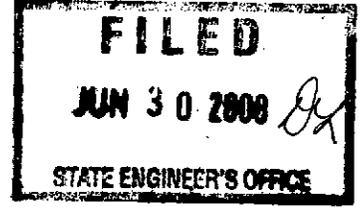


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 76766,
FILED BY DAVID L AND/OR LINDA K WOOLFOLK,
ON FEBRUARY 26, 2008, TO APPROPRIATE THE WATERS OF
BLACK PITCH SPRING

} PROTEST



Comes now Bureau of Land Management whose post office address is 50 Bastian Road, Battle Mountain, Nevada, 89820 whose occupation is Land Management and protests the granting of Application Number 76766, filed on February 26, 2008 by DAVID L AND/OR LINDA K WOOLFOLK to appropriate the waters of BLACK PITCH SPRING situated in Eureka County, State of Nevada, for the following reasons and on the following grounds, to wit:

- 1.) Application number 76766 is not in accord with 533.503 1 (a) (1) of the Nevada Revised Statutes. David and Linda Woolfolk do not possess a grazing permit in the Fish Creek Ranch Allotment to graze sheep.
- 2.) An authorization to construct a stock pond nor improve the said trough and headbox has not been issued by the BLM-Battle Mountain. Furthermore, there is not an authorization for the trough and headbox that David and Linda Woolfolk wish to improve.
- 3.) Application number 76766 is applying for water use for the period 1/1 - 12/31. BLM-Battle Mountain believes this is excessive given the limited season of use associated with the Woolfolk's grazing permit; permitted season of use is 4/01 - 5/15.

THEREFORE the Protestant requests that the application be DENIED and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Gerald M. Smith
Agent or protestant
Gerald M. Smith

50 Bastian Road
Battle Mountain, Nevada 89820

Subscribed and sworn to before me this 19th day of June, 2008

Nancy Lockridge
Notary Public

State of Nevada
County of Lander



NANCY LOCKRIDGE
Notary Public, State of Nevada
Appointment No. 07-1954-10
My Appt. Expires March 1, 2011

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STATE ENGINEER'S OFFICE

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

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