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

IN THE MATTER OF APPLICATION NUMBER.....72328.....,

FILED BY....TUFFY RANCH PROPERTIES, LLC.....,

ON...4TH DAY OF MARCH....., 2005....., TO

APPROPRIATE THE WATERS OF...STATE OF NEVADA.....

} PROTEST

FILED
JUN 17 2005
STATE ENGINEER'S OFFICE

Comes now the United States Department of Interior, Bureau of Land Management, whose post office address is 702 N. Industrial Way, HC 33 Box 33500 Ely, NV 89301 and whose occupation is public land management, to protest the granting of Application Number 72328, filed on March 4, 2005 by Tuffy Ranch Properties, LLC. to appropriate the waters of an underground source at a point located NE1/4 SW1/4 Section 3, T5N, R66E MDB&M or at a point from which the S1/4 corner of Section 3, bears S 04 deg., 38 min. 50 sec. E a distance of 1,945.49 ft., Lincoln County, State of Nevada, for the following reasons and on the following grounds, to wit

See attached

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 ....Chris Mayer, acting....
Agent or protestant

Peter McFadden, AFM Renewable Resources
HC 33 Box 33500
Ely, Nevada 89301

Subscribed and sworn to before me this ....15....day of....June....., 20..05

MARILYN CHAPMAN
NOTARY PUBLIC • STATE of NEVADA
White Pine County • Nevada
CERTIFICATE #03-82360-17
APPT EXP JUNE 12, 2007

.....
Notary Public

State of....Nevada....

County of ....White Pine....

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Ely Field Office
HC 33 Box 33500
Ely, Nevada 89301-9408

TAKE PRIDE IN AMERICA

ATTACHMENT FOR PROTEST OF APPLICATION 72328

1. This application is for municipal use. The point of diversion for the underground water source is not within proximity of a municipality.

2. This applicant cannot put the water to beneficial use. The applicant does not possess a Right of Way across public lands or an easement to transport water from the underground source to a municipality.

3. The hydrologic balance of the basin would be altered. The applicant would need to transport the water outside of Basin 183 to put it to beneficial use as stated, creating conditions whereby surface waters, including the alluvial aquifer, would be depleted to provide deeper recharge.

4. The applications are for uses that are not in the public interest for Basin 183. Public land resources in the basin which are dependant on the present hydrologic balance would be negatively affected.

5. This application is one of 67 similar applications within the same 2 townships and all within Basin 183. The cumulative cone of depression created by concentrating so many wells pumping at the rates requested would have a severe drawdown affect on the alluvial beds presently supplying local water needs.

6. The deep carbonate aquifer is not vertically confined by a continuous aquiclude. There is a potential for the deep carbonate aquifer to be contaminated by waters from the alluvium nearer the ground surface.

7. The application is for the deep carbonate aquifer. This aquifer is not confined to the State of Nevada, and is not within the sole jurisdiction of the State of Nevada. Therefore, the Nevada State Engineer should deny the application.