

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

IN THE MATTER OF APPLICATION NUMBER 89578
FILED BY Nevada Gold Mines, LLC
ON February 26, 20 20



PROTEST

Comes now Great Basin Resource Watch, et al. (See Attachment A for list of protest sign-ons)

Printed or typed name of protestant

whose post office address is P.O. Box 207, Reno, Nevada 89504

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

whose occupation is 501(c)(3) Non-profit Organization

and protests the granting

of Application Number 89578

, filed on February 26

, 20 20

by Nevada Gold Mines, LLC

for the

waters of Underground

situated in 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 B.

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.

Pursuant to NRS 53.045, I hereby certify, under penalty of perjury of the laws of the State of Nevada, that the foregoing is true and correct.

Signed

Agent or protestant

John Hadder, Executive Director, Great Basin Resource Watch

Printed or typed name, if agent

Address

P.O. Box 207

Street No. or PO Box

Reno, Nevada 89504

City, State and ZIP Code

775-348-1986

Phone Number

john@gbrw.org

E-mail

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

**ATTACHMENT A**

**PROTEST OF GREAT BASIN RESOURCE WATCH, CENTER FOR BIOLOGICAL DIVERSITY, THE TOIYABE CHAPTER OF THE SIERRA CLUB, PROGRESSIVE LEADERSHIP ALLIANCE OF NEVADA, WILD HORSE EDUCATION, AND PEQUOP CONSERVANCY, LLC AGAINST APPLICATION NO. 89578, FILED FEBRUARY 26, 2020, BY NEVADA GOLD MINES, LLC**

**501(c)(3) Non-profit Organizations That Join Great Basin Resource Watch's Protest:**

**Center for Biological Diversity**

Patrick Donnelly, Nevada State Director  
7345 S. Durango, Dr.  
B-107, Box 217  
Las Vegas, Nevada 89113

**Toiyabe Chapter of the Sierra Club**

Anne Macquarie, Chapter Chair  
P.O. Box 8096  
Reno, Nevada 89507

**Progressive Leadership Alliance of Nevada**

Laura Martin, Executive Director  
2330 Paseo Del Prado C109  
Las Vegas, Nevada 89102

**Wild Horse Education**

Laura Leigh, President  
216 Lemmon Dr., #316  
Reno, Nevada 89506

**LLC That Joins Great Basin Resource Watch's Protest:**

**Pequop Conservancy, LLC**

James Boyer, Manager  
P.O. Box 2683  
Elko, Nevada 89803

## ATTACHMENT B

### **PROTEST OF GREAT BASIN RESOURCE WATCH, CENTER FOR BIOLOGICAL DIVERSITY, THE TOIYABE CHAPTER OF THE SIERRA CLUB, PROGRESSIVE LEADERSHIP ALLIANCE OF NEVADA, WILD HORSE EDUCATION, AND PEQUOP CONSERVANCY, LLC AGAINST APPLICATION NO. 89578, FILED FEBRUARY 26, 2020, BY NEVADA GOLD MINES, LLC**

This attachment lists and briefly describes the reasons and grounds for this protest by Great Basin Resource Watch, Center for Biological Diversity, the Toiyabe Chapter of the Sierra Club, Progressive Leadership Alliance of Nevada, Wild Horse Education, and Pequop Conservancy, LLC (collectively “Protestants”) against Application Numbers 89509, 89510, 89511, 89512, 89513, 89514, 89515, 89516, 89517, 89518, 89519, 89520, 89521, 89522, 89523, 89524, 89525, 89526, 89527, 89528, 89529, 89530, 89531, 89532, 89533, 89534, 89535, 89536, 89537, 88538, and 89578. Nevada Gold Mines, LLC (“NGM” or “Applicant”) has filed these Applications to appropriate groundwater from the Goshute Hydrographic Basin in order to dewater a massive proposed mine expansion of the existing Long Canyon Mine located on the eastern slope of the North Pequop Mountain Range in northeastern Nevada in Elko County (the “Mine Dewatering Project”).

In sum, Protestants assert as reasons and grounds for this protest that: (1) there is not unappropriated water available from the source of supply to satisfy the proposed use of water; (2) the proposed use would conflict impermissibly with existing water rights or protectable interests in domestic wells; (3) the proposed use would be detrimental to the public interest because it would cause unreasonable environmental harms; (4) the proposed use would be detrimental to the public interest because it would cause unreasonable harm to Native American cultural resources and sacred sites; and (5) NGM’s Applications are premature and cannot be adequately evaluated until the completion of a necessary hydrological study by the USGS of the entire area that would be affected by NGM’s massive withdrawal of groundwater for its Mine Dewatering Project, including Independence Valley. These protest grounds are further explained below.

**1. The Proposed Use and Its Effects Will Be Effectively Permanent and Partially Consumptive:**

First, all of these Applications in connection with NGM’s Mine Dewatering Project must be evaluated as applications involving a permanent or very long-term proposed use, and the applications therefore must be treated as permanent in nature. This is so because, as reflected by the Applicant’s request that its proposed replacement water mitigation use in two applications be treated as a permanent use, the effects of the massive drawdown that will result from NGM’s proposed Mine Dewatering Project will persist for centuries, which requires the State Engineer to analyze the potential for conflicts with existing water rights and harmful environmental impacts over that centuries-long time period. In addition, the immense scale of the Long Canyon mine expansion and the enormous amount of money that NGM has invested in the mine and its continued expansion make it clear that the proposed Mine Dewatering Project will have to continue far longer than the initial period of time for dewatering proposed in the Applicant’s

materials supporting its Mine Dewatering Project to allow NGM to recoup its investment and fully collect the rents (or profits) it expects to recoup from the mine expansion. This reality inevitably will require that the limited time period for mine dewatering presented in those materials supporting the Project be extended so that the proposed mine dewatering use can continue for an unknown but certain to be long period of time into the future. Accordingly, in order to properly fulfill his duty to protect existing water rights and the public interest the State Engineer must subject these Applications to the same level of review and analysis as he would for any permanent or long-term proposed use in water rights applications under NRS 533.370.

NGM's Applications for this massive Mine Dewatering Project also fall afoul of NRS 533.370(2)'s availability of water requirement because the proposed use for this Project cannot properly be characterized as "nonconsumptive" for at least three reasons. First, the scale of the dewatering and the deficiency of the Applicant's proposed methods and measures for infiltrating the pumped groundwater back into the groundwater source from which it was pumped will result in considerably more water being consumptively used or lost to evaporation, evapotranspiration, and migration away from the original source than can be satisfied by the minimal acknowledgement of any consumptive component of the proposed use in these Applications.

Second, as NGM's own consultants' modeling indicates, the proposed use will draw substantial amounts of water out of hydraulically connected basins beyond Goshute Valley, including but not limited to Independence Valley, Thousand Springs Valley, and Pilot Creek Valley. However, the Applicant's proposed Mine Dewatering Project only provides for infiltration basins in Goshute Valley, such that little if any of the water that infiltrates Goshute Valley will reach these other basins within a reasonable timeframe. So, the proposed use literally would take water out of those other basins and provide no return of any of the withdrawn water to those basins, which would result in a 100% consumptive use of all water withdrawn from those other basins.

Third, even within Goshute Valley the location of the Applicant's proposed infiltration basins would not return the groundwater pumped out of Goshute Valley to same aquifer or water source as it was taken from. Rather, the Project would pump water out of the carbonate rock aquifer and infiltrate some of that water into locations within the alluvial aquifer. For the most part, that infiltrated water will not reach or replenish springs, seeps, wetlands, and existing water rights harmed or destroyed by the pumping due to differences in elevation and geological barriers between, on the one hand, those impaired water sources and water rights and, on the other hand, the infiltration basins. To some extent water introduced to the alluvial aquifer may eventually migrate toward the places where some of the impaired water rights and natural sources of groundwater discharge are located, but that will not occur for a very long time (possibly centuries) and so will not alter the effective destruction of those water rights, springs, seeps, and wetlands. In practical terms, then, within any reasonable time frame, the proposed use would effectively consume the vast majority of even the water that the Applicant proposes to infiltrate into Goshute Valley.

**2. There Is Not Sufficient Unappropriated Water Available in the Proposed Source of Supply for the Proposed Use:**

The State Engineer should deny the subject Applications pursuant to NRS § 533.370(2), because there is not sufficient unappropriated water available in the proposed source of supply. The Applications would withdraw water from the carbonate aquifer system underlying the Goshute Valley and Independence Valley hydrographic basins and the Pequop Mountains located in both those basins. Both Goshute Valley and Independence Valley have been designated by the State Engineer and have no unappropriated water available. While NGM's proposed water use[s] for its Mine Dewatering Project propose to put most of the water it pumps out of the carbonate aquifer system back into the alluvium of Goshute Valley, a significant portion of that water will be lost to evaporation or otherwise consumptively used. In addition, NGM's proposed method of infiltrating that water into the groundwater system of Goshute Valley will not be effective at replacing the water into the carbonate rock aquifer from which it was pumped and will not be effective at returning the groundwater to the flow paths and places within the area of hydrologic effect that need that water, including springs, seeps, and wetlands on which wildlife and ecosystems depend and areas of the alluvial aquifer system on which existing water rights depend.

**3. The Applications and Proposed Use Would Conflict With Existing Water Rights or Protectable Interests In Domestic Wells:**

The State Engineer should deny the subject Applications pursuant to NRS §§ 533.345(3) and 533.370(2), because the proposed appropriation and use would conflict impermissibly with existing senior water rights or protectable interests in domestic wells in the basins hydrologically affected by these Applications and the Applicant's proposed mine dewatering use.

**4. The Appropriation of Water Proposed In this Application Would Be Detrimental to the Public Interest on Environmental Grounds:**

The State Engineer should deny these Applications pursuant to NRS § 533.370(2), because NGM's proposed Mine Dewatering Project, which these Applications are intended to serve, would cause serious, unreasonable environmental harms in the basin from which water is proposed to be appropriated and in hydraulically connected basins that would be affected, and therefore would be detrimental to the public interest.

**A. Harm to Wildlife and Wildlife Habitat:**

The proposed appropriation and use would result in severely lowered groundwater levels (over a thousand feet in the vicinity of the Mine Dewatering Project) in the Goshute Valley basin (Nevada hydrographic basin no. 187), and would harmfully and unreasonably reduce water availability in the following basins to which the Project site is hydraulically connected and from which the proposed dewatering use would draw water: Independence Valley (basin no. 188); Thousand Springs Valley-Toano-Rock Spring Area (basin no. 189B); Thousand Springs Valley-Montello-Crittenden Creek Area (basin no. 189D); and Pilot Creek Valley (basin no. 191). The wildlife habitat areas and refugia likely to be harmed by the groundwater pumping from the

appropriation of water proposed in these Applications and the Mine Dewatering Project include, but are not limited to, Johnson Springs Wetland Complex (JSWC) in Goshute Valley and Ralphs Warm Springs in Independence Valley. The declining groundwater levels caused by the proposed use will quickly result in the complete drying out of Johnson Springs and Big Springs and other springs, seeps, and wet meadows in the Goshute Valley basin and the above referenced hydraulically connected basins.

As a result, the Mine Dewatering Project will kill off vegetation and severely impair wildlife that depend on and customarily use those groundwater-dependent springs, seeps, and wetlands in the subject basin and hydraulically connected basins. The list of species likely to be harmfully impacted by the appropriation of water proposed in this Application includes, but is not limited to, fish, amphibians, other aquatic species, groundwater-dependent mammals, other terrestrial species, bird species, and butterfly and other insect species that depend on the springs, seeps, wetlands, wet meadows, and vegetation supported by groundwater. The loss of natural springflow in the Johnson Springs Wetland Complex alone will cause significant direct harm to many wildlife species including but not limited to the sensitive Relict Dace which currently is being considered for listing under the ESA, a significant unique population of the *Pyrgulopsis kolobensis* complex of springsnails, over 40 species of macroinvertebrates (including butterfly species of special concern), 17 species of mammals (including mule deer, elk, and pronghorn), 10 species of herpetofauna, 8 species of bat, and numerous areas of important wetlands habitat for these species (including bulrush marsh, wet meadows, and alkali meadows). In addition, as many as 180 bird species use and depend on the habitat provided by JSWC and the adjacent sagebrush steppe habitats. This includes migratory waterfowl, hummingbirds, songbirds, and raptors including the bald eagle. Of special note is the fact that the JSWC provides important habitat for the greater sage-grouse (including nesting and early brood rearing habitat, winter range, and active leks) that is critical to their lifecycle in Goshute Valley. Further, the drawdown of water in affected hydraulically connected basins will threaten to cause unreasonable harm to numerous additional species including but not limited to the endangered Independence Valley Speckled Dace and the Independence Valley Tui Chub (which was thought to be extinct until the recent rediscovery of a population in Ralphs Warm Springs).

By applying to use some of the groundwater pumped for its Mine Dewatering Project to use as replacement water for mitigation purposes, the Applicant concedes the certainty that its proposed use will rapidly eliminate virtually all flow to the JSWC. However, the Applicant provides no information reflecting any analysis of whether that water replacement scheme, which has not been made publically available, will be effective in mitigating the severe damage that will be caused to the springs, seeps, associated wetlands, and wildlife dependent upon the JSWC. No assurance or even representation is provided regarding the long-term reliability of NGM's water replacement scheme, which would need to be guaranteed to be operated effectively for over a century-and-a-half while the aquifer system recovers after the fifteen year period of groundwater pumping stops. Johnson Springs and Wetlands Complex is one of the most significant springs and wetlands complexes in northeastern Nevada and drying up JSWC likely would cause population-level declines in the species that depend on those springs and wetlands.

In contrast to its recognition of the nearly immediate devastating impacts its dewatering use will have on the JSWC, NGM does not acknowledge the potential environmental harms that will result from its dewatering, which will reduce or eliminate the flow of water at numerous other springs, seeps, and wetlands or wet meadows in the affected area, which includes hydraulically basins as well as the Goshute Valley basin. In particular, ground water drawn from Independence Valley by NGM's proposed mine dewatering use poses a substantial risk of lowering the water table in Independence Valley and affecting springflow in Ralphs Warm Springs. Any reduction of springflow at Ralphs Warm Springs would cause unreasonable harmful impacts to a large number of wildlife and plant species which depend on that springs and wetlands complex, including the federally and state protected threatened and endangered Independence Valley Speckled Dace and the Independence Valley Tui Chub.

In addition to the wildlife mentioned above, there is a significant herd of Rocky Mountain Elk in the North & South Pequop Mountains. That species would be harmed by the likely drying up of the flowing waters of West Squaw Creek and East Squaw Creek along with the roughly ten springs in the North Pequop Mountains supporting that Elk herd.

There also is a significant amount of wild horses in the Independence Valley, the South Pequop Mountains and the south west side of the Goshute Valley. When the springs and seeps that keep those horses alive dry up those horses are faced with death and often forced onto the irrigated farm fields in the Independence and Clover Valleys. In addition to the endangerment faced by the wild horses, and the substantial economic loss incurred by the farmers, the taxpaying public is forced to bear significant expense when the BLM is called upon to gather those wild horses from private property and then to feed and care for those horses in long-term holding facilities.

Because of these harmful impacts, the State Engineer should deny these Applications pursuant to NRS §§ 533.345(3) and 533.370(2) as detrimental to the public interest.

#### **B. Inadequacy of Applicant's Proposed Mitigation:**

The Applicant recognizes that its proposed mine dewatering use would eliminate all natural flow at the JSWC and that the environmental harms that would result from such a loss of springflow would be unreasonable and impermissibly damaging to the public interest. This recognition is reflected in the fact that two of NGM's Applications for its Mine Dewatering Project (Application Nos. 89509 and 89510) propose to pipe some of the groundwater that NGM proposes to pump back to the location of the JSWC to mitigate the drawdown of the groundwater table and elimination of natural springflow. However, this proposed "mitigation" use of some of the water NGM proposed to pump out of the carbonate aquifer system will not effectively either prevent or mitigate the harmful environmental impacts of NGM's dewatering use. To begin with, nothing in any of the Applications or any of the related materials that are publicly available reflect any consideration of critical water quality issues relating to the water that would be artificially pumped into the JSWC, including water chemistry, water temperature, turbidity, and other aspects of the water flow. These factors are of paramount importance to the survival of some aquatic species including the Relict Dace. In addition, the mere pumping of an amount approximately equal to the current rate of springflow fails to consider the uncertain and potentially unmanageable effects of having lowered the groundwater table in the broader area

underlying and surrounding the JSWC, which could include persistent loss of large amounts of the piped in replacement water to rapid infiltration into the vast cone of depression that will underlie the JSWC. Further, while the Applications for this so-called mitigation water include a request that they be treated as permanent water rights applications, they contain no recognition of or provision for the fact that the implementation and operation of such a mitigation measure will have to be guaranteed to provide the right quantity and quality of water, with the right timing, for an extremely long time – over a century-and-a-half – which guarantee cannot be provided by NGM due to the unpredictability of the financial fortunes of a mining enterprise. Absent a demonstration that mitigation of this sort will be effective, over the course of the predicted impacts, at mitigating the predicted impermissible environmental impacts, the State Engineer must deny this application pursuant to NRS §§ 533.345(3) and 533.370(2) as detrimental to the public interest.

### **C. Destruction of Recreational and Aesthetic Values:**

The severe decline in groundwater levels that will result from these Applications and NGM's proposed use will eliminate many springs and wet areas and strangle groundwater dependent vegetation and wildlife in the Goshute Valley hydrographic basin that is directly targeted by the Applications and in the hydraulically connected Independence Valley, Thousand Springs Valley-Toano-Rock Spring Area, Thousand Springs Valley-Montello-Crittenden Creek Area, and Pilot Creek Valley hydrographic basins. These impacts will profoundly degrade the aesthetic values and appeal of all these basins. Similarly, the loss of water and wildlife will destroy the recreational uses and value of these basins and the North Pequop Mountains, a significant portion of which has been designated by the United States Bureau of Land Management as having wilderness characteristics. For these reasons, as well, because it would threaten to prove detrimental to the public interest, the State Engineer should deny this Application pursuant to NRS §§ 533.345(3) and 533.370(2).

### **D. Degradation of Water Quality:**

The proposed Mine Dewatering Project will create large infiltration basins on both the west and east sides of Goshute Valley as a method of disposing of excess dewatering water within the pumped basin. The infiltration water may carry surface salts in the alluvium into the underlying aquifer, thus degrading groundwater quality. This degradation of groundwater quality would prevent humans, livestock, and wildlife from relying on the groundwater from these aquifers, as they have throughout history.

The Mine Dewatering Project, and the mine expansion for which the dewatering will occur, also will result in a post-mining pit lake that likely will be a flow-through system, meaning that some groundwater, direct precipitation, and surface runoff will flow into the pit lake and then infiltrate into the downgradient groundwater. This will result in groundwater quality degradation, since water in the mining pit lake will be of significantly worse quality than the surrounding groundwater due to evapoconcentration and reactive geochemistry.



Because such an outcome would result in unreasonable degradation of water quality in the affected groundwater system the proposed use would threaten to be detrimental to the public interest, and the State Engineer should deny this Application pursuant to NRS §§ 533.345(3) and 533.370(2).

**E. Degradation of Cultural Resources:**

The environmental harms described above also would lead to the pronounced degradation, and in some instances destruction, of Native American sacred sites and cultural resources in the basin directly targeted in these Applications and in the hydraulically connected basins listed in Section 2A of this Protest Attachment B. Cultural resources likely to be harmed by the appropriation and proposed use under these Applications include but are not limited to sites of Native American ceremonial and ritual worship, other sacred and culturally important sites, prehistoric Native American dwelling sites, and Native American graves or burial sites. A number of important rock writings and Native American cultural sites, whose ongoing cultural practice is intimately connected to springs and seeps and to the sources of springs and creeks, are located within the hydrologically affected area, including areas in the Pequop Range that are in close proximity to the mine dewatering project. Furthermore, the Johnson Springs and Big Springs complex is itself a sacred site of worship that is culturally connected to other significant and recognized cultural areas including the Swamp Cedars Area to the south in Spring Valley. Protection of the Native American cultural values and ongoing spiritual practices that depend on these springs and wetlands requires protection of the springs' and wetlands' water sources as well. These springs, seeps, and wetlands also support particular populations of plants such as Pickelweed, Cattails, Cedar, and Sage, which are and have been used for medicinal and ceremonial purposes since time immemorial. These and other cultural resources that would be damaged if these Applications are approved constitute an important part of Nevada's, and the Nation's, historical and cultural heritage. Therefore, the State Engineer should deny this Application pursuant to NRS §§ 533.345(3) and 533.370(2), because the proposed appropriation and use would cause severe, unreasonable degradation of cultural resources that would be detrimental to the public interest.

In addition to its severe harmful impacts on Native American cultural and spiritual resources, the Mine Dewatering Project would have grave harmful impacts on the cultural values of the National Historic California Trail, a significant section of which (the Hastings Cutoff) goes through JSWC to Flowery Lake Springs and through the Pequop Mountains.

**F. Necessary Hydrological Study Has Not Been Conducted:**

The sheer scale of NGM's proposed Mine Dewatering Project and the sensitivity of the affected groundwater resources and groundwater dependent environmental resources demands that all data gathering and analysis concerning the affected groundwater system's uncertain boundaries must be completed before a determination can be made as to whether to grant any of these Applications. Even the groundwater model report prepared by NGM's consultants, SRK<sup>1</sup>, recognizes there is a great deal of uncertainty in the hydrogeology and that estimates of the impacts of dewatering are very uncertain. The groundwater model boundary in Independence Valley also may have been drawn too far to the east, which will affect the extent of predicted

drawdown in Independence Valley. SRK's analysis does show that the impact into Independence Valley could be significantly higher depending upon selected values (within the conducted sensitivity analysis) for hydraulic conductivity, which are quite uncertain, in the carbonate block west of the mine pit.

There already is a study by the USGS underway "of the hydraulic conductivity and bulk hydraulic properties of carbonate-rock and basin-fill aquifers in the vicinity of the Big Springs and Johnson Springs Wetland Complex in Goshute Valley," which is being undertaken for the Nevada Division of Water Resources. In the contract between the Division of Water Resources and the USGS, the stated purpose for the study asserts that the groundwater pumping for NGM's Mine Dewatering Project "will alter the flow rates of neighboring springs and groundwater levels which will affect the appropriators that have water rights on these sources. This study will provide relevant hydrologic data for use in assessing long-term pumping effects and inform possible mitigation efforts." The overall effect of the pumping for the Mine Dewatering Project on the JSWC, other springs and seeps, and existing water rights in Goshute Valley, Independence Valley, and other hydraulically connected basins, cannot be determined until this study is completed by the USGS.

In addition, the scope of the study must be expanded to include the Independence Valley hydrographic basin because of its hydraulic connection to the Mine Dewatering Project site and the amount of groundwater that even NGM's own consultants project will be pulled out of Independence Valley by the Project's large scale groundwater pumping. Without the inclusion of information and analysis of the hydrogeology of Independence Valley in the USGS's study, the State Engineer will not have the necessary information on which to base a sound determination whether to grant or deny NGM's Applications.

The Nevada Division of Water Resources already has recognized the considerable uncertainty and paucity in data and understanding of the hydrogeology of the region by contracting for this USGS study in 2018. Because the study will not be completed for at least another year and a half, pursuant to NRS 533.368 these Applications are premature as would be an approval of any of these Applications by the State Engineer.

**5. The Proposed Use Will Result in Changes to Interbasin Flows in the Affected Area Which Will Cause Unreasonable Environmental Harms:**

The preliminary modeling by SRK indicates that by 2030 about 10% of the groundwater pumped as part of the Mine Dewatering Project will be drawn from Independence Valley. At that time the dewatering rate is expected to be about 25,000 gallons per minute, the amount of groundwater pulled from Independence Valley will be about 4,000 acre-feet per year. This represents almost half of the perennial yield of the Independence Valley basin and is likely to cause significant, unreasonable harm to both existing water users and sensitive wildlife habitat, which would be detrimental to the public interest. This is especially true given that Independence Valley appears to be fully appropriated. For this reason, the State Engineer must deny this application pursuant to NRS §§ 533.345(3) and 533.370(2).

**6. Protestants Reserve the Right to Amend this Protest As May Be Warranted By Future Developments:**

NGM's proposed groundwater pumping is estimated to be the largest mine dewatering rate in Nevada, and there remains considerable uncertainty as to the short and long term effects. Thus, it is not possible to anticipate all potential adverse impacts without further study. New scientific or other data and changed circumstances may uncover different bases for this protest. Accordingly, the above-named Protestants reserve the right to amend the subject protest to include such issues as they develop.

**7. Incorporation of Other Protests to NGM's Applications By Reference:**

The above-named Protestants additionally incorporate by reference as though fully set forth herein and adopt as their own each and every reason or ground for other protests to any of these Applications filed pursuant to NRS § 533.365.

---

<sup>i</sup> SRK Consulting, "Groundwater Modeling Report for the Long Canyon Plan of Operations Amendment – Revised with Responses to Agency Comments," Prepared for Newmont Mining Corp., Revised Report Date: August 16, 2019, Original Report Date: May 22, 2019.