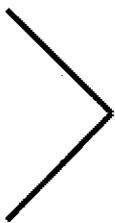


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 70012
FILED BY Michael Maestri
ON 8th day of May, 2003 TO APPROPRIATE THE
WATERS OF Hughes Canyon Creek



FILED
OCT 15 2003
STATE ENGINEER'S OFFICE

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 70012, filed on the 8th day of May, 2003
by Michael Maestri to appropriate the
waters of Hughes 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:

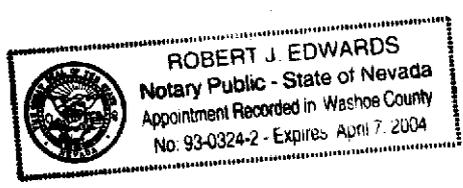
Please refer to Exhibit A

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 Les Boni
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 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

03 OCT 15 AM 11:31

RECEIVED

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Exhibit A

Application 70012, as filed by Mr. Michael Maestri on May 08, 2003 for the waters of Hughes 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. Hughes 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 Hughes Canyon are also located in the North Stillwater Wild Horse Herd Management Area (HMA). Hughes 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, is in the process of evaluating Hughes Canyon as a Traditional Cultural Property (TCP). It is anticipated that this site will be considered eligible for inclusion on the National Register of Historical Places as a Native American TCP due to the proximity and similarity to Cornish Canyon.