

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

IN THE MATTER OF APPLICATION NUMBER 83125
FILED BY David Murphey and Roberta J. Murphey
ON September 27, 2013



FILED
PROTEST DEC 26 2013
STATE ENGINEER'S OFFICE

Comes now Bureau of Land Management

Printed or typed name of protestant

whose post office address is 1553 South Main Street, P.O. Box 911, Tonopah, NV, 89049

Street No. or PO Box, City, State and ZIP Code

whose occupation is and protests the granting

of Application Number 83125, filed on September 27, 2013

by David Murphey and Roberta J. Murphey for the

waters of Sandy Summit Springs situated in Tonopah

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:

Please 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

Agent or protestant

Timothy Coward

Printed or typed name, if agent

Address 1553 South Main Street, P.O. Box 911

Street No. or PO Box

State of Nevada

County of Nye

Tonopah, NV 89049

City, State and ZIP Code

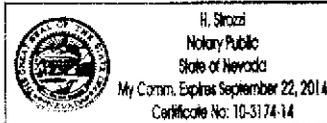
Subscribed and sworn to before me on DECEMBER 17, 2013 775-482-7810

Phone Number

by TIMOTHY COWARD

tcoward@blm.gov

E-mail



Signature of Notary Public Required

Notary Stamp or Seal Required

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+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

For the following reasons the BLM requests that application 83125 be denied:

The applicant is applying to appropriate 0.25 cfs (112 gallons/minute) from Sandy Summit Springs, which is located in the Palsade Mesa Wilderness Study Area (WSA) managed by the Tonopah BLM field office. FLPMA requires the BLM to manage all WSAs "so as not to impair the suitability of such areas for preservation of wilderness." When reviewing proposals for uses and/or facilities within WSAs, the BLM must ascertain whether they meet the Non-Impairment Standard (BLM Manual 6330), which requires that 1) the use or facility is temporary, and 2) the use or facility will not create new surface disturbance. The proposed project will require the permanent installation of a pipeline and spring development to divert water to a trough. Additionally, field observations indicate that the diversion rate of 112 gallons/minute would monopolize the water resources and adversely impact the riparian habitat surrounding the spring and channel, decreasing the "naturalness" of the WSA. Therefore, the BLM will not permit the range improvements and the applicant will not be able to put the water to beneficial use.

An additional concern is that the applicant is seeking water for the entire year, but is only permitted to graze the allotment for ~6 months. Specifically, they are permitted to graze 780 cattle from 3/1 to 3/30 and 779 cattle from 10/1 to 2/28, but they are applying for water from 01/01 to 12/31.

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