



APN 004-220-11

After recording return original to:  
Newmont Nevada Energy Investment LLC  
c/o Newmont Mining Corporation  
Attn: Land Dept.  
555 Fifth Street  
Elko, Nevada 89801

The undersigned hereby affirm this document submitted for recording does not contain a social security number.

**GRANT OF EASEMENT  
FOR MAIN ACCESS ROAD**

This EASEMENT is made and entered into this 10 day of April, 2008, by and between Elko Land and Livestock Company, a Nevada corporation and Newmont Nevada Energy Investment LLC, a Delaware limited liability company, ("Grantee").

WHEREAS, Grantor is the owner of Sections 23, 24 and 25, Township 33 North, Range 48 East, MDM, in Eureka County, Nevada (the "Property"); and,

WHEREAS, Grantee is the owner of Sections 10, 11, 12 and 14, Township 33 North, Range 48 East, MDM in Eureka County, Nevada, upon which Grantee owns, is constructing and soon will operate an electrical power generating facility known as the "TS Power Plant"; and,

WHEREAS, it is necessary for the operation of the TS Power Plant that Grantee construct, install, operate, maintain, repair, remove, replace or improve a Main Access Road upon the Property; and,

WHEREAS, pursuant to that certain Agreement for Purchase and Sale of Easements, entered into between Grantor and Grantee, the Grantor desires to convey and grant to Grantee an easement upon the terms and conditions set forth below.

NOW, THEREFORE, Grantor, for and in consideration of the mutual covenants herein contained, and other good and valuable consideration, receipt of which is hereby acknowledged by the parties, does by these presents, grant, subject to the terms and conditions contained herein, an exclusive easement in favor of Grantee, its successors and assigns, for the purpose of operating, maintaining, repairing, removing, replacing or improving and using the Main Access Road over and across the Property, as depicted and described on Exhibit A, hereto, together with the rights of ingress and egress for the aforesaid purposes, subject to existing rights.

The easement herein granted ("Easement") shall be subject to the following terms and conditions:

1. The grant of this Easement shall commence on the date first above written and shall remain in full effect during the time the TS Power Plant generates electrical power and for a period of five years of continuous non-generation of electrical power at the TS Power Plant, after which the Easement shall be deemed to be abandoned by Grantee and shall revert to Grantor, its successors or assigns.
2. Grantee, its successors and assigns shall indemnify Grantor at all times and hold harmless Grantor, its successors and assigns, from any and all demands, claims, causes of action or judgments and all expenses (including, without limitation, attorneys' fees, fines, penalties, liens or expert witness fees) incurred in investigating or resisting the same, by reason of any injury or loss of life to any person, damage to any property, or violation of any law or regulation caused by or arising out of the Grantee's or Grantee's agents' use of the Easement herein granted.
3. Grantee, its successors and assigns shall comply with all laws, statutes, ordinances, rules and regulations, applicable judicial or agency orders that may apply and environmental regulations.
4. Grantor, its successors or assigns, shall not erect or construct any building or structure that, in the reasonable judgment of Grantee, is inconsistent with Grantee's use of the easement.
5. This Grant of Easement is binding upon the successors and assigns of Grantor and Grantee. This Grant of Easement shall not be assigned without Grantor's prior written consent which will not be unreasonably withheld where assignment is sought in connection with continuing operation of the TS Power Plant.

IN WITNESS WHEREOF, the parties hereto have caused these presents duly to be executed the day and year first above written.

GRANTOR:

Elko Land and Livestock Company,

By: 

R. Lee Chapman

Title: Vice President

GRANTEE:

Newmont Nevada Energy Investment LLC,

By: 

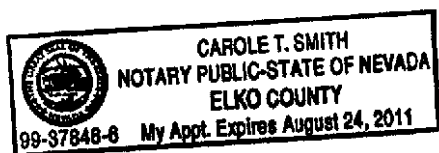
Richard J. Matthews

Title: Vice President of Newmont USA Limited, a Delaware corporation, Managing Member



STATE OF NEVADA     )  
                                  ) SS.  
COUNTY OF ELKO     )

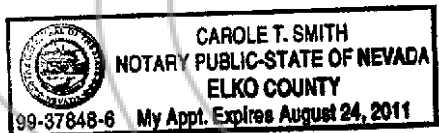
On this 10 day of April, 2008, personally appeared before me, a Notary Public, Richard J. Matthews, known or proved to me to be said person, who acknowledged that he executed the foregoing instrument as Vice President of Newmont USA Limited, Managing Member of Newmont Nevada Energy Investment LLC.



*Carole T. Smith*  
\_\_\_\_\_  
NOTARY PUBLIC

STATE OF NEVADA     )  
                                  ) SS.  
COUNTY OF ELKO     )

On this 10 day of April, 2008, personally appeared before me, a Notary Public, R. Llee Chapman, known or proved to me to be said person, who acknowledged that he executed the foregoing instrument as Vice President of Elko Land and Livestock Company.



*Carole T. Smith*  
\_\_\_\_\_  
NOTARY PUBLIC

**EXHIBIT A**  
**ELKO LAND AND LIVESTOCK COMPANY**  
**TS POWER PLANT MAIN ACCESS ROAD EASEMENT**

April 9, 2008

A parcel of land located in Sections 23, 24, and 25, T. 33 N., R. 48 E., M.D.B. & M., Eureka County, Nevada, being 150.00 feet in width lying 75.00 feet on each side of the following described centerline between Corner No. 1 and Corner No. 2 and being 100.00 feet in width lying 50.00 feet on each side of the following described centerline between Corner No. 2 through Corner No. 7:

Commencing at the Northeast corner of said Section 25, a point from which the East 1/4 corner of said Section 25 bears S 00° 53' 31" W, 2648.25 feet, thence S 73° 54' 32" W, 4619.68 feet to Corner No. 1, a point on the Northerly right of way of U. S. Highway 40, the true point of beginning;

Thence N 10° 34' 21" E, 288.00 feet to Corner No. 2;

Thence from a tangent bearing N 10° 34' 21" E on a curve to the left, with a radius of 2200.00 feet, through a central angle of 40° 57' 47", for an arc length of 1572.86 feet to Corner No. 3;

Thence N 30° 23' 25" W, 527.14 feet to Corner No. 4;

Thence from a tangent bearing N 30° 23' 25" W on a curve to the right, with a radius of 5000.00 feet, through a central angle of 14° 14' 30", for an arc length of 1242.82 feet to Corner No. 5;

Thence N 16° 08' 55" W, 1934.30 feet to Corner No. 6;

(Continued on Page 2)

Prepared by Robert E. Morley, PLS  
640 Idaho Street

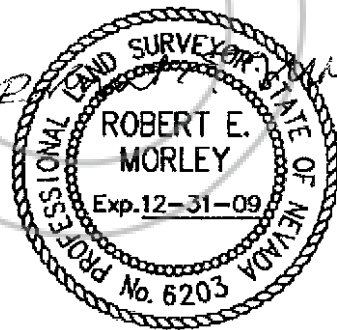
High Desert Engineering  
Elko, NV 89801

Exhibit A  
Elko Land and Livestock Company  
TS Power Plant Main Access Road Easement  
Continued from Page 1

Thence from a tangent bearing N 16° 08' 55" W on a curve to the right, with a radius of 5000.00 feet, through a central angle of 15° 21' 20", for an arc length of 1340.03 feet, more or less, to Corner No. 7, a point on the North line of said Section 23, the Point of Ending, containing 16.18 acres, more or less.

The sidelines of the above described parcel are to shortened or lengthened so as to begin on the said Northerly Right of Way of U. S. Highway 40 and terminate on the North line of said Section 23.

Reference is hereby made to Exhibit B, Map of Main Access Road Easement for Elko Land and Livestock Company attached hereto and made a part hereof.



4/10/08



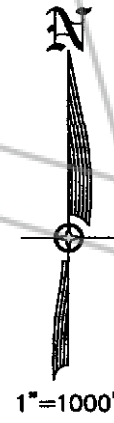
APPROXIMATE SECTION LINE

APPROXIMATE SECTION LINE

13 18

24 19

$\Delta = 15^{\circ}21'20''$   
 $R = 5000.00'$   
 $L = 1340.03'$



APPROXIMATE SECTION LINE

60'  
50'  
50'  
N 16°08'55" W  
1934.30'

**MAIN ACCESS ROAD EASEMENT**  
±16.18 AC.

EXISTING UTILITY EASEMENT  
BOOK 430, PAGE 334

$\Delta = 14^{\circ}14'30''$   
 $R = 5000.00'$   
 $L = 1242.82'$

CENTERLINE EXISTING UTILITY EASEMENT  
BOOK H, PAGE 315, MISC.  
WIDTH NOT SPECIFIED

APPROXIMATE SECTION LINE

N 30°23'25" W  
527.14'

APPROXIMATE SECTION LINE

FOUND REDWOOD POST &  
5/8" REBAR WITH CAP  
MARKED PLS 5271

23 24

$\Delta = 40^{\circ}57'47''$   
 $R = 2200.00'$   
 $L = 1572.86'$

24 19

25 30

EXISTING UTILITY EASEMENT  
BOOK 430, PAGE 334

APPROXIMATE SECTION LINE

N 10°34'21" E  
288.00'

S 73°54'32" W  
4619.68'

CENTERLINE EXISTING UTILITY EASEMENT  
BOOK 4, PAGE 192  
WIDTH NOT SPECIFIED

150'

S 00°53'31" W  
2648.25'

FOUND 1" STEEL PIN  
ACCEPTED AS EAST  
1/4 CORNER  
SECTION 25

**EXHIBIT B**  
**MAP OF**  
**MAIN ACCESS ROAD EASEMENT**  
FOR  
**ELKO LAND AND LIVESTOCK COMPANY**

IN  
SECTIONS 23, 24, & 25, T.33 N., R.48 E., M.D.B. & M.  
EUREKA COUNTY, NEVADA

U.S. HIGHWAY 40



0211772

Book 472 04/11/2008  
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