

Official RecordRecording requested By
NEWMONT MINING CORPEureka County - NV
Mike Rebaleati - Recorder

Fee: \$21.00

Page 1 of 8

RPTT:

Recorded By: FS

Book- 0473 Page- 0278

APNs Portions of 004-210-03 and
004-140-02

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 PIPELINE AND WELL FACILITIES**

This EASEMENT is made and entered into this 12th day of June, 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 2 and 3, Township 33 North, Range 48 East and Section 35, Township 34 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 Pipeline and Well Facilities 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 Pipeline and Well Facilities over and across the Property, as depicted and described on Exhibit A, hereto, and the right to shed water via the pump-to-waste ditches, as may be necessary for well and pump maintenance, as depicted on Exhibit C, 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. Llee 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



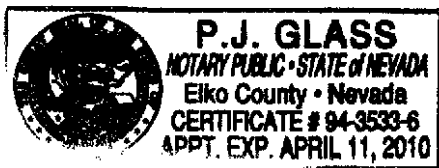
0211932

Block. 473 06/13/2008
Page. 279 Page: 2 of 8

STATE OF NEVADA)
) SS.

COUNTY OF ELKO)

On this 12th day of June, 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.

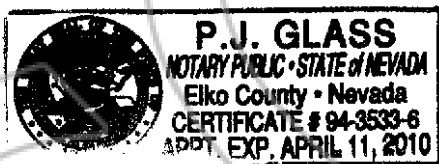


P.J. Glass
NOTARY PUBLIC

STATE OF NEVADA)
) SS.

COUNTY OF ELKO)

On this 12th day of June, 2008, personally appeared before me, a Notary Public, R. Llec 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.



P.J. Glass
NOTARY PUBLIC



0211932

Book 473 06/13/2008
Page 280 Page: 3 of 8

EXHIBIT A
ELKO LAND AND LIVESTOCK COMPANY
TS POWER PLANT PIPELINE AND WELL FACILITIES EASEMENT

June 11, 2008

A parcel of land located in Sections 2 and 3, T. 33 N., R. 48 E., M.D.B. & M., and Section 35, T.34 N., R.48 E., M.D.B. & M., Eureka County, Nevada, more particularly described as follows:

Commencing at the Northeast corner of Section 1, T.33 N., R.48 E., M.D.B. & M., a point from which the Southeast corner of said Section 1 bears, S 00° 24' 40" W, 5305.79 feet, thence S 67° 18' 22" W, 13,144.62 feet more or less to Corner No. 1, a point on the South line of said Section 3 and also being on the Southeasterly sideline of the existing Discharge System Easement recorded in the office of the Eureka County Recorder, Eureka, Nevada, in Book 327 at Page 400, Eureka County, Nevada, Official Records, the true point of beginning;

Thence N 88° 57' 34" W, 86.54 feet along the said South line of Section 3 to Corner No. 2;

Thence N 23° 27' 13" E, 4776.63 feet to Corner No. 3;

Thence N 33° 50' 15" E, 3343.08 feet to Corner No. 4;

Thence S 56° 09' 45" E, 157.00 feet to Corner No. 5;

Thence S 33° 50' 15" W, 142.45 feet to Corner No. 6;

Thence S 53° 40' 29" W, 226.91 feet, to Corner No. 7, a point being on the said Southeasterly sideline of the existing Discharge System Easement;

(Continued on Page 2)

Page 1

Prepared by Robert E. Morley, PLS
640 Idaho Street

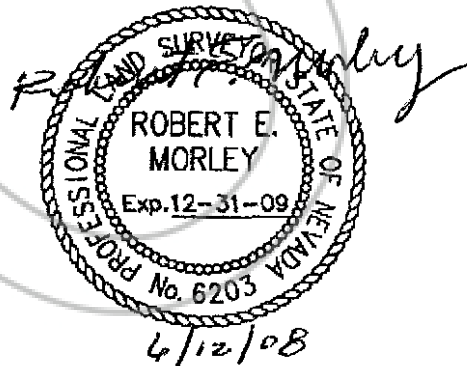
High Desert Engineering
Elko, NV 89801

Exhibit A
Elko Land and Livestock Company
TS Power Plant Pipeline and Well Facilities Easement
Continued from Page 1

Thence S 33° 50' 15" W, 2979.92 feet along the said Southeasterly sideline of the existing Discharge System Easement to Corner No. 8;

Thence S 23° 27' 13" W, 4736.36 feet along the said Southeasterly sideline of the existing Discharge System Easement to Corner No. 1, the point of beginning, containing 15.31 acres, more or less.

Reference is hereby made to Exhibit B, Map of Pipeline and Well Facilities Easement for Elko Land and Livestock Company attached hereto and made a part hereof.



Page 2

Prepared by Robert E. Morley, PLS
640 Idaho Street

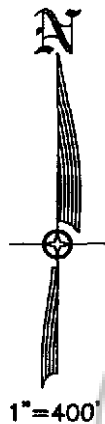
High Desert Engineering
Elko, NV 89801

EXHIBIT B
SHEET 1 OF 2

MATCH TO SHEET 2 OF 2

MAP OF
PIPELINE AND WELL
FACILITIES EASEMENT
FOR
ELKO LAND AND
LIVESTOCK COMPANY
IN

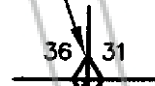
SECTIONS 2 & 3, T.33 N., R.48 E., M.D.B. & M.
SECTION 35, T.34 N., R.48 E., M.D.B. & M.
EUREKA COUNTY, NEVADA



EXISTING DISCHARGE
SYSTEM EASEMENT
BOOK 327, PAGE 400

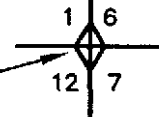
PIPELINE
AND WELL
FACILITIES
EASEMENT
±15.31 AC.

FOUND REDWOOD POST
5/8" REBAR & STEEL
FENCE POST



S 00°24'40" W
5305.79'

T33N - R48E MDB & M
T33N - R49E, MDB & M



FOUND REDWOOD POST
1/2 STEEL FENCE POST

APPROXIMATE SECTION LINE

APPROXIMATE SECTION LINE

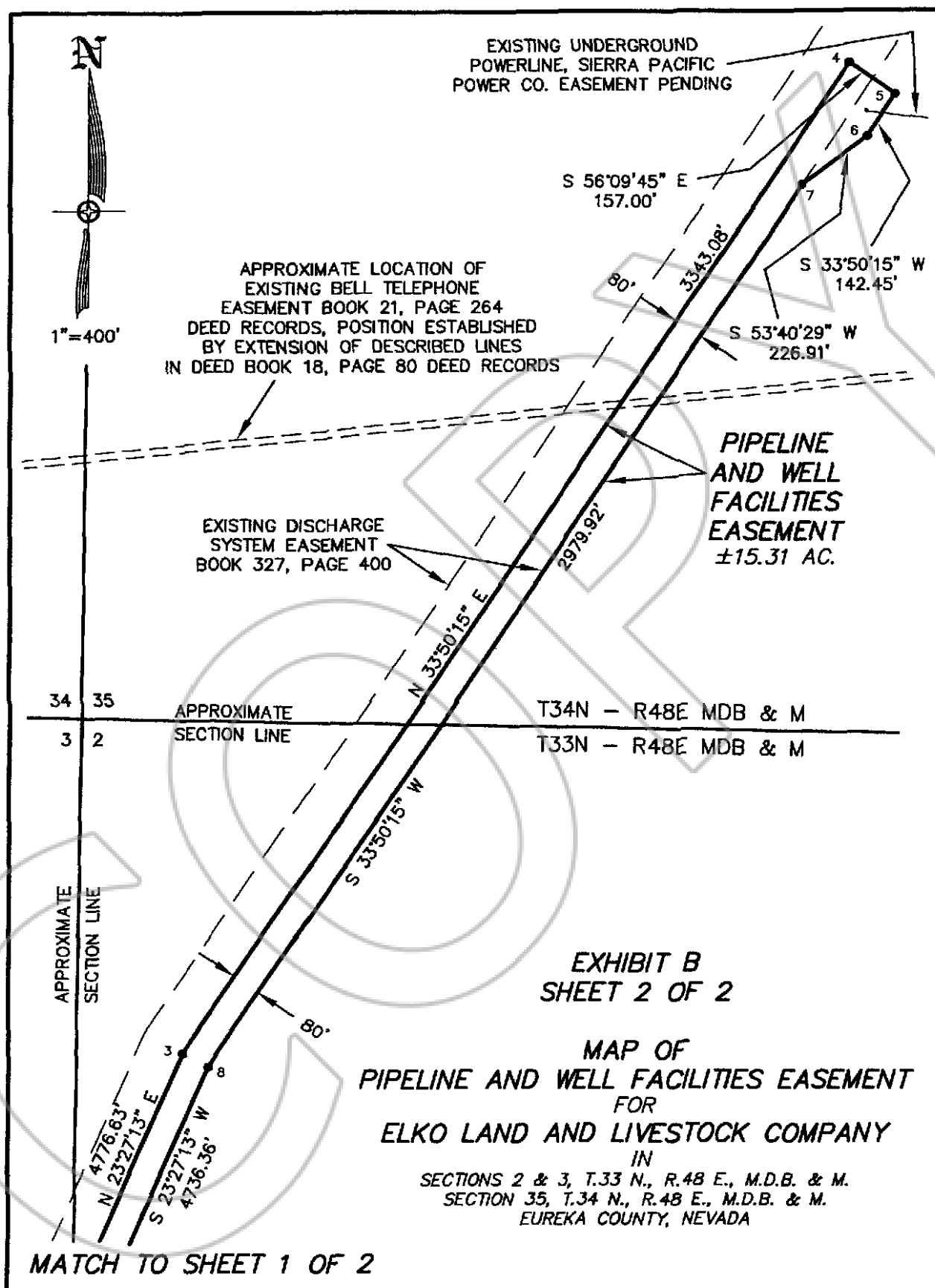
N 88°57'34" W
86.54'

3 2
10 11



0211932

Book. 473 06/13/2008
Page. 283 Page. 6 of 8





SCALE: 1"=100'

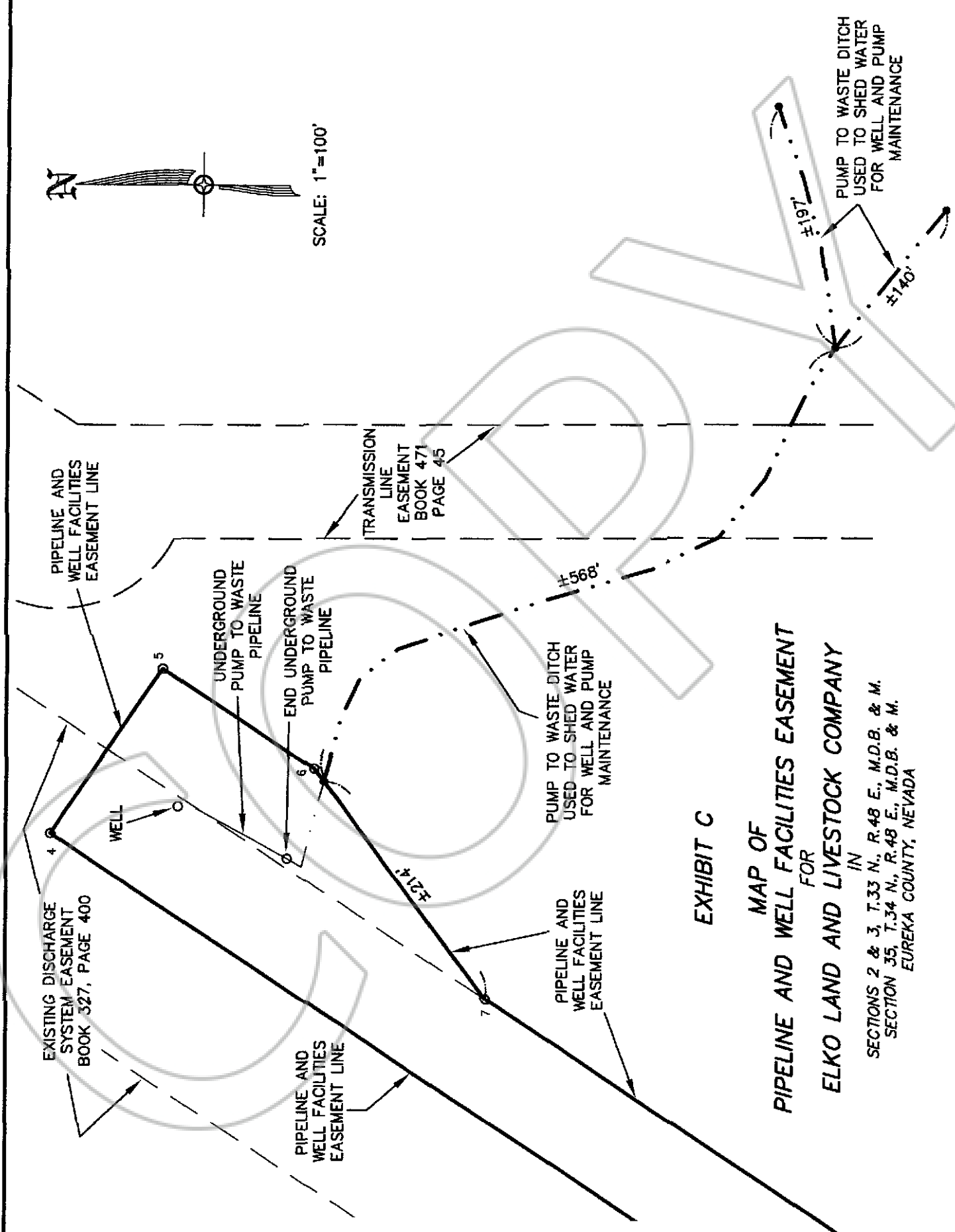


EXHIBIT C

MAP OF
PIPELINE AND WELL FACILITIES EASEMENT
FOR
ELKO LAND AND LIVESTOCK COMPANY
IN

SECTIONS 2 & 3, T.33 N., R.48 E., M.D.B. & M.
SECTION 35, T.34 N., R.48 E., M.D.B. & M.
EUREKA COUNTY, NEVADA



0211932

Book: 473
Page: 285

06/13/2008
Page: Ref A