

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

IN THE MATTER OF APPLICATION NUMBER 70316
FILED BY United States B.L.M.
ON 8-18-03, 20 TO APPROPRIATE THE
WATERS OF underground



PROTEST



Comes now Sandra L. Ryan
Printed or typed name of protestant
whose post office address is 2236 Ladue Drive Las Vegas, Nevada 89128
Street No. Or P.O. Box, City, State and Zip Code
whose occupation is citizen and protests the granting
of Application Number 70316, filed on August 18, 2003
by United States Department of Interior B.L.M. to appropriate the
waters of underground situated in clark county
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

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.

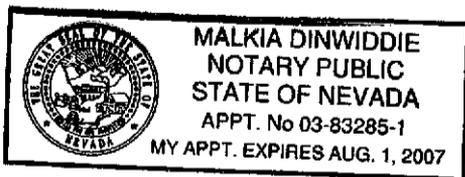
Signed Sandra L. Ryan
Agent or protestant

Sandra L. Ryan
Printed or typed name, if agent

Address 2236 Ladue Drive
Street No. or P.O. Box No.

Las Vegas, Nevada 89128
City, State and Zip Code No.

Subscribed and sworn to before me this 12 day of January, 2004
Malkia Dinwiddie
Notary Public



State of Nevada

County of Clark

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

DONR/DWR
RECEIVED

JAN 13 2004

LAS VEGAS OFFICE

Vertical stamp: JAN 13 2004 9:52 AM STATE ENGINEER'S OFFICE

Attachment

Application No. 70316 should be DENIED on the following grounds.

The Wild Free Roaming Horse and Burrow Act of 1971 requires the Secretary of the Interior, "Secretary" to "achieve and maintain a thriving natural ecological balance on the public lands." This requirement prevents the Secretary through the Bureau of Land Management, "BLM" from hauling alternate food sources such as hay to the range to augment poor range conditions. Likewise the requirement of the Secretary to maintain a thriving natural ecological balance prevents the Secretary through the BLM from developing water sources, which are not naturally occurring.

There are no existing or historical springs within several square miles of the proposed well. The use of water for the proposed well will result in a redistribution of the wild horses from their current range and cause irrefutable harm to the existing habitat and native wildlife such as the threatened desert tortoise.

The statement on the application that the water will be used for wildlife purposes is nothing more than a ruse to circumvent the limitations under the Wild Free Roaming Horse and Burrow Act of 1971. The BLM is on record in July of 2002 that they were attempting to obtain water rights and drill two wells south of Route 160 in the attempt to disperse the wild horse herd due to the drought impacts on the range; see copy of attached newspaper article.

This is further supported by the comment that bighorn sheep, mule deer mountain lions, coyotes and bobcats will water at the proposed site. This is unlikely since the proposed site is some distance from suitable habitat for bighorn sheep or mule deer. Therefore, the principle use of the water source will be wild horses and as previously stated the redistribution of the wild horse from their current range will cause irrefutable harm to the existing habitat and native wild life.

The Wild Free Roaming Horse and Burrow Act of 1971 also requires that "All management activities shall be at the minimal feasible level and shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species." To date a monitoring plan has not been approved by the Nevada Department of Wildlife and the drilling of a well to provide a water supply is in excess of the minimal feasible level and would be detrimental to the natural ecological balance of all wildlife species that inhabit the area.

In conclusion, the Wild Free Roaming Horse and Burrow Act of 1971 requires the Secretary to "achieve and maintain a thriving natural ecological balance on the public lands" and that "All management activities shall be at the minimal feasible level and shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species."

The drilling of a well to develop a ground water source for wildlife purposes is clearly in conflict with the limitation of the Wild Free Roaming Horse and Burrow Act of 1971, is detrimental to existing habitat and native wildlife and is not in the public interest.



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Friday, July 12, 2002
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Official says returning wild horses to range will threaten other species

By KEITH ROGERS
REVIEW-JOURNAL

The state plans to fight Bureau of Land Management efforts to develop new water sources for ailing wild horses at drought-stricken Red Rock Canyon.

The bureau's Las Vegas field office is trying to obtain water rights and drill at least two wells south of state Route 160, where only eight wild horses remain, said Gary McFadden, the federal agency's wild horse specialist.

Federal cowboys removed 39 animals from public lands in an emergency roundup last week after three area springs went dry and at least one young horse died. The 39, including some battling malnutrition, are being held at the government's nearby Oliver Ranch. The bureau intends to release those that recover back onto the range.

But officials with the Nevada Division of Wildlife say capturing sickly animals, nursing them back to health and releasing them will upset the region's natural ecological balance. Other forms of wildlife have struggled to survive the valley's driest 16-month stretch on record, and the range could not sustain these species and a suddenly robust herd, biologists say.

"We understand the BLM is between a rock and a hard place based on public sentiment for the horses and a thriving ecological balance with wildlife and with habitat that can support it," said Brad Hardenbrook, the Division of Wildlife's supervising biologist in Las Vegas.

"We're not opposed to horses on public lands. If there is any sense of opposition, it is in how wild horses are managed."

State officials point to a federal law for support.

In passing the 1971 Wild Free-roaming Horse and Burro Act, Congress intended to maintain the herds at numbers that keep their habitat livable for all wildlife.

Hardenbrook and fellow biologists Craig Stevenson and Patrick Cummings said the BLM has spent a decade trying to establish how many wild horses can be sustained by the Red Rock range.

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