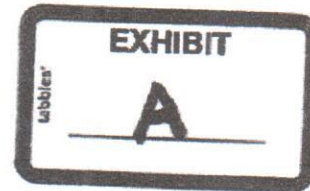


**AFFIDAVIT  
OF RICK PARSONS**



STATE OF OREGON

COUNTY OF JACKSON

)  
) ss.  
)

The undersigned, Rick Parsons, is the principal of ParsonsWater Consulting, LLC ("ParsonsWater"), which located at 1619 Minear Road, Medford, OR 97501. ParsonsWater is a water resources and water rights engineering company specializing in surface water and ground water hydrology, water resources management and water rights engineering.

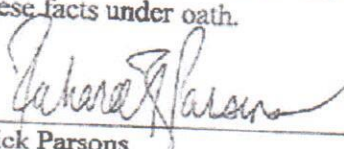
The undersigned certifies the following:

1. I am the founder and manager of ParsonsWater and am a licensed professional engineer in Colorado and have practiced water resources management and engineering in Colorado and the intermountain west for approximately 25 years.
2. The Amended Use by Special Review (Mining Operation) (2MJUSR19-08-1660) application should not be approved unless Broken Arrow Investments, LLC (Broken Arrow) is required to take sufficient actions to minimize the impact of mining on surface and ground water drainage and ground water resources in the area surrounding the mine.
3. Broken Arrow claims the majority of storm runoff on its property comes from off-site on the north side of its property (Drainage Plan and Report, Derr Pit. J&T Consulting, Inc. October 2018) but has not outlined how those stormwater inflows of up to 80 cfs will not back up on and damage the property of land holders located to the north of the mine.
4. Broken Arrow acknowledges mining will affect the water table surrounding the mine site (DRMS Adequacy Review No. 1, Exhibit E. J&T Consulting, Inc. June 8, 2018), but does not appear to have addressed those effects as part of its business operations.
5. Broken Arrow proposes water levels be monitored at on-site wells before, during and after the mining and reclamation is complete so that impacts to the water table and damages to neighbors' wells from mining operation can be identified and addressed.
6. Slurry walls are constructed around mining cells to reduce the impact of mining operations to ground water resources surrounding the mine. No slurry wall has been installed around the current Derr Pit mine area.
7. Broken Arrow claims it wants to "operate responsibly" but numerous wells in the vicinity of the current Derr Pit mine have gone dry as a consequence of its mining operations.
8. Broken Arrow proposes to install a perimeter drain to mitigate ground water impacts from mining should water levels vary 3 feet from historical levels. The limited data available from Broken Arrow indicate variations in excess of 10 feet in and around the existing mine but no perimeter drain has been installed in that area.

9. Broken Arrow claims to have recorded ground water levels at the existing permit area on a monthly basis continuously since October 2006 but has not made all of that data available.
10. The ground water monitoring plan proposed by Broken Arrow does not satisfy the mining requirements outlined by DRMS.
11. DRMS requires five quarters (15 months) of water level measurements to identify benchmark water levels that exist prior to the onset of mining; these records have not been reported to DRMS.
12. The ground water monitoring plan proposed by the Applicant is not sufficient to protect neighboring landowners from detrimental impacts caused by mining to the ground water drainage and ground water resources under the neighbor's properties.
13. Given the facts outlined above, it is difficult to understand how Weld County residents will be able to be actively involved and adequately prepared to identify and address impacts to the water table and damages to their wells without timely access to the data Applicant proposes to measure and record.
14. Any USR permit for the Derr Pit should include a requirement that monitoring well data collected as part of Broken Arrow's ground water monitoring plan be made available to the public, upon request, within one month of the measurement of the water levels.
15. The specific language should be included in the permit so that Weld County residents can ascertain the changes to benchmark water levels within the permit area prior to it happening, or as they are happening – not after they have happened and any damage is already done.
16. Weld County should not approve the amendment to the USR Mining Permit until the deficiencies noted above are addressed.

I have personal knowledge of the facts set forth in this affidavit. If called as a witness, I would testify to these facts under oath.

Further Affiant saith not.

  
Rick Parsons

STATE OF OREGON

COUNTY OF JACKSON

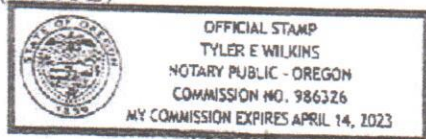
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The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of July, 2019, by Rick Parsons.

Witness my hand and official seal.

My commission expires: 04-14-2023

(SEAL)



  
Notary Public