

Master AGU,  
005-580-05

When recorded mail to:

Barrick Cortez Inc.  
Attn: Jamie L. Jeter  
136 E. South Temple, Suite 1800  
Salt Lake City, UT 84111

Mail tax statement to:

Barrick Cortez Inc.  
Attn: Regional Land Department  
136 E. South Temple, Suite 1800  
Salt Lake City, UT 84111

Document prepared by:  
John O'Brien  
Snell & Wilmer L.L.P.  
1200 Seventeenth St., Suite 1900  
Denver, CO 80202-5854

The undersigned hereby affirms that this document submitted for recording  
does not contain the social security number of any person or persons  
pursuant to NRS 239B.030

1042544-21

**DOC# 218748**

10/06/2011

10:39AM

**Official Record**

Requested By  
STEWART TITLE ELKO

**Eureka County - NV**

**Mike Rebaleati - Recorder**

Page: 1 of 5 Fee: \$43.00  
Recorded By FS RPTT: \$0.00  
Book- 0524 Page- 0044



0218748

**WATER GRANT, BARGAIN AND SALE DEED**

**(Wolf Creek, Inc. to Barrick Cortez Inc.)**

THIS WATER GRANT, BARGAIN AND SALE DEED is made this 4th day of October, 2011, by and between WOLF CREEK, INC., a Colorado corporation, whose address is 503 Brandley Circle, P.O. Box 472, Okarche, Oklahoma 73762 (the "Seller") and BARRICK CORTEZ INC., a Delaware corporation having a place of business at 136 East South Temple Suite 1800, Salt Lake City, UT 84111 ("Purchaser").

**WITNESSETH**

THAT Seller for good and valuable consideration, the receipt and sufficiency of which is hereby confessed and acknowledged, hereby grants, bargains and sells unto Purchaser, its successors and assigns forever, all of their right, title and interest in the water rights described in Exhibit A attached hereto and incorporated herein by this reference (the "Property").

**THIS IS A DEED FOR WATER RIGHTS ONLY**

TO HAVE AND TO HOLD the Property, unto Purchaser, its successors and assigns forever, subject to: (i) taxes for the current fiscal year, not due or delinquent, and any and all taxes and assessments levied or assessed after the recording date hereof, which includes the lien of supplemental taxes, if any; (ii) restrictions, conditions, reservations, rights of way, easements and any other encumbrances affecting the Property as the same may now appear of record; and (iii) any loss of water rights or priority from Seller's non-use, if any.

Seller makes no warranty as to any diversion rates and duties and as to the yield in actual water that may be approved by the State of Nevada or any court for diversion or use pursuant to any transfer of place or period of use, point of diversion, or nature of use of any of the Property, or as to the effect on the Property of any priority administration or similar action by any court or agency.

IN WITNESS WHEREOF, Seller has executed this Water Grant, Bargain and Sale Deed as of the date first written above.

WOLF CREEK, INC.

By: Shirley Rother Bomhoff  
Shirley Rother Bomhoff  
Its: President

**Wolf Creek Acknowledgment**

STATE OF OKLAHOMA )  
COUNTY OF Canadian ) ss.

On September 29, 2011, before me, Darla Buck, a duly commissioned Notary Public for said State, personally appeared Shirley Rother Bomhoff, personally known to me to be the President of Wolf Creek, Inc., a Colorado corporation, and personally known to me to be the person who executed the within instrument and on said oath stated that (s)he was authorized to do so on behalf of said corporation.

IN WITNESS WHEREOF, I have signed my name and affixed my official seal.



Darla Buck, Oklahoma  
Notary Public in and for said State  
Residing at: 323 W. Toronto, Kingfisher Ok  
My Commission Expires: March 25, 2012



## EXHIBIT A

### Application 76037:

(Permit issued November 16, 2007) (This permit abrogates 0.7014 cfs., of Permit 68521) Source of water is Underground, diverted at NE/4NW/4 Sec. 29, T.29N., R.52E., MDB&M. Priority is February 27, 2002. Amount of water is 0.7014 cfs., 150.3 ac. ft. annually. Acreage is 50.10 acres within Secs. 20, 21, 28, 29, T.29N., R.52E.

(Note: Portions of place of use may be covered by other rights.)

Proof of Beneficial Use is due November 16, 2009.

Application 76038: (This permit abrogates 2.7986 cfs., of Permit 68521.) (Permit issued November 16, 2007) Source of water is Underground, diverted at NW/4NE/4 Sec. 29, T.29N., R.52E., MDB&M. Priority is February 27, 2002. Amount of water is 2.7986 cfs., 599.7 ac. ft. annually. Acreage is 199.90 acres within Secs. 28, 29, T.29N., R.52E.

(Note: Portion of place of use may be covered by other rights.)

Proof of Beneficial Use is due November 16, 2009.

### Proof 00304: (Humboldt Decree)

Source is Hot Creek, Willow Creek, Padelford Creek, Pine Creek, diverted through various ditches. Priority is 1871, 1880, 1903, 1875, 1876. Amount of water is approximately 11 cfs., 2868.17 ac. ft. Acreage is 855.01 acres of Harvest, 128.72 acres Meadow and 146.75 diversified within (exact area needs to be further refined but appears to be T.29N., R.52E., probably Secs. 16, 20, 21, 4, 50.)



(Note: A portion of Proof 00304 is owned by Brown)

(Note: A portion of the place of use may be covered by other rights.)

COPY



Basin	App	Change App.	Cert	File Date	Status	Source	POD QQ	POD Qtr	POD Sec	POD Twn	POD Rng	Div Rate (CFS)	Type of Use	Sup	Annual Duty	Units	County	Owner of Record
53	18868		6770	5/24/1960	CER	UG	NW	SW	16	29N	52E	3.3	IRR		1099.29	AFA	EU	WOLF CREEK, INC.
53	34944		12563	2/7/1978	CER	UG	NE	NE	17	29N	52E	2.684	IRR		974	AFA	EU	WOLF CREEK, INC.
53	53742	34946	13434	8/7/1989	CER	UG	NE	NW	29	29N	52E	2	IRR		296.22	AFA	EU	WOLF CREEK, INC.
53	68521		2/27/2002	ABR	UG	NW	NE	NE	29	29N	52E	0	IRR		0	AFA	EU	WOLF CREEK, INC.
53	68521	CHANGED BY:	76038		PER	UG												
53	68521	CHANGED BY:	75699T		EXP	UG												
53	68521	CHANGED BY:	75698T		EXP	UG												
53	68521	CHANGED BY:	76037		CER	UG												
53	75698 T		68521	5/14/2007	EXP	UG	NW	NE	29	29N	52E	0	IRR		0	AFA	EU	WOLF CREEK, INC.
53	75699 T		68521	5/14/2007	EXP	UG	NE	NW	29	29N	52E	0	IRR		0	AFA	EU	WOLF CREEK, INC.
53	76037		68521	7/9/2007	CER	UG	NE	NW	29	29N	52E	0.7014	IRR	Y	150.3	AFA	EU	WOLF CREEK, INC.
53	76038		68521	7/9/2007	PER	UG	NW	NE	29	29N	52E	2.7986	IRR		599.7	AFA	EU	WOLF CREEK, INC.
53	80866			5/16/2011	RFA	UG	SE	SE	14	29N	52E	0.0172	STK		0	AFA	EL	HAROLD ROTHER FARMS INC
53	76036	18869	17667	5/24/1960	CER	UG	NE	NW	29	29N	52E	2.005	IRR		401.85	AFA	EU	DOMINICK PIERETTI & TOSCA SULLIVAN



218748

STATE OF NEVADA  
DECLARATION OF VALUE

1. Assessor Parcel Number(s)

- a) VARIOUS APN#S  
b) Master APN: 006-580-05  
c) \_\_\_\_\_  
d) \_\_\_\_\_

2. Type of Property

- a) ☐ Vacant Land b) ☐ Single Family Residence  
c) ☐ Condo/Townhouse d) ☐ 2-4 Plex  
e) ☐ Apartment Bldg. f) ☐ Commercial/Industrial  
g) ☐ Agricultural h) ☐ Mobile Home  
i) ☒ Other Water Rights ONLY

3. Total Value/Sales Price of Property

Deed In Lieu of Foreclosure Only (Value of Property) ( \_\_\_\_\_ ) \$0.00  
Transfer Tax Value \_\_\_\_\_ \$0.00  
Real Property Transfer Tax Due: \_\_\_\_\_ \$0.00

4. If Exemption Claimed:

- a. Transfer Tax Exemption, per NRS 375.090, Section: \_\_\_\_\_

All RPTT's paid on real property Deed  
simultaneously recorded as document # 218745

- b. Explain Reason for Exemption: \_\_\_\_\_

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110 that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, Seller and Buyer shall be jointly and severally liable for any additional amount owed.

Signature: \_\_\_\_\_

Wolf Creek, Inc.

Capacity: \_\_\_\_\_

Signature: \_\_\_\_\_

Barrick Cortez Inc.

Capacity: VP & General Counsel, NA

**SELLER (GRANTOR) INFORMATION**

Print Name: Wolf Creek, Inc.  
Address: P.O. Box 472, 803 Brandley Circle  
City/State/Zip: Okarche, OK 73762

**BUYER (GRANTEE) INFORMATION**

Print Name: Barrick Cortez Inc.  
Address: 136 E. South Temple, Suite 1800  
City/State/Zip: Salt Lake City, UT 84111

**COMPANY/PERSON REQUESTING RECORDING (required if not the Seller or Buyer)**

Company Name: Stewart Title of Nevada Escrow No 1042544-21  
Address: 810 Idaho Street  
City Elko State: NV Zip 89801

DOC# **DV-218748**

10/06/2011

10:39AM

**Official Record**

Requested By  
STEWART TITLE ELKO

Eureka County - NV

Mike Rebaleati - Recorder

Page: 1 of 1

Fee: \$43.00

Recorded By FS

PRTT: \$0.00

**STATE OF NEVADA  
DECLARATION OF VALUE**
**1. Assessor Parcel Number(s)**

- a) VARIOUS APN#S  
 b) Master APN: 005-580-05  
 c) \_\_\_\_\_  
 d) \_\_\_\_\_


 DV-218748  
 10/06/2011  
 1 of 1

**2. Type of Property**

- a) ☐ Vacant Land      b) ☐ Single Family Residence  
 c) ☐ Condo/Townhouse      d) ☐ 2-4 Plex  
 e) ☐ Apartment Bldg.      f) ☐ Commercial/Industrial  
 g) ☐ Agricultural      h) ☐ Mobile Home  
 i) ☒ Other Water Rights ONLY

**3. Total Value/Sales Price of Property**

Deed in Lieu of Foreclosure Only (Value of Property) ( \_\_\_\_\_ ) \$0.00  
 Transfer Tax Value \_\_\_\_\_ \$0.00  
 Real Property Transfer Tax Due: \_\_\_\_\_ \$0.00

**4. If Exemption Claimed:**

- a. Transfer Tax Exemption, per NRS 376.090, Section: \_\_\_\_\_

All RPTT's paid on real property Deed  
 simultaneously recorded as document

- b. Explain Reason for Exemption: \_\_\_\_\_

**5. Partial Interest: Percentage being transferred: 100 %**

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 376.080 and NRS 376.110 that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 376.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature:

*Shirley A. Doherty*  
 SEE ATTACHED  
 FOR SIGNATURES

 Capacity: President

Signature:

Capacity:

**SELLER (GRANTOR) INFORMATION**

Print Name: Wolf Creek, Inc.  
 P.O. Box 472, 603 Brandley  
 Address: Circle  
 City/State/Zip Okarche, OK 73762

**BUYER (GRANTEE) INFORMATION**

Print Name: Barrick Cortez Inc.  
 136 E. South Temple, Suite  
 Address: 1800  
 City/State/Zip Salt Lake City, UT 84111

**COMPANY/PERSON REQUESTING RECORDING (required if not the Seller or Buyer)**

Company Name: Stewart Title of Nevada Escrow No 1042644-21  
 Address: 810 Idaho Street  
 City Elko State: NV Zip 89801

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