

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

FILED
SEP 24 2012
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 82114
FILED BY Fronteer Development
ON September 24, 2012



PROTEST

Comes now City of West Wendover, a Nevada municipal corporation ("the City")
Printed or typed name of protestant
whose post office address is c/o Gary E. Di Grazia, attorney for Protestant, P.O. Box 1358
Street No. or PO Box, City, State and ZIP Code Elko, Nevada 89803
whose occupation is municipal government and protests the granting
of Application Number 82114, filed on September 14, 2012
by Fronteer Development for the
waters of an underground source situated in
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:

As per attached Exhibit "A"

delayed pending complete resolution
of water issues between the City and
Newmont USA, Limited regarding water
rights.

THEREFORE the Protestant requests that the application be 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 Gary E. Di Grazia
Agent or protestant

Gary E. Di Grazia, attorney for Protestant
Printed or typed name, if agent

Address P.O. Box 1358
Street No. or PO Box

Elko, Nevada 89803
City, State and ZIP Code

(775) 738-8091
Phone Number

Phone Number

E-mail

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



Sharon Henman
Notary Public

State of Nevada

County of Elko

STATE ENGINEERS OFFICE
2012 SEP 24 PM 1:45
RECEIVED

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

Exhibit "A"

1. The City of West Wendover is the holder of Permit No. 28527, Certificate No. 12918 for 1.0 cfs from Johnson Spring and Creek for municipal and domestic purposes, which spring is in the vicinity of the proposed well.
2. By Order No. 842 issued by the State Engineer of the State of Nevada, the area of both Johnson Spring and the proposed well was designated as a ground water basin coming under the provision of NRS Chapter 534 with Municipal, Quasi-Municipal and Domestic Uses being the preferred uses.
3. The Protestant acquires an appreciable percentage of extremely high quality drinking water from Johnson Spring and received a grant from the Nevada Department of Environmental Protection to complete a Drinking Water Source Protection Plan to establish protection zones in which special requirements are met to maintain satisfactory domestic water quality.
4. Previous pump tests conducted by Newmont USA, Limited, of which the Applicant is believed to be a wholly owned subsidiary, indicated that exploratory drilling increases surfactant contamination to Johnson Spring. Moreover, aquifer tests and subsequent models indicated a possible reduction of the flow of Johnson Spring as a result of pumping from underground sources in the vicinity.
5. Protestant and Newmont USA, Limited, the company which will perform mining operations in the vicinity of the source of the application, have recognized the adverse effect of pumping and mining in the vicinity of Johnson Spring and have been conducting negotiations to reach an agreement to mitigate the adverse effect upon Johnson Spring of Newmont's mining activities in the area; however, agreement has not been reached as of this date.