

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

IN THE MATTER OF APPLICATION NUMBER 82105  
FILED BY McEwen Mining, Inc.  
ON September 10, 2012



PROTEST



Comes now Diamond Cattle Co.  
Printed or typed name of protestant  
whose post office address is 7933 Calloway Dr., Bakersfield, CA 93314  
Street No. or PO Box, City, State and ZIP Code  
whose occupation is Farming and Ranching and protests the granting  
of Application Number 82105, filed on September 10, 2012  
by McEwen Mining, Inc. for the  
waters of an underground source situated in Kobeh Valley  
an underground source 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 Attachment 1

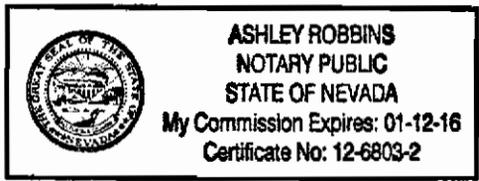
THEREFORE the Protestant requests that the application be Denied

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  
Therese A. Ure, Schroeder Law Offices, P.C. (Agent)  
Printed or typed name, if agent  
Address 440 Marsh Avenue  
Street No. or PO Box  
Reno, NV 89509  
City, State and ZIP Code  
(775) 786-8800  
Phone Number  
counsel@water-law.com  
E-mail

STATE ENGINEER'S OFFICE  
2012 NOV 26 AM 11:11  
RECEIVED

Subscribed and sworn to before me this 21st day of November, 2012



[Signature]  
Notary Public  
State of Nevada  
County of Washoe

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

## **In the Matter of Application Number 82105 (Protest)**

### Attachment 1: Protest Grounds

1. Application 82105 is deficient because it identifies a place of use that is larger than that required for the purposes stated therein, that is, mining, milling and domestic.
2. Application 82105 is deficient because it states that water will be used for fire and dust suppression, however, the only purposes applied for are mining, milling and dewatering.
3. Application 82105 is deficient because it proposes to store water, but fails to include required information about the proposed storage.
4. Application 82105 is deficient because it fails to provide satisfactory proof regarding the Applicant's financial ability.
5. There is no unappropriated water in the Kobeh Valley hydrographic basin (especially if the Mt. Hope applications are approved and appropriated to their fullest extent) and thus the application should be denied.
6. If granted, Application 82105 will conflict with existing rights or protectable interests in existing domestic wells.
7. The additional well would cause undue interference with existing wells (including possible cone of depression affect) in the designated ground water basin.
8. If granted, Application 82105 will prove detrimental to the public interest.
9. If granted, Application 82105 will cause an unreasonable lowering of the static water level at appropriators' points of diversion.
10. If the use is granted, this use will adversely affect the cost of water use for other holders of water in the hydrographic basin, including the likelihood of increased pumping from lowered water table access depths.
11. This application is in conflict with and will be detrimental to the public interest as this stressed ground water table will suffer further draw down causing a strain on the water resource in this hydrographic basin.
12. If Application 82105 is granted, the permit must contain express conditions to ensure existing appropriations will be satisfied.
13. Given the designated state of the Kobeh Valley hydrographic basin, the State Engineer should require a study prior to granting additional withdrawals from this aquifer.