

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



IN THE MATTER OF APPLICATION NUMBER 76769,
FILED BY DAVID L AND/OR LINDA K WOOLFOLK,
ON FEBRUARY 26, 2008, TO APPROPRIATE THE WATERS OF
SIERRA 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 76769, filed on February 26, 2008 by DAVID L AND/OR LINDA K WOOLFOLK to appropriate the waters of SIERRA SPRING situated in Eureka County, State of Nevada, for the following reasons and on the following grounds, to wit:

- 1.) Application number 76769 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 has not been issued by the BLM-Battle Mountain.
- 3.) Application number 76769 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.
- 4.) BLM-Battle Mountain believes there is insufficient outflow of water to appropriate Sierra Spring. BLM-Battle Mountain has measured 0.01 cubic feet per second (cfs) of discharge and Application Number 76769 is applying for 0.05 cfs. Riparian and wetland vegetation and wildlife habitat may result in injury if Sierra Spring is over-appropriated.

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

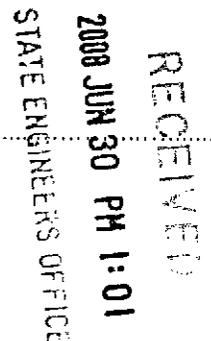
Nancy Lockridge
Notary Public

State of Nevada

County of Lander



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



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

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