

DOC # 0227704

08/19/2014 01:53 PM

Official Record

Recording requested By
PROSPECTOR PIPELINE COMPANY

Eureka County - NV

Mike Rebaleati - Recorder

Fee: \$18.00 Page 1 of 5
RPTT: Recorded By: AP
Book- 568 Page- 0379



0227704

Recording Requested by and

When Recorded Return to:

PROSPECTOR PIPELINE COMPANY
2981 Gold Canal Drive
Rancho Cordova, CA 95670

A portion of AP No(s).

MEMORANDUM OF RIGHT OF WAY AND SURFACE FACILITIES AGREEMENT

In consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the adequacy and receipt of which are hereby acknowledged, NEWMONT USA LIMITED, a Delaware corporation and ELKO LAND AND LIVESTOCK COMPANY, hereinafter referred to as "Grantor," hereby grant an easement and right of way to and grant, lease, let and demise unto Prospector Pipeline Company, a Nevada corporation, hereinafter referred to as "Grantee" that certain property described on Exhibit "A" and shown on Exhibit "B" for Grantee's construction, ownership and, and operation of a natural gas pipeline for the purposes of conveying natural gas and use as surface facility sites in the county of Eureka, State of Nevada. This agreement is subject to the terms and conditions of that certain Right of Way and Surface Facilities Agreement of even date between the Parties hereto, covering the lands described herein, and said Right of Way and Surface Facilities Agreement is hereby incorporated by reference with the same force and effect as though herein set forth at length.

This Memorandum of Right of Way and Surface Facilities Agreement may be signed in multiple counterparts, all of which, taken together, shall constitute one single agreement. This agreement shall be binding upon all parties hereto, their heirs, successors and assigns.

In Witness Whereof, this 30th day of August, 2014.

GRANTOR

NEWMONT USA LIMITED

THOMAS R KERR

THOMAS R KERR

Name

PRESIDENT

Title

Date: 07/31/14

ELKO LAND AND LIVESTOCK

THOMAS R KERR

THOMAS R KERR

Name

VICE PRESIDENT

Title

Date: 07/31/14

GRANTEE

PROSPECTOR PIPELINE COMPANY

Derek C. Jones

Derek C. Jones

Name

President

Title

Date: 8/11/14

EXHIBIT "A"

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

That certain land situated in Eureka County, Nevada, described as follows:

Lands owned by Newmont USA Limited, Newmont Mining Corporation, situated in Eureka County, Nevada, and described as follows:

T. 36 N., R. 50 E., MDB&M.:

Portions of : W2, Section 28; W2, Section 33;

Unpatented mining claims owned or controlled by Newmont Mining Corporation, the surface estate managed by the Bureau of Land Management, located as follows:

T. 35 N., R. 50 E., MDB&M.:

Portions of the NW4, E2SW4, Section 2.

Right of Way:

A permanent right of way, measuring the uniform width of thirty feet (30') and lying fifteen feet (15') on each side of the dashed line on Exhibit "B," as well as a temporary construction right of way of an additional seventy feet (70') or ninety-five feet (95') width in the case of a slope of 20 degrees or more along the permanent right of way (s) and located in a portion of the lands as described above.

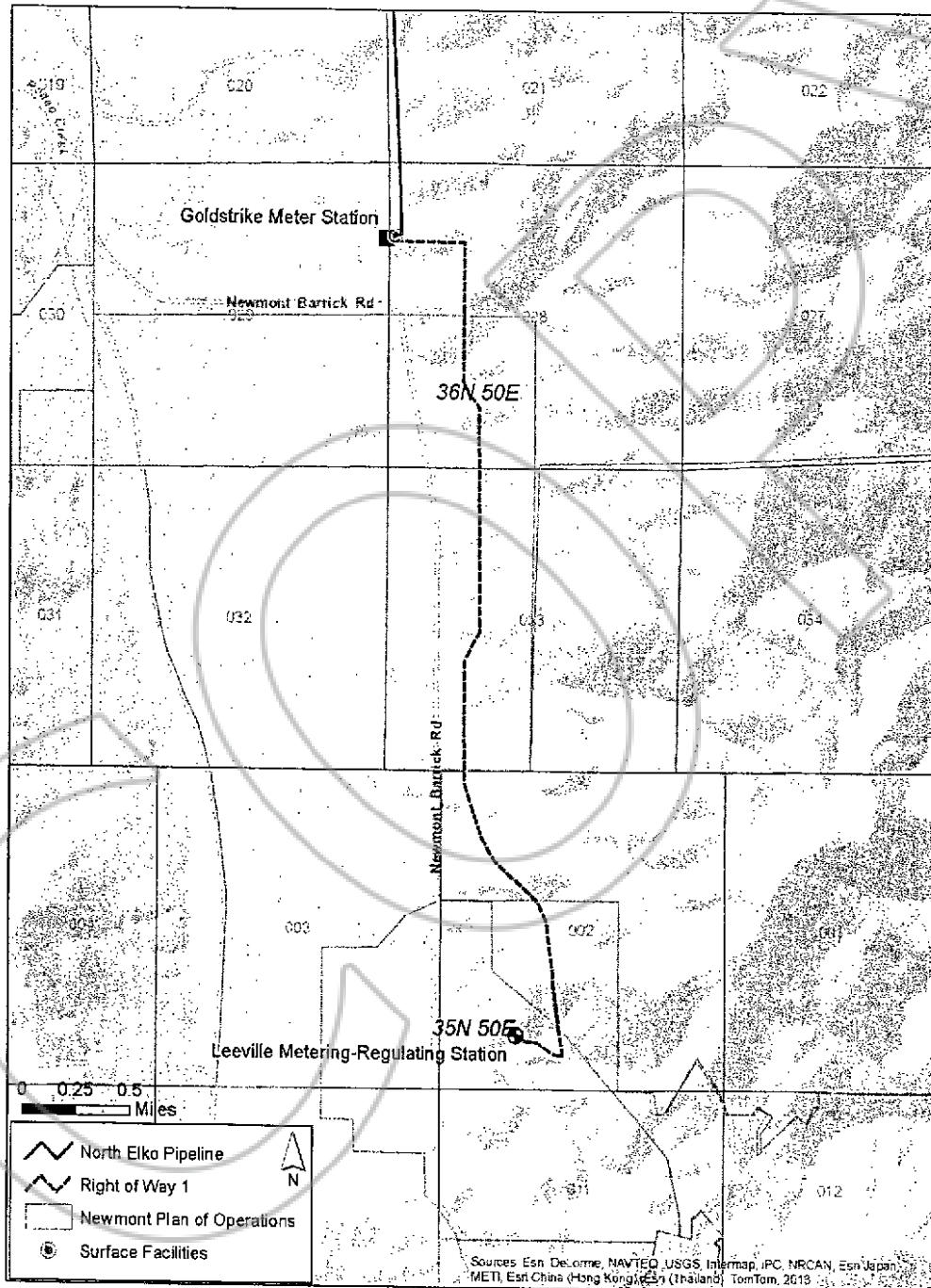
Surface Facilities:

North half of the Northwest Quarter of Section 28, T36N., R50E., MDB&M; 30'x100'; .08 acres

(An "As-Built" survey description of the Right of Way and Surface Facilities Agreement will be prepared after the pipeline is installed and this description will be substituted for Exhibit "A")

EXHIBIT "B"
(Plat)

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



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



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Acknowledgment of Individual/Trustee

STATE OF NEVADA

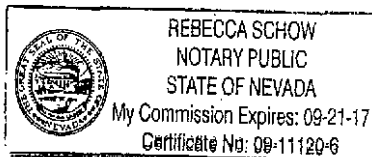
COUNTY OF ELKO

This instrument was acknowledged before me on 7-31-14 (date) by Thomas R. Kerr, ^{Vice President} President of Elko Land and Livestock company.

Rebecca Schow
Signature of Notary Public

Printed Name: Rebecca Schow

(Seal)



My Commission Expires:

9-21-17

Acknowledgment of Individual/Trustee

STATE OF NEVADA

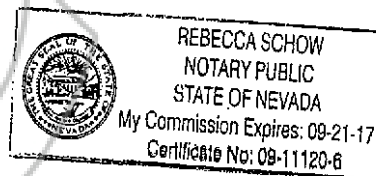
COUNTY OF ELKO

This instrument was acknowledged before me on 7-31-14 (date) by Thomas R. Kerr, President, Newmont USA Limited.

Rebecca Schow
Signature of Notary Public

Printed Name: Rebecca Schow

(Seal)



My Commission Expires:

9-21-17



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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Sacramento

On August 11, 2014 before me, Kimberly A. Lopez, 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 Kimberly A. Lopez (Seal)



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