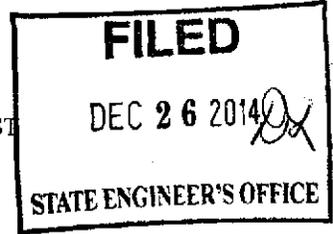


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 84464
FILED BY Home Camp Cabin LLC
ON October 20, 20 14



PROTEST



Comes now USDOI - Bureau of Land Management

Printed or typed name of protestant

whose post office address is PO Box 460/602 Cressler Street, Cedarville, CA 96104

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

whose occupation is federal land management agency

and protests the granting

of Application Number 84464

, filed on October 20

, 20 14

by Home Camp Cabin LLC

for the

waters of Divine Spring

situated in Washoe

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 for Divine Springs

RECEIVED
2014 DEC 25 PM 11:10
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

Dennis A. Sylvia

Agent or protestant

Dennis A. Sylvia, PhD

Printed or typed name, if agent

Address

PO Box 460/602 Cressler Street

Street No. or PO Box

Cedarville, CA 96104

City, State and ZIP Code

State of Nevada

California

County of

Modoc

Subscribed and sworn to before me on

Dec 23, 2014

530-279-6101

Phone Number

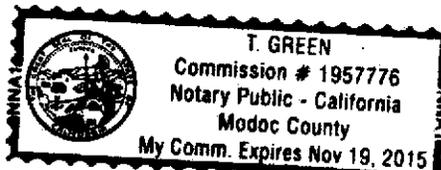
by Dennis A. Sylvia, PhD

dsylvia@blm.gov

E-mail

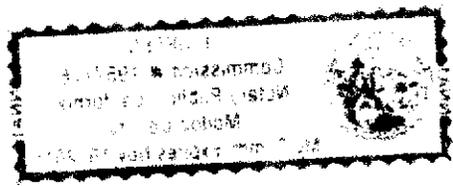
T. Green

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.



84464 Devine Spring-

BLM is protesting this application on the following grounds:

Approval of this application is not within the public interest. BLM claims a PWR 107 at the proposed source. Existing uses under this federally reserved claim include providing water for livestock grazing, domestic uses associated with recreation, and provisions for wildlife and riparian vegetation.

BLM has a stock pond, campsites, and exclosures downstream of Devine Spring and requires the use of the waters for said purposes such as riparian maintenance, domestic use (recreationists), and livestock use. The livestock pond and Devine Spring are fully available for use by the applicants/permittees during their permitted use times. The pond is located approximately 1,200 feet below the Devine Spring source. Livestock also use the associated brook from Devine Springs and the pond. The campsites and exclosures are located approximately 10,000 ft downstream of Devine Springs. The current estimated costs to date for projects associated with this site is \$10,500 for the campground facilities, \$15,000 for the juniper cut, and less than \$1,000 for two small pole rail fences to protect aspen and springs sources around the campsites. The estimated cost for an additional 1.1 miles of fencing (about 17.5 acres of permanent and temporary fencing around the campsites) is \$15,000. These last fences were necessary to protect the campground and riparian vegetation from heavy livestock utilization but allow livestock to water outside of them.

While applicant has grazing permits, the applicant is applying to use the water outside of the permitted use on the allotment. Applicant is permitted livestock from 4/1 to 9/15 for the entire allotment but is applying for use from 3/1 to 11/30. Further, applicant is only permitted within the specific pasture that Devine Spring is located in from 7/2 to 9/15. Therefore the applicant is applying to use water for 6.5 months during which they are not permitted to use the pasture for grazing. Applicant has full use of water for grazing during their permitted use period under BLMs PWR claim.

Finally, BLM is planning a project at Devine Springs due to riparian Land Health Standards not being met on the spring. The spring was rated as non- functional based on a 17 point assessment (see attached photo). The BLM is required by law to make changes when Land Health Standards are not met. The approximately 7 to 25-acre exclosure (2 alternatives are currently under consideration) is necessary to protect the site from long term degradation by heavy livestock use. The project would still allow use of the 0.15 acre stock pond below the site. The BLM has spent an estimated \$7,000 on project planning, archeological and riparian condition surveys, and required NEPA documentation to date.

RECEIVED
2014 DEC 26 AM 11:16
STATE ENGINEERS OFFICE