

Recording requested by, and to be returned to:

NEWMONT MINING CORPORATION
555 Fifth Street
Elko, Nevada 89801

DOC # 0210878

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Official Record

Recording requested By
NEWMONT MINING CORP

Eureka County - NV

Mike Rebaleati - Recorder

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RPTT:

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PATENT 27-2007-0040

Elko Land and Livestock

Cover Page for Recording Purposes Only

This page added to provide additional information required by NRS 111.312 Sections 1-2

The United States of America

To all to whom these presents shall come, Greeting:

Patent

N-77175

WHEREAS

Elko Land and Livestock Company

is entitled to a land patent pursuant to Section 203 of the Act of October 21, 1976 (43 U.S.C. 1713), as amended, for the following described land:

Mount Diablo Meridian, Nevada

T. 33 N., R. 49 E.,
sec. 30, Lots 3 and 4.

Containing 79.5 acres, more or less.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto Elko Land and Livestock Company, the land described above; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto Elko Land and Livestock Company, its successors and assigns, forever; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

1. A right-of-way for ditches or canals by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945); and
2. All mineral deposits in the land so patented, and to it, its permittees, licensees, and lessees, the right to prospect for, mine, and remove the minerals owned by the United States under applicable law and such regulations as the Secretary of the Interior may prescribe, including all necessary access and exit rights.

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1. Valid existing rights;
2. Rights-of-way CC-021089 and N-58497 for fiber optic facility purposes, and Nev-063305 and Nev-065874 for telephone line purposes granted to Nevada Bell, its successors or assigns, pursuant to the Acts of October 21, 1976 (43 U.S.C. 1761), October 21, 1976 (43 U.S.C. 1761), March 4, 1911 (43 U.S.C. 961), and March 4, 1911 (43 U.S.C. 961), respectively;
3. Right-of-way CC-021140 for federal aid highway purposes granted to State of Nevada Department of Transportation, its successors or assigns, pursuant to the Act of November 9, 1921 (042 Stat. 0216);
4. Right-of-way N-65832 for power line purposes granted to Sierra Pacific Power Company, its successors or assigns, pursuant to the Act of October 21, 1976 (43 U.S.C. 1761); and
5. Mining Claim Numbers NMC342822, NMC342823, NMC342824, NMC342825, and NMC342826.

By accepting this patent, the patentee, Elko Land and Livestock Company:

1. Acknowledges that the property is encumbered by certain mining claims filed pursuant to the mining laws of the United States, 30 U.S.C. 26, 28, and 34. The conveyance of the property by this patent is made subject to those claims and to any and all rights that the holders thereof may have pursuant to the laws of the United States and the State of Nevada;
2. Acknowledges that the rights of the holder of said mining claims may include the right to use both the surface and subsurface of the property, and, upon compliance with the applicable laws of the United States and the State of Nevada, to fee title to the property. The United States of America by this conveyance does not intend to preclude the grantee herein from challenging the validity of any mining claim or other encumbrance located on the land conveyed; and

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3. Covenants and agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the patentee or its employees, agents, contractors, or lessees, or any third-party, arising out of or in connection with the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee and its employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of Federal, State, and local laws and regulations that are now or may in the future become, applicable to the real property; (2) Judgments, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by Federal or State environmental laws, off, on, into or under land, property and other interests of the United States; (5) Activities by which solid waste or hazardous substances or wastes, as defined by Federal and State environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by Federal and State law. This covenant shall be construed as running with the parcels of land patented or otherwise conveyed by the United States, and may be enforced by the United States in a court of competent jurisdiction.

PURSUANT to the requirements established by section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), (42 U.S.C. 9620(h)), as amended by the Superfund Amendments and Reauthorization Act of 1988, (100 Stat. 1670), notice is hereby given that the above-described lands have been examined and no evidence was found to indicate that any hazardous substances has been stored for one year or more, nor had any hazardous substances been disposed of or released on the subject property.

[SEAL]

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in RENO, NEVADA, the FIFTH day of SEPTEMBER in the year of our Lord TWO THOUSAND and SEVEN and of the Independence of the United States the Two Hundred and Thirty-Second.

By Jim Stobaugh
Jim Stobaugh
Lands Team Lead
Natural Resources, Lands, and Planning

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