U.S. Department of Interior
Bureau of Land Management
Nevada State Office

WATER RIGHT PROTEST EVALUATION

The purpose of this form is to help guide new specialists and managers unfamiliar with Nevada Water Law and Nevada water rights processes in the protesting process. This form is not mandatory; it is a tool to help decision makers.

Application Number: _____ _____ _____ _ _____
(Township) (Range) (Section)

State Engineer Basin: _____

Description of Water Right Application:

_____
_____
_____
_____

Description of resources at risk if water right is permitted:

_____
_____
_____
_____
_____

To help you determine whether or not a protest is needed, review and answer the below questions:

	Yes	No
1. Could a permitted application result in impacts to BLM resources? **If yes**, protest may be needed.		
2. Could a permitted application result in impacts to BLM water rights? **If yes**, protest may be needed.		
3. Is the basin where the application has a POD currently over-appropriated or will it become over-appropriated with this application[1]? **If yes**, protest may be needed.		
4. Are there existing water rights on this source? **If yes**, protest may be needed.		
5. Has the application already been analyzed in a NEPA analysis and a decision issued? **If no**, protest may be needed.		
a. If yes to question 5, does the submitted application match what was analyzed? **If no**, protest may be needed.		
b. If yes to question 5, are there any new data or studies which may result in a change to the analysis? **If yes**, a protest may be needed.		
c. If yes to question 5, were all potential impacts analyzed and mitigated? **If no**, protest may be needed.		

[1] To determine if a basin is over-appropriated, check the Basin Summary on the Nevada Division of Water Resources Website.

	Yes	No
6. Does the applicant have an existing ROW for this application? **If no**, protest may be needed.		
a. If yes, is this application within the terms and conditions of the ROW? **If no**, protest may be needed.		
7. Will BLMs protest points match at least 1 of the State Engineer's 4 categories[2] for not granting an application? Protest points should match at least 1 criteria.		
8. Are other DOI agencies protesting the application? **If yes**, protest may be needed; if no and application is in an area where another DOI typically does protest, why aren't other DOI agencies protesting?		
9. Are there any agreements, MOAs or MOUs that may be impacted by the application? **If yes**, a protest may be needed.		
10. Is management willing to give up standing in the water rights process if this application is not protested? **If no**, a protest may be needed.		
11. Is the application to change a previously existing water right or for a permit to operate a project for the recharge, storage and/or recovery of water? **If yes**, this protest must be signed by the State Director.		
12. Have you received any guidance from the State Office or a DOI Solicitor for protesting this application? If the answers to questions 1-10 do not provide a clear sense of a need to protest or if there are unique or complicating circumstances, guidance from the NSO or SOL office should be sought.		

Will the water rights application be protested: yes _____ or no _____

Rationale:_____
_____
_____
_____

_____ _____
Preparer, Title Date

NV 7250-2
(May 2012)

[2] The State Engineer is prohibited by law from granting an application to appropriate the public waters where: A. there is no unappropriated water at the proposed source; B. the proposed use or change conflicts with existing rights; C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or D. the proposed use or change threatens to prove detrimental to the public interest.