

**DOC# 218975**

11/30/2011

01:50PM

**Official Record**

Requested By  
SNELL & WILMER, LLP

**Eureka County - NV**

**Mike Rebaleati - Recorder**

Page: 1 of 10 Fee: \$23.00

Recorded By FS RPTT: \$0.00

Book- 0525 Page- 0339



0218975

A.P. No. 005-570-15  
Master A.P. No. 005-580-15

Recording Requested By and  
When Recorded Return to:  
John O'Brien  
Snell & Wilmer L.L.P.  
1200 Seventeenth St., Suite 1900  
Denver, CO 80202-5854

**ASSIGNMENT OF DEED OF TRUST**

**(Eureka County)**

For good and valuable consideration, Wolf Creek, Inc., a Colorado corporation dissolved on November 1, 2011 ("Assignor") hereby grants, assigns and transfers to Shirley Rother Bomhoff, whose address is P.O. Box 472, Okarche, OK 73762, an undivided 52.5% interest, and to Michael V. Rother 2011 Irrevocable Trust, whose address is P.O. Box 53, 14621 Co. Rd. 60, Arapahoe, Colorado 80802, an undivided 47.5% interest under that certain Deed of Trust made by Barrick Cortez Inc. for the benefit of Assignor and two other beneficiaries dated October 4, 2011 and recorded on October 6, 2011 in Book 524, at Page 53, as Document No. 218750, Eureka County, Nevada Records concerning the Real Property described in Exhibit A attached hereto and incorporated herein by this reference.

Dated as of the 31st day of October, 2011.

WOLF CREEK, INC., a Colorado  
corporation dissolved on November 1, 2011

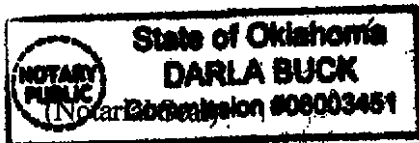
By:   
Shirley Rother Bomhoff  
Its: President

**Wolf Creek Acknowledgment**

STATE OF OKLAHOMA )  
COUNTY OF Canadian ) ss.

On November 28, 2011, before me, Darla Buck, a duly commissioned Notary Public for said State, personally appeared Shirley Rother Bornhoff, personally known to me to be the President of Wolf Creek, Inc., a Colorado corporation dissolved on November 1, 2011, 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

Notary Public in and for said State  
Residing at: 323 W. Toronto, Kingfisher OK  
My Commission Expires: March 29, 2012



**EXHIBIT A**

**THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE COUNTIES OF ELKO AND EUREKA, STATE OF NEVADA:**

**PARCEL 1: (Elko and Eureka County)**

**TOWNSHIP 29 NORTH, RANGE 52 EAST, M.D.B.&M.**

**Section 3: All;**

**PARCEL 2: (Eureka County)**

**TOWNSHIP 29 NORTH, RANGE 52 EAST, M.D.B.&M.**

**Section 9: E1/2;**

**Section 15: W1/2;**

**Section 21: E1/2; SW1/4;**

**Section 33: All;**

**PARCEL 3: (Elko County)**

**TOWNSHIP 30 NORTH, RANGE 52 EAST, M.D.B.&M.**

**Section 35: All;**

**EXCEPTING FROM Parcels 1, 2 and 3 as a mineral interest and not as a royalty interest, all minerals (as defined below) of every kind or character, in, under, or that may be extracted from, the real property (the "Property") hereby conveyed to Grantee, for the purposes of exploring for, developing, mining, recovering, processing, transporting, milling, storing, stockpiling and otherwise using, enjoying and exploiting minerals (collectively the "Minerals Activities"), without limitation to any and all mining techniques, including open-pit, shaft and strip mining procedures. As used herein, "minerals" shall include without limitation substances containing gold, silver, platinum and all other precious metals; iron, cobalt, copper, lead, zinc, nickel, chromium, aluminum, mercury, cadmium and all other base metals; oil, natural gas, casinghead gas, condensates and associated hydrocarbons; sulfur produced in association with hydrocarbons; geothermal brines, solutions, materials and other geothermal resources; helium; carbon dioxide; industrial-grade silicates, aluminates and carbonates; uranium, vanadium, thorium, and all other fissionable elements; coal, lignite, peat and similar organic minerals; all other minerals of every kind and character, metallic or nonmetallic, inorganic or organic or otherwise, regardless of whether presently known to science or industry, now known to exist or hereafter discovered upon, within or underlying the surface of the property, regardless of depth. This reservation does not include building rock, sand, gravel, top soil, decorative stone or related materials as reserved by NEVADA LAND AND RESOURCE COMPANY, LLC, a Delaware Limited Liability**



Company in Deeds, recorded September 19, 1997, in Book 313, Page 343, Official Records, Eureka County, Nevada, and in Book 1009, Page 627, Official Records, Elko County, Nevada.

FURTHER EXCEPTING FROM Parcels 1, 2 and 3 all oil, gas and mineral rights of whatever nature existing as a part of, upon, beneath the surface of or within said lands, including any oil and gas leases, rentals and/or royalties thereon as reserved by DOMINEK J. PIERETTI, an unmarried man, in deed recorded May 23, 2001 in Book 1, Page 15170, Official Records, Elko, Nevada, and in Book 341, Page 227, Official Records, Eureka County, Nevada.

PARCEL 4: (Elko County)

TOWNSHIP 29 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 13: All;  
Section 36: E1/2;

TOWNSHIP 29 NORTH, RANGE 53 EAST, M.D.B.&M.

Section 3: W1/2;  
Section 4: All;  
Section 5: All;  
Section 6: All;  
Section 7: All;  
Section 8: All;  
Section 18: All;  
Section 19: All;  
Section 20: All;  
Section 29: All;  
Section 30: All;  
Section 31: All;

TOWNSHIP 30 NORTH, RANGE 53 EAST, M.D.B.&M.

Section 33: All;

EXCEPTING FROM all of Parcel 4 except the E1/2 of Section 36, Township 29 North, Range 52 East, M.D.B.&M., and all of Sections 4, 6, 18, 20 and 30, Township 29 North, Range 53 East, M.D.B.&M., all petroleum, oil, natural gas and products derived therefrom lying in and under said land as reserved by Southern Pacific Land Company, in deed recorded March 9, 1950, in Book 58, Page 22, Deed Records of Elko County, Nevada.

FURTHER EXCEPTING FROM all of Parcel 4 except the E1/2 of Section 36, Township 29 North, Range 52 East, M.D.B.&M., and all of Sections 4, 6, 18, 20 and 30, Township 29 North, Range 53 East, M.D.B.&M., an undivided 1/2 interest in and to any and all other mineral rights



owned or possessed by grantor as reserved by Eureka Livestock Company, et al, in deed recorded November 28, 1955, in Book 69, Page 18, Deed Records of Elko County, Nevada.

FURTHER EXCEPTING FROM the E1/2 of Section 36, Township 29 North, Range 52 East, M.D.B.&M., and all of Sections 4, 6, 18, 20 and 30, Township 29 North, Range 53 East, M.D.B.&M., all the mineral deposits lying in and under said land as reserved by the United States of America, in patent recorded June 2, 1967, in Book 82, Page 323, Official Records of Elko County, Nevada.

PARCEL 5: (Eureka County)

TOWNSHIP 28 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 5: All;

TOWNSHIP 29 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 7: All;

Section 16: NW1/4; W1/2SW1/4; E1/2SW1/4;

Section 17: All;

Section 20: S1/2SE1/4; NE1/4SE1/4; SE1/4NE1/4;

Section 21: NW1/4;

Section 29: All;

Section 32: NW1/4NW1/4;

TOWNSHIP 30 NORTH, RANGE 52 EAST, M.D.B.&M.

Section 31: All;

TOWNSHIP 29 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 1: All;

Section 3: All;

Section 5: All;

Section 7: All;

Section 9: All;

Section 13: All;

Section 15: All;

Section 17: All;

Section 19: All;

Section 21: All;

Section 23: All;

Section 25: All;

Section 27: All;

Section 29: All;

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TOWNSHIP 30 NORTH, RANGE 51 EAST, M.D.B.&M.

Section 31: All;  
Section 33: All;  
Section 35: All;

EXCEPTING FROM all of Parcel 5 except NW1/4; W1/2SW1/4; E1/2SW1/4 of Section 16; NE1/4 of Section 17; S1/2SE1/4; NE1/4SE1/4; SE1/4NE1/4 of Section 20; NW1/4 of Section 21; NW1/4NW1/4 of Section 32, Township 29 North, Range 52 East, M.D.B.&M., all petroleum, oil, natural gas, and products derived therefrom lying in and under said land as reserved by Southern Pacific Land Company in deed recorded March 9, 1950, in Book 24, Page 42, Deed Records of Eureka County, Nevada.

FURTHER EXCEPTING FROM all of Parcel 5 except NW1/4; W1/2SW1/4; E1/2SW1/4 of Section 16; NE1/4 of Section 17; S1/2SE1/4; NE1/4SE1/4; SE1/4NE1/4 of Section 20; NW1/4 of Section 21; NW1/4NW1/4 of Section 32, Township 29 North, Range 52 East, M.D.B.&M., an undivided 1/2 interest in and to any and all other mineral rights owned or possessed by grantor as reserved by Eureka Livestock Company, et al, in deed recorded November 4, 1955, in Book 24, page 480, Deed Records of Eureka County, Nevada.

FURTHER EXCEPTING FROM Parcels 4 and 5 fifty percent (50%) in and to all oil, gas and mineral rights of whatever nature existing as a part of, upon, beneath the surface of or within said lands, including any oil and gas leases, rentals and/or royalties thereon as reserved by Dominek J. Pieretti, also known as Dominick Pieretti, and Tosca Sullivan, also known as Tosca P. Sullivan, a widow, in deeds recorded May 23, 2001, in Book 1, Page 15175, Official Records of Elko County, Nevada, and in Book 341, Page 234, Official Records of Eureka County, Nevada.

THE FOLLOWING DESCRIBED PROPERTY LOCATED IN THE COUNTY OF EUREKA,  
STATE OF NEVADA:

PARCEL 6: (Eureka County)

TOWNSHIP 29 NORTH, RANGE 52 EAST M.D.B.&M.

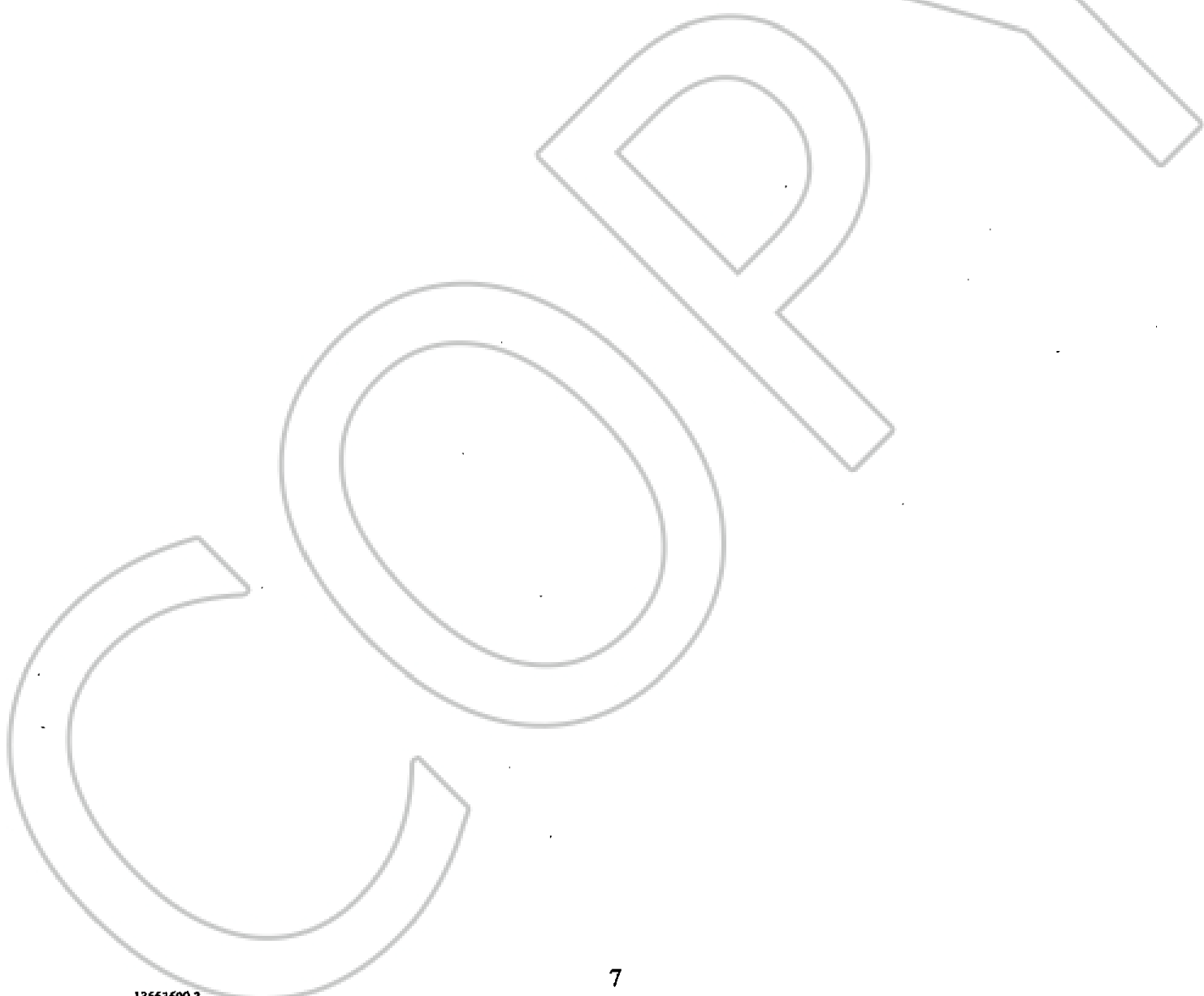
Section 4: SW1/4; SE1/4NW1/4;  
Section 5: SE1/4; SW1/4NE1/4; Lot 2;  
Section 8: E1/2;  
Section 9: W1/2;

EXCEPTING FROM Lot 2 of Section 5, Township 29 North, Range 52 East, M.D.B.&M., all petroleum, oil, natural gas and products derived therefrom, lying in and under said land as reserved by Southern Pacific Land Company in deed recorded March 9, 1950, in Book 24, Page 42, Deed Records, Eureka County, Nevada.



FURTHER EXCEPTING FROM Lot 2 Section 5, Township 29 North, Range 52 East, M.D.B&M., an undivided 1/2 interest in and to any and all other mineral rights owned or possessed by grantor as reserved by Eureka Livestock Company, et al, in deed recorded November 4, 1955, in Book 24, Page 480, Deed Records, Eureka County, Nevada.

FURTHER EXCEPTING FROM Parcel 6 fifty percent (50%) in and to all oil, gas and mineral rights of whatever nature existing as a part of, upon, beneath the surface of or with said lands, including any oil and gas leases, rentals and/or royalties thereon as reserved by Dominek J. Pieretti, also known as Dominick Pieretti, and Tosca Sullivan, also known as Tosca P. Sullivan, a widow, in deed recorded May 23, 2001 in Book 341, Page 241, Official Records, Eureka County, Nevada



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### 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.)





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	10954		3418	5/10/1943	CER	SPR	NE	SE	21	29N	52E	0.003	DOM		2.025474	AFA	EU	SHIRLEY A. ROTHER
53	18866		6770	5/24/1960	CER	UG	NW	SW	16	29N	52E	3.3	IRR		1099.29	AFA	EU	SHIRLEY A. ROTHER
53	27914		8970	11/20/1973	CER	SPR	SW	NW	2	29N	52E	0.023	STK		18.597534	AFA	EU	SHIRLEY A. ROTHER
53	34944		12553	2/7/1978	CER	UG	NE	NE	17	28N	52E	2.684	IRR		974	AFA	EU	SHIRLEY A. ROTHER
53	54153		13772	11/9/1989	CER	UG	NE	SW	4	29N	52E	0.015	STK		11.201485	AFA	EU	SHIRLEY A. ROTHER



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Basin	App	Change App.	Cart	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 16	SW	29N	52E	3.3	IRR	1099.29	AFA	EU	WOLF CREEK, INC.		
53	34944		12563	2/7/1978	CER	UG	NE 17	NE	29N	52E	2.684	IRR	974	AFA	EU	WOLF CREEK, INC.		
53	53742	34946	13434	8/7/1989	CER	UG	NE 29	NW	29N	52E	2	IRR	296.22	AFA	EU	WOLF CREEK, INC.		
53	68521			2/27/2002	ABR	UG	NW 29	NE	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	75698T	68521		5/14/2007	EXP	UG	NW 29	NE	29N	52E	0	IRR	0	AFA	EU	WOLF CREEK, INC.		
53	75699T	68521		5/14/2007	EXP	UG	NE 29	NW	29N	52E	0	IRR	0	AFA	EU	WOLF CREEK, INC.		
53	76037	68521	17668	7/9/2007	CER	UG	NE 29	NW	29N	52E	0.7014	IRR	150.3	AFA	EU	WOLF CREEK, INC.		
53	76038	68521		7/9/2007	PER	UG	NW 29	NE	29N	52E	2.7986	IRR	599.7	AFA	EU	WOLF CREEK, INC.		
53	80866			5/16/2011	RFA	UG	SE 14	SE	29N	52E	0.0172	STK	0	AFA	EL	HAROLD ROTHER FARMS INC		
53	76036	18869	17667	5/24/1960	CER	UG	NE 29	NW	29N	52E	2.005	IRR	401.85	AFA	EU	DOMINICK PIERETTI & TOSCA SULLIVAN		



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