73550

AFFIDAVIT OF SUCCESSOR IN INTEREST PROTESTANT

State of Nevada)

County of Eureka)

Affiant, Conley Land & Livestock, LLC , being first duly sworn on his/her oath,
Print name

states that (s)he is familiar with and acknowledges that (s)he is the successor in interest of: 73548, 73549, 73550, 73551, 73552, 73547, 72697, 72698, 73545, 73546,

☒ the owner of a water right who protested Application No. 72695, 72696, ; or

☐ the owner of real property upon which a domestic well is located who protested Application No. _____.

The name of the previous Protestant is David S.A. Stine

and claims to own the water right or real property identified as:

Diamond Valley, NV - Water Right Permit #'s: 19500, 19501, 19502, 22217

Beverly Conley
Affiant signature before notary public

This instrument was acknowledged before me on OCTOBER 1, 2008
Date

by BEVERLY CONLEY
Name of Affiant

PO BOX 111
Street or Post Office Address

EUREKA, NV 89316
City, State, Zip Code

2008 OCT -3 PM 1:20

Jackie J. Berg
Signature of notary

My Commission Expires:

OCT. 6, 2009
Month, Day, Year

Notary Stamp

JACKIE J. BERG
NOTARY PUBLIC, STATE OF NEVADA
EUREKA COUNTY• NEVADA
CERTIFICATE # 05-100599-8
APPT. EXP. OCT. 6, 2009

IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 73550
FILED BY IDAHO GENERAL MINES, INC
ON Dec. 5th, 20 05, TO APPROPRIATE THE
WATERS OF underground Kobeh Valley

PROTEST

FILED
FEB 13 2006
STATE ENGINEER'S OFFICE

Comes now DAVID S.A. STINE
Printed or typed name of protestant
whose post office address is P.O. BOX 783 EUREKA, NV 89316
Street No. Or P.O. Box, City, State and Zip Code.
whose occupation is FARMER and protests the granting
of Application Number 73550, filed on Dec. 5th, 2005
by IDAHO GENERAL MINES, INC. to appropriate the
waters of UNDERGROUND KOBEH VALLEY situated in EUREKA
Underground or name of stream, lake, spring or other source
County, State of Nevada, for the following reasons and on the following grounds, to wit:

PLEASE SEE ATTACHMENT

THEREFORE the Protestant requests that the application be DENIED
Denied, issued subject to prior rights, etc., as the case may be
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed David S.A. Stine
Agent or protestant

DAVID S.A. STINE
Printed or typed name, if agent

Address P.O. BOX 783
Street No. or P.O. Box No.

EUREKA NV 89316
City, State and Zip Code No.

Subscribed and sworn to before me this 13 day of FEB, 2006

Susan Cox
Notary Public

State of Nevada

County of Carson City

SUSAN COX
NOTARY PUBLIC
STATE OF NEVADA
No.05-95399-12 My Appt. Exp. Apr. 11, 2009

$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Attachment to the protests of application numbers:
72695, 72696, 72697, 72698 and
73545, 73546,73547, 73548, 73549, 73550, 73551, 73552

Submitted by David S.A. Stine, PO Box 783 Eureka, NV, 89316

For the following reasons and on the following grounds, to wit:

1. The applications are being made in a designated basin, Nevada hydrographic basin 139, Kobeh Valley.. According to the Nevada Division of Water Resources Hydrographic Basin Summary, there is presently an annual duty of over 17,000 acre-feet in the Kobeh Valley of permitted and certificated status diversions.
2. The combined duty of the applications I am protesting have a proposed duty of 22.280 CFS from January 1st to December 31st of each year. This converts to a yield of over 16,000 acre-feet per annum, or approximately 10,000 gallons per minute. This combined duty, if the applications were approved, would substantially over-appropriate an already designated basin.
3. Kobeh Valley provides some recharge, both via underground coupling and via surface runoff, to Diamond Valley (Basin 153). If the applications under protest were granted, the surface runoff and subsurface recharge from Kobeh Valley to southern Diamond Valley (via the geological feature known as "Devil's Gate" along US Route 50) may be substantially reduced or eliminated. Residents of Eureka County with existing rights and domestic wells at the southern end of Diamond Valley would be detrimentally effected by elimination of any recharge from the Kobeh Valley, as the static water levels in Diamond Valley have been dropping for over 30 years and elimination or impairment of any recharge capacity into Diamond Valley would only accelerate the decrease in static water levels.
4. The proposed use specified in the applications being protested is "mining, milling and dewatering." Any claim of a use of "dewatering" in these applications suffers from a substantial error in the place of use. The waters of the applications under protest could be diverted to the place of use for mining and/or milling, but applications for dewatering should specify the actual area (ie, mine site) being de-watered. The actual site of the proposed mine is over seven (7) miles to the north/north-east of the applications' closest points of diversion. This protestor is unaware of any viable technology whereby an applicant can successfully dewater a mine site from underground points of diversion seven or more miles distant. The applicant should submit applications for any dewatering that specify a point of use and a map of use that reflects the actual points of diversion to be dewatered for the public to be adequately informed as to the applicant's intended use of water.
5. The actual proposed mine site straddles two hydrographic basins: Kobeh Valley (Nevada Hydrographic Basin 139) and Diamond Valley (Nevada Hydrographic Basin 153). De-watering occurring at the mining site may involve an inter-basin transfer of ground water. Since Diamond Valley (Basin 153) is a designated basin with existing rights and domestic wells, the applicant should be made to file specific applications for any and all dewatering diversions of ground water as may

occur in Basin 139 and Basin 153 to adequately inform the public with existing rights in Basin 153 of the applicant's proposed point(s) of diversion for dewatering that may occur in Basin 153.

6. Any and all applications made for diversions of water for the purpose of dewatering should be assigned a "temporary" status, so that when mining operations cease (or the need to dewater the mine ceases), the permits for dewatering diversions cannot be converted to other uses, since both Basins 139 and 153 are already designated.