

NOTICE OF FILING

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 4/04/2024 3:02:55 PM AWST
Date Accepted for Filing: 4/04/2024 3:02:58 PM AWST
File Number: WAD37/2022
File Title: YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC ICN
8721 AND STATE OF WESTERN AUSTRALIA & ORS
Registry: WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Affidavit of Richard Scott Evans



WAD 37 of 2022

Federal Court of Australia

District Registry: Western Australia

Division: General

YINDJIBARNDI NGURRA ABORIGINAL CORPORATION RNTBC

Applicant

STATE OF WESTERN AUSTRALIA & ORS

Respondents

Affidavit of: **Richard Scott Evans**
Address: c/o 452 Flinders Street, Melbourne, Victoria, 3000
Occupation: Hydrogeologist
Date: 4 April 2024

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Richard Scott Evans affirmed 4 April 2024.	1 - 7	1 - 4

I, Richard Scott Evans, c/o 452 Flinders Street, Melbourne, Victoria, 3000, do solemnly and sincerely declare as follows:

1. I am a principal hydrogeologist in the Melbourne office of Jacobs Group (Australia) Pty Ltd.
2. I have been engaged by Allen & Overy, the solicitors for the second to sixth Respondents in these proceedings, to provide an expert hydrogeology report. I prepared a report dated 4 March 2024.

Richard Scott Evans

3. In preparing that report, I relied on materials that were provided to me by Allen & Overy. I list those materials in Appendix C (page 25) of my report. I also relied on the materials that I list in section 12 (page 22) of my report.
4. In my report, I provided references to relevant sources in Appendix C or section 12, in the places where I relied upon that material.
5. I reviewed my report on 3 and 4 April 2024. Having done so, I provide the following specific references to materials listed in Appendix C and in section 12, by way of further clarification:
 - (a) In paragraphs [25] to [26] of my report, I rely on the sources identified in paragraph [24] of my report, namely, MWH, *Hydrogeological Assessment of the Solomon Project* (2010) (particularly section 2.6) and FMG, *Solomon Mining Area: Updated H3 Hydrogeological Assessment* (2021) (particularly sections 2.4, 4, 5 and 8), which are listed in section 12 of my report. Those materials were contained as attachments to the report of Dr Huade Guan in these proceedings, and so are also listed as part of document 8 in Appendix C of my report. I also rely upon McFarlane DJ, *Pilbara Water Resources Assessment Lower Fortescue Hedland region* (2015), (particularly chapter 5.2), which is listed in section 12 of my report.
 - (b) In paragraph [38] of my report, I have relied on my analysis of the source identified in paragraph [37] of my report, namely, FMG, *Groundwater Modelling Assessment of the Solomon LoM R120ii* (2015) and to section 8 of FMG, *Solomon Mining Area: Updated H3 Hydrogeological Assessment* (2021), which are both listed in section 12 of my report and which are also listed as part of document 8 in Appendix C of my report.
 - (c) In paragraph [41] of my report, I refer to and reproduce a Figure 6-1. Figure 6-1 is a reproduction of Figure 1 from page 12 of FMG, *Technical Report – Baseline Survey: Groundwater and Surface Water Pool Systems* (2019), which is listed as document 2 in Appendix C of my report.
 - (d) In paragraph [42] of my report:
 - (i) I refer to and reproduce a Figure 6-2. Figure 6-2 is a reproduction of a document titled “Rainfall Map_V1”, which is listed as document 14 in Appendix C of my report;
 - (ii) I refer to and reproduce a Figure 6-3. Figure 6-3 is a reproduction of a figure from a spreadsheet titled “Rainfall Data and Analysis_V1”, which is listed as document 13 in Appendix C of my report;

- (iii) I refer to Appendix D of my report, where I reproduce figures from the spreadsheet titled “Rainfall Data and Analysis_V1” and listed as document 13 in Appendix C of my report.
- (e) In paragraph [43] of my report, I refer to rainfall data which is contained in the spreadsheet titled “Rainfall Data and Analysis_V1” and listed as document 13 in Appendix C of my report.
- (f) In paragraphs [32] and [51] of my report, I refer to a Figure 7-1. I reproduce Figure 7-1 at paragraph [50]. Figure 7-1 is a reproduction of a map titled “100_MP_OP_0198_001_r0.pdf”, which is listed as document 15 in Appendix C of my report.
- (g) In paragraph [51], I have relied on the groundwater data, which is contained in the spreadsheet titled “Regional Groundwater Levels_rev1” which is listed as document 16 in Appendix C of my report. My analysis of the groundwater level decline in the 6th to 8th sentences of paragraph [51] relies on my interpretation of what is shown in Figure 7-1.
- (h) In paragraph [52] of my report, I rely upon what is shown in Figure 6-1, which, as I have explained, is a reproduction of Figure 1 from page 12 of FMG, *Technical Report – Baseline Survey: Groundwater and Surface Water Pool Systems* (2019), listed as document 2 in Appendix C of my report.
- (i) In paragraph [70] of my report, I have reviewed Dr Guan’s analysis. In addition to the sources referred to in that paragraph, I rely on the source referred to at paragraph [69], namely Ecoscape, *Solomon Vegetation Health Monitoring Program* (2022), which is listed in section 12 of my report, as well as a spreadsheet titled “Abstraction Volume Check”, which is listed as document 12 in Appendix C of my report.
- (j) In paragraphs [76], [77] and [78] of my report, I rely on the sources identified in paragraph [74], namely FMG, *Kangeenarina Pools Supplementation Plan* (2020) and FMG, *Weelumurra Creek Supplementation Plan* (2021a). I also rely on the source identified in [77] of my report, FMG, *Solomon Triennial Groundwater Monitoring Review – 2022* (2023). Each of those sources are listed in section 12 of my report. Figure 10-1, which I reproduce in paragraph [77], is a reproduction of part of Figure 22 on page 71 of FMG, *Solomon Triennial Groundwater Monitoring Review – 2022* (2023). Figure 10-2, which I reproduce in paragraph [78], is a reproduction of part of Figure 21 on page 70 of FMG, *Solomon Triennial Groundwater Monitoring Review – 2022* (2023).
- (k) In paragraph [79] of my report, in addition to the source referred to in that paragraph, I rely on Ecoscape, *Solomon Vegetation Health Monitoring Program* (2022), which is listed in section 12 of my report and is listed within document 8 in Appendix C of my report.

6. I am informed by Simon Bourke, a lawyer at Allen & Overy, and believe that the materials listed as documents 12 to 16 in Appendix C of my report are also contained as the annexures to the affidavit of Jordin Barclay sworn on 16 February 2024 in these proceedings.
7. I also wish to correct an incorrect reference, in the last sentence of paragraph [49] of my report, to paragraph [20] of my report. The reference to paragraph [20] of my report should be to paragraphs [28 and 40] of my report.

Sworn by Richard Scott Evans
at Melbourne in the State of Victoria
on 4/4/24

Before me: Rachel Desmond
Australian Lawyer under the
Legal Profession Act 2004
11th, 2 Lansdale St, Melbourne VIC 3000

Rachel Desmond

Signature of witness

R. Evans
Signature of deponent