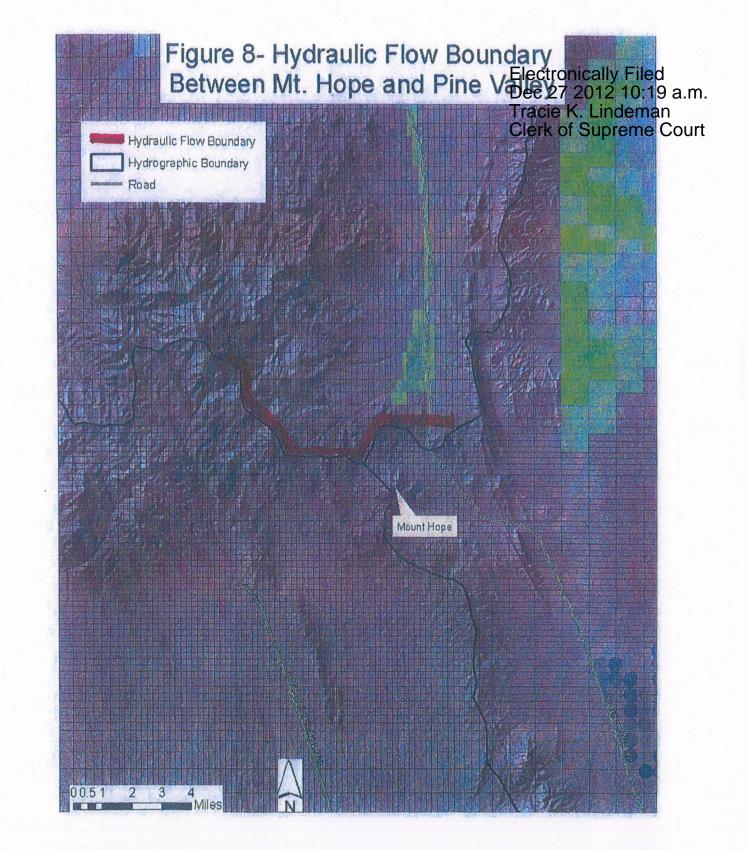
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10 CONCLUSION

There are still issues that require resolution before the model can be accepted for use as a predictive tool. Ignoring earlier comments did not assist either party in working together to develop a mutually acceptable model that can be used to evaluate future water use scenarios. The flooded cell issue is back. All parties should be working together to generate a model acceptable to all parties and presented to the State Engineer so that the project can move forward. Since there are still issues affecting the predictive abilities of the model, more emphasis needs to be placed on a detailed monitoring plan. Data collected during the first year of the mine's pumping should be analyzed frequently and used to improve the model at least twice a year. This level of data scrutiny and model revision at the beginning of mine pumping will increase the overall acceptance of the model predictions to all interested parties.

CERTIFICATE OF SERVICE

Pursuant to NRAP Rule 25(1)(c), I hereby certify that I am an

employee of ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD.,

Attorneys at Law, and that on this date, I caused a CD-ROM version of same to be

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Bryan L. Stockton

<u>X</u> E-filing pursuant to Section IV of District of Nevada Electronic Filing Procedures

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DATED this 21st day of December, 2012.

/s/ Nancy Fontenot