

L 10/17/95

4130 (NV-047)

CERTIFIED MAIL NO. P 313 269 522  
RETURN RECEIPT REQUESTED

OCT 17 1995

Alan Forsgren  
Duckwater Cattle Company  
Duckwater, Nevada 89314

Dear Alan:

Enclosed is a grazing application for fall cattle grazing in the Duckwater Allotment. As discussed with you over the phone, it is necessary to re-license your cattle use in the Duckwater Allotment for the fall use period ( 9/1 - 2/28 ) in order to meet the new stocking levels established by the Duckwater Full Force and Effect Final Multiple Use Decision of June 9, 1995. As indicated on page 8 of the decision, you are authorized to license 1,435 AUMs from 9/1 to 2/28 as follows:

Bull Creek/North Railroad Valley Use Area	-	613 AUMs
Bull Corner/Poison Patch	-	576 AUMs
Duckwater Hills	-	191 AUMs
Pancake East Bench/Duckwater Valley	-	<u>55 AUMs</u>
Total		1435 AUMs

It has been determined that we will accept your estimate of your actual cattle use in Duckwater for the month of September, which is to be deducted from your total fall authorization of 1,435 AUMs. On your grazing application, please list by pasture number (refer to the use area map that was appendix to the Duckwater Evaluation) the numbers of cattle and dates of turnout you have grazed or plan to graze from 9/1/95 to 2/28/96. Please submit your application approximately one week prior to your turnout date this fall.

You will be entitled to a refund of grazing fees or you may credit your balance towards the grazing fees for the 1996 grazing year. Grazing refunds must be processed through the Denver Office and take approximately 30 days.

If you have any questions please call Mark Lowrie of my staff at 289-1888 or Chris Mayer, Ely District range lead at 289-1844.

Sincerely,



Gene L. Drais, Manager  
Egan Resource Area

Enclosures

1. Grazing Applications (2)

MLowrie:bl

DUCKWATER CATTLE COMPANY  
DUCKWATER, NEVADA 89314  
702-863-0206

HAND DELIVERED

DEC 05 1995

*m-s.*

December 12, 1995

Gene Drais, Area Manager  
Bureau of Land Management  
HC 33, Box 33500  
Ely, Nevada 89901-9408

Dear Mr. Drais:

Thank you for your letter of October 17, 1995, regarding fall use and credit on our paid bill for 1995.

Regarding the issue of credit or refund for our unused authorization, we request that the fees be credited to our 1996 grazing use. Pursuant to that issue, attached on the following pages is our actual use made to date in 1995.

Regarding the issue of our fall trailing through the respective areas of use of the allotment in September, we disagree with your proposal to deduct such use from our fall/winter authorization. The gathering of livestock into the allotment in September was made rapidly, and was made onto unfenced private lands and fenced private lands. When the cattle were moved, they were moved along county roads and rights of way, and were trailed, not grazed. Additionally, we know that your office has not charged other permittees' fall trailing against their fall/winter authorization, nor in fact charged them for a trailing permit at all. We propose to pay for trailing authorization (even though the livestock were authorized under your decision to be on the allotment) for the trailing use made in September, and to retain our full authorized use this fall and winter.

We include in this letter, therefore, an application for our full "decision-based" authorization. We submit this application without prejudice to our position, beliefs, and pending appeals. We also submit, but only as an alternative, our application for fall/winter use which complies with your earlier proposal to deduct our trailing use from our authorized use.

In the event that our trailing use is in fact deducted from our "decision-based" authorized use, we request copies of all trailing permits issued to other permittees in the Duckwater Allotment this fall and/or letters similar to your October 17, 1995 letter to us which treat other permittees the same as us, i.e. letters in which you deduct from other permittees' fall/winter authorization their fall trailing use. We make this request under the provisions of the Freedom of Information Act.

If you have any questions, please contact me immediately.

Sincerely yours,

*Alan L. Forsgren*  
Alan Forsgren

ATTACHMENTS: actual use report to date  
application for fall/winter use

Actual Use Report to Date, 1995:  
Duckwater Allotment

DATE                      No. Cattle      AUMS

Bull Creek/N. Railroad Valley and Broom Canyon/South Railroad Valley:

3/12 - 3/14	120 C	12
3/15 - 3/22	290 C	76
3/22 - 3/31	400 C	132
4/1 - 4/1	525 C	17
4/2 - 4/30	658 C	627
5/1 - 5/14	658 C	303
5/15 - 5/31	698 C	390

Green Springs:

6/1 - 6/26	698 C	597
6/27 - 6/27	559 C	18
6/28 - 6/28	408 C	13
6/29 - 6/30	314 C	21
7/1 - 7/1	314 C	10
7/2 - 7/2	308 C	10

TOTAL ACTIVE                      2226

Fall Gathering & Trailing Use:

Green Springs Area of Use (Area 6); (From Forest):

9/23 - 9/23	152 C	5	
9/24 - 9/24	302 C	10	
9/25 - 9/26	355 C	23	Trailed to Bull Creek Private on the morning of 9/26.
10/5 - 10/6	39 C	3	Trucked Home on morning of 10/6

(From Monte Cristo):

9/15 - 9/15	78 C	3	Trailed to Bull Creek Private
9/18 - 9/18	103 C	3	Trailed to Bull Creek Private
9/26-9/26	100 C	3	Trailed to Bull Creek Private

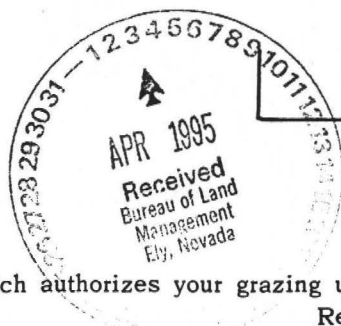
TOTAL TRAILING, AREA 6      50 AUMS

Bull Creek/North Railroad (Area 2) (From Bull Creek Private):

9/27 - 9/27	584 C	19	Trailed to Home Private
10/1 - 10/1	52 C	2	Trailed to Home Private

TOTAL TRAILING, AREA 2                      21 AUMS

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT



FORM APPROVED  
OMB NO. 1004-0051  
Expires: March 31, 1995

ACTUAL GRAZING USE REPORT

Dear Sir:

In accordance with the terms and conditions of the permit or lease which authorizes your grazing use, please complete this form and return to the Resource Area Office within 15 days after completing your authorized grazing use (43 CFR 4130.6-2(d)). This information, along with other studies data, is needed to evaluate the effectiveness of present management. Use a separate line for every day that you either turn livestock in or take livestock out of an allotment or pasture. Your cooperation in providing accurate information will be appreciated.

Allotment				FOR BLM USE ONLY				
DUCKWATER								
ACTUAL GRAZING USE				CALCULATION OF AUM'S GRAZING USE				
PASTURE	DATE (Mo., Day, Yr.)	NUMBER AND KIND OR CLASS OF LIVESTOCK		NO. AND KIND OF LIVESTOCK	GRAZING PERIOD		% PL USE	AUM'S
		TURNED IN	TAKEN OUT		BEGIN	END		
0701	94							
1-2-4	3/1-3/31	400c	400c	400	3/1	3/31	100	408
1-2-4	4/1-4/30	700c	700c	700	4/1	4/30	100	690
1-2-4-6	5/1-5/31	700c	700c	700	5/1	5/31	100	713
1-2-4-6	5/17-5/31	40c	40c	40	5/17	5/31	100	20
2-6	6/1-6/30	750c	750c	750	6/1	6/30	100	740
6	7/1-7/2	389c	389c	389	7/1	7/2		26
2-6	7/1-7/31	25c	25c	25	7/1	7/31		25
2-6	8/1-8/31	25c	25c	25	8/1	8/31		25
6	8/28-8/31	250c	250c	250	8/28	8/31		33
6	9/2-9/4	150c	150c	150	9/2	9/4		15
2	9/6-9/6	250c	250c	250	9/6	9/6		8
2	9/9-9/9	150c	150c	150	9/9	9/9		5
2-4-10	10/1-10/31	150c	150c	150	10/1	10/31		153
2-4-10	11/1-11/30	40c	40c	40	11/1	11/30		39
3-4-10	12/1-12/31	500c	500c	500	12/1	12/31		510
3-4-10	1/1-1/31	500c	500c	500	1/1	1/31		510
2-4-10	2/1-2/28	500c	500c	500	2/1	2/28		460
								4380

I CERTIFY That this is a complete and accurate report of my grazing use.

Signature of Permittee/Leasor: Wanda Rowgen Date: 3/29/95

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

1241  
1245

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

DUE DATE MARCH 1, 1995

TOTAL DUE \$12,197.70

STATE (1) NV  
OFFICE (2) 047  
OPERATOR NUMBER (3) 274617  
PREFERENCE CODE (4) 03  
SCHEDULE NUMBER (5) 6  
BILL NUMBER (6) G27461785  
BILL DATE (7) 03/01/95  
BILL CODE (8) 1  
AMOUNT COLLECTED(9) 12197.70  
FOR BLM USE ONLY

**PAID**

\$ 12197.70 CR# 1845

DUCKWATER CATTLE CO.

ALAN FORSGREN

DUCKWATER, NV 89314

BUREAU OF LAND MANAGEMENT  
ELY DISTRICT OFFICE  
HC 33, BOX 33500  
ELY, NV

MAR 16 1995

89314 DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
By 10/11

MAKE REMITTANCE TO: US DEPT. OF THE INTERIOR-BLM. PLEASE RETURN THE TOP PORTION OF THIS NOTICE WITH YOUR PAYMENT, AND KEEP THE BOTTOM PORTION. THIS NOTICE SHOWS THE AMOUNT DUE IN GRAZING FEES FOR LIVESTOCK GRAZING USE OFFERED TO YOU. YOUR CANCELED CHECK IS YOUR RECEIPT. A SERVICE CHARGE OF \$10.00 WILL BE MADE FOR EACH APPLICATION REQUIRING A REPLACEMENT OR SUPPLEMENTAL BILL.

BILL NUMBER: G27461785 DUCKWATER CATTLE CO.

ALLOT

PASTURE	LIVESTOCK NUMBER	K	BEGIN PERIOD	END PERIOD	T %PL U	AUM AUM"S	AUM COST	FEE AMOUNT
00701 DUCKWATER	400	C	03/01/95	03/31/95	100 A	408	\$1.61	\$656.88
	700	C	04/01/95	04/30/95	100 A	690	\$1.61	\$1,110.90
	700	C	05/01/95	05/31/95	100 A	713	\$1.61	\$1,147.93
	150	S	05/06/95	05/31/95	100 A	26	\$1.61	\$41.86
	40	C	05/15/95	05/31/95	100 A	22	\$1.61	\$35.42
	750	C	06/01/95	06/30/95	100 A	740	\$1.61	\$1,191.40
	150	S	06/01/95	06/30/95	100 A	30	\$1.61	\$48.30
	<del>701 25</del>	C	07/01/95	07/16/95	100 A	<del>369 25</del>	\$1.61	<del>\$40.25</del> \$594.09
	<del>300 301</del>	C	07/01/95	07/30/95	100 A	<del>148 178</del>	\$1.61	<del>\$286.58</del> \$238.28
	30	S	07/01/95	08/31/95	100 A	12	\$1.61	\$19.32
	25	C	08/01/95	08/31/95	100 A	25	\$1.61	\$40.25
	<del>80 180</del>	C	09/01/95	09/30/95	100 A	<del>79 178</del>	\$1.61	<del>\$286.58</del> \$127.19
	<del>700 800</del>	C	09/15/95	09/30/95	100 A	<del>368 421</del>	\$1.61	<del>\$677.81</del> \$592.48
	<del>347 654</del>	C	10/01/95	10/31/95	100 A	<del>354 646</del>	\$1.61	<del>\$1,040.06</del> \$569.94
	<del>346 60</del>	C	11/01/95	11/30/95	100 A	<del>341 59</del>	\$1.61	<del>\$94.99</del> \$549.01
	<del>725 800</del>	C	12/01/95	12/31/95	100 A	<del>739 815</del>	\$1.61	<del>\$1,312.15</del> \$1,189.79
	<del>725 800</del>	C	01/01/96	01/31/96	100 A	<del>739 815</del>	\$1.61	<del>\$1,312.15</del> \$1,189.79
	697	C	02/01/96	02/28/96	100 A	642	\$1.61	\$1,033.62
00614 MONTE CRISTO	389	C	07/02/95	08/02/95	100 A	409	\$1.61	\$658.49
	396	C	08/03/95	09/02/95	100 A	404	\$1.61	\$650.44
	396	C	09/03/95	09/26/95	100 A	312	\$1.61	\$502.32

632258

Resource

LL NUMBER: G27461785

=====

SUBTOTAL	\$12,187.70
SERVICE CHARGE	\$10.00
TOTAL DUE	\$12,197.70

TERMS AND CONDITIONS:

SIGNED ACTUAL USE STATEMENTS FOR THE PERIOD 3/1 TO 2/28 ARE DUE YEARLY BY 3/31. ISSUANCE OF GRAZING LICENSES IS DEPENDENT UPON RECEIPT OF ACTUAL USE.

THE PAYMENT OF YOUR GRAZING FEES IS DUE ON OR BEFORE THE DUE DATE SPECIFIED IN THE GRAZING BILL. THIS DATE IS GENERALLY THE OPENING DATE OF YOUR ALLOTMENT. IF PAYMENT IS NOT RECEIVED WITHIN 15 DAYS OF THE DUE DATE, YOU WILL BE CHARGED A LATE FEE ASSESSMENT OF \$25 OR 10 PERCENT OF THE GRAZING BILL, WHICHEVER IS GREATER, NOT TO EXCEED \$250. FAILURE TO MAKE PAYMENT WITHIN 30 DAYS OF THE DUE DATE MAY RESULT IN IN TRESPASS ACTION.

YEAR TO DATE AUTHORIZED

ALLOT	PREF	NOT	AUTHORIZED					
ACTIVE		SCHED	ACTIVE	NONUSE	FR USE	EOU	TRAIL	TEMP
00614	1129	4	1125					
00701	6445		6445					

632258

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

GRAZING APPLICATION  
GRAZING SCHEDULE

FORM APPROVED  
OMB NO. 1004-0005  
Expires: March 31, 1995

FOR BLM USE ONLY

Name (last, first, middle initial)

Duckwater Cattle Co.

Address (include street, city, State, and zip code)

Duckwater, Nevada 89314

State .....					
Office .....					
Operator No. ....					
Schedule No. ....					
Billing Code .....					
Special Bill Code .....					

I hereby apply for the following grazing use on the public lands and/or other lands administered by the Bureau of Land Management

(1) LINE NO.	(2) ALLOTMENT		(3) PAS-TURE NO.	(4) LIVESTOCK		(6) PERIOD		(7) % PL USE	(8) T U	(9) AUM'S	(10) TYPE LAND
	NAME	NO.		NUMBER	KIND	BEGIN	END				
01	Duckwater	0070	0103	292	C	120995	020696			576	
02	"	"	02	300	C	121195	020896			592	
03	"	"	04	97	C	121195	020896			191	
04	"	"	10	56	C	121395	011196			55	

This application is made without prejudice to Duckwater Cattle Co's pending appeal of BLM's decision dated 6/9/95  
A.L.H.

Show your recorded brands, earmarks, and wattles

Show reason for nonuse, if requested:  conservation and protection of the public lands;  annual fluctuation of livestock operations;  financial or other reasons beyond control of the operator; or  livestock disease or quarantine.

Signature

Alan L. Leisner

Date

12-8-95

Reason for nonuse:  Approved  Disapproved (Decision Required)

Signature of Authorized Officer

Date

Title 18, U.S.C., Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(See terms and conditions on the reverse hereof)



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

STATE (1) NV  
OFFICE (2) 047  
OPERATOR NUMBER (3) 274617  
PREFERENCE CODE (4) 03  
SCHEDULE NUMBER (5) 6  
BILL NUMBER (6) G27461786  
BILL DATE (7) 12/06/95  
BILL CODE (8) 1  
AMOUNT COLLECTED (9) \_\_\_\_\_  
FOR BLM USE ONLY

DUE DATE DECEMBER 6, 1995

TOTAL DUE \$2,276.54

DUCKWATER CATTLE CO.

ALAN FORSGREN

DUCKWATER, NV 89314

BUREAU OF LAND MANAGEMENT

ELY DISTRICT OFFICE

HC 33, BOX 33500

ELY, NV

89301-9408

TAKE REMITTANCE TO: US DEPT. OF THE INTERIOR-BLM. PLEASE RETURN THE TOP PORTION OF THIS NOTICE WITH YOUR PAYMENT, AND KEEP THE BOTTOM PORTION. THIS NOTICE SHOWS THE AMOUNT DUE IN GRAZING FEES FOR LIVESTOCK GRAZING USE OFFERED TO YOU. YOUR CANCELED CHECK IS YOUR RECEIPT. A SERVICE CHARGE OF \$10.00 WILL BE MADE FOR EACH APPLICATION REQUIRING A REPLACEMENT OR SUPPLEMENTAL BILL.

ACCOUNT NUMBER: G27461786 DUCKWATER CATTLE CO.

ALLOT

PASTURE	LIVESTOCK NUMBER	K	BEGIN PERIOD	END PERIOD	T %PL	U	AUM'S	AUM COST	FEE AMOUNT
00701 DUCKWATER	<u>PN</u>								
	3	C	12/09/95	02/06/96	100	A	576	\$1.61	\$927.36
	2	C	12/11/95	02/08/96	100	A	592	\$1.61	\$953.12
	4	C	12/11/95	02/08/96	100	A	191	\$1.61	\$307.51
	10	C	12/13/95	01/11/96	100	A	55	\$1.61	\$88.55
								SUBTOTAL	\$2,276.54
								SERVICE CHARGE	\$ .00
								TOTAL DUE	\$2,276.54

TERMS AND CONDITIONS:

SPRING CATTLE TURNOUT WILL BE DEFERRED IN THE BULL CREEK AND DUCKWATER HILLS USE AREAS BEGINNING MARCH 1996 AND EVERY THIRD YEAR THEREAFTER FROM 3/01 TO 4/30. CATTLE GRAZING WILL BE CONTROLLED BY HERDING CATTLE TO DIFFERENT LOCATIONS EACH YEAR ON THE TURNOUT DATE. SALT AND SUPPLEMENTS WILL NOT BE ALLOWED WITHIN 1/2 MILE OF STOCK WATERS, NOR IN WINTERFAT VEGETATION.

SIGNED ACTUAL USE STATEMENTS FOR THE PERIOD 3/1 TO 2/28 ARE DUE YEARLY BY 3/31. ISSUANCE OF GRAZING LICENSES IS DEPENDENT UPON RECEIPT OF ACTUAL USE.  
THE PAYMENT OF YOUR GRAZING FEES IS DUE ON OR BEFORE THE DUE DATE

DUCKWATER CATTLE CO.  
BILLING SUMMARY

\$1.61/AUM

1. PREPAID BILL - 1995 GRAZING YEAR  
BILL # 627461785

DUCKWATER	6445 AUMS	\$ 10,376.45
MONTE CRISTO	1125 AUMS	\$ 1,811.25
		<u>\$ 12,187.70</u>
	SERVICE CHARGE	10.00
		<u>\$ 12,197.70</u>

2. PREPAID BILL - GRAZING FEES

PAID BLM FOR GRAZING 3/1/95 - 8/31/95  
BILL # 627461785 (NOT UNDER FFE  
DUCKWATER DECISION)

DUCKWATER ALLOTMENT ONLY

3183 AUMS \$ 5,124.63

ACTUAL USE REPORTED FOR DUCKWATER  
ALLOTMENT 3/12 - 7/2 2226 AUMS

3. PREPAID BILL - GRAZING FEES PAID BLM  
FOR PERMITTED USE OF 1,435 AUMS  
IN DUCKWATER (4 USE AREAS) FROM  
9/1/95 TO 2/28/96 ACCORDING TO  
DUCKWATER FMUD

BILL # 627461786 + 21 AUMS TRAIL USE

1435 AUMS TOTAL \$ 2,310.35

THUS DUCKWATER CATTLE CO. HAS  
\$ 4,762.72 CREDIT TOWARDS GRAZING  
FEES IN 1996 GRAZING YEAR

12,197.70  
- 7,434.98 (SUM OF LINES 2 & 3 ABOVE)

\$ 4,762.72 - CREDIT TOWARDS 1996  
GRAZING FEES.

Mark Lowrie  
3/11/96