

175687

174852

EXHIBIT D

Short Form Lease

THIS SHORT FORM LEASE AGREEMENT (this "Short Form Lease"), dated effective MAY 12, 2009, is by and between NEWMONT GOLD COMPANY, a Delaware corporation, a wholly-owned subsidiary of Newmont Mining Corporation, a Delaware corporation, ("Lessor") and CONOCO INC., a Delaware corporation ("Lessee").

Recitals

A. Lessor holds fee title certain real property situated in the County of Eureka, State of Nevada, as more particularly described in Exhibit A attached hereto and depicted on the map set forth in Exhibit A1 attached hereto (the "Premises").

B. By Site Lease and Access Agreement dated of even date herewith (the "Lease"), Lessor has leased to Lessee and Lessee has received from Lessor the Premises and Lessor has granted Lessee a non-exclusive license and right to use the access road more particularly described in Exhibit B attached hereto and depicted on the map set forth in Exhibit B1 attached hereto (the "Access Road") for ingress and egress to the Premises.

C. Pursuant to the Lease and the Agreement for Supply of Lubricants and Construction and Operation of Transload Facility dated as of JULY 12, 2009 between Lessor and Lessee for the supply of lubricants, oils and greases to Lessor (the "Supply Agreement"), Lessee has the right to construct a facility for the unloading of lubricants, oils and greases on the Premises (the "Lubricant Transload Facility").

D. The parties desire to give constructive notice of the Lease by recording short form of the Lease in the real property records of Eureka County, Nevada.

Agreement

THEREFORE, in consideration of One Dollar (\$1.00), Lessor hereby demises and leases the Premises to Lessee, and grants to Lessee a non-exclusive right to use the Access Road, subject to the terms, covenants and provisions of the Lease, the full terms of which are hereby incorporated into this Short Form Lease by reference as though more fully set forth herein; and Lessor and Lessee hereby agree as follows:

1. Lessor and Lessee, as notified above, are the same parties, with the same business address, as have executed the Lease.
2. The term of the Lease commences upon the effective date hereof and shall run until July 31, 2009; provided, however, that termination of the Supply Agreement shall cause a termination of the Lease and this Short Form Lease simultaneously therewith.
3. Unless Lessor acquires the Lubricant Transload Facility as provided in the Supply Agreement, the Lubricant Transload Facility shall remain the property of Lessee and shall be removed by Lessee

from the Premises upon expiration or other termination of the Lease or within three (3) months days after said date.

4. A true and complete copy of the Lease is on deposit at Lessee's offices as set forth below.

5. Nothing contained in this Short Form Lease shall amend or otherwise modify the Lease.

The parties hereto have executed this Short Form Lease on the dates specified immediately adjacent to their respective signatures.

**LESSOR:**

**NEWMONT GOLD COMPANY**

Date: May 30, 2000

By: W. J. Mathis  
Name: W. J. Mathis  
Title: SR. Vice President

**Lessor's Address**

P.O. Box 669  
Carlin, Nevada 89822  
Attention: Contracts Department

and:

555 Fifth Street  
Elko, NV 89801  
Attention: Land Department

**LESSEE:**

**CONOCO INC.**

Date: \_\_\_\_\_

By: Christopher W. Beasley 4-7-00  
Name: CHRISTOPHER W. BEASLEY  
Title: SALES MANAGER

**Lessee's Address:**

6855 S. HAVANA ST., SUITE 510  
ENGLEWOOD, CO 80112

BOOK 335 PAGE 18  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
Newmont Gold  
00 JUL -3 AM 9:45  
ELK COUNTY, NEVADA  
M.H. REGALEATI, RECORDER  
FILE NO. FEES 8

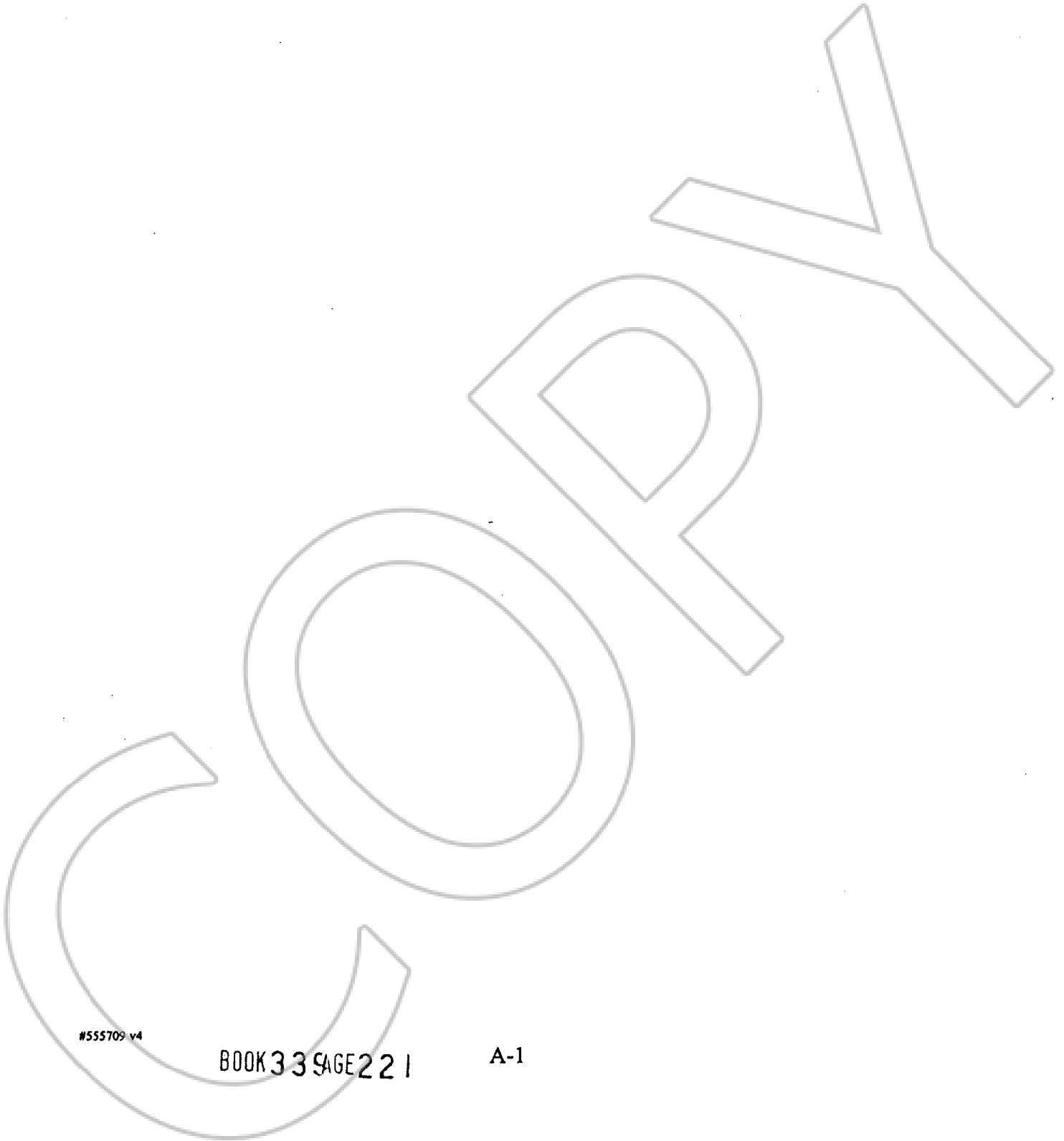
**174852**

BOOK 39 PAGE 220 D-2

BOOK 335 PAGE 186

**EXHIBIT A**

Legal Description of Premises



#555709 v4

BOOK 33 PAGE 221

A-1

**EXHIBIT A**  
**CNOCO INC. LEASE PREMISES**

March 29, 2000

A parcel of land located in Section 32, T. 33 N., R. 48 E., M.D.B. & M., Eureka County, Nevada, more particularly described as follows:

Commencing at the Southeast corner of said Section 32, a point from which the South 1/4 corner of said section 32 bears N 89° 07' 58" W, 2579.20 feet, thence N 46° 49' 23" W, 3121.05 feet to Corner No. 1, the true point of beginning;

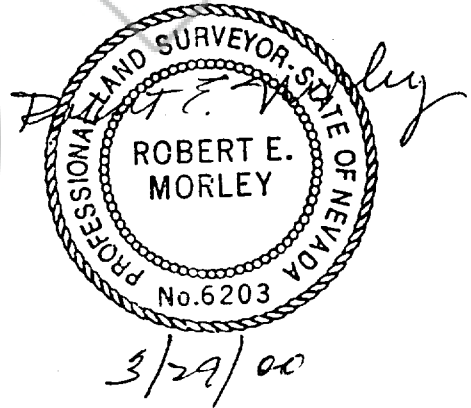
Thence S 68° 57' " W, 210.00 feet to Corner No. 2;

Thence N 21° 02' " W, 110.00 feet to Corner No. 3;

Thence N 68° 57' " E, 210.00 feet to Corner No. 4;

Thence S 21° 02' " E, 110.00 feet to Corner No. 1, the point of beginning, containing 23,100 square feet, more or less.

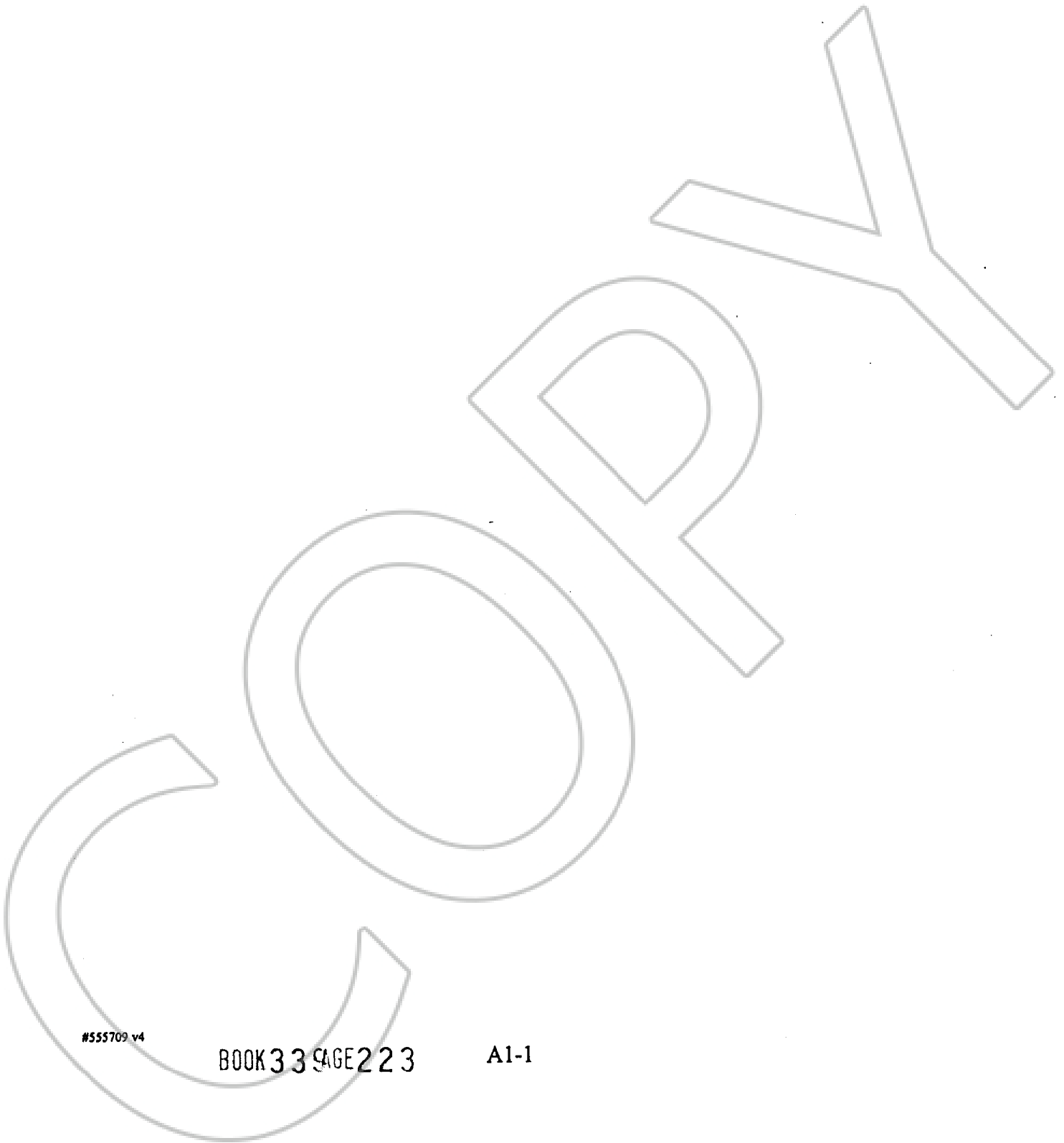
Reference is hereby made to Exhibit A1, Map of Lease Premises for Conoco Inc., attached hereto and made a part hereof.



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**EXHIBIT A1**

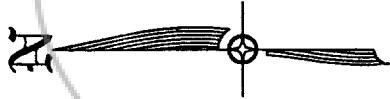
**Map of Premises**



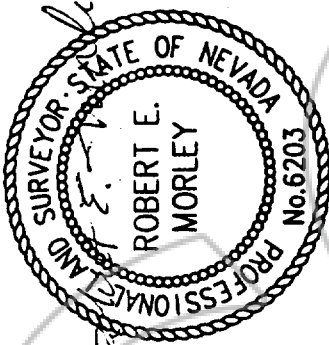
#555709 v4

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A1-1



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3/29/00

RIGHT OF WAY  
SUCCESSOR TO CPRR  
RIGHT OF WAY  
UNIT GOLD COMPANY  
RIGHT OF WAY  
INTERSTATE ROUTE 80  
RIGHT OF WAY

S 21°02'10" E  
110.00'

N 21°02'10" W  
110.00'

S 68°57'50" W  
210.00'

CONOCO INC.  
LEASE PREMISES

APPROXIMATE 1/16 SECTION LINE

N 46°49'23" W

EXHIBIT A1  
MAP OF LEASE PREMISES  
FOR

CONOCO INC.  
SECTION 32, T.33 N., R.48 E., M.D.B. & M.  
EUREKA COUNTY, NEVADA

FOUND 1914  
GLO BRASS CAP  
SOUTH 1/4 CORNER  
SECTION 32

N 89°07'58" W

2579.20'

BASIS OF BEARINGS

FOUND 1914  
GLO BRASS CAP  
SOUTHEAST CORNER  
SECTION 32

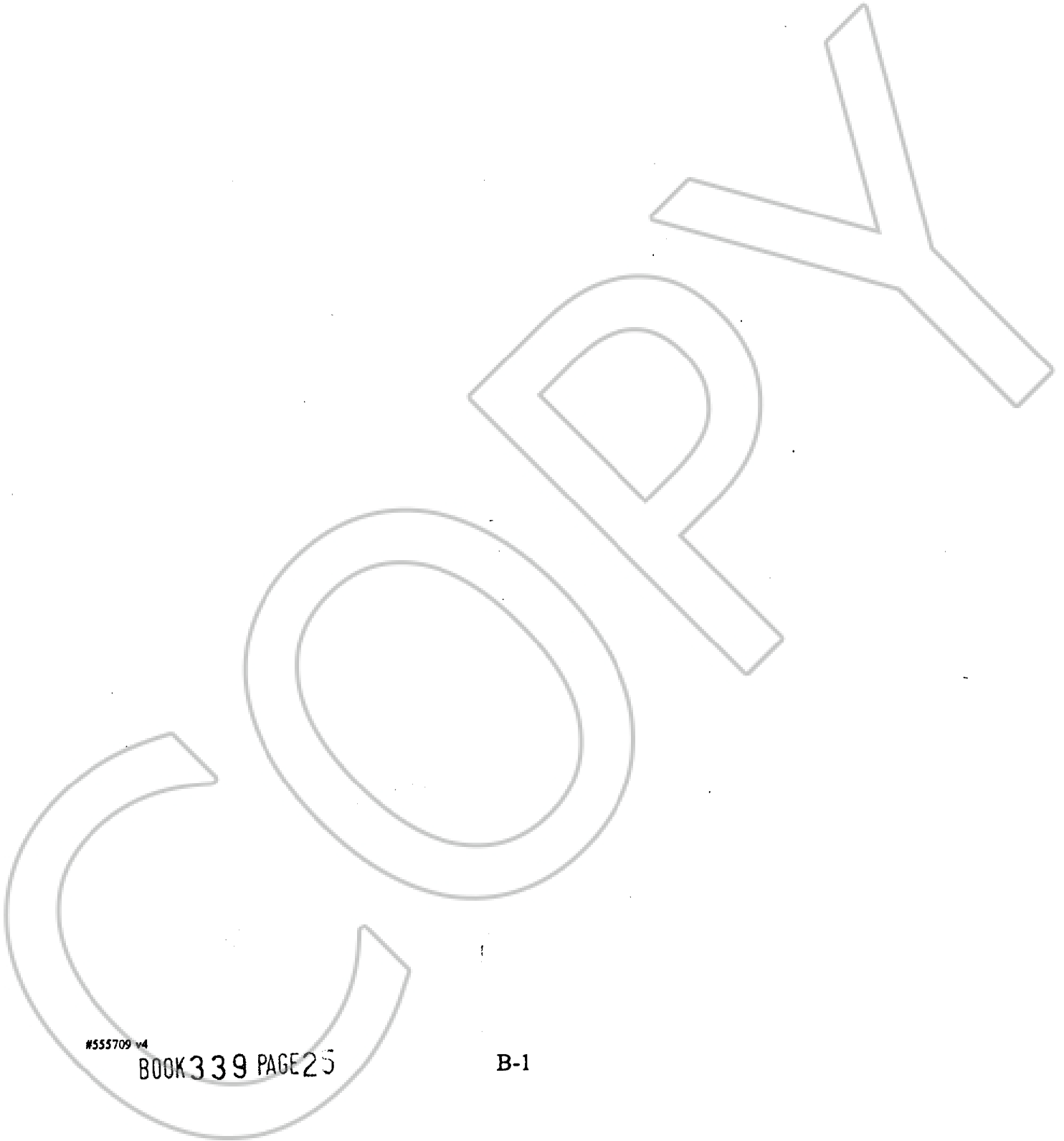
32

33

SECTION LINE

**EXHIBIT B**

Legal Description of Access Road



**EXHIBIT B**  
**ONOCO INC. ACCESS ROAD**

March 29, 2000

A parcel of land located in Sections 32 and 33, T. 33 N., R. 48 E., M.D.B. & M., Eureka County, Nevada more particularly described as follows:

Commencing at : Southeast corner of said Section 32, a point from which the South 1/4 corner of said section 32 bears N 89° 07' 58" W, 2579.20 feet, thence N 15° 11' 41" E, 3276.29 feet to Corner No. 1, a point being on the Northwestern right of way line of Interstate Route 80, thence point of beginning;

Thence S 70° 14' 33" W, 120.29 feet along the said Northwestern right of way line of Interstate Route 80, to corner No. 2;

Thence from a tangent bearing N 19° 45' 12" W, on a curve to the left with a radius of 66.71 feet, through a central angle of 90° 27' 08", for an arc length of 105.31 feet to Corner No. 3;

Thence S 69° 47' 11" W, 980.04 feet to Corner No. 4;

Thence S 66° 18' 33" W, 260.18 feet to Corner No. 5;

Thence S 68° 57' 11" W, 82.52 feet to Corner No. 6;

Thence S 72° 06' 11" W, 263.78 feet to Corner No. 7;

Thence S 70° 03' 33" W, 1407.85 feet to Corner No. 8;

Thence S 68° 57' 11" W, 370.15 feet to Corner No. 9;

Thence S 70° 03' 33" W, 1592.95 feet to Corner No. 10;

Thence from a tangent bearing S 70° 03' 49" W, on a curve to the right with a radius of 85.39 feet, through a central angle of 201° 56' 46", for an arc length of 300.97 feet to Corner No. 11;

Thence S 87° 59' 53" E, 333.38 feet to Corner No. 12;

Thence N 70° 03' 39" E, 1053.69 feet to Corner No. 13;

Thence N 46° 56' 53" E, 96.56 feet to Corner No. 14



Thence N 68° 57' " E, 153.10 feet to Corner No. 15, a point being on the Westerly line of the Conoco Inc. Lease Premises;

Thence S 21° 02' " E, 27.05 feet along the said Westerly line of the Conoco Inc. Lease Premises to Corner No. 16, a point being the Southwesterly corner of the said Conoco Inc. Lease Premises;

Thence N 68° 57' " E, 210.00 feet along the Southerly line of the said Conoco Inc. Lease Premises to Corner No. 17, a point being the Southeasterly corner of the said Conoco Inc. Lease Premises;

Thence N 21° 02' " W, 27.05 feet along the Easterly line of the Conoco Inc. Lease Premises to Corner No. 18;

Thence N 68° 57' " E, 77.91 feet to Corner No. 19;

Thence S 89° 00' " E, 110.00 feet to Corner No. 20;

Thence N 70° 03' " E, 1344.29 feet to Corner No. 21;

Thence N 72° 06' " E, 263.88 feet to Corner No. 22;

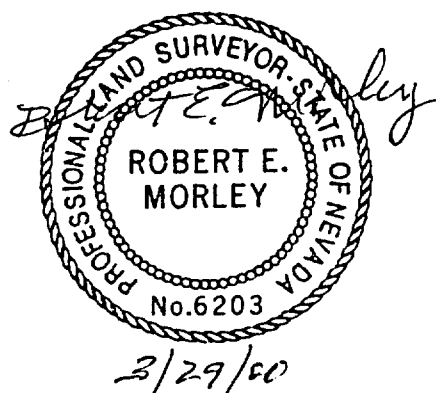
Thence N 68° 57' " E, 80.00 feet to Corner No. 23;

Thence N 66° 18' " E, 260.47 feet to Corner No. 24;

Thence N 69° 47' " E, 1060.91 feet to Corner No. 25;

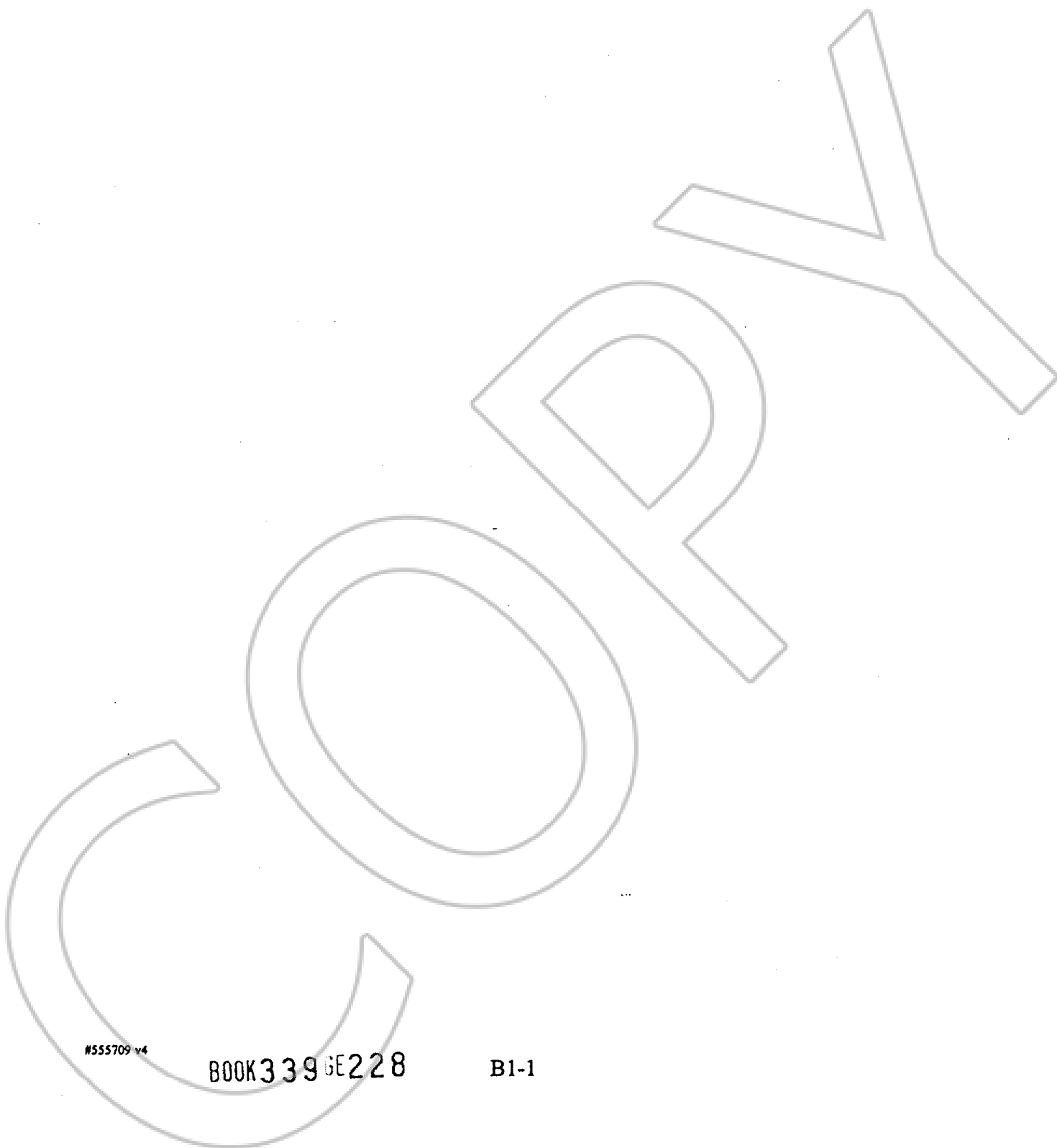
Thence from a tangent bearing N 69° 47' 40" E, on a curve to the right with a radius of 107.34 feet, through a central angle of 90° 27' 08", for an arc length of 169.46 feet to Corner No. 1, the point beginning.

Reference is hereby made to Exhibit B1, Map of Access Road for Conoco Inc., attached hereto and made a part hereof.



**EXHIBIT B1**

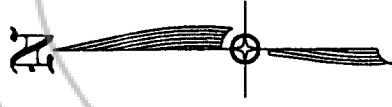
**Map of Access Road**



#555709 v4

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B1-1



BOOK 33 PAGE 229

ACCESS ROAD

RIGHT OF WAY  
SUCCESSOR TO CPRR

CONOCO INC.  
LEASE PREMISES

RIGHT OF WAY  
RIGHT GOLD  
NEW MONT IDAHO

INTERSTATE  
ROUTE 80

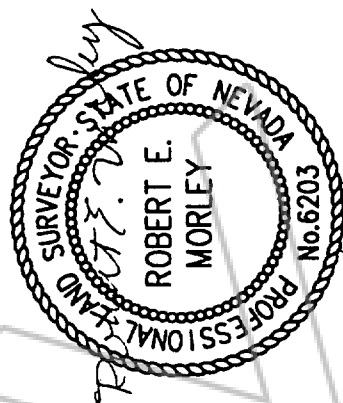
RIGHT OF WAY

APPROXIMATE 1/16 SECTION LINE

SECTION LINE

EXHIBIT B1  
MAP OF ACCESS ROAD  
FOR

CONOCO INC.  
SECTION 32 & 33, T.33 N., R.48 E., M.D.B. & M.  
EUREKA COUNTY, NEVADA



FOUND 1914  
GLO BRASS CAP  
SOUTH 1/4 CORNER  
SECTION 32

N 89°07'58" W  
2579.20'  
BASIS OF BEARINGS

FOUND 1914  
GLO BRASS CAP  
SOUTHEAST CORNER  
SECTION 32

32 33

3276.29'

N 15°11'41" E

N 19°45'12" W  
TAN. BRG.

Δ= 90°27'08"  
R= 107.34'  
L= 169.46'

N 66°18'09" E  
260.47'

N 68°57'50" E  
80.00'

N 72°06'13" E  
263.88'

N 69°47'40" E  
1060.91'

N 69°47'40" W  
980.04'

Δ= 90°27'08"  
R= 66.71'  
L= 105.31'

S 70°14'48" W  
82.52'

S 72°06'34" W  
263.78'

S 100°31'49" E  
107.85'

N 21°02'10" W  
21.05'

N 21°02'10" E  
27.05'

N 68°57'50" E  
210.00'

N 68°57'50" W  
310.15'

S 87°59'25" E  
333.38'

Δ= 201°56'46"  
R= 85.39'  
L= 300.97'

N 70°03'49" E  
1592.95'

S 70°03'49" W  
1003.49'

COPY

BOOK 339 PAGE 219  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
*Newmont Gold Co.*  
01 JAN -2 AM 9:45

EUREKA COUNTY NEVADA  
M.N. REGALEATI, RECORDER  
FILE NO. FEES 18<sup>00</sup>

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