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

IN THE MATTER OF APPLICATION NUMBER 79889
FILED BY RMP RESOURCES CORP.
ON JUNE 4, 20 10, TO APPROPRIATE THE
WATERS OF UNDERGROUND (EUREKA COUNTY)

PROTEST

FILED
JUL 12 2010
STATE ENGINEER'S OFFICE

Comes now EUREKA COUNTY
Printed or typed name of protestant

whose post office address is P.O. BOX 677, EUREKA, NEVADA 89316
Street No. or PO Box, City, State and ZIP Code

whose occupation is POLITICAL SUBDIVISION and protests the granting

of Application Number 79889, filed on JUNE 4, 20 10

by RMP RESOURCES CORP. to appropriate the

waters of UNDERGROUND 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:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

RECEIVED
JUL 12 2010
STATE ENGINEER'S OFFICE

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 [signature]
Agent or protestant

LEONARD FIORENZI, Chairman, County Commissioners
Printed or typed name, if agent

Address P.O. Box 677
Street No. or PO Box

Eureka, NV 89316
City, State and ZIP Code

(775) 237 - 5262
Phone Number

Subscribed and sworn to before me this 7th day of July, 20 10

[signature]
Notary Public

TONI M. WRIGHT
Notary Public, State of Nevada
Appointment No. 99-34907-8
My Appt. Expires Dec. 20, 2010

State of NEVADA
County of EUREKA

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Exhibit "A"
Eureka County Protest to RMP Resources Corp.
Application Nos. 79888-79889

1. There is no unappropriated water at the proposed source of supply, the proposed use conflicts with or will impair and interfere with existing rights and protectable interests in existing domestic wells and threatens to prove detrimental to the public interest. The perennial yield of 155A, Little Smoky Valley-Northern Part, is 5,000 acre-feet per year. Existing ground water appropriated in the basin totals approximately 5,055 acre-feet per year. Granting applications 79888 and/or 79889 will cause the basin to be further over-appropriated and subject to over-pumping by an additional 1,122 acre-feet per year, exceeding the annual recharge and safe yield of the basin. Diversion of ground water above the annual recharge may lower the static water in the subject basin and could negatively affect hydraulic gradient influences and adversely affect the quality of the remaining ground water.

2. Currently, there are two other pending applications to appropriate ground water in the basin (i.e. 70751 and 70752). These outstanding applications are Desert Land Entries for 1,280 acre-feet per year. We request that a decision be rendered on these applications prior to dispensation of the present applications 79888 and 79889. If all pending applications are approved, the basin would be over-appropriated by approximately 2,457 acre-feet per year.

3. Little Smoky Valley is part of the Basin and Range Carbonate Aquifer System (BARCAS). The USGS BARCAS study was clear that the dynamics associated with the BARCAS are not completely understood. The BARCAS study did report a level of uncertainty related to the estimated recharge, discharge, and interbasin flow in Little Smoky Valley. Granting applications 79888 and/or 79889 would be unwise given the uncertainty and lack of understanding of how over-pumping could impact water resources not only in adjacent basins, but within the entire BARCAS. Over-pumping in Little Smoky Valley will impact existing irrigation, stockwatering and domestic water rights holders in Little Smoky Valley. Over-pumping in Little Smoky Valley will likely impact irrigation, stockwatering and domestic water right holders in adjacent basins and throughout the BARCAS. The owners of many of these rights contribute to the long-term economic viability of the greater Eureka community; therefore, unless adequately mitigated, such impacts will prove detrimental to the health and welfare of Eureka County.

4. Hydrologic properties of the proposed points of diversion are not fully understood or analyzed; therefore, impacts associated with pumping of substantial water rights at the proposed points of diversion are not known. Propagation of the cone of depression from the proposed point of diversion must be adequately determined prior to granting the applications. Eureka County requests the ability to review all hydrologic data offered in support of the applications.

5. It is a disservice to grant any water rights above the perennial yield as this impacts local private property by decreasing the value of water tied to private land of current and prior appropriators.

6. Increasing ground water pumped in Little Smoky Valley could serve to endanger the Fish Creek Springs tui chub, a protected fish in Nevada under NAC 503.065. The proposed points of diversion will be less than 5 miles from Fish Creek Springs. Any adverse impact to the Fish Creek Springs tui chub would have an inequitable impact to the current water rights holders in this area as their water rights would likely be regulated or invalidated.

7. The works necessary to achieve beneficial use of the subject water rights are substantial and costly. The applicant has not presented the State with the scope of its proposed works, nor has the applicant demonstrated its ability to finance the works. Eureka County requests the opportunity to 1) review a proposed scope of work to achieve beneficial use and 2) satisfy its concerns regarding corporate purpose and financial ability.

8. The manner of use of water under the subject application is by nature of its activity a temporary use. Because it is a temporary use, any permit granted should be subject to a restriction that at the end of the mining use, the water will revert back to the source.

9. Any proposed monitoring and mitigation plan to address potential impacts from the applicant's proposed pumping must be developed to a reasonable degree with supporting analytical data prior to any approval of the applications.

10. The projected water usage listed under item number 12 in the applications greatly exceeds the water usage listed in the Scoping Study Report and the Technical Report for the project issued in October 2008. These overages range from 130% to 200% of the water needs anticipated in the reports. The applicant must provide the background data and analysis that supports a need for more water than was determined through scoping and technical reports.

11. Eureka County recognizes that the custom and culture of mining is part of its history and appreciates the role mining plays in its local and regional economy. Eureka County welcomes new opportunity for mining in its communities as long as mine development is not detrimental to existing economic or cultural activity or the environment. This protest is aimed at ensuring that any development of water resources in Little Smoky Valley is conducted in full accordance with Nevada law, the Eureka County Master Plan and related ordinances, and does not unduly threaten the health and welfare of Eureka County citizens. Eureka County encourages the proponents of these applications to engage its representatives and the Office of the State Engineer in dialogue that will result in a binding, mutually-beneficial agreement for development, management, monitoring, and mitigation of these ground water resources.

12. Should these protests result in hearings before the State Engineer, Eureka County requests that such hearings be held in Eureka, Nevada to facilitate access by the body of Protestants.