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

IN THE MATTER OF APPLICATION NUMBER 82842
FILED BY Michael A. and Claudia C. Casey
ON June 4, 20 13

PROTEST

FILED
AUG 01 2013
STATE ENGINEER'S OFFICE

Comes now Bureau of Land Management
Printed or typed name of protestant

whose post office address is 50 Bastian Rd., Battle Mountain, NV, 89820
Street No. or PO Box, City, State and ZIP Code

whose occupation is _____ and protests the granting

of Application Number 82842, filed on June 4, 20 13

by Michael A. and Claudia C. Casey for the

waters of Underground Well situated in Lander
an underground source 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.

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STATE ENGINEERS OFFICE

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 VERMEYS Acting FM
Printed or typed name, if agent

Address 50 Bastian Rd.
Street No. or PO Box

Battle Mountain, NV 89820
City, State and ZIP Code

(775) 635-4054
Phone Number

cjcook@blm.gov
E-mail

Subscribed and sworn to before me this 23rd day of July, 20 13

NANCY LOCKRIDGE
Notary Public - State of Nevada
APPT. NO. 07195410
My App. Expires March 01, 2015

Nancy Lockridge My Commission Expires 3-1-2015
Notary Public

State of Nevada
County of Lander

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

The BLM is protesting application 82842 for the following reasons:

1) The applicant does not have a grazing permit in the South Smith Creek allotment, where the POD and POU are located. Permitting this application would violate S.B. 76, which states that, "the State Engineer will issue a permit to appropriate water for the purpose of watering livestock only to permit applicants who are legally entitled to place livestock on the lands for which the permit is sought, and who own or have an interest in the livestock (NRS 533.503). Michael A. and Claudia C. Casey are not legally entitled to place livestock on the lands for which the permit is sought and have no interests in livestock that are permitted to graze the allotment.

2) A BLM site visit on 6/27/2013 revealed that the range improvement is not functional, not in use, (in contrast to their statement on the application) and is owned by the White Sage Grazing LLC, not the applicant. The BLM has no record of an agreement with the range improvement owner and would therefore, be unable to put the water to beneficial use, even if it were repaired.

3) The applicant is requesting the equivalent of 35 gal/min, but according to the BLM range improvement report (#590721), the well production was only estimated to be 8 gal/min. Therefore, we suggest that there is insufficient water to appropriate.

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