

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

IN THE MATTER OF APPLICATION NUMBER 85546
FILED BY Saving America's Mustangs
ON October 23, 2015



PROTEST

FILED
NOV 19 2015
STATE ENGINEER'S OFFICE

Comes now US Bureau of Land Management

Printed or typed name of protestant

whose post office address is 3900 E. Idaho Street, Elko, NV 89801

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

whose occupation is Land Management Agency

and protests the granting

of Application Number 85546

, filed on October 23

, 2015

by Saving America's Mustangs

for the

waters of Basco Spring

situated in Elko

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:

The application would prove detrimental to the public interest. The application changes the livestock use from sheep to cattle and horses. The applicant's do not have a permit to graze domestic horses within the Spruce Mountain Allotment; therefore any use of the area surrounding Basco Spring by domestic horses would be unauthorized. The applicant proposes places of use unrelated to existing or proposed range improvement water developments authorized by the BLM. The applicant and the BLM are currently in dispute regarding Basco Spring and unauthorized excavation and pipeline reconstruction of the spring during the summer of 2015; this application is likely related to this dispute. See attached letter and map.

THEREFORE the Protestor 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

Amy Lueders

Printed or typed name, if agent

Address

1340 Financial Blvd

Street No. or PO Box

State of Nevada

County of Washoe

Reno, NV 89502

City, State and ZIP Code

Subscribed and sworn to before me on 11-19-15

775-861-6590

Phone Number

by Amy Lueders

alueders@blm.gov

E-mail

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[Handwritten signature]

Signature of Notary Public Required

FELIPE CISNEROS JR.
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 15-2160-2 - Expires May 19, 2019

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
Nevada State Office
1340 Financial Boulevard
Reno, Nevada 89502-7147
<http://www.blm.gov/nv>

NOV 19 2015

In Reply Refer To:
7200 (NV930)
Application 85546

Jason King
State Engineer, Division of Water Resources
901 S. Stewart St., Suite 2002
Carson City, Nevada 89701

Dear Mr. Jason King:

On November 2, 2015, the Bureau of Land Management (BLM) Wells Field Office received a letter from your office informing us that Application 85546 had been filed to change the manner of use (MOU) and place of use (POU) of water heretofore appropriated under Permit 6173, Certificate No. 1009. The source of water (Basco Spring) and the proposed places of use (the Basco Springs Pipeline) are all found within the Spruce Allotment, Unit E-2. This Unit is scheduled for cattle grazing annually, with 858 animal unit months (AUMs) authorized from July 1 to September 30. The authorized permittee on this Allotment is the Spruce Grazing Association (SGA); SGA leases the base property for the Spruce Allotment from Saving America's Mustangs (SAM).

The BLM is submitting a protest to this application because the proposed changes would prove detrimental to the public's interest. First, the application changes the livestock use from stockwater for 2000 sheep to stockwater for 400 cattle or horses. The BLM has no issue with the change from sheep to cattle (this change was authorized by the BLM in 1998); however, the Spruce Allotment grazing permit does not authorize domestic horses use. In addition, no fenced or unfenced private lands are found in the vicinity of this water. Accordingly, any use of the immediate area around Basco Spring or the Basco Spring Pipeline by domestic horses would be unauthorized. If by "horses" the applicant is referring to wild horses, such should be specified.

Second, the applicant proposes places of use unrelated to existing or proposed range improvement water developments authorized by the BLM (see attached Map 1). These unrelated legal subdivisions proposed by the applicant are as follows: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, all in T.30 N., R.63 E., M.D.B.&M.

Finally, BLM notes that it is currently taking administrative action to address the permittee's unauthorized excavation of the Basco Spring area and the reconstruction of the Basco Springs Pipeline this summer. In response to this administrative action, SGA has asserted as a defense to trespass, that it holds an RS 2339 Right-of-Way right/claim on Basco Spring and the Basco

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Springs Pipeline. This application is likely related to this trespass situation. The BLM is therefore requesting that the State Engineer refrain from making a decision on granting the changes proposed in Application 85546 until the trespass and any associated appeal has been resolved.

BLM appreciates the State Engineer's attention to BLM's concerns. If you have any questions or need further information, please contact Daniel Zvirzdin, Wells Field Office Rangeland Management Specialist at 775-753-0331.

Sincerely,



Amy Lueders
State Director

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Map 1. Places of use proposed by Saving America's Mustangs in Application 85546. Legal subdivisions highlighted in green are related to Basco Spring Pipeline, a water development authorized by the BLM on public land; subdivisions highlighted in red have no existing or proposed water developments authorized.

