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

IN THE MATTER OF APPLICATION NUMBER 78329

FILED BY Baker Ranches, Inc.

ON April 17, 20 09, TO APPROPRIATE THE

WATERS OF an Unnamed Spring (Number 13)

FILED
PROTEST
JUN 25 2009

2009 JUN 25 AM 9:34

Comes now USDI - Bureau of Land Management, Ely District Office
Printed or typed name of protestant

whose post office address is HC33 Box 33500, Ely, Nevada 89301-9408
Street No. or PO Box, City, State and ZIP Code

whose occupation is Public Land Management and protests the granting

of Application Number 78329, filed on April 17, 20 09

by Baker Ranches, Inc. to appropriate the

waters of an Unnamed Spring (Number 13) situated in White Pine
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:

1. The description of proposed works given in Application 78329 does not adequately address how the spring will be developed to transfer water from Unnamed Spring No. 13 to a pipe then to the irrigated place of use. 2. Applicant does not possess permission from the Bureau to construct any facilities on public land. 3. It is not clear how much water, if any, is available for diversion from Unnamed Spring No. 13. Application 78329 is one of three applications for water from Spring Number 13 for a total balance of 0.4234 cfs. After an initial Bureau assessment of Spring Number 13, the Bureau questions if there is sufficient flow for application 78329 (0.2cfs) let alone all three applications. 4. Removal of any water from Unnamed Spring No. 13 would prove detrimental to the public interest by de-watering the riparian habitat established around the spring and threaten wildlife species dependent upon the spring for water, food, and cover. Riparian habitat is extremely rare and valuable to wildlife species on public lands in eastern White Pine County. 5. The Bureau questions the efficacy of the proposed use period; year round irrigation.

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 [signature]
Agent or protestant

Michael J. Herder, Ely District Manager
Printed or typed name, if agent

ALICIA HANKINS
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 03-82359-17
MY APPT. EXPIRES JUNE 12, 2011

Address HC33 Box 33500
Street No. or PO Box

Ely, Nevada 89301-9408
City, State and ZIP Code

775-289-1800
Phone Number

Subscribed and sworn to before me this 22nd day of June, 20 09

[signature]
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.

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