

When recorded, please return to:  
Newmont USA, Limited  
555 Fifth Street  
Elko, NV 89801

BOOK 424 PAGE 238-274  
OFFICIAL RECORDS  
RECORDED AT THE REQUEST OF  
Newmont Mining Corp  
2005 OCT 19 AM 8:45

EUREKA COUNTY, NEVADA  
M.N. REBALEATI, RECORDER  
FILE NO. 201229  
FEES \$75.00

## MEMORANDUM OF ROYALTY AGREEMENT

This MEMORANDUM OF ROYALTY AGREEMENT is made as of the 26 day of July, 2005 (the "Effective Date"), by and among Newmont USA Limited, a Delaware corporation, d/b in Nevada as Newmont Mining Corporation (hereafter "Newmont"), whose address is 555 Fifth Street, Elko, Nevada 89801, and Robert A. Day, Jr., Theodore J. Day, Howard M. Day, and Tammis A. Day, hereafter collectively referred to as the "Days," whose address for purposes hereof is 165 West Liberty Street, Suite 100, Reno, Nevada 89501.

### RECITALS

A. By Corporation Grant Deed, a copy of which is attached as Exhibit "A" hereof, the Days acquired a one-sixth (1/6<sup>th</sup>) "landowners' royalty" as described therein from Day Cattle Company, a Nevada Corporation. The lands described in Exhibit A generally comprise the ranch known as the "Horseshoe Ranch" and are hereafter sometimes referred to as the "Ranch Lands."

B. By Quitclaim Deed, a copy of which is attached as Exhibit "B" hereof, the Days transferred a four and one-sixth percent landowners' royalty to Day Cattle Company, thus extinguishing that portion of the landowners' royalty. As a result of such conveyance, the Days presently are joint owners of a 12.5% royalty interest (hereafter, "Day Royalty") in certain of the Ranch Lands (hereafter, "Royalty Lands"), which are more particularly described in Exhibits "C" and "D".

C. Subsequently, Day Cattle Company sold the Horseshoe Ranch and Newmont purchased the Horseshoe Ranch pursuant to a Grant Bargain and Sale Deed recorded July 19, 2005, Book 417, Page 387, Official Records of Eureka County, Nevada.

D. Newmont and the Days entered into a Royalty Agreement dated June 14, 2005. Pursuant to the Royalty Agreement, the Days agreed to reduce the Day Royalty, insofar as it pertains to all minerals, except gas, oil and geothermal resources, upon the fulfillment of certain conditions precedent by Newmont as further described therein, and Newmont agreed to pay that modified royalty (the "Royalty").

E. Newmont has now fulfilled those conditions, and Newmont and the Days desire to enter into this Memorandum of Royalty Agreement (the "Memorandum") for the purpose of placing of record a notice of the Royalty Agreement.

## AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby confessed and acknowledged, Newmont and the Days have agreed and do hereby agree as follows:

1. Work Commitment. Newmont has agreed and hereby agrees to pay, perform and/or provide, at Newmont's expense, verifiable mineral exploration and/or development expenses and activities described in the Royalty Agreement below on or for the benefit of the Royalty Lands (hereafter, the "Work Commitment").

2. Redefinition and Modification of Royalty. Upon completion of the Work Commitment, the parties have agreed and hereby agree that the Day Royalty shall be reduced from 12.5% to the percentage set forth in the Royalty Agreement, and modified to be calculated and paid in accordance with the terms and conditions set forth in the Royalty Agreement.

3. Production Royalty. Newmont has agreed and does hereby agree to pay the Day Royalty until it completes the Work Commitment, and thereafter has agreed and does hereby agree to pay the Days a modified production royalty as set forth in the Royalty Agreement.

4. Right of First Refusal. If the Days receive an offer from a third party who desires to acquire all or any part of the Royalty, Newmont shall have a right of first refusal to acquire that interest as provided in the Royalty Agreement.

5. Successors and Assigns. All of the terms and conditions of the Royalty Agreement and this Memorandum shall inure to the benefit of, and be binding upon, the parties and their respective heirs, successors and assigns. The parties have agreed and do hereby agree that the Royalty shall be a real property interest that runs with the Royalty Lands and shall be payable by Newmont and its successors and assigns. If Newmont or any of its successors or assigns conveys, transfers, or assigns to any third party all or any portion of its interest in the Royalty Lands, it shall require the party or parties acquiring such interest to assume in writing the obligation to pay the Royalty in accordance with the terms of the Royalty Agreement.

6. Additional Provisions. The Royalty Agreement contains various other provisions, and reference is made to the Royalty Agreement for such other provisions, which are by reference made a part hereof. Nothing in this Memorandum shall limit or affect the rights and duties of the parties under the Royalty Agreement. Information regarding the Royalty Agreement can be obtained from Newmont at the address set forth above.

7. Counterparts. This Memorandum may be executed in several counterparts, any one of which may contain the signatures of Newmont and any of the Days, which together shall constitute a single original document.

IN WITNESS WHEREOF, the parties have executed this Memorandum of Royalty Agreement effective as of the date first above written.

NEWMONT USA LIMITED  
d/b/a NEWMONT MINING CORPORATION,  
a Delaware corporation:

By: *Deland W. Kruger*

Name printed: *Deland W. Kruger*

Title: *Vice President*

DAYS:

*Robert A. Day, Jr.*  
ROBERT A. DAY, JR.

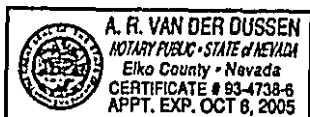
*Howard M. Day*  
HOWARD M. DAY

*Theodore J. Day*  
THEODORE J. DAY

*Tammis A. Day*  
TAMMIS A. DAY

STATE OF NEVADA       )  
                                      ) ss.  
COUNTY OF ELKO       )

On July 26, 2005, personally appeared before me, a Notary Public, LELAND W. KRUGER, a Vice President of Newmont USA Limited, a Delaware corporation, d/b in Nevada as Newmont Mining Corporation, 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.



A. R. Van Der Dussen  
Notary Public

STATE OF Nevada ) California Florida  
                              ) ss.  
COUNTY OF Washoe ) Hillsborough

August 8

On July 8, 2005, personally appeared before me, a Notary Public, Robert A. Day, Jr., 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.

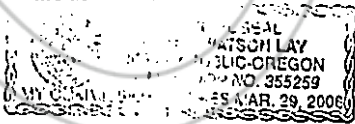


Allison H. Fagien  
Notary Public

STATE OF Oregon       )  
                                      ) ss.  
COUNTY OF Deschutes )

August 8

On July 8, 2005, personally appeared before me, a Notary Public, Howard M. Day, 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.

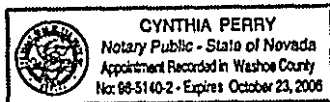


Howard M. Day  
Notary Public

STATE OF NEVADA       )  
                                  ) ss.  
COUNTY OF Washoe    )

August 3

On July \_\_\_\_\_, 2005, personally appeared before me, a Notary Public, Theodore J. Day, 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.



Cynthia Perry  
Notary Public

STATE OF Florida       )  
                                  ) ss.  
COUNTY OF Hillsborough )

August 11

On July \_\_\_\_\_, 2005, personally appeared before me, a Notary Public, Tammis A. Day, 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.



Allison H. Fagnan  
Notary Public

STATE OF CALIFORNIA     )  
                                      )SS.  
COUNTY OF LOS ANGELES    )

On August 11, 2005, personally appeared before me, Cynthia B. Ayala – Notary Public, Robert A. Day, Jr., personally known to me to be the person whose name is subscribed to the above instrument who acknowledged to me that he executed the above instrument.



Cynthia B. Ayala  
Notary Public

RECORDING REQUESTED BY

59772

AND WHEN RECEIVED MAIL TO

Name O'Malveny & Myers  
 Street 611 West Sixth Street  
 Address Los Angeles, California 90017  
 City & State Attn: Lowell C. Martindale, Esq.

RPMT PAID \$ 5.50

*Willie A. DeLoach*  
 Elreka County Recorder

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO

Name Mr. Robert A. Day, Jr.  
 Street Cypress Partners  
 Address 19th Floor, 611 W. 6th St.  
 City & State Los Angeles, California 90017

DOCUMENTARY TRANSFER TAX \$ 5.50  
 RECOMPUTED ON FULL VALUE OF PROPERTY CONVEYED,  
 OR COMPUTED ON FULL VALUE LESS LIENS AND  
 ENCUMBRANCES REMAINING AT TIME OF SALE.  
*Robert A. Day, Jr.*  
 Signature of Deed Grantor or Agent Determining tax. Firm Name

## Corporation Grant Deed

THIS FORM FURNISHED BY TITLE INSURANCE AND TRUST COMPANY

TO 400 9 RA 12-711

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

Day Cattle Company

a corporation organized under the laws of the state of Nevada  
 hereby GRANTS to those persons listed on Exhibit A hereto, which is  
 hereby incorporated by reference, (collectively referred to herein  
 as the "Grantees") as tenants in common

the following described real property in the  
 County of

State of ~~NEVADA~~ Nevada:

a one-sixth (1/6th) landowner's royalty in perpetuity in the gas,  
 oil, mineral and geothermal property underlying the surface of the  
 real property described on Exhibit B hereto which is hereby incor-  
 porated by reference, subject to the express reservations, covenants  
 and conditions set forth in the attached Addendum to this deed,  
 which is hereby incorporated by reference.

In Witness Whereof, said corporation has caused its corporate name and seal to be affixed hereto and this Instru-  
 ment to be executed by its Robert A. Day, Jr. President and Robert A. Day, Jr. Secretary  
 thereunto duly authorized.

Dated: January 31, 1975

STATE OF CALIFORNIA

COUNTY OF Los Angeles

On January 31, 1975

before me the undersigned, a Notary Public in and for said State, personally appeared  
Robert A. Day, Jr. *VERLIE Y. RANDALL*  
 to me to be the President, and

known to me to be  
 Secretary of the Corporation that executed the  
 within instrument. Known to me to be the persons who executed the  
 within instrument on behalf of the Corporation therein named, and  
 acknowledged to me that said Corporation executed the within Instru-  
 ment pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Signature *Verlie Y. Randall*  
VERLIE Y. RANDALL  
 Name (Typed or Printed)

By Robert A. Day, Jr. President  
 By Robert A. Day, Jr. Secretary



(This area for official stamp only)

Title Order No.

Escrow or Loan No.

MAIL TAX STATEMENTS AS DIRECTED ABOVE BOOK 51 PAGE 032

EXHIBIT "A"

BOOK 424 PAGE 244



ADDENDUM

This deed is subject to the express reservations, covenants and conditions set forth below:

1. Grantor hereby reserves and excepts from the grant hereof all rental payments in any form, including, but not limited to, any rent or bonus paid in advance and any rent or bonus which may be credited against any obligation of any lessee, present or future, of the real property described in Exhibit B hereto to pay royalties of any nature pertaining to said real property.

2. Grantees do not by these presents acquire any right to participate in the making of future gas, oil, hydrocarbon, mineral, geothermal mining or other lease affecting the real property described in Exhibit B hereto (collectively referred to herein as the "Lease"), on the portion of said lands not at this date under lease, nor of participating in the making of any future Lease should any existing or future Lease for any reason become cancelled or forfeited, nor of participating in the bonus or bonuses which Grantor herein shall receive for any future Lease.

BOOK 51 PAGE 033



GRANTEES

Robert A. Day, Jr., a married man, 611 West Sixth Street, Los Angeles, California 90017.

Howard M. Day, a married man, Beowawe, Nevada 89821.

Theodore J. Day, a married man, 984 South California Avenue, Palo Alto, California 94306.

Laurence H. Day, a single man, 3531 East Camden Avenue, Tucson, Arizona 84716.

Tammis M. Day, a single person, 974 Dedham, Newton, Massachusetts 02159.

EXHIBIT A

BOOK 51 PAGE 034

BOOK 424 PAGE 246

EXHIBIT B

LEGAL DESCRIPTION

All that certain real property situate, lying and being in the County of Eureka, State of Nevada, particularly described as follows:

TOWNSHIP 31 NORTH, RANGE 49 EAST, M.D.B.&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 of the North half;  
North half of the South half  
Section 11: All  
Section 12: North half of the South half;  
North half

EXCEPTION from Sections 5, 9, 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, M.D.B.&M.

- Section 3: All, 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 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 173 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 200 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 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.

TOWNSHIP 31 NORTH, RANGE 52 EAST, M.D.B.&M.

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

TOWNSHIP 32 NORTH, RANGE 48 EAST, M.D.B.&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
- Section 34: East half of the East half
- Section 35: All
- Section 36: North half; Southwest quarter; West half of the Southeast quarter

TOWNSHIP 32 NORTH, RANGE 49 EAST, M.D.B.&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)

3.

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

4.

51 PAGE 038

- Section 25: Northeast quarter; South half
- Section 27: North half; the 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 within the rights-of-way of  
the Southern Pacific Railroad  
Company (or Central Pacific Rail-  
way Company) and Western Pacific  
Railroad Company.

TOWNSHIP 32 NORTH, RANGE 49 EAST M.D.B.&M.  
(Continued)

- 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, 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 33: West half and the Northeast quarter
- Section 35: South half and the Northeast quarter

TOWNSHIP 32 NORTH, RANGE 50 EAST, M.D.B.&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

3.

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 39, Eureka County, Nevada.

FURTHER EXCEPTING FROM Section 13, that parcel conveyed to 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, N.D.B.6M.

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 the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company. Further excepting therefrom those parcels conveyed to State of Nevada by deeds recorded September 24, 1963 in Book 27 of Deeds, at pages 22 and 23, Eureka County, Nevada, records.

TOWNSHIP 33 NORTH, RANGE 49 EAST, N.D.B.6M.

Section 32: All excepting therefrom that portion lying Northeasterly of U.S. Highway 40. Excepting therefrom those parcels conveyed to 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 Boovawa 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  
 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 10 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 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 Lot 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

7.

51 PAGE 041

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, which point bears North  $63^{\circ} 28' 16''$  East a distance of 7098.59 feet from the Southwest corner of Section 6, Township 31 North, Range 49 East, M.D.B.M.; thence North  $49^{\circ} 12'$  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  $48^{\circ} 17' 12''$ , an arc distance of 1,053.45 feet to end of said curve; thence South  $12^{\circ} 53' 41''$  West along said right-of-way boundary a distance of 130.82 feet; thence North  $40^{\circ} 48'$  West a distance of 966.99 feet to the point of beginning.

RECORDED AT THE REQUEST OF Vaughan, Hull, Harfist, Colcochea & Miller  
Ech. 74 19 75 at 01 a.m. per 8 A. M.  
Book 51 of OFFICIAL RECORDS, page 32-42 6 RECORDED  
EUREKA COUNTY, NEVADA Miller & Metcalfe  
Vol No. 59772 Fee \$11.00  
FILE NO. 59772

8.

51

PAGE

042

BOOK 424 PAGE 255      EXHIBIT "B"

VO 1044 CA (2-7-72)

(Individual)

County of Alameda  
STATE OF CALIFORNIA } SS.  
COUNTY OF ALAMEDA

On December 24, 1977 before me, the undersigned, a Notary Public in and for said State, personally appeared Laurence H. Day

\_\_\_\_\_, known to me  
to be the person whose name is subscribed  
to the within instrument and acknowledged that he  
executed the same.

WITNESS my hand and official seal.

Signature [Signature]



(This area for official record use)

VO 1044 CA (2-7-72)

(Individual)

County of Alameda  
STATE OF CALIFORNIA } SS.  
COUNTY OF ALAMEDA

On December 24, 1977 before me, the undersigned, a Notary Public in and for said State, personally appeared Theodore J. Day

\_\_\_\_\_, known to me  
to be the person whose name is subscribed  
to the within instrument and acknowledged that he  
executed the same.

WITNESS my hand and official seal.

Signature [Signature]



(This area for official record use)

VO 1044 CA (2-7-72)

(Individual)

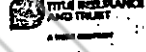
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES } SS.

On JANUARY 4, 1978 before me, the undersigned, a Notary Public in and for said State, personally appeared Robert A. Day, Jr.

\_\_\_\_\_, known to me  
to be the person whose name is subscribed  
to the within instrument and acknowledged that he  
executed the same.

WITNESS my hand and official seal.

Signature [Signature]



(This area for official record use)

BOOK 62 PAGE 479

## EXHIBIT A

LEGAL DESCRIPTION.

All that contain real property situate, lying and being in the County of Eureka, State of Nevada, particularly described as follows:

TOWNSHIP 31 NORTH, RANGE 49 EAST, M.D.B.&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 of the North half; North half of the South half  
 Section 11: All  
 Section 12: North half of the South half; North half

EXCEPTION from Sections 5, 9, 10, 11 and 12 all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railroad Company) and Western Pacific Railroad Company.

TOWNSHIP 31 NORTH, RANGE 50 EAST, M.D.B.&M.

- Section 3: All, EXCEPTING THEREFROM all those portions lying within the rights-of-way of the Southern Pacific Railroad Company (or Central Pacific Railroad Company) and Western Pacific Railroad Company.  
 Section 5: 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;  
 Section 7: 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

BOOK 62 PAGE 474



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 200 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 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.

TOWNSHIP 31 NORTH, RANGE 52 EAST, M.D.B. 611.

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

TOWNSHIP 32 NORTH, RANGE 48 EAST, M.D.B. 611.

Section 1: East half lying Easterly of a line parallel with and 200.00 feet distant Easterly of the center line

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 200 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 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.

TOWNSHIP 31 NORTH, RANGE 52 EAST, M.D.B.&M.

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

TOWNSHIP 32 NORTH, RANGE 48 EAST, M.D.B.&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

Section 34: East half of the East half

Section 35: All

Section 36: North half; Southwest quarter; West half of the Southeast quarter

TOWNSHIP 32 NORTH, RANGE 49 EAST, M.D.B.&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)

BOOK 62 PAGE 476

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 12, 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

4.

BOOK 62 PAGE 477

- Section 25: Northeast quarter; South half
- Section 27: North half; the 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 within the rights-of-way of  
the Southern Pacific Railroad  
Company (or Central Pacific Rail-  
way Company) and Western Pacific  
Railroad Company.

TOWNSHIP 32 NORTH, RANGE 49 EAST M.D.B. & M.  
(Continued)

- 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, 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 33: West half and the Northeast quarter
- Section 35: South half and the Northeast quarter

TOWNSHIP 32 NORTH, RANGE 50 EAST, M.D.B. & M.

- Section 7: All except that porti- 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

5.

BOOK 62 PAGE 478

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 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, M.D.B.&M.

Section 36: Southeast quarter; West half of the Northwest quarter; East half of the Northwest quarter; Northeast quarter 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.. Further excepting therefrom those parcels conveyed to State of Nevada by deeds recorded September 24, 1963 in Book 27 of Deeds, at page 22 and 25, Eureka County, Nevada, records.

TOWNSHIP 33 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 31: All excepting therefrom that portion lying Northeasterly of U.S. Highway 40. Excepting therefrom those parcels conveyed to 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  
 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 11 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 7, 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 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 Lot 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, which 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, M.D.B.&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 along said right-of-  
way boundary a distance of 130.82  
feet; thence North 40° 48' West a  
distance of 966.99 feet to the  
point of beginning.

RECORDED AT THE REQUEST OF Vaughan, Hull, Harfist & Miller, Ltd.  
on JANUARY 30 19 78 at 01 noon P.M. in  
Book 62 of OFFICIAL RECORDS, page 472-481, RECORDS OF  
EUREKA COUNTY, NEVADA WILLIS A. DEPAOLI Recorder  
File No. 64593 Fee \$ 12.00

64593

8.

BOOK 62 PAGE 481

## EXHIBIT C

### ROYALTY LANDS

All that real property situated in the County of Eureka, State of Nevada, described as follows:

TOWNSHIP 31 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 1: All

Section 3: S1/2 and NE1/4

Section 4: SW1/4NW1/4 and NW1/4SW1/4

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, recorded on June 15, 1908.

Section 9: All

Section 10: S1/2N1/2 and N1/2S1/2

Section 11: All

Section 12: N1/2S1/2 and N1/2

EXCEPTING FROM Sections 5, 9, 10, 11 and 12, all those portions lying within the right-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

EXCEPTING THEREFROM all mines of gold, silver, copper, lead, cinnabar and other valuable minerals that may exist, as reserved by THE STATE OF NEVADA

(AFFECTS the NW1/4NW1/4; S1/2NW1/4; S1/2NE1/4; NE1/4NE1/4 of Section 12; The SW1/4NW1/4 of Section 9; and the N1/2SE1/4 of Section 10, T. 31 N., R. 49 E.)

TOWNSHIP 31 NORTH, RANGE 50 EAST, M.D.B.&M.

Section 3: All, EXCEPTING THEREFROM all those portions lying within the right-of-way of the Southern Pacific Railroad Company (or Central Pacific Railroad Company) and Western Pacific Railroad Company.

Section 5: All

Section 7: All that portion of Lot 3 (NW1/4SW1/4) lying Northerly of a line parallel with and 200.00 Feet distant Northerly of the centerline of Central Pacific Railway Company's Railroad; NE1/4; E1/2NW1/4; Lots 1 and 2 (W1/2NW1/4); NE1/4SW1/4; N1/2SE1/4



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

Section 8: N1/2SW1/4

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

Section 9: That portion of the N1/2 lying Northerly of a line parallel with and 100 feet distant Northerly of the centerline of the Western Pacific Company's Railroad as now constructed. That portion of the N1/2 and the SE1/4 Southeasterly of a strip of land 200 feet wide containing 23.18 acres, more or less, 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 centerline of C.P.R.R. Company's railroad as now constructed.

Section 10: NW1/4NE1/4, EXCEPTING THEREFROM all those portions lying within the right-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company

Section 11: That portion of the NE1/4 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 right-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, Page 501, Deed Records, Eureka County, Nevada.

ALSO EXCEPTING THEREFROM all mines of gold, silver, copper, lead, cinnabar and other valuable minerals that may exist within the N1/2SW1/4 of Section 8, as reserved by THE STATE OF NEVADA in Patent recorded July 6, 1915, in Book 18, Page 63, Patent Records, Eureka County, Nevada.

TOWNSHIP 32 NORTH, RANGE 48 EAST, M.D.B.&M.

Section 1: E1/2 lying Easterly of a line parallel with and 200.00 feet distant Easterly of the Centerline of the Central Pacific Railway Company's Railroad right-of-way. EXCEPTING THEREFROM all those portions lying within the right-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 12: E1/2E1/2; EXCEPTING THEREFROM all those portions lying within the right-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 13: SE1/4NW1/4; E1/2NE1/4; SW1/4NE1/4; E1/2SW1/4; SE1/4

Section 23: E1/2SE1/4

Section 24: E1/2; SW1/4; E1/2NW1/4

Section 25: All

Section 26: SE1/4; E1/2SW1/4; S1/2NE1/4; NE1/4NE1/4

Section 27: S1/2SE1/4; NE1/4SE1/4

Section 34: E1/2E1/2

Section 35: All

Section 36: N1/2; SW1/4; W1/2SE1/4

EXCEPTING THEREFROM all mines of gold, silver, copper, lead, cinnabar and other valuable minerals that may exist, as reserved by THE STATE OF NEVADA in various patents or record in Eureka County, Nevada.

(AFFECTS the E1/2E1/2 Section 12; E1/2NW1/4 Section 24; W1/2SE1/4 Section 26; E1/2E1/2 Section 34; S1/2SW1/4; SW1/4SE1/4; N1/4NW1/4; SW1/4NW1/4; and NW1/4SW1/4 Section 36, all in T 32 N, R 48 E)

FURTHER EXCEPTING FROM the SE1/4NW1/4 of Section 13; the NE1/4SE1/4 of Section 23; and the NE1/4SE1/4 and S1/2SE1/4 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, Page 506, Deed Records, Eureka County, Nevada.

TOWNSHIP 32 NORTH, RANGE 49 EAST, M.D.B. & 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, Page 25, Deed Records, Eureka County, Nevada.

Section 6: Lot 5 (SW1/4NW1/4); Lots 6 and 7 (W1/2SW1/4); SE1/4SW1/4; SW1/4SE1/4

Section 7: All, EXCEPTING THEREFROM all those portions lying within the right-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 8: NW1/4NW1/4; S1/2NW1/4; SW1/4; SW1/4NE1/4; W1/2SE1/4; SE1/4SE1/4

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, Page 25, Deed Records, Eureka County, Nevada.

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, Page 38, Official Records, Eureka County, Nevada.

Section 15: All

Section 17: All

Section 18: All; EXCEPTING THEREFROM all those portions lying within the right-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 19: All; EXCEPTING THEREFROM all those portions lying within the right-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: N1/2; SW1/4

Section 25: NE1/4; S1/2

Section 27: N1/2; SW1/4

Section 28: W1/2, NE1/4, W1/2SE1/4, NE1/4SE1/4

Section 29: All

Section 30: All; EXCEPTING THEREFROM all those portions lying within the right-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 31: N1/2; E1/2SE1/4; EXCEPTING THEREFROM all those portions lying within the right-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 32: N1/2; SW1/4; SW1/4SE1/4; N1/2SE1/4; EXCEPTING THEREFROM all those portions lying within the right-of-way of the Southern Pacific Railroad Company (or Central Pacific Railway Company) and Western Pacific Railroad Company.

Section 33: W1/2; NE1/4

Section 35: S1/2; NE1/4

EXCEPTING THEREFROM all mines of gold, silver, copper, lead, cinnabar and other valuable minerals that may exist, as reserved by THE STATE OF NEVADA in various patents recorded in Eureka County, Nevada.

(AFFECTS Lot 5; SE1/4SW1/4; SW1/4SE1/4 of Section 6; SE1/4SE1/4; W1/2SE1/4; SW1/4NE1/4; NW1/4NW1/4; S1/4NW1/4; SW1/4 of Section 8; E1/2 of Section 18; NE1/4SW1/4; NE1/4SW1/4; of Section 20; E1/4NW1/4; E1/4SW1/4; N1/4NE1/4 of Section 28; Lots 3 and 4 of Section 30; and N1/4SE1/4 of Section 32, all in T 32 N, R 49E)

TOWNSHIP 32 NORTH, RANGE 50 EAST, M.D.B.&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

TOWNSHIP 33 NORTH, RANGE 48 EAST, M.D.B.&M.

Section 36: SE1/4; W1/2NE1/4; E1/2NW1/4; NE1/4SW1/4;

EXCEPTING THEREFROM all those portions lying within the right-of-way of 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 Deed recorded September 24, 1963, in Book 27, Pages 22 and 25, Deed Records, Eureka County, Nevada.

EXCEPTING THEREFROM all mines of gold, silver, copper, lead, cinnabar and other valuable minerals that may exist, as reserved by THE STATE OF NEVADA in various patents recorded in Eureka County, Nevada.

(AFFECTS the NE1/4SE1/4 and NE1/4SW1/4 of said Section 36, T 33 N, R 48 E)

TOWNSHIP 33 NORTH, RANGE 49 EAST, M.D.B.&M.

Section 31: All; EXCEPTING THEREFROM that portion lying Northeasterly of U.S. Highway 40.

ALSO EXCEPTING THEREFROM those parcels conveyed to THE STATE OF NEVADA by Deeds recorded September 14, 1963, in Book 27, Pages 23, 25 and 31, Deed Records, Eureka County, Nevada.

EXCEPTING AND RESERVING to Day Cattle Company, all geothermal resources and by-products in said lands as now defined either in Nevada Revised Statutes, Section 361.027, or in 30 U.S.C., Section 1001; which reservation is more particularly described in Deed recorded April 16, 1979, in Book 69, Pages 515 and 519, Official Records, Eureka County, Nevada. (AFFECTS EXHIBIT "C")

ALSO EXCEPTING THEREFROM any portion of said lands deeded to THE STATE OF NEVADA for highway purposes as disclosed by various documents of record in the Office of the County Recorder, Eureka County, Nevada. (AFFECTS EXHIBIT "C")

TOGETHER WITH all water, water rights, rights to the use of water, dams, ditches, canals, pipe lines, reservoirs, wells and all other means of diversion or use of water appurtenant to the real property or any part thereof, or now or hereafter used or enjoyed in connection therewith, for irrigation, stockwatering, domestic or any other use, or for the drainage of all or any part of the real property, including, but without limitation thereto, the water adjudicated as appurtenant to the real property or any part thereof by any pertinent decree or proceeding, including without limitation Proofs of Appropriation together with all certificates of appropriation, applications, proofs, permits and maps relating to such water and water rights which are appurtenant to the above described real property.

**EXHIBIT D**  
**ROYALTY LANDS**

All that real property situated in the County of Eureka, State of Nevada, bounded and described as follows:

**PARCEL I:**

All those parcels lying within the TOWNSITE OF BEOWAWE as shown by map thereof recorded June 15, 1908, in Book 1 of Surveys, Page 182, as File No. 2166, in the office of the County Recorder, Eureka County, Nevada, 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 inclusive and Lots 8, 9, 10, 16, 17, and 18  
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 EXCEPTING the Northwesterly 13 feet of Lot 6  
Block 19: Lots 1 thru 18 inclusive  
Block 20: Lots 1 thru 18 inclusive, 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, Page 214 Deed Records, Eureka County, Nevada.  
Block 21: Lots 4 thru 18 inclusive  
Block 22: Lots 13 thru 18 inclusive  
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 the 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 the County of Eureka by Deed recorded June 6, 1904, in Book 14, Page 583, Deed Records, Eureka County, Nevada.

FURTHER EXCEPTING from the Townsite of Beowawe that portion of the NW1/4 of Section 5, Township 31 North, Range 49 East, conveyed to NEVADA BELL by Deed recorded October 5, 1987, in Book 165, Page 11, Document No. 112379, Official Records, Eureka County, Nevada

FURTHER EXCEPTING THEREFROM those portions of Lots 1, 2 and 18 in Block 20; Lots 9 thru 18 in Block 21; Lots 13 and 14 in Block 22; Lots 1 and 12 in Block 29; Lots 1 thru 12 in Block 28; Lots 1 thru 12 in Block 27; and Lots 7 and 8 in Block 26, as conveyed to the EUREKA COUNTY SCHOOL DISTRICT by Deed recorded November 14, 1967, in Book 21, Page 87, Official Records, Eureka County, Nevada.

ALSO EXCEPTING THEREFROM that portion of land conveyed to the STATE OF NEVADA by Deed recorded September 24, 1963, in Book 27, Page 23, as Document No. 38779, Deed Records Eureka County, Nevada.

ALSO EXCEPTING THEREFROM any portion lying within the land conveyed to EUREKA COUNTY by Quit Claim Deeds recorded June 20, 1991, in Book 223, Page 468, Document No. 137157, and recorded September 23, 1991, in Book 225, Page 493, Document No. 137826, Official Records, Eureka County, Nevada.

ALSO EXCEPTING THEREFROM all geothermal resources and by-products in said land as now defined either in Nevada Revised Statutes, Section 361.027 or in 30 United States Code, Section 1001, as reserved by DAY CATTLE CO. in Deed recorded April 16, 1979, in Book 69, Page 519, as Document No. 68046, Eureka County, Nevada.

**PARCEL II:**

Lots 1 through 12 in Block 22 and Lots 1 through 4 in Block 21 of the Townsite of Beowawe as shown by map thereof recorded June 15, 1908, in Book 1 of Surveys, Page 182, as File No. 2166, Eureka County, Nevada.

EXCEPTING THEREFROM the Highway right-of-way thereon.

FURTHER EXCEPTING THEREFROM any portion lying within the land conveyed to EUREKA COUNTY by Quitclaim Deeds recorded June 20, 1991, in Book 223, Page 468, Document No. 137157, and recorded September 23, 1991, in Book 225, Page 493, Document No. 137826, Eureka County, Nevada.

ALSO EXCEPTING THEREFROM all geothermal resources and by-products in said land as now defined either in Nevada Revised Statutes, Section 361.027 or in 30 United States Code, Section 1001, as reserved by DAY CATTLE CO. in Deed recorded April 16, 1979, in Book 69, Page 519, as Document No. 68046, Eureka County, Nevada.

TOGETHER WITH all water, water rights, rights to the use of water, dams, ditches, canals, pipe lines, reservoirs, wells and all other means of diversion or use of water appurtenant to the real property or any part thereof, or now or hereafter used or enjoyed in connection therewith, for



irrigation, stock watering, domestic or any other use, or for the drainage of all or any part of the real property, including, but without limitation thereto, the water adjudicated as appurtenant to the real property or any part thereof by any pertinent decree or proceeding, including without limitation Proofs of Appropriation together with all certificates of appropriation, applications, proofs, permits and maps relating to such water and water rights which are appurtenant to the above described real property.

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BOOK 424 PAGE 274