

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

IN THE MATTER OF APPLICATION NUMBER 55370  
FILED BY Reed B. Robison  
ON October 11 19 90, TO APPROPRIATE THE  
WATERS OF McCoy Creek

PROTEST

Comes now U.S. Government, Bureau of Land Management

Printed or typed name of protestant

whose post office address is HC33 Box 150, Ely, NV 89301-9408

Street No. or P.O. Box, City, State and Zip Code

whose occupation is Land Management Agency

and protests the granting of Application Number 55370, filed on October 11, 19 90

by Reed B. Robison

Printed or typed name of applicant

to appropriate the waters of T. 18 N., R. 66 E., Sec. 35, SW 1/4 SW 1/4 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:

See Attachment For Application #55370

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

*Kenneth G. Walker*

Agent or protestant

Kenneth G. Walker, District Manager

Printed or typed name, if agent

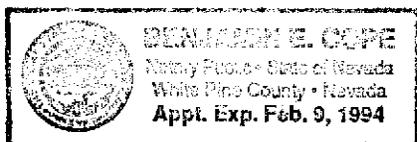
Address HC33 Box 150

Street No. or P.O. Box No.

Ely, NV 89301-9408

City, State and Zip Code No.

Subscribed and sworn to before me this 23 day of January 19 91



*Benjamin E. Cope*

Notary Public

State of Nevada

County of White Pine

\$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

OK CB

ATTACHMENT FOR APPLICATION #55370

Reed B. Robison has Certificate Record Number 4011 (application #10710) for 3.10 cubic feet per second (cfs) or not to exceed 1240 acre-feet (AF) per season (January 1 to December 31). This appropriation is located at T. 17 N., R. 66 E., Section 2, NE1/4 NW1/4.

Application #55370 is a request for 10 cfs from a point located at T. 18 N., R. 66 E., Section 35, SW1/4 SW1/4. If this application is granted, Mr. Robison would have the right to use a total of 13.10 cfs.

On December 18, 1990 the flow at McCoy Creek was measured at T. 17 N., R. 66 E., Section 1, NW1/4 SE1/4 by personnel from the Nevada Department of Wildlife (NDOW) and the Bureau of Land Management (BLM). The flow was measured at 4.07 cfs which is 8.94 cfs less than the total of the two applications. On October 18, 1977 the U.S. Forest Service measured the flow of McCoy Creek at T. 17 N., R. 66 E., Section 6, SE1/4 NE1/4 which was determined to be 4.57 cfs. From available data it appears that the request for 10 cfs is not realistic on a continuous basis but could occur during 50 or 100 year events. McCoy Creek will continue to be gauged, and the additional data will be provided later.

The McCoy Creek is located in the McCoy Creek Allotment which has an authorized yearlong season of use (SOU) with a total of 508 AUMs permitted. Mr. Robison could run 42 head of cattle yearlong which would be a demand of .474 cfs. There are also 500 head of deer that use McCoy Creek from 2/15 to 4/15 (NDOW) which use requires .0157 cfs. The total AUM demand for which the BLM is mandated to manage would require .49 cfs. The uses for which Mr. Robison has applied are for irrigation and domestic which does not recognize the other historical demands including the deer and his own cattle.

Although the State Engineer granted Mr. Robison 3.10 cfs, he qualified it by limiting the use to no more than 1240 AF per SOU. If the full amount of 3.10 cfs were used, it would equal 2244.3 AF. This would actually limit the annual use to 1.71 cfs.

If the 10 cfs is granted along with the 1240 AF that he can now use, it would be 5533.4 AF more than the measured flow. The AUM demand for which the BLM is mandated to manage will require 354.6 AF which would not be available if this application is granted. For these reasons the granting of this application would be detrimental to the public interest.