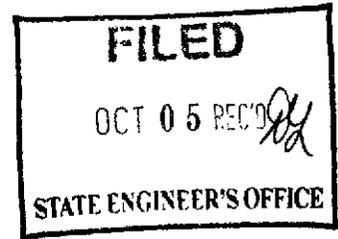


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 85355  
FILED BY Duncan Family 2002 Trust  
ON July 28, 2015



PROTEST



Comes now USDOJ -Bureau of Land Management

Printed or typed name of protestant

whose post office address is 5100 E. Winnemucca Blvd., Winnemucca, NV 89445

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

whose occupation is federal land management agency

and protests the granting

of Application Number 85355, filed on July 28, 2015

by Duncan Family 2002 Trust

for the

waters of Spring (Happy Jack Spring)

situated in Pershing

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:

Please see attached statement of reasons.

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

*[Handwritten Signature]*

Agent or protestant

Aron King

Printed or typed name, if agent

Address

5100 E. Winnemucca Blvd.

Street No. or PO Box

Winnemucca, NV 89445

City, State and ZIP Code

State of Nevada

County of Nevada - Humboldt

Subscribed and sworn to before me on Oct, 1, 2015

775-623-1500

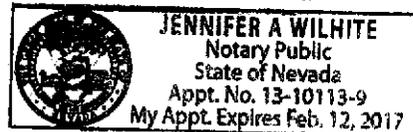
Phone Number

by Aron King

acking@blm.gov

E-mail

STATE ENGINEER'S OFFICE  
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*Jennifer A Wilhite*  
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.



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Winnemucca District Office  
Black Rock Field Office  
5100 East Winnemucca Boulevard  
Winnemucca, Nevada 89445  
Phone: (775) 623-1500 Fax: (775) 623-1503  
Email: wfoweb@blm.gov  
www.blm.gov/nv/st/en/fo/wfo.html

In Reply Refer To:  
7250 (NV010.20)

Your Reference: Apps. #85354 and #85355

Mr. Jason King, P.E.  
State Engineer  
Division of Water Resources  
901 South Stewart Street, Suite 2002  
Carson City, NV 89701-5250

Dear Mr. King:

This letter is a Statement of Reasons, attached to the BLM's protest of water rights application Nos. 85354 and 85355. Approval of these water rights would prove detrimental to the public interest. The grounds for BLM protest are as follows:

1. The springs for which water rights are being applied lie within the Ragged Top Allotment. The applicant holds permits for the neighboring Coal Canyon-Poker allotment, but has no permitted use within this allotment. Further, the applicant holds no right-of-way to convey water from the sources to a place where it does have permitted use.
2. The applicant holds Cooperative Agreements dated June 1, 1962 with the Bureau of Land Management to develop, maintain, and use improvements to Happy Jack and Trinity Springs. Section I of the Cooperative Agreements require such use to be "in conjunction with authorized operations under any grazing permit, license, or lease, or renewals thereof issued to the Cooperator(s) by the Bureau." On the date of the agreements, the applicant had permits to use the Poker Allotment which held the springs. However, the allotment boundaries were changed in 1966 when the Ragged Top allotment was created, which now holds these springs. Since the change in the allotment boundary, the applicant has had no permitted use of the springs. As these springs are not within the applicants permitted Allotment, use of the improvements would not be authorized.
3. There are two permittees authorized to graze livestock on the Ragged Top allotment. Under Authorization #2700108, John Olagaray is permitted to run 2,000 sheep from 12/24 to 3/19. John Espil Sheep Company INC. is allowed 2,835 sheep from 12/01 to 3/14 under

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BLM DISTRICT OFFICE  
WANNAMUCKA

Authorization #2700044. The ability of these permittees to water their livestock could be hampered by granting water rights to a party with no permitted use on the allotment.

4. BLM claims Public Water Reserve 107 on both springs for current and future use for domestic and livestock watering purposes within the Ragged Top allotment.

If you have any further questions please contact Bob Gibson (Hydrologist) at (775) 623-1763.

Sincerely,



Aron C. King  
Field Manager  
Humboldt River Field Office

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