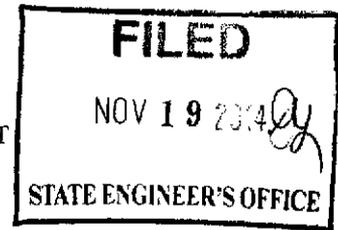


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 84390  
FILED BY Ellison Ranching Company, LLC  
ON September 25, 2014



PROTEST



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 84390, filed on September 25, 2014

by Ellison Ranching Company, LLC for the

waters of Red Rock Spring 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:

(1) Ellison Ranching Company, LLC is applying to appropriate water from January 1 to December 31, but is only permitted to graze cattle at the place of use from 12/1 to 4/30 and sheep from 3/1 to 6/30 and will therefore, be unable to put the water to beneficial use from 7/1 to 12/29. (2) There is insufficient water to appropriate. BLM Records from Red Rock Spring indicate that it only produces ~2 gal/minute. However, the applicant seeks 11.7 gal/minute. Furthermore, basin 059 (Lower Reese River Valley) is designated and over appropriated by nearly 40% (3) The spring is located in Priority Sage Grouse Habitat. The requested duty will monopolize the spring discharge and adversely impact the associated riparian habitat, which is essential to sage grouse brood rearing success, as well as other wildlife. Therefore, the proposed action is incompatible with BLM's resource objectives for riparian habitat management and is not in the public's interest.

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

*Jon D Sherve*  
Agent or protestant

Jon D Sherve

Printed or typed name, if agent

Address 50 Bastian Rd.

Street No. or PO Box

State of Nevada

County of Lander

Battle Mountain, NV 89820

City, State and ZIP Code

Subscribed and sworn to before me on November 6th 2014

775-635-4056

Phone Number

by Jonathan Kwan

jsherve@blm.gov

E-mail

STATE ENGINEERS OFFICE  
2014 NOV 19 AM 11:36  
RECEIVED

*[Signature]*  
Signature of Notary Public Required

Notary Stamp or Seal Required

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