

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

IN THE MATTER OF APPLICATION NUMBER 85115
FILED BY Stone Cabin Ranch, LLC
ON April 27, 2015



FILED
JUL 10 2015
STATE ENGINEER'S OFFICE

PROTEST

Comes now Colvin and Son, LLC

Printed or typed name of protestant

whose post office address is 525 Dammeron Valley Drive West, Utah, Nevada 84783

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

whose occupation is cattle rancher and farmer

and protests the granting

of Application Number 85115

, filed on April 27

, 2015

by Stone Cabin Ranch, LLC

for the

waters of a spring source (Wildcat Spring)

situated in Nye

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:

Refer to 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

Therese Ure

Agent or protestant

Therese Ure, Schroeder Law Offices, P.C.

Printed or typed name, if agent

Address

440 Marsh Avenue

Street No. or PO Box

Reno, Nevada 89509

City, State and ZIP Code

State of Nevada

County of Washoe

775-786-8800

Phone Number

Subscribed and sworn to before me on July 10, 2015

t.ure@water-law.com

E-mail

by Therese Ure

CHRIS N. FACQUE
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 04-91313-2 - Expires August 25, 2016

Chris N. Facque

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.

Attachment to Protest under Application Nos. 85115 and 85116

Applicant: Stone Cabin Ranch, LLC

Protestant: Colvin and Son, LLC

There is no unappropriated water at the source. Stone Cabin Valley Hydrographic Basin No. 149 was designated in 1978 under Order 720. According to the office of the Nevada State Engineer, this basin is shown to have a perennial yield of 2,000 acre-feet annually. According to the hydrographic basin summary, approximately 10,979 acre-feet have been appropriated for various purposes, including stockwater, domestic, quasi-municipal and irrigation. Based on information contained in Application Nos. 85115 and 85116, it is unclear whether these sources have been used historically for stockwater purposes, or flows are a result of run-off from other approved appropriations.

The proposed Application conflicts with existing water rights owned by Colvin and Son, LLC. The protestant controls at least thirty water right Permits, Certificates and Vested Proofs in Stone Cabin Valley Hydrographic Basin No. 149 for stockwater and irrigation purposes. Many of these are water rights from a percolating source and would be affected by additional withdrawals within the hydrographic basin. Colvin and Son, LLC, under various water right Permits, Certificates, and Vested Proofs have sufficient water rights for 1,620 head of cattle on grazing allotments within Stone Cabin Hydrographic Basin No. 149, and water from Haws Creek and Longstreet Spring allow for irrigation of approximately 65 acres.

In addition, Colvin and Son, LLC, filed water right Permit Nos. 47795, 47796, and Vested Proofs V02362 and 03866 from Stone Cabin Creek and tributaries for stockwater purposes. The Applicant filed Vested Proof V02552 from Stone Cabin Creek and tributaries for irrigation purposes. Application No. 85116 proposes to divert additional water resources that are not available from the source, and would impair existing approved water rights.

Application No. 36483, filed by the U.S. Department of the Interior, Bureau of Land Management (BLM), sought to appropriate 0.2 cubic feet per second from Wildcat Spring for

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“Livestock and Wildlife Purposes.” This Application was protested in 1979 by a number of entities, including Stone Cabin Ranch. This Application was withdrawn by the BLM and was not approved. No new appropriations from this source have been proposed until Application No. 85115 was filed on April 27, 2015.

Application Nos. 85115 and 85116 are detrimental to the public interest. State Engineer’s Ruling 6204 on November 29, 2012, denied Application Nos. 81320, 81325, 81327, and 81330 to appropriate groundwater for stockwater purposes within Stone Cabin Valley Hydrographic Basin No. 149 based on conflict with the public interest.

Colvin and Son, LLC is a joint allotment owner with Stone Cabin Ranch, LLC. By increasing stockwater appropriations within the grazing allotment, and thereby the amount of available stockwater sources, the Bureau of Land Management is attempting to leverage additional wildhorse watering. This is in attempt to increase herd management levels so that BLM does not have to engage in removal activities. The horse numbers on the allotment are already in excess of established management levels. This increase in horse count can increase cost to maintain other developed stockwater sources, and adversely affects each grazing allotment owner within the entire allotment, including Colvin and Son, LLC. These sources have not been historically used for stockwater purposes, and further development of these sources could have a detrimental impact to other grazing allotment users.

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