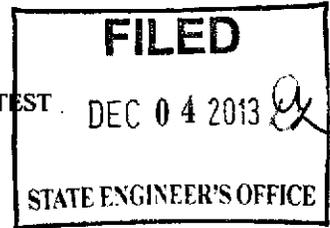


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 83129
FILED BY Michael L. and Barbara F. Stremler
ON _____, 20____



Comes now Michael L. and Barbara F. Stremler
Printed or typed name of protestant

whose post office address is PO Box 1098 Winnemucca, NV 89446
Street No. or PO Box, City, State and ZIP Code

whose occupation is Rancher and protests the granting

of Application Number 83129, filed on September 30, 20 13

by USDI Bureau of Land Management for the

waters of Sabala Spring situated in White Pine
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:

As explained on the attached pages the applicant is attempting to obtain a permit to appropriate the water of Nevada for "wild horse" by calling their horses "wildlife". In parenthesis the applicant has included "wild horses" as a type of wildlife contrary to state and federal law. By "wild horses" they apparently mean "Wild Free-Roaming Horses and Burros" (WH&B). Identifying "wild horses" as a form of wildlife is a false and possibly fraudulent statement and this application must be denied.

Wild life as defined by Nevada law already has water reserved for beneficial use by wildlife. A permit sought by this application for legitimate wildlife is not necessary and adds to the regulatory costs of water rights.

THEREFORE the Protestant requests that the application be Denied
Denied, issued subject to prior rights, etc., as the case may be

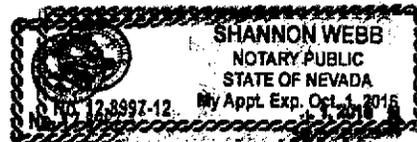
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Sam Montelone Agent or protestant
Printed or typed name, if agent
Address 2426 Haida Court
Street No. or PO Box
Reno NV 89506-9118
City, State and ZIP Code
(775)843-4419
Phone Number
E-mail

State of Nevada
County of Carson City
Subscribed and sworn to before me on 12/4/2013
by Sam E. Montelone xx

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Shannon Webb
Signature of Notary Public Required



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

Attachment "A"
Stremler Protest Letter
Sabala Spring

This attachment is to explain in laymen's terms the difference between wildlife under Nevada State law and Free Roaming Wild horses and Burros under the 1971 Act which protects wild horses and burros on the public lands within the state of Nevada. We, Mike and Barb Stremler, agree with the N4 grazing boards protest fully. We also thought it necessary to elaborate on why the BLM must be denied a water right to water wild horses and burros under Nevada water law.

In 1971, the BLM was charged with the task of managing wild horses and burros where they were found on public lands. These animals were to be managed in "Thriving Natural Ecological Balance" (TNEB) with other uses. In 1978 US v New Mexico, the Supreme Court of the United States decided that in the western US the prior appropriation doctrine of water rights was to be upheld against the US. Meaning, that the US was to apply for water rights under state law just as an individual is required. When the Wild Horse and Burros Act of 1971 was passed, water rights were never considered.

Now that the BLM has proven there is no will to manage the horses according to the law, it is left up to the citizens of Nevada to use every tool available to force strict compliance with Nevada water law. In the past, the State Engineer has allowed the BLM to attain wild life water rights for wild horses and burros. This was based on the assumption that because the horses and burros were found in their wild state, and are mammals, they must certainly be wildlife under NRS 501.097 Wildlife defined. What is lacking to determine wild horses and burros as wildlife is the fact that NRS 501.110 Classification of wildlife states: 1. For the purpose of this title, wildlife must be classified as follows:

- (a) Wild mammals, which must be further classified as either game mammal, fur bearing mammals, protected mammals or unprotected mammals.

The key to looking at these statutes is that they are to be read together and do not conflict each other. Wildlife must be classified by NAC. Wild horses and burros are not classified as wildlife under Nevada State law. Nor are dogs, house cats, or my teen aged sons. The word must, must be used to determine what mammals are or are not considered wildlife.

Another example of how the BLM determines that wild horses and burros are not wildlife is the fact that a brand inspection is done at each and every gather that removes wild horses or burros from the public lands. These animals are brand inspected from the range to the holding facilities. When a person adopts a wild horse or burro, the animal is brand inspected once again. If that person were to free that animal into the mountains, it would not become wildlife. In fact, the BLM would identify that animal as astray and would issue a trespass citation to the person who set it free. Furthermore, the Nevada Department of Wildlife (NDOW) does not acknowledge the wild horses and burros as wildlife. NDOW has no jurisdiction over the horses and burros as wildlife. The NDOW

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Stremler Protest Letter
Sabala Spring

director has stated in a public meeting where Mr. Jason King was in attendance, that the wild horses and burros protected by the Act of 1971 are not wildlife.

We believe the State Engineer needs to have a hearing on this issue to allow testimony from experts on wildlife. We have talked to officials in Washington DC with the U S Fish and Wildlife Service and have been informed that they do not classify wild horses and burros as wildlife in any circumstance. The Act of 1971, which protects the horses and burros, also acknowledges they are not wildlife. The evidence is over whelming that there are no equine species classified as wildlife and therefore this application must be denied. All future applications must also be denied if the beneficial use for a wildlife water right is going to be wild horses and burros.

We concur fully with the N4 grazing boards protest.

Sincerely,

Mike and Barb Stremler

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