

DOC # 0221648

10/01/2012

01:42 PM

Official Record

Recording requested By
PROSPECTOR PIPELINE

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$20.00

Page 1 of 7

RPTT:

Recorded By: FES

Book- 539 Page- 0144

Recording Requested by and
When Recorded Return to:

ENERGY OPERATIONS MANAGEMENT, INC.
2981 Gold Canal Drive
Rancho Cordova, CA 95670

Elko County AP #s: 004-720-001, 004-720-002
Eureka County AP #s: 004-030-08, 004-030-07, 004-030-04



0221648

MEMORANDUM OF RIGHT OF WAY OPTION

This document is being recorded again because it is in two Counties

COPIES

Official Record

Requested By
PROSPECTOR PIPELINE COMPANY

Elko County - NV

D. Mike Smales - Recorder

Page 1 of 6 Fee: \$19.00
Recorded By: NR RPTT:

Recording Requested by and
When Recorded Return to:
PROSPECTOR PIPELINE COMPANY
2981 Gold Canal Drive
Rancho Cordova, California 95670

This document contains no personal
information as defined in NRS 603A.040.

Portions of APN's:

Elko County: 004-720-001, 004-720-002

Eureka County: 004-030-08, 004-030-07, 004-030-04

MEMORANDUM OF RIGHT OF WAY

For and in consideration of the sum of One Dollar and other valuable consideration to the undersigned, the receipt whereof is hereby acknowledged, NEWMONT USA LIMITED, a Delaware corporation, which acquired title as Newmont Gold Company, a Delaware corporation, and doing business in Nevada as Newmont Mining Corporation, a Delaware corporation, and ELKO LAND AND LIVESTOCK COMPANY, a Nevada corporation, hereinafter called Grantor, hereby grant(s) an easement and right of way to Prospector Pipeline Company, a Nevada corporation, hereinafter called Grantee, for gas transmission purposes across the lands of Grantor situated in Elko and Eureka Counties, Nevada, and described on Exhibit "A" and shown by a solid line on Exhibit "B."

This right of way is subject to the terms and conditions of that certain Right of Way of even date between the parties hereto, covering the lands described herein, and said right of way is hereby incorporated by reference with the same force and effect as though herein set forth at length.

In Witness Whereof, this 16th day of August, 2012.

GRANTOR

GRANTEE

NEWMONT USA LIMITED

Richard J. Matthews, Vice President

PROSPECTOR PIPELINE COMPANY

Derek C. Jones, President

ELKO LAND AND LIVESTOCK COMPANY

Thomas R. Kerr, Vice President



EXHIBIT "A"
Legal description

Attached to and made a part of that certain Memorandum of Right of Way by and between Newmont USA Limited and Elko Land and Livestock Company, and Prospector Pipeline Company

That certain land situated in Elko and Eureka Counties, Nevada, described as follows:

A right of way, measuring the uniform width of fifteen feet (15') and lying seven and one-half feet (7-1/2') on each side of the solid red line within the Newmont USA Limited and Elko Land and Livestock Land on Exhibit "B," as well as a temporary construction right of way of sixty feet (60') width along the right of way, located within the lands listed herein:

Newmont USA Limited

Elko County:

Township 36 North, Range 50 East, MDB&M

Section 6; SW1/4 (which includes Lots 6 and 7)

Section 7; NW1/4 (which includes Lots 1 and 2), N1/2NE1/4

Section 8; N1/2NW1/4, N1/2NE1/4, SE1/4NE1/4, NE1/4SE1/4 (includes that portion of the NE1/4, NE1/4SE1/4 westerly of the fence line)

Eureka County:

Township 36 North, Range 50 East, MDB&M

Section 21; SW1/4NW1/4 (that portion of the SW1/4NW1/4 lying southwesterly of the fence line, as described in that document dated July 20, 1988, and recorded November 22, 1988, in Book 191, Page 100, as Instrument No. 124921 in the Official Records of Eureka County, Nevada)

Section 28; NW1/4NW1/4

Elko Land and Livestock Company,

Elko County:

Township 36 North, Range 50 East, MDB&M

Section 6; W1/2NW1/4 (Lots 4 and 5)

Section 8; N1/2NE1/4, SE1/4NE1/4, NE1/4SE1/4 (includes that portion of the NE1/4, NE1/4SE1/4 easterly of the fence line)

Section 9; W1/2SW1/4

Section 16; W1/2NW1/4 (that portion in Elko County)

Eureka County:

Section 16; W1/2SW1/4, W1/2NW1/4 (that portion in Eureka County)





Section 21; NW1/4NW1/4, SW1/4NW1/4 (excluding that portion of the
SW1/4NW1/4 lying southwesterly of the fence line located in the
SW1/4SW1/4SW1/4NW1/4)

(An "As-Built" survey description of the pipeline will be prepared after the pipeline is
installed and the respective portion of the description shall be provided as a
replacement to Exhibit "A".)

COPY





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004 of 6

EXHIBIT "B" Plat

Attached to and made a part of that certain Memorandum of Right of Way by and between Newmont USA Limited and Elko Land and Livestock Company, and Prospector Pipeline Company



CONFIDENTIAL

(An "As-Built" survey plat of the Right of Way will be prepared after the pipeline is installed and this plat will be substituted for Exhibit "B").



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09/10/2012
005 of 8**Acknowledgment of Individual/Trustee**

STATE OF NEVADA

COUNTY OF ELKO

This instrument was acknowledged before me on August 30, 2012 (date) by
Thomas R. Kerr, Vice President of Elko Land and Livestock Company.

Carole T. Smith

Signature of Notary Public

Printed Name: Carole T. SmithMy Commission Expires: 8/24/15**Acknowledgment of Individual/Trustee**

STATE OF NEVADA

COUNTY OF ELKO

This instrument was acknowledged before me on August 30, 2012 (date) by
Richard J. Matthews, Vice President, Newmont USA Limited.

Carole T. Smith

Signature of Notary Public

Printed Name: Carole T. SmithMy Commission Expires: 8/24/15

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09/10/2012
006 of 6**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

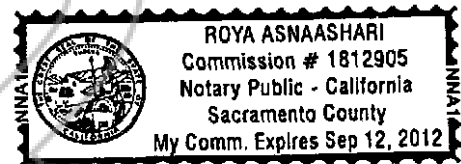
State of California

County of Sacramento

On August 16, 2012 before me, -Roya Asnaashari, Notary Public-
(insert name and title of the officer) personally appeared Derek C. Jones, who proved to
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s)
on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Roya Asnaashari (Seal)

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