

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

IN THE MATTER OF APPLICATION NUMBER 83129  
FILED BY USDI Bureau of Land Management  
ON September 30, 2013

FILED  
PROTEST DEC 09 2013  
STATE ENGINEER'S OFFICE

Comes now Mike Lemich  
Printed or typed name of protestant

whose post office address is P.O. Box 150011, Ely, Nevada 89301  
Street No. or PO Box, City, State and ZIP Code

whose occupation is Building Contractor/Government and protests the granting

of Application Number 83129, filed on September 30, 2013

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

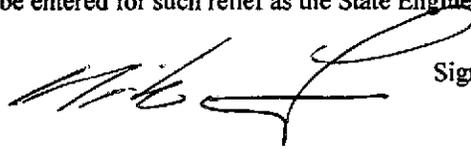
County, State of Nevada, for the following reasons and on the following grounds, to wit:

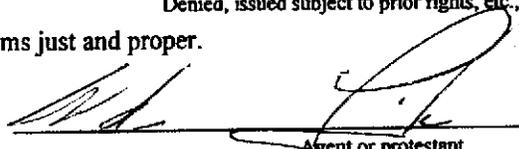
Protest is filed pursuant to NRS.533.365. the grounds for protest are set forth in attachment "1" to this protest.

THEREFORE the Protestant requests that the application be amended or 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

Mike Lemich  
Printed or typed name, if agent

Address P.O. Box 150011  
Street No. or PO Box

Ely, Nevada 89301  
City, State and ZIP Code

State of Nevada

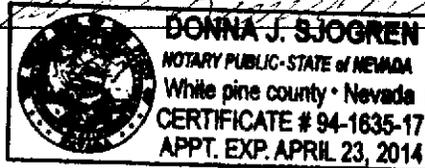
County of White Pine

Subscribed and sworn to before me on 12/06/13

775-289-2425/775-296-0674  
Phone Number

by 

mlemichcc@hotmail.com  
E-mail



  
Signature of Notary Public Required

Notary Stamp or Seal Required

RECEIVED  
2013 DEC -9 PM 2:19  
STATE ENGINEERS OFFICE

† \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

## Attachment "1"

The applicant must recognize the provisions of NRS 533.367 which states the following:

- 1.) Before a person may obtain a right to the use of water from a spring or water which has seeped to the surface of the ground, the person **must ensure** that wildlife which customarily uses the water **will have access to it.**  
The state Engineer may waive this requirement for domestic use.  
(underlining added)
- 2.) Wild horses are not considered "wildlife" therefore wild horses must be deleted from the application.
- 3.) The Applicant can file a separate application to appropriate water from the subject spring for wild horse watering subject to existing rights and unappropriated water available at the source.
- 4.) The BLM must get a wild horse management plan in place in order to balance the use of the habitat for the benefit of all uses including but not limited to wild horses.

RECEIVED  
2013 DEC -9 PM 2:19  
STATE ENGINEERS OFFICE