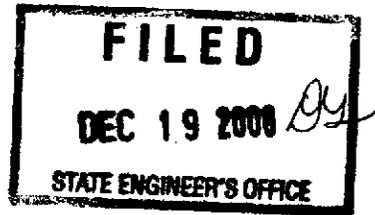


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 77458,
FILED BY SILVER STATE GEOTHERMAL, LLC.,
ON OCTOBER 7TH 2008, TO APPROPRIATE THE WATERS OF BIG
SMOKEY VALLEY (HB 137B)

} 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 77325, filed on October 7th, 2008 by Silver State Geothermal, LLC. to appropriate the waters of an Unnamed Well situated in Nye County, State of Nevada, for the following reasons and on the following grounds, to wit:

- 1. BLM has multiple Reserved Rights (PWR 107) down gradient and in close proximity from the applicant's wells and believe there is a potential risk for injury. BLM has not received information on how applicant plans on monitoring, mitigating and managing their consumptive use to minimize injury to Reserved Rights.
- 2. Wildlife and other biotic species of concern inhabit the Alkali Flat that could potentially be injured if the springs indirectly reduce flow.

THEREFORE the Protestant requests that the application be issued subject to BLM's terms and conditions and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Gerald M. Smith
Gerald M. Smith

50 Bastian Road
Battle Mountain, Nevada 89820

Subscribed and sworn to before me this 17th day of December, 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

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

Handwritten initials