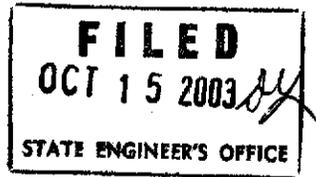


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 70011  
FILED BY Michael Maestri  
ON 8th day of May, 2003, TO APPROPRIATE THE  
WATERS OF Cornish Canyon Creek



PROTEST



Comes now U.S.D.I., Bureau of Land Management, Winnemucca Field Office  
Printed or typed name of protestant  
whose post office address is 5100 East Winnemucca Blvd., Winnemucca, NV 89445  
Street No. Or P.O. Box, City, State and Zip Code.  
whose occupation is Federal Land Management Agency and protests the granting  
of Application Number 70011, filed on the 8th day of May, 2003  
by Michael Maestri to appropriate the  
waters of Cornish Canyon Creek situated in Pershing  
Underground or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

Please refer to Exhibit A  
.....  
.....  
.....  
.....  
.....  
.....  
.....

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.

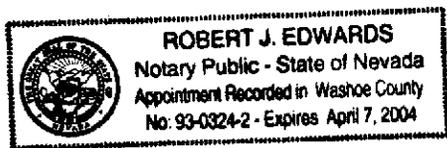
Signed [Signature]  
Agent or protestant

Les Boni, Assistant Field Manager  
Printed or typed name, if agent

Address 5100 East Winnemucca Blvd.  
Street No. or P.O. Box No.

Winnemucca, NV 89445  
City, State and Zip Code No.

Subscribed and sworn to before me this 14th day of October, 2003  
[Signature]  
Notary Public



State of Humboldt Nevada

County of Humboldt

**\$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

STATE ENGINEER'S OFFICE

OCT 15 2003

RECEIVED

gab

# Exhibit A

Application 70011, as filed by Mr. Michael Maestri on May 08, 2003 for the waters of Cornish Canyon Creek, is wholly located on lands managed by the Bureau of Land Management, Winnemucca Field Office (WFO). The WFO does hereby protest the granting of this application on the following grounds:

1. Cornish Canyon Creek occurs in the South Rochester Allotment. This is a common use allotment, which Mr. Maestri shares with three other grazing permittees (Safford and Safford Land and Livestock Co., Frank and John Olagary, and Pleasant Valley Ranch Inc.). The granting of this application to a single entity would complicate the rangeland administration and subordinate the other parties with recognized grazing privileges for this area. There are no formal range line agreements delineating where each party grazes.
2. The waters of Cornish Canyon are also located in the North Stillwater Wild Horse Herd Management Area (HMA). Cornish Canyon represents an important source of water for this herd due to the lack of surface water throughout the area. A wild horse gather was recently completed in this area due to the drought and the resulting forage conditions surrounding the limited water sources. Restricting wild horse use at this source will further damage the rangeland resources at the few remaining sources.
3. The Bureau of Land Management, in cooperation with the State of Nevada Historic Preservation Office, has recently completed an evaluation of Cornish Canyon as a Traditional Cultural Property (TCP). This site has been determined to be eligible for inclusion on the National Register of Historical Places as a Native American TCP. The water of Cornish Canyon is considered to be one of the central components of the TCP, since its presence is what allowed the Native Americans to utilize the site. The State of Nevada Historic Preservation Office is currently in the process of preparing the nomination of this site for the National Register.