap marked "32,33 T 36 N R 49 E SC General Land Office 1914" being a General Land Office Standard Corner for sections 32 and 33, T 36 N, R 49 E, MDM, bears North 23° 03' 56" East 34715.77 feet; thence from said point of commencement North 15° 58' 30" East 15279.01 feet to the point of beginning, also being on the described line of the "North Pipeline Parcel", from which the end point of the "North Pipeline Parcel" described line bears South 1° 45' 46" West 100.00 feet;

Thence South 1° 45' 46" West 1136.15 feet;  
Thence South 1° 22' 27" West 13640.48 feet;  
Thence South 7° 54' 53" West 4721.13 feet;  
Thence South 0° 00' 02" East 6267.63 feet;  
Thence South 36° 01' 48" West 4520.41 feet;  
Thence South 71° 41' 34" West 469.73 feet;  
Thence South 33° 09' 35" West 3454.59 feet;  
Thence South 19° 08' 59" West 4672.16 feet;  
Thence South 33° 50' 17" West 12745.68 feet;  
Thence South 23° 27' 15" West 8455.75 feet;  
Thence South 33° 16' 14" West 11334.92 feet to the end of the centerline, also being the point of beginning of the "South Pipeline Parcel";

From which point the section corner for sections 31 and 32, T 33 N, R 48 E, MDM, being a found iron pipe with a 3 inch brass cap marked "T 33 N R 48 E S31 S32 General Land Office 1914" bears South 26° 20' 57" West 14945.23 feet.

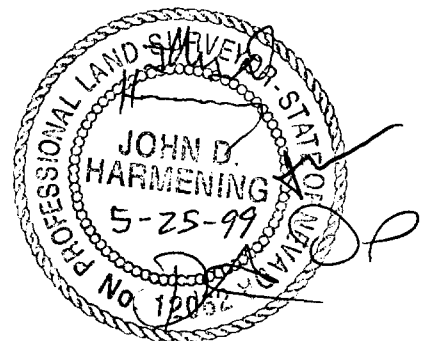
The above described strip containing 327.91 acres more or less.

End of Description

A-6

REV 03/20/98:Canal Legal032098.doc

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## HUMBOLDT RIVER OUTFALL AND EROSION PROTECTION PARCEL

A Strip of land 200 feet wide, 100 feet both sides of centerline, generally situated in section 29, T 33 N, R 48 E, MDM, in the County of Eureka, State of Nevada, the center line of which strip is described as follows:

Commencing at the section corner marking the Southwest corner of section 32, T 33 N, R 48 E, MDM, being a found iron pipe with a 3 inch brass cap marked "T 33 N R 48 E S31 S32 General Land Office 1914", from which an iron pipe with a 3 inch brass cap marked "T 35 N R 48 E S36, T 34 N R 48 E S1, T 34 N R 49 E S6, T 35 N R 49 E S31, General Land Office 1914" being a General Land Office section corner bears North 22° 48' 54" East 68725.13 feet; thence from said point of commencement North 25° 38' 45" East 8006.85 feet to the point of beginning;

Thence North 49° 23' 32" East 130.44 feet;  
Thence North 63° 56' 17" East 181.17 feet;  
Thence North 73° 55' 05" East 58.35 feet;  
Thence North 82° 10' 20" East 5.67 feet to the intersection with the described line of the "South Pipeline Parcel", from which the end point of the "South Pipeline Parcel" bears South 25° 23' 31" West 56.72 feet;  
Thence continuing from said point of intersection North 82° 10' 20" East 207.59 feet;  
Thence North 89° 28' 23" East 177.37 feet;  
Thence South 74° 53' 42" East 175.26 feet;  
Thence North 89° 40' 02" East 93.58 feet;  
Thence South 63° 28' 57" East 238.81 feet;  
Thence South 74° 41' 17" East 74.26 feet;  
Thence South 58° 27' 30" East 113.41 feet;  
Thence South 32° 03' 43" East 75.79 feet;  
Thence South 55° 08' 16" East 144.10 feet;  
Thence South 41° 03' 15" East 140.44 feet to the end of the centerline.

Containing 8.31 Acres more or less.

End of Description

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## **ADDITIONAL PARCELS**

### **Cooling Channel Parcel**

Lands embraced within the fenced area around an existing cooling channel as located in the Southeast Quarter of Section 33 and the South Half of Section 34, T. 36 N., R. 49 E., and the Northeast Quarter of Section 3, T. 35 N., R. 49 E., as more particularly described in the Settlement Agreement and as depicted on the map attached as Exhibit A-8-1.

### **Coffer Dam Impoundment Parcel**

Lands embraced within the fenced area around an existing coffer impoundment located in the Southeast Quarter of Section 33, T. 36 N., R. 49 E., and the Northwest Quarter of Section 3, T. 35 N., R. 49 E., as more particularly described in the Settlement Agreement and as depicted on the map attached as Exhibit A-8-2.

### **Boulder Creek Outfall Structure**

Such land within the Southwest Quarter of Section 33, T. 36 N., R. 49 E., and east of Boulder Creek, as may be necessary to construct an outfall structure to Boulder Creek in the immediate vicinity of the most westerly portion of the Water Treatment Plant Parcel as generally depicted on the map attached as Exhibit A-8-3.

### **White House Ditch Outfall Structure**

Such land within the Northwest Quarter of Section 21, T. 33. N., R. 48 E., and north of the White House Ditch, as may be necessary to construct an outfall structure to the White House Ditch in the immediate vicinity of the ending point of the Canal Parcel as generally depicted on the map attached as Exhibit A-8-4.

A -8

197825.1

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WATER TREATMENT  
PLANT PARCEL (A-3)  
+-106.43 Acres

APP. WEST BDRY  
COOLING  
CHANNEL

COOLING  
CHANNEL  
PARCEL(A-8-1)

COFFER DAM  
IMPOUNDMENT  
PARCEL

APP. WEST BDRY  
COOLING  
CHANNEL

33 34  
3

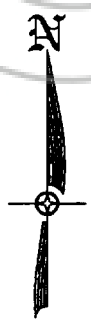
T36N, R49E  
T35N, R49E

APPROXIMATE  
LOCATION  
TS RESERVOIR

*Handwritten initials: Jm, DP, DA*

EXHIBIT A-8-1

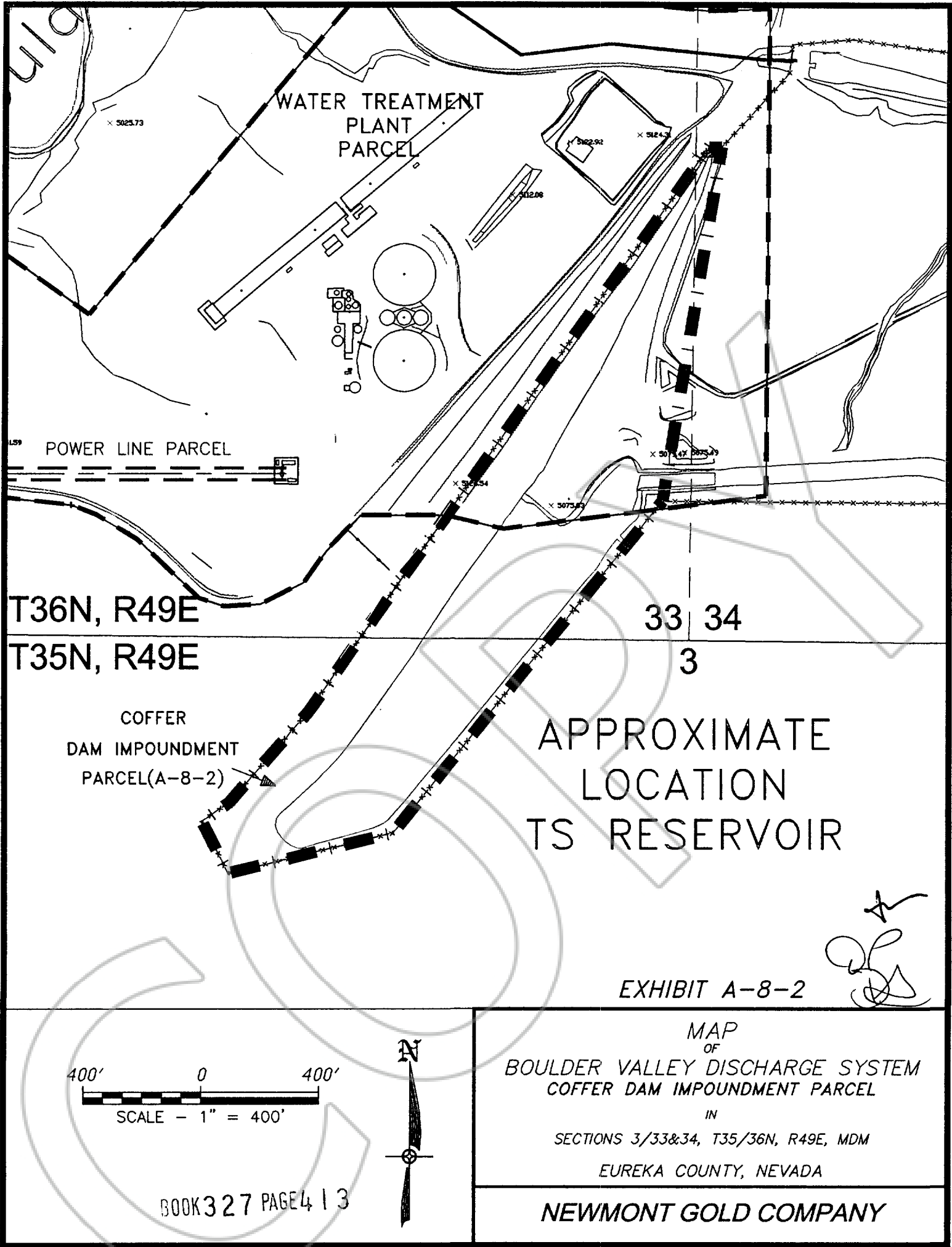
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SCALE - 1" = 600'



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MAP  
OF  
BOULDER VALLEY DISCHARGE SYSTEM  
COOLING CHANNEL PARCEL  
IN  
SECTIONS 2&3/33&34, T35/36N, R49E, MDM  
EUREKA COUNTY, NEVADA

NEWMONT GOLD COMPANY





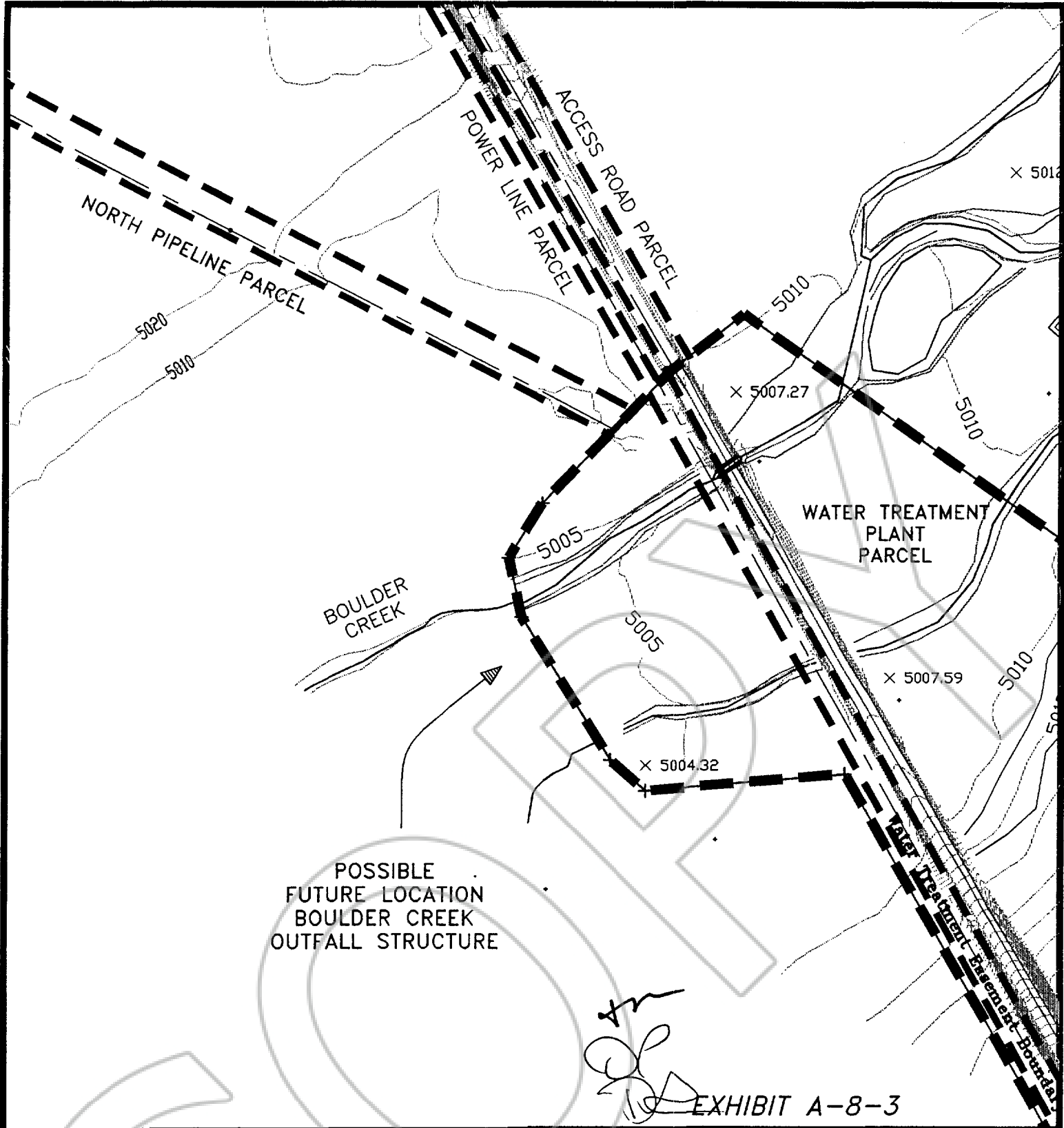
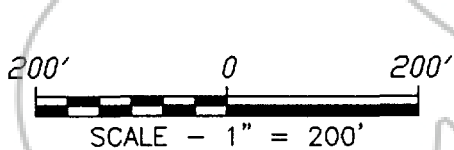


EXHIBIT A-8-3



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MAP  
OF  
BOULDER VALLEY DISCHARGE SYSTEM  
PROPOSED BOULDER CREEK OUTFALL STRUCTURE  
IN  
SECTION 33, T36N, R49E, MDM  
EUREKA COUNTY, NEVADA

NEWMONT GOLD COMPANY



POSSIBLE  
FUTURE LOCATION  
WHITE HOUSE DITCH  
OUTFALL STRUCTURE

SOUTH PIPELINE PARCEL (A-5)

CANAL PARCEL (A-6)

WHITE HOUSE DITCH

EXHIBIT A-8-4

200' 0 200'  
SCALE - 1" = 200'



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MAP  
OF  
BOULDER VALLEY DISCHARGE SYSTEM  
PROPOSED WHITE HOUSE DITCH OUTFALL STRUCTURE  
IN  
SECTION 21, T33N, R48E, MDM  
EUREKA COUNTY, NEVADA

NEWMONT GOLD COMPANY

BOOK 327 PAGE 400  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
*Baruck Goldstrike Mines*  
99 JUN -9 PM 1:52

EUREKA COUNTY NEVADA  
M.N. REBALEATI, RECORDER  
FILE NO. [REDACTED] FEES \$23.08

172268

COPY

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