

**EUREKA\_027**



## 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>

JUN 12 2017



Mr. Jake Tibbitts  
Natural Resources Manager  
Eureka County, NV  
PO Box 682  
Eureka, NV 89316

Dear Mr. <sup>Jake</sup> Tibbitts:

Thank you for your email of April 25 regarding State Director Ruhs' presentation at the Central Nevada Regional Water Authority (CNRWA) board meeting on March 31, 2017. The Bureau of Land Management (BLM) takes seriously our responsibility to provide for public involvement and engage in consistent dialogue with our partners and stakeholders. In that spirit, I provide the following responses to your questions.

Let me first address your question about the legal authority for BLM to file vested claims, as opposed to public water reserve or PWR claims. The BLM has filed approximately 460 vested claims on waters on public land in Nevada. Some of these claims were obtained through land acquisitions and others were based on the date on which the land came into ownership by the United States, which was established as 1848 by the Treaty of Guadalupe Hidalgo. Regarding PWRs and vested claims in general, as the Nevada Division of Water Resources initiates new adjudications and proceeds with its determinations on existing adjudications, the BLM will review existing claims and identify new ones and file and/or retain those claims as appropriate consistent with the purposes of a PWR or vested water right under Nevada law.

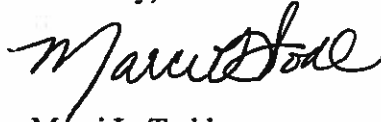
The 2008 stipulated agreement between BLM and General Moly is still in effect and will remain so under its current terms unless one of the parties (the BLM or General Moly) requests a change. Both BLM and General Moly must agree to such change. The purpose of the agreement was to resolve BLM's protest of General Moly's water right applications. Once the agreement was signed, the BLM withdrew its protests to the water rights applications filed by General Moly. This allowed the Nevada State Engineer to move forward in his process to issue the water right permits to General Moly without needing to address the BLM's protest issues. The Nevada State Engineer has a longstanding policy of not being party to any stipulated agreement between an applicant and protestant.

Finally, regarding the BLM's approval of the Mount Hope project; as you may be aware, the BLM will be initiating the preparation of a supplemental environmental impact statement (EIS) to address concerns raised in the Ninth Circuit Court's ruling on the challenge to the original EIS, including issues identified by the Court regarding PWR 107 claims. In accordance with the National Environmental Policy Act and related regulations, preparation of the supplemental EIS

will include opportunities for public input. We look forward to hearing from all members of the public, including individual ranchers and Eureka County, regarding the project.

Thank you again for following up on the presentation at the CNRWA board meeting. I look forward to continuing working with you and Eureka County in the administration of the public lands for multiple uses for the benefit of all.

Sincerely,

A handwritten signature in black ink, appearing to read "Marci L. Todd". The signature is written in a cursive style with a large, stylized initial "M".

Marci L. Todd  
Acting State Director