



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Ely District Office
Star Route 5, Box 1
Ely, Nevada 89301

m 2/10/81
IN REPLY REFER TO
4322
(N-046)

PROPOSED DECISION
(43 CFR 4160.1-1)

Warm Springs (#0606) - Maverick Springs (#0621) Allotment Line

February 10, 1981

Mr. Daniel Russell
P. O. Box 338
Folsom, California 95603

Dear Mr. Russell:

I have reviewed the historical records and proposals that have been submitted for adjusting the existing allotment line between the Warm Springs and Maverick Springs Allotments, and my proposed decision based upon the review of that data is as follows:

- 1.) The allotment line will be as follows:

Beginning from a point on the southeast corner of the Fort Ruby Allotment located on the SE corner of Section 13, T. 25 N., R. 57 E.; thence east to a point approximately 1/4 mile east of the SW corner of Section 16, T. 25 N., R. 58 E.; thence south to a point approximately 1/4 mile east of the SW corner of Section 4, T. 24 N., R. 58 E.; thence southwest to the Ruby Marsh road at approximately the north 1/4 corner of Section 20, T. 24 N., R. 58 E., in such a manner that the line passes just east of Julian Well; thence south to the north 1/4 corner of Section 32, T. 24 N., R. 58 E., thence southeast to a point approximately 1/8 mile west of the east 1/4 corner of Section 32, T. 24 N., R. 58 E., to a natural barrier. The remaining boundary will remain as adjudicated. (The legal descriptions for this line were taken from a 30' planimetric map, and since a resurvey of the area shows some inaccuracy in this map, please refer to the attached map for the location of the line in relation to existing roads and developments.)

- 2.) This section of the allotment line will be fenced, according to Bureau standards, as soon as funding and manpower are available with an environmental assesment being made prior to the construction of the fence.
- 3.) Water may be piped from Julian Well to the Maverick Springs allotment, provided it is developed to Bureau standards and the maintenance of the well facilities shared by the users of both allotments.

Water from Willow Spring may be piped into the Warm Springs Allotment.

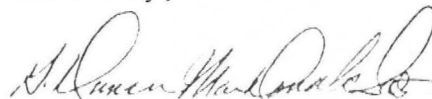
The reasons for this decision are:

- 1.) There is an existing problem with excessive drift of livestock between the two allotments.
- 2.) An agreement on an equitable rangeline adjustment cannot be reached by the two permittees.
- 3.) The allotment boundary set forth in this decision is as close to the adjudicated line as can be discerned from the historical records. Minor adjustments, to make fencing easier and more cost efficient, have been made.
- 4.) Fencing this allotment boundary will make the orderly administration of the range much easier .
- 5.) Title 43 CFR 4120.2-1(a) states "The authorized officer shall specify ...the allotment(s) to be used."

If you wish to protest this decision in accordance with 43 CFR 4160.2, you are allowed 15 days from the receipt of this proposed decision to file a protest, either in writing or in person, to the Ely District Manager. A protest should specify clearly and concisely why you think the proposed decision is in error.

In the absence of a protest within the time allowed, the above proposed decision shall constitute the final decision on the allotment boundary without further notice. If you wish to appeal this final decision for the purpose of a hearing before an Administrative Law Judge, in accordance with 43 CFR 4.470, you are allowed thirty (30) days from receipt of this notice within which to file such appeal with the District Manager, Bureau of Land Management, Ely District Office. The appeal shall state clearly and concisely why you think the decision is in error. All grounds of error not stated will be considered waived.

Sincerely,


G. Duncan MacDonal, IV
Acting, District Manager

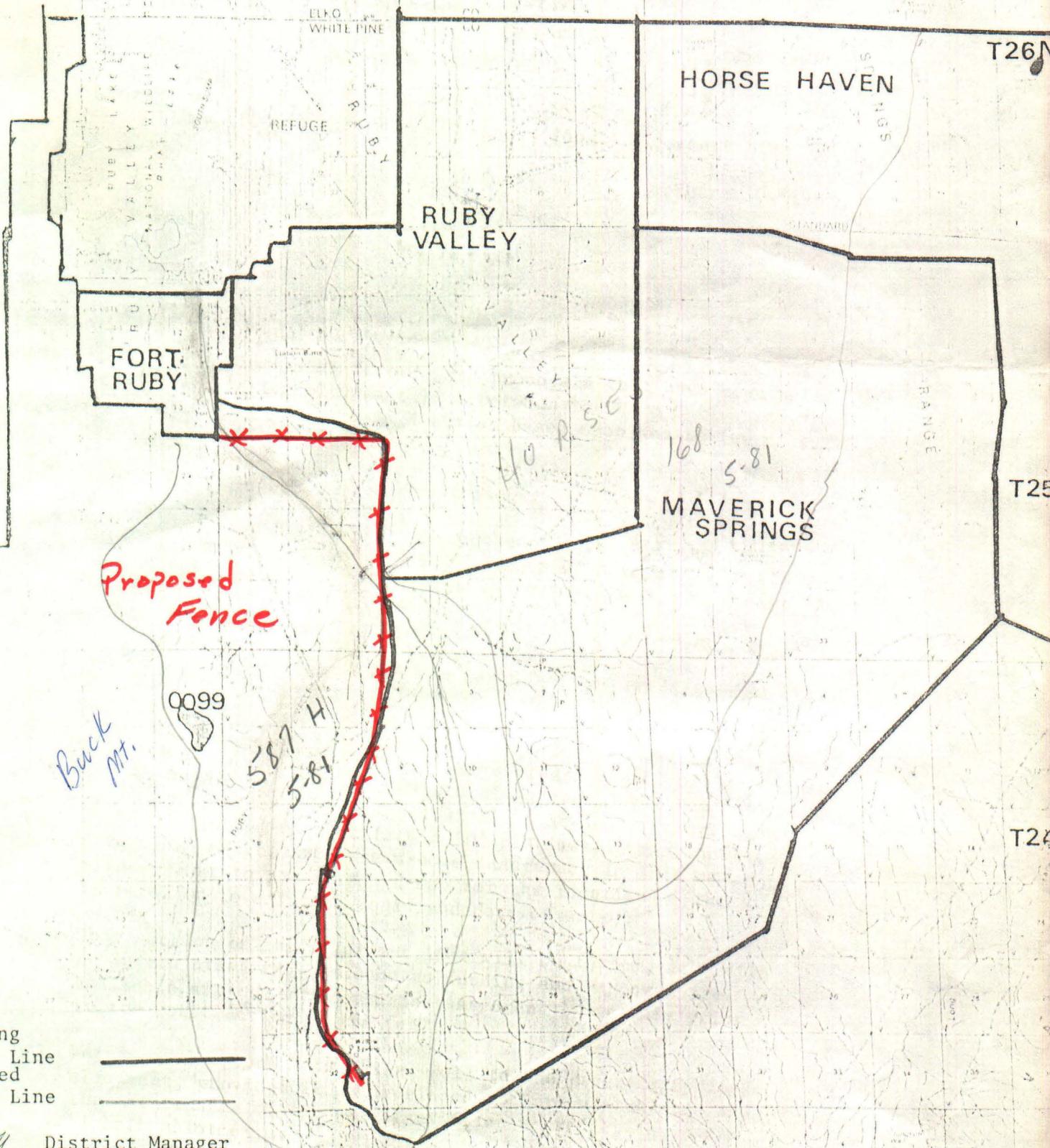
Copies Served:



Daniel Russel c/o Julian Goicoechea
Art Cook

Information copies sent to:

Howard Stone
Steve Wright

Court House



Existing lotment Line 
 Adjusted lotment Line 

[Signature] District Manager

[Signature] Date