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

FILED
MAR 01 2004
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION

NUMBER....70824.....

FILED BY...ROBERT L. AND CATHY VALENTA WEISE,

ON...JANUARY 16, 2004.... TO APPROPRIATE THE WATERS OF

...LANDER COUNTY .....

} PROTEST

Comes now.....U.S. Bureau of Land Management .....
Printed or typed name of protestant

whose post office address is.....50 Bastian Road, Battle Mountain,, NV, 89820 .....
Street No. Or P.O. Box, City, State and Zip Code.

whose occupation is .....Land Administrator..... and protests the granting

of Application Number .....70824....., filed on .....January 16 ....., 2004.....

by .....Robert L. and Cathy Valenta Weise.....to appropriate the

waters of .....Underground.....situated in .....Lander.....
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 application, together with 10 other separate filings by the applicant in the same hydrographic basin (each for 6.0 cfs), will have the cumulative impact of a daily ground water use of 125.40 acre-feet. The granting of this application, and subsequent pumping of this large amount of water, may adversely affect the BLM's ability to manage the livestock and wild horses which are legally permitted to graze in this area under the auspices of the Taylor Grazing Act, the Public Rangelands Improvement Act, the Federal Land Policy and Management Act and the Wild Free Roaming Horse and Burro Act.

More than 400 cattle and wild horses depend directly on water provided by springs, wells and drinking troughs in the Dry Creek Allotment. The proposed well would lie within this allotment and in the same hydrographic basin as most of these water sources (see attached map). Drawdown of groundwater reserves, caused by the cumulative pumping of this well and the 10 additionally proposed wells, could significantly reduce available water to these livestock and wild horses. Other wildlife species, notably sage grouse (3 strutting grounds-LEKS-attached map), pronghorn antelope and mule deer also rely on surface water sources in this region for survival and could also be adversely affected by the granting of this application.

2. At this time, there is insufficient environmental information available, as required under the National Environmental Policy Act, to analyze or determine the full impacts to the multiple resources that the BLM is responsible to protect and manage. The applicant needs to provide detailed information so that actual environmental impacts of the pumping of this well, in conjunction with the cumulative impacts of the other proposed wells, can be accurately determined.

3. The applicant's proposed use is stated for irrigation and domestic. The location of the proposed well is on Federal Lands, administered by the BLM. The applicant has not applied for BLM permits for construction of the well or the necessary right-of-way documents for water conveyance.

The applicant has approached the BLM to purchase up to 2,660 acres of federal land in Sections 22, 23, 24, 25, 26, 27, 34, 35, and 36 in T.19N., R.47 E., MDM in Monitor Valley. These lands correspond with the proposed places of use listed in the water rights applications filed with your office on January 16, 2004. On February 2, 2004 the BLM responded to the purchase request by stating that these lands are not presently identified in the Bureau's Resource Management Plan (RMP) as suitable for disposal. To reclassify these lands, a number of studies and a formal amendment to the RMP would be required.

This would be a time consuming and expensive process for which the applicant would be responsible for the costs. Furthermore, due to current heavy workloads and personnel shortages, the BLM staff is presently unavailable to work on a project of this magnitude. (see attached letter).

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.

RECEIVED
04 MAR -2 AM 11:28
STATE ENGINEERS OFFICE

Signed ....Mark Stemper (for)....
Agent or protestant

.... Gerald M. Smith, Field Manager ....
Printed or typed name, if agent

Address.... 50 Bastian Road ....
Street No. or P.O. Box No.

.... ..Battle Mountain, NV 89820 ....
City, State and Zip Code No.

Subscribed and sworn to before me this ...27th...day of....February...., 20...04....

Patricia D. Cason
Notary Public

Notary Public - State of Nevada
COUNTY OF LANDER
PATRICIA D. CASON
No. 03-84523-20 My Appointment Expires 9 Oct 2007

State of....Nevada....

County of ....Lander....

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ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.