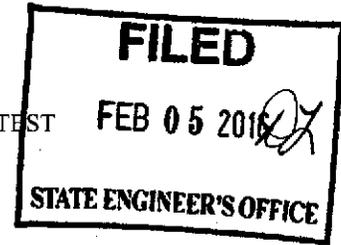


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 85698
FILED BY Newmont Gold Company
ON November 24, 2015



Comes now Daniel and Eddyann Filippini

Printed or typed name of protestant

whose post office address is HC-61, Box 65, Badger Ranch Road, Battle Mountain, NV 89820

Street No. or PO Box, City, State and ZIP Code

whose occupation is Ranching

and protests the granting

of Application Number 85698

, filed on November 24

, 2015

by Newmont Gold Company

for the

waters of Underground

situated in Eureka and Elko

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 for Protest Grounds

RECEIVED
2016 FEB -5 PM 3:26
STATE ENGINEERS 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

[Handwritten Signature]

Agent or protestant

Therese A. Ure, Schroeder Law Offices, P.C.

Printed or typed name, if agent

Address

440 March Ave.

Street No. or PO Box

Reno, Nevada 89509

City, State and ZIP Code

State of Nevada

County of Washoe

Subscribed and sworn to before me on February 4, 2016

(775) 786-8800

Phone Number

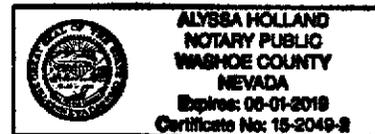
by Therese Ure

counsel@water-law.com

E-mail

[Handwritten Signature: Alyssa Holland]

Signature of Notary Public Required



Notary Stamp or Seal Required

+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

## **In the Matter of Application Number 85698 (Protest)**

### Attachment 1: Protest Grounds

1. There is no water available as the Maggie Creek hydrographic basin is a designated basin pursuant to State Engineer Order 863; and, there is no unappropriated water left in the affected area per NRS 534.110(3), NRS 533.370(2).
2. The Application's proposed points of diversion will conflict with existing rights and/or protectable interests.
3. The Application's proposed use will cause injury, conflicts, impacts and impairment to domestic and irrigation wells, as well as water rights of use.
4. If granted, the water use proposed in the Application will cause an unreasonable lowering of the static water level at appropriators' points of diversion.
5. Granting the uses of this Application will cause an unreasonable lowering of the water table.
6. The Application is deficient because works are not adequately described to determine the overall impact on human health, stock and domestic animals, and environmental detriment.
7. If the Application is permitted, the permits must contain express conditions to ensure existing appropriations will be satisfied.
8. There is no water available from the proposed sources of supply without exceeding the perennial yield established for the basin.
9. The applicant has not established that it has the financial ability to construct the works, as applicant states a vague estimated cost of works "in excess" of \$100,000.
10. If granted, the Application will prove detrimental to the public interest.
11. If granted, the Application will prove detrimental on economic grounds.
12. If granted, the Application will conflict with the protectable interests in existing domestic wells located in the Humboldt River Basin.
13. If granted, the Application will adversely affect the cost of water use for other holders of water in the Humboldt River Basin, including the likelihood of increased pumping from lowered water table access depths.

14. The Application's proposed points of diversion and duties may result in loss of recharge to acquirers due to depletion of Humboldt River water, thereby impacting underground water rights holders downstream and within the Humboldt River Basin.
15. There is no geologic data or hydrologic evidence that the quantity of water requested in the Application exists in the mine region.
16. The Application was not filed within 30-days from the issuance of Order 1265, and appears to be in violation of the State Engineer's mandate.
17. The Application fails to identify the base water rights that the total combined duty is based, and is therefore deficient.
18. The proposed water uses in the Application are not in compliance with State Engineer Order 872 designating the preferred use as Municipal, Quasi-Municipal and Domestic uses.