

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

IN THE MATTER OF APPLICATIONS 70818, 70819, )  
70820, 70821, 70822, 70823, 70824, 70825, 70826, )  
70827, 72695, 72696, 72697, 72698, 73545, 73546, )  
73547, 73548, 73549, 73550, 73551, 73552, 74587, )  
75979, 75980, 75981, 75982, 75983, 75984, 75985, )  
75986, 75987, 75988, 75989, 75990, 75991, 75992, )  
75993, 75994, 75995, 75996, 75997, 75998, 75999, )  
76000, 76001, 76002, 76003, 76004, 76005, 76006, )  
76007, 76008, 76009, 76364, 76365, 76483, 76484, )  
76485, 76486, 76744, 76745, 76746, 76802, 76803, )  
76804, 76805, 76989 AND 76990, FILED TO )  
APPROPRIATE OR TO CHANGE THE POINT OF )  
DIVERSION, PLACE OF USE AND MANNER OF USE )  
OF THE PUBLIC WATERS OF UNDERGROUND )  
SOURCES WITHIN THE KOBEH VALLEY (139), )  
DIAMOND VALLEY (153), AND PINE VALLEY )  
HYDROGRAPHIC BASINS (53), LANDER COUNTY )  
AND EUREKA COUNTY, NEVADA. )

**RULING**

**# 5966  
VACATED**

**DATE 4/10/10**

**GENERAL**

**I.**

The following is a general summary of the applications under consideration in this ruling. A full description of each application is available in Appendix A of this ruling.<sup>1</sup>

Applications 70818 thru 70825 were filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 6.00 cubic feet per second (cfs) each of underground water for irrigation purposes. Applications 70826 and 70827 were filed at the same time for 3.0 cfs. Information contained in the application files indicates that Kobeh Valley Ranch, LLC is the current owner of these applications. The applications were protested by the United States Bureau of Land Management (BLM); however, the protests were later withdrawn.

<sup>1</sup> File Nos. 70818, 70819, 70820, 70821, 70822, 70823, 70824, 70825, 70826, 70827, 72695, 72696, 72697, 72698, 73545, 73546, 73547, 73548, 73549, 73550, 73551, 73552, 74587, 75979, 75980, 75981, 75982, 75983, 75984, 75985, 75986, 75987, 75988, 75989, 75990, 75991, 75992, 75993, 75994, 75995, 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003, 76004, 76005, 76006, 76007, 76008, 76009, 76364, 76365, 76483, 76484, 76485, 76486, 76744, 76745, 76746, 76802, 76803, 76804, 76805, 76989 and 76990, official records in the Office of the State Engineer.

Applications 72695 thru 72698 were filed on May 3, 2005, by Idaho General Mines, Inc., later assigned to Kibeh Valley Ranch, LLC, to appropriate 22.28 cfs each of underground water for mining and milling and dewatering purposes. The project is further described as the mining and processing of molybdenum ore at the proposed Mount Hope Mine. The applications were protested by the United States Bureau of Land Management, Roy Risi, David Stine, Eureka County, Eureka Producers Cooperative, Tim Halpin, Lloyd Morrison, Peter and/or Tom Damele and Bobcat Ranch (Robert and Cathy Valenta Weise).

Applications 73545 thru 73552 were filed on December 5, 2005, by Idaho General Mines, Inc., later assigned to Kobeh Valley Ranch, LLC, to appropriate 22.28 cfs each of underground water for mining and milling and dewatering purposes. The project is further described as the mining and processing of molybdenum ore at the proposed Mount Hope Mine. The applications were protested by the United States Bureau of Land Management, Roy Risi, David Stine, Eureka County, Eureka Producers Cooperative, Tim Halpin, Lloyd Morrison, Peter and/or Tom Damele and Bobcat Ranch (Robert and Cathy Valenta Weise).

Application 74587 was filed on August 2, 2006, by Idaho General Mines, Inc., later assigned to Kobeh Valley Ranch, LLC, to appropriate 22.28 cfs of underground water from for mining and milling and dewatering purposes. The project is further described as the mining and processing of molybdenum ore at the proposed Mount Hope Mine. This application was not protested.

Applications 75979 thru 75985 and 75988 thru 76009 were filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of underground water previously appropriated under permitted water rights. The proposed manner of use is mining and milling & domestic purposes. The project is further described as the mining and processing of molybdenum ore at the proposed Mount Hope Mine. The applications were protested by Eureka County.

Applications 75986 and 75987 were filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of surface water previously claimed as vested water rights. The proposed manner of use is mining and milling purposes. The project is further described as the mining and processing of

molybdenum ore at the proposed Mount Hope Mine. The applications further indicate that the water will be used to establish and operate a project to recharge, store and recover water underground. The applications were protested by Eureka County.

Applications 76364 and 76365 were filed on October 9, 2007, by Kobeh Valley Ranch, LLC, to appropriate 1.5 cfs each of underground water for mining and milling and mining milling and domestic purposes, respectively. The project is further described as the mining and processing of molybdenum ore at the proposed Mount Hope Mine. The applications were protested by Eureka County, Diamond Cattle Co., LLC, and Etcheverry Family Partnership.

Applications 76483 thru 76486 were filed on November 14, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of underground water previously appropriated. The proposed manner of use is mining and milling purposes. The project is further described as the mining and processing of molybdenum ore at the proposed Mount Hope Mine. The applications were protested by Eureka County.

Applications 76744, 76745, and 76746 were filed on February 13, 2008, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of a portion of underground water previously appropriated. The proposed manner of use is mining and milling purposes. The project is further described as the mining and processing of molybdenum ore at the proposed Mount Hope Mine. Application 76744 was protested by Cedar Ranches, LLC, and Eureka County and Applications 76745 and 76746 were protested by Cedar Ranches, LLC, Eureka County and Lander County.

Applications 76802, 76803, 76804 and 76805 were filed on March 11, 2008, by Kobeh Valley Ranch, LLC, to change the point of diversion of Applications 76005, 76006, 76007, and 76009. The proposed manner of use is mining, milling and dewatering purposes. The project is further described as the mining and processing of molybdenum ore at the proposed Mount Hope Mine. The applications were protested by Eureka County.

Applications 76989 and 76990 were filed on April 23, 2008, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of water previously appropriated. The proposed manner of use is mining and milling purposes.

The project is further described as the mining and processing of molybdenum ore at the proposed Mount Hope Mine. The applications were protested by Eureka County.

## II.

Applications 72695 through 72698 and Applications 73545 through 73552 were timely protested by the following Protestants and on the following summarized grounds:

Peter and/or Tom Damele

- Protest Withdrawn

Roy Risi

- Protest Withdrawn

United States Bureau of Land Management

- Protest Withdrawn

Bobcat Ranch (Robert and Cathy Valenta Weise)

- Protested on the general grounds that the Protestant has senior applications pending and the Applicants applications would seriously deplete the water resources of Kobeh Valley.
  - Note, this Protestant subsequently transferred its senior Applications 70818 thru 70827 to the Applicant and did not pursue its protests.

David Stine (Beverly Conley, Successor)

- The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Kobeh Valley provides recharge to Diamond Valley and therefore, Diamond Valley water levels will decrease at an accelerated rate.
- The applications list dewatering as a manner of use, but the points of diversion are at least 7 miles from the pit location. Applicant should specify actual points of diversion for dewatering.
- The mine site straddles Kobeh Valley and Diamond Valley and dewatering may involve an interbasin transfer of ground water.
- Any application approved should be assigned a temporary status.

Eureka County

- Perennial Yield - The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Impact to existing rights in Kobeh Valley, Pine Valley and Diamond Valley.
- Place of use is listed as 90,000 acres and is inconsistent with stated purpose.
- The points of diversion are within Basin 139 and the place of use includes Basins 153 and 53; Applicant has not shown compliance with NRS 533.370(6) (Interbasin transfers).

- There is no unappropriated water at the proposed source of supply, the proposed use conflicts with or will impair existing rights and protectable interests in domestic wells and threatens to prove detrimental to the public interest.
- Applicant has failed to provide the State Engineer with all relevant information required by statute.

Eureka Producers Cooperative

- Expected physical and economic damage from over-appropriation of Kobeh Valley accelerating water declines in Diamond Valley.
- Existing rights protection.
- Perennial Yield - The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Water quality concerns.

Tim Halpin

- Protect existing water right Permit 29765 Certificate 8881
- Located east side of Whistler Mountain and concerns that irrigation water is same source as his water.
- Concern over declining water levels and hydrologic connection with Diamond Valley.

Lloyd Morrison

- Perennial Yield - The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Over-pumping in Kobeh could stop underground recharge of Diamond Valley.

### III.

Applications 75979 thru 75985 and 75988 thru 76009 were timely protested by Eureka County on the following summarized grounds:

- Perennial Yield - The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Direct conflict with forfeiture provisions of Nevada water law.
- The points of diversion are within basin 139 and the place of use includes basins 153 and 53; Applicant has not shown compliance with NRS 533.370(6).
- There is no unappropriated water at the proposed source of supply, the proposed use conflicts with or will impair existing rights and protectable interests in domestic wells and threatens to prove detrimental to the public interest.
- Applicant has failed to provide the State Engineer with all relevant information required by statute.
- Kobeh Valley may provide underflow to Diamond Valley and sustained pumping in Kobeh will likely reduce that amount and affect prior existing water rights held by Eureka County and others.
- Applicant lacks ability to finance the proposed works.

- Any application approved should be assigned a temporary status.
- Only consumptive portion of base rights should be subject to change.

#### IV.

Applications 75986 and 75987 were timely protested by Eureka County on the following summarized grounds:

- Perennial Yield - The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Impact to existing rights in Kobeh Valley, Pine Valley and Diamond Valley.
- The points of diversion are within basin 139 and the place of use includes basins 153 and 53; Applicant has not shown compliance with NRS 533.370(6).
- Applicant has failed to provide the State Engineer with all relevant information required by statute.
- Kobeh Valley may provide underflow to Diamond Valley and sustained pumping in Kobeh will likely reduce that amount and affect prior existing water rights held by Eureka County.
- Applicant lacks ability to finance the proposed works.
- Any application approved should be assigned a temporary status.
- Only consumptive portion of base rights should be subject to change.

#### V.

Applications 76364 and 76365 were timely protested by the following Protestants and on the following summarized grounds:

Eureka County

- Granting the applications may cause the Pine Valley basin to be over-pumped to the detriment of the basin and existing rights.
- Impact to existing rights in Kobeh Valley, Pine Valley and Diamond Valley.
- The points of diversion are within basin 139 and the place of use includes basins 153 and 53; Applicant has not shown compliance with NRS 533.370(6).
- Prior applications in the basin should be acted on first.
- Applicant has failed to provide the State Engineer with all relevant information required by statute.
- Applicant lacks ability to finance the proposed works.
- Any application approved should be assigned a temporary status.

Etcheverry Family Partnership & Diamond Cattle Company, LLC

- Pine Valley is a designated basin and granting the applications may cause the basin to be over-pumped.
- Protestant has existing surface water rights in Pine Valley.
- Impacts to existing rights.

- The points of diversion are within basin 139 and the place of use includes basins 153 and 53; Applicant has not shown compliance with NRS 533.370(6).
- Prior applications in the basin should be acted on first.
- Applicant lacks ability to finance the proposed works.
- Any application approved should be assigned a temporary status.

#### VI.

Applications 76483 thru 76486 were timely protested by Eureka County on the following summarized grounds:

- Perennial Yield - The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Direct conflict with forfeiture provisions of Nevada water law.
- Impact to existing rights in Kobeh Valley, Pine Valley and Diamond Valley.
- The points of diversion are within basin 139 and the place of use includes basins 153 and 53; Applicant has not shown compliance with NRS 533.370(6).
- Applicant has failed to provide the State Engineer with all relevant information required by statute.
- Kobeh Valley may provide underflow to Diamond Valley and sustained pumping in Kobeh will likely reduce that amount and affect prior existing water rights held by Eureka County.
- Applicant lacks ability to finance the proposed works.
- Any application approved should be assigned a temporary status.
- Only consumptive portion of base rights should be subject to change.

#### VII.

Applications 76744, 76745, and 76746 were timely protested by the following Protestants and on the following summarized grounds:

Eureka County

- Perennial Yield - The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Direct conflict with forfeiture provisions of Nevada water law.
- Impact to existing rights in Kobeh Valley, Pine Valley and Diamond Valley.
- The points of diversion are within basin 139 and the place of use includes basins 153 and 53; Applicant has not shown compliance with NRS 533.370(6).
- Applicant has failed to provide the State Engineer with all relevant information required by statute.
- Kobeh Valley may provide underflow to Diamond Valley and sustained pumping in Kobeh will likely reduce that amount and affect prior existing water rights held by Eureka County.
- Applicant lacks ability to finance the proposed works.

- Any application approved should be assigned a temporary status.
- Only consumptive portion of base rights should be subject to change.

Cedar Ranches, LLC

- There is no geologic and/or hydrologic evidence that the quantity of water exists in the mine region.
- New geologic data shows that eastern great basin carbonate aquifer ground-water system of Kobeh, Diamond, and Pine Valleys and other valleys of the region are interconnected.
- Water mining in Kobeh Valley will aggravate the over allocation of water permits in Diamond Valley.

Lander County (76745 and 76746 only)

- Perennial Yield - The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Direct conflict with forfeiture provisions of Nevada water law.
- Impact to existing rights in Kobeh Valley, Pine Valley and Diamond Valley.
- The points of diversion are within basin 139 and the place of use includes basins 153 and 53; Applicant has not shown compliance with NRS 533.370(6).
- Applicant has failed to provide the State Engineer with all relevant information required by statute.
- Kobeh Valley may provide underflow to Diamond Valley and sustained pumping in Kobeh will likely reduce that amount and affect prior existing water rights held by Eureka County.
- Applicant lacks ability to finance the proposed works.
- Any application approved should be assigned a temporary status.
- Only consumptive portion of base rights should be subject to change.
- Inter-basin and Inter-County transfer as proposed should be carefully examined.

**VIII.**

Applications 76802, 76803, 76804 and 76805 were timely protested by Eureka County on the following summarized grounds:

- Perennial Yield - The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Direct conflict with forfeiture provisions of Nevada water law.
- Impact to existing rights in Kobeh Valley, Pine Valley and Diamond Valley.
- The points of diversion are within basin 139 and the place of use includes basins 153 and 53; Applicant has not shown compliance with NRS 533.370(6).
- Applicant has failed to provide the State Engineer with all relevant information required by statute.

- Kobeh Valley may provide underflow to Diamond Valley and sustained pumping in Kobeh will likely reduce that amount and affect prior existing water rights held by Eureka County.
- Applicant lacks ability to finance the proposed works.
- Any application approved should be assigned a temporary status.
- Only consumptive portion of base rights should be subject to change.

#### IX.

Applications 76989 and 76990 were timely protested by Eureka County on the following summarized grounds:

- Perennial Yield - The basin is fully appropriated and the applications would substantially over-appropriate the basin.
- Direct conflict with forfeiture provisions of Nevada water law.
- Impact to existing rights in Kobeh Valley, Pine Valley and Diamond Valley.
- The points of diversion are within basin 139 and the place of use includes basins 153 and 53; Applicant has not shown compliance with NRS 533.370(6).
- Applicant has failed to provide the State Engineer with all relevant information required by statute.
- Kobeh Valley may provide underflow to Diamond Valley and sustained pumping in Kobeh will likely reduce that amount and affect prior existing water rights held by Eureka County.
- All applications filed for this project cannot be approved as the aggregate is greater than 16,000 afa.
- Applicant lacks ability to finance the proposed works.
- Any application approved should be assigned a temporary status.
- Only consumptive portion of base rights should be subject to change.

#### X.

After all parties were duly noticed by certified mail, a public administrative hearing was held on October 13, 2008, through October 17, 2008, in the matter of the above referenced applications in Carson City, Nevada, before representatives of the Office of the State Engineer.<sup>2</sup>

#### XI.

The applications at issue represent an attempt by the Applicant to procure sufficient water for a proposed molybdenum mine. The applications are a combination of new appropriations of water and change applications for existing water rights. The Applicant is requesting a total combined duty under all the applications of 11,300 acre-

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<sup>2</sup> Exhibits and Transcript, public administrative hearing before the State Engineer, October 13 - 17, 2008, official records in the Office of the State Engineer (Hereafter, "Transcript" and "Exhibits").

feet annually (afa), with the provision that the volume may be increased to 16,000 afa. The mine site is to be located near Mount Hope, approximately 25 miles northwest of the Town of Eureka, Eureka County, Nevada. The Applicant is Kobeh Valley Ranch, LLC; a company formed by General Moly, Inc. to handle, hold and control the water rights for the project. Also, a company called Eureka Moly, LLC, was created to operate the Mount Hope mining project.<sup>3</sup> The term "Applicant" is used in this ruling to refer to Kobeh Valley Ranch, LLC, and all of the related corporate entities associated with the project.

## **FINDINGS OF FACT**

### **I.**

#### **PROTESTS AND APPLICATIONS**

The State Engineer finds that Protestants Peter and/or Tom Damele and Roy Risi withdrew their respective protests prior to the administrative hearing.<sup>4</sup> The State Engineer finds that the Applicant and Protestant BLM reached a stipulated agreement that resulted in the BLM withdrawing its protest at the administrative hearing.<sup>5</sup>

The Applicant has requested that the State Engineer allow for the withdrawal of Applications 70818, 70819, 70820, 70821, 70822, 70823, 70824, 70825, 70826, 70827, 75979, 75980, 75981, 75982, 75983, 75984, 75985, 75986 and 75987, and to relinquish certificated Permits 22111, 22112, 22113, 23359, 23466, 23467 and 23468.<sup>6</sup> The certificated permits cannot be relinquished, as the act of relinquishing water rights is a specific process related to subdivisions and/or domestic wells; the certificates must be withdrawn and the water returned to the Kobeh Valley Hydrographic Basin. The State Engineer finds that the Applicant has withdrawn the above-listed applications and certificated permits.

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<sup>3</sup> See, Transcript, pp. 507-512, for a more detailed explanation of the corporate structure.

<sup>4</sup> File Nos. 72695 through 72698 and 73545 through 73552, official records in the Office of the State Engineer.

<sup>5</sup> Transcript, pp. 8-9, and Exhibit No. 122.

<sup>6</sup> Eureka Moly, LLC, Post-Hearing Brief, November 14, 2008, File Nos. 70818, 70819, 70820, 70821, 70822, 70823, 70824, 70825, 70826, 70827, 72695, 72696, 72697, 75979, 75980, 75981, 75982, 75983, 75984, 75985, 75986, 75987, 22111, 22112, 22113, 23359, 23466, 23467, and 23468, official records in the Office of the State Engineer.

**II.**

**STATUTORY STANDARD TO GRANT**

The State Engineer finds that NRS § 533.370(1) provides that the State Engineer shall approve an application submitted in the proper form which contemplates the application of water to beneficial use if the applicant provides proof satisfactory of his intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence, and his financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

**III.**

**STATUTORY STANDARD TO DENY**

The State Engineer finds that NRS § 533.370(5) provides that the State Engineer shall reject an application and refuse to issue the permit where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS § 533.024, or where the proposed use threatens to prove detrimental to the public interest.

**IV.**

**STATUTORY STANDARD FOR INTERBASIN TRANSFERS**

The State Engineer finds that NRS § 533.370(6) provides that in determining whether an application for an interbasin transfer of ground water must be rejected, the State Engineer shall consider: (a) whether the applicant has justified the need to import the water from another basin; (b) if the State Engineer determines a plan for conservation is advisable for the basin into which the water is imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out; (c) whether the proposed action is environmentally sound as it relates to the basin from which the water is exported; (d) whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and (e) any other factor the State Engineer determines to be relevant.

V.

**NEED TO IMPORT WATER**

The interbasin transfer criteria were adopted in 1999 and were directed toward the transfer of municipal water from rural hydrographic basins to urban basins or basins where future population growth is anticipated; however, there is no exclusionary language for other manners of use. The requirements of NRS § 533.370(6) along with other statutory criteria are addressed in the following sections.

The water for the project is planned to come from three adjacent hydrographic basins; Diamond Valley, Kobeh Valley, and Pine Valley. The mine is situated on Mount Hope and straddles the basin boundary between Diamond Valley and Kobeh Valley. The Applicant presented evidence of its water requirements necessary to operate the project. Water use estimates were made for the operation of the mill and other ancillary uses such as dust control and potable water supply.<sup>7</sup> The Applicant indicated that existing water rights in Diamond Valley are necessary to dewater the pit, which will be located within Kobeh Valley and Diamond Valley. It was estimated that maximum dewatering requirements for the pit will be 1,140 afa, and approximately 20% of that would be derived from Kobeh Valley and approximately 80% from Diamond Valley.<sup>8</sup> A review of the water right applications shows that the Applicant has acquired existing mining and milling water rights and existing irrigation water rights in Diamond Valley. The irrigation rights are being changed to the project under change applications filed by the Applicant. The Applicant's local ground-water model shows that the water rights acquired within Diamond Valley are sufficient to cover the inflow of water from Diamond Valley into the pit at all stages of the pit development.<sup>9</sup> The Applicant also submitted a report on water supply exploration, testing and evaluation.<sup>10</sup> The Applicant is conducting an extensive exploration program to identify a sustainable water supply over the lifetime of the mine without unacceptable levels of impact on the environment and other water users in the region. The maximum demand for ground water is estimated to be 7,000 gpm or about 11,300 afa. The report states, "All areas outside the boundaries

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<sup>7</sup> Transcript, pp. 564-571; Exhibit Nos. 105, 108 and 112.

<sup>8</sup> Transcript, pp. 854 and 859.

<sup>9</sup> Exhibit No. 121.

<sup>10</sup> Exhibit No. 115.

of the Kobeh Valley hydrographic basin were excluded from consideration as a water supply source for the Mount Hope Project."<sup>11</sup> The significance of this statement goes to the need to import water from Pine Valley, as the Applicant has filed two applications, 76364 and 76365, to appropriate 1.5 cfs each from Pine Valley. The Applicant was asked whether there was any intent to pump water in Pine Valley and the Applicant indicated that there was probably no intent to pump at those locations.<sup>12</sup> Later, it was indicated that the applications may have been filed to cover the contingency for the possibility of a small amount of induced flow from Pine Valley into dewatering wells at the pit.<sup>13</sup> Nevertheless, it is clear from the testimony and evidence that the Applicant is intent on developing its water supply from Kobeh Valley and as found later in this ruling there is sufficient water available within Kobeh Valley to satisfy the entire 11,300 afa requirement, if necessary.

The Applicant, in its closing brief, also asked that, "The total combined duty of all Applications should be 11,300 acre feet annually, with the provision that, upon proper proof and adequate showing, the volume may be increased to 16,000 acre feet annually."

The State Engineer finds there is no need to import water as proposed under Applications 76364 and 76365 from Pine Valley for production water or dewatering at the pit. The State Engineer finds that the Applicant has justified the need to import water to the project from Kobeh Valley for a total combined duty not to exceed 11,300 afa. Any water pumped in Diamond Valley will be limited to existing water rights originating in Diamond Valley. The State Engineer finds that the Applicant did not justify an increase in duty to 16,000 afa.

## VI.

### PLAN FOR CONSERVATION OF WATER

If the State Engineer determines a plan for conservation is advisable for the basin into which the water is imported, the State Engineer shall consider whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out. Since July 1, 1992, water conservation plans are required for any supplier of municipal and industrial (M&I) water uses based on the climate and living conditions of its service

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<sup>11</sup> Exhibit No. 115, p. 16.

<sup>12</sup> Transcript, p. 1003.

<sup>13</sup> Transcript, p. 1007.

area. The provisions of the plan must apply only to the supplier's property and its customers.<sup>14</sup>

The Applicant is not a municipal supplier of water, there are no M&I purveyors in Kobeh Valley or Pine Valley, and the Applicant does not own or control the municipal water supply to the Town of Eureka in Diamond Valley. The State Engineer herewith considers this statutory provision and finds the Applicant is not responsible for demonstrating that a conservation plan has been adopted or is being effectively carried out.

## VII.

### ENVIRONMENTALLY SOUND

The interbasin transfer statute requires a determination of whether the use of water as proposed under the applications is environmentally sound as it relates to the basin from which the water is exported. In State Engineer's Ruling No. 5726, the meaning of this statutory language was reviewed:

The words environmentally sound have intuitive appeal, but the public record and discussion leading up to the enactment of NRS § 533.370(6)(c) do not specify any operational or measureable criteria for use as the basis for a quantitative definition. This provision of the water law provides the State Engineer with no guidance as to what constitutes the parameters of "environmentally sound;" therefore, . . . it has been left to the State Engineer's discretion to interpret the meaning of environmentally sound.

The legislative history of NRS § 533.370(6)(c) shows that there was minimal discussion regarding the term environmentally sound. However, the State Engineer at that time indicated to the Subcommittee on Natural Resources that he did not consider the State Engineer to be the guardian of the environment, but rather the guardian of the state ground water and surface water. The State Engineer noted that he was not a range manager or environmental scientist. [Cite omitted] Senator James pointed out that by the language "environmentally sound" it was not his intention to create an environmental impact statement process for every interbasin water transfer application and that the State Engineer's responsibility should be for the hydrologic environmental impact in the basin of export. [Cite omitted]

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<sup>14</sup> NRS § 540.131.

Also in State Engineer's Ruling No. 5726, the State Engineer found that the meaning of "environmentally sound" for basin of origin must be found within the parameters of Nevada water law and this means that whether the use of the water is sustainable over the long-term without unreasonable impacts to the water resources and the hydrologic-related natural resources that are dependent on those water resources. The State Engineer found that in consideration of whether a proposed project is environmentally sound there can be a reasonable impact on the hydrologic related natural resources in the basin of origin.

In Diamond Valley, no new water appropriations are being sought and any change of existing irrigation water rights will be reduced to the consumptive use factor. In Kobeh Valley, any new water appropriations will be issued only as temporary mining and milling rights for the life span of the mine and will be within the estimated perennial yield of the basin; therefore, unreasonable impacts are not anticipated.

The State Engineer finds that the proposed use of the water under the applications is environmentally sound as it relates to the basins from which the water is exported.

#### **VIII.**

#### **LONG-TERM USE OF THE WATER AND FUTURE GROWTH AND DEVELOPMENT IN THE BASIN OF ORIGIN**

In this case, the proposed well locations are within Diamond Valley and Kobeh Valley and the proposed place of use is also within Diamond Valley and Kobeh Valley. In other words, the basins of origin are also the basins where beneficial use of the water will likely occur; however, an interbasin transfer of water could occur. It should be noted that the mine site sits atop the basin divide between Kobeh and Diamond Valleys and is just south of the Pine Valley basin boundary.

The majority of the area represented by these basins is located within Eureka County. Eureka County's protest states in part:

Eureka County recognizes that the custom and culture of mining is part of its history and appreciates the role mining plays in its local and regional economy. Eureka County welcomes new opportunity for mining in its communities as long as mine development is not detrimental to existing economic or cultural activity. This protest is aimed at ensuring that any development of water resources in Kobeh Valley is conducted in full

accordance with Nevada law, the Eureka County Master Plan and related ordinances, and does not unduly threaten the health and welfare of Eureka County citizens.<sup>15</sup>

The Applicant has spent about \$1.7 Million in sales taxes to date and estimates the Net Proceeds Tax for the first 10 years of the mine is estimated to be \$450 million with Eureka County to receive 50%.<sup>16</sup> Workers will also be housed in Eureka County on 164 acres of land in Diamond Valley near the Town of Eureka. The land was made available by Eureka County through a lease agreement with Eureka Moly.<sup>17</sup>

The State Engineer finds that the project will not unduly limit the future growth and development in the basins from which the water is exported as the project is the type of future growth and development that would be anticipated in this area of Nevada.

#### **IX.**

#### **OTHER RELAVANT FACTORS**

The State Engineer finds the Applicant will be required to submit and comply with a monitoring, management, and mitigation plan to protect existing water rights.

#### **X.**

#### **INADEQUACY OF APPLICATIONS**

The Protestants allege that the applications should be denied because they fail to adequately describe the proposed points of diversion and place of use. The application form used by the Division of Water Resources (Division) requires a description of the proposed point of diversion by survey description and the description must match the illustrated point of diversion on the supporting map. If and when a well is drilled, it must be within 300 feet and within the same quarter-quarter section as described or an additional change application is required. Prior to an application being published, the Division reviews incoming applications and maps to ensure statutory compliance. Any application or map that does not meet the requirements for acceptance and that cannot be corrected during the review process is rejected and returned for correction with time limits for the applicant to re-submit. The State Engineer finds that the Applicant has met

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<sup>15</sup> See, Protest of Eureka County, File No. 75979, official records in the Office of the State Engineer.

<sup>16</sup> Transcript, p. 536.

<sup>17</sup> Exhibit No. 124.

the requirements for describing the points of diversion and place of use on the application forms and supporting maps.

The Protestant further argues that the description of the points of diversion is inadequate because the Applicant intends to change the points of diversion at a later date; therefore, the filing of the applications is premature. The Applicant has filed additional applications to change the points of diversion of applications at issue in this ruling and has indicated that additional changes in points of diversion may be necessary. The Applicant has conducted and is continuing to conduct exploratory drilling and testing to find the optimum location for its production wells. The exploratory drilling program is being done under exploratory well waivers issued by the Division and the Division is closely monitoring the exploration program.<sup>18</sup>

The State Engineer has before him a request to proceed on the applications as filed. The State Engineer finds that the proposed points of diversion will be evaluated based on the description provided on the applications and supporting maps and not on some un-identified proposed future well field. Any further change in a point of diversion will require the filing of an additional change application. Any subsequent change applications are subject to the same regulatory process as the current applications in that they must be published in the local newspaper, are subject to protest, and must meet the statutory requirements for approval.

In regards to the proposed place of use, the Protestants noted that Applications 72695 thru 72698 and 73545 thru 73552 show the place of use as 90,000 acres of land, which appears to be far in excess of the land needed for the proposed mining activity. The Applicant's witness stated that the total project area including the pit, dumps, mill and tailings dams will encompass 13,000-14,000 acres of land and will be within the plan of operations submitted to the BLM.<sup>19</sup> The State Engineer finds that the place of use of all applications for this project will be limited to the land identified in the plan of operations submitted to and accepted by the BLM.

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<sup>18</sup> NAC § 534.

<sup>19</sup> Transcript, pp. 589-590.

**XI.**  
**FINANCIAL ABILITY, BENEFICIAL USE AND  
REASONABLE DILIGENCE**

Nevada water law requires the State Engineer to consider whether the Applicant has an intention in good faith to construct the project and place any approved water to beneficial use. An Applicant also must show that it has the financial ability and reasonable expectation to construct the project.<sup>20</sup>

General Moly, Inc.'s SEC Form 10-Q,<sup>21</sup> and a Financial Summary and Financing Plan<sup>22</sup> were submitted as evidence. The total expenditure for the project is estimated at \$1.1 billion.<sup>23</sup> At the end of June 2008, General Moly, Inc. had approximately \$157 million in cash and partner POSCO<sup>24</sup> contributed \$170 million to buy into the project.<sup>25</sup> It is anticipated that \$500-600 million of additional capital must be raised and the Applicant intends to pursue various public and private debt instruments.<sup>26</sup> At the hearing, it was estimated that approximately \$108 million had already been expended on the project.<sup>27</sup> The Applicant has spent \$10.3 million<sup>28</sup> for the purchase of various ranches and associated water rights and has entered into a lease agreement<sup>29</sup> with Eureka County for 164 acres of land for temporary construction-worker housing. For the first 18 months, this housing will be used for about 600 workers that will construct the mine facility. After construction, the housing will be used for operations employees working at the mine site. Ground preparation has begun on the site with trees and brush removed and rough grading commenced.<sup>30</sup> Monies have also been expended on drilling exploratory water wells and the development of ground-water models. A Mount Hope Mine Permit

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<sup>20</sup> NRS § 533.370(1)(c).

<sup>21</sup> Exhibit No. 102.

<sup>22</sup> Exhibit No. 104.

<sup>23</sup> Transcript, p.533.

<sup>24</sup> Exhibit No. 101.

<sup>25</sup> Transcript, p. 534.

<sup>26</sup> Exhibit No. 104; transcript, p.534.

<sup>27</sup> Transcript, pp. 532-534, and Exhibit Nos. 102 and 104.

<sup>28</sup> Transcript, p. 538.

<sup>29</sup> Exhibit No. 124.

<sup>30</sup> Transcript., pp. 606-607.

Submittal Summary was submitted to show progress toward obtaining the necessary local, state, and federal permits.<sup>31</sup>

A review of the record shows there was substantial evidence presented showing that the Applicant has a good faith intention to construct the project and place any approved water to beneficial use. Nevada Revised Statute § 533.370(1)(c)(2) requires proof satisfactory to the State Engineer of the Applicant's financial ability and reasonable expectation to actually construct the work and apply the water to the intended beneficial use with reasonable diligence. This statutory language was added to provide further protection against speculation in water rights. Protestant Eureka County points out in its closing brief that the legislative history notes the concern about speculation and added the financial ability and reasonable expectation requirements to address this concern, but there is no indication in the legislative history of what type of showing is necessary to meet the statutory requirements. The Applicant's finance witness was confident that finances are available or will be obtained to construct the mine and mill.<sup>32</sup> It was estimated that the operating cost of the mine should be somewhere between \$5-6 dollars per pound of molybdenum and several strategic partners provide floor price arrangements, which are substantially above the cost of production. This was done to give the banks some comfort to secure additional financing when the need to borrow additional funds arises.<sup>33</sup> Two international banks, Barclay's Bank from London and Credit Suisse, have been engaged to be co-arrangers to finance the remainder of the project.<sup>34</sup>

Cyclic industries such as mining, which rely heavily on commodity prices, often ebb and flow with the price of the metal sought. These boom and bust cycles can be found throughout Nevada's mining history. These booms and busts have been determined more by price than any lack of gold, silver, copper or other ore in the ground. There is usually something to dig for, but it is not always worth the effort. In this case, the Protestants are asking the State Engineer to deny the applications on the basis that the mining company cannot secure financing for the project and the applications are

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<sup>31</sup> Exhibit No. 106.

<sup>32</sup> Transcript, p. 535.

<sup>33</sup> Transcript, p. 540.

<sup>34</sup> Transcript, p. 552.

speculative. On the other hand, the Applicant has shown that it has spent substantial capital on the project to date, over \$100 million, and has considerable capital remaining to proceed with the project through mid-2009. At that time, if the project remains on schedule, the Applicant believes it can obtain financing for the remainder of the construction costs, but there was also testimony that they may be unable to get the financing if the water right permits are not approved.<sup>35</sup>

On a world scale, the Mount Hope project will be one of the world's largest molybdenum mines.<sup>36</sup> It is impossible to predict when or if the price of molybdenum will rebound from its current lows or whether the price will drop even further. The record demonstrates considerable sums of money have already been expended on the project, there has been a steady application of effort to proceed with the project and to obtain all necessary permits, additional funds are currently available for the project, and there is a plan in place to obtain additional financing.

The State Engineer finds the evidence presented demonstrates that there is a reasonable expectation of the financial ability to construct the work and apply the water to the intended beneficial use with reasonable diligence. The State Engineer finds the Applicant provided proof satisfactory to the State Engineer of a good faith intention to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence and a reasonable expectation to actually construct the work and apply the water to the intended beneficial use with reasonable diligence.

## **XII.**

### **FORFEITURE**

The Applicant has filed applications to change existing water rights. Some of the applications seek to change existing water right permits and some of the applications seek to change perfected permits that have been issued certificates of appropriation. Water rights that are in the permit stage are not subject to forfeiture; rather, water right permits are issued with a set of terms and conditions that include timelines for the filing of the Proof of Completion of Work and Proof of Beneficial Use and if those terms and conditions are not met the permit is subject to cancellation. Once the Proof of

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<sup>35</sup> Transcript, p. 548.

<sup>36</sup> Transcript, p. 535.

Completion of Work and Proof of Beneficial Use are filed and accepted, the water right permit becomes perfected and a certificate of appropriation is issued. Once a certificate of appropriation for ground water is issued, the owner is subject to the provisions of NRS § 534.090, which provides in part that any certificated water right may be subject to forfeiture after five consecutive years of nonuse.<sup>37</sup>

Nevada Revised Statute § 534.090 provides that failure for five successive years after April 15, 1967, on the part of the holder of any ground water right to beneficially use all or any part of the ground water for the purposes for which the right is acquired or claimed, works a forfeiture of the right to use the water to the extent of the nonuse.

Protestant Eureka County provided testimony and evidence regarding the alleged forfeiture of the following water right certificates; note, the associated change application is in parentheses: Certificates 2780 (App. 76989), 2880 (App. 76990), 2782 (App. 76483), 6457 (App. 76484), 8002 (App. 76485), 8003 (App. 76486) and 4922 (App. 76744). The certificates are associated with three separate areas:

1. Bartine a.k.a. Fish Creek Ranch
  - a. Certificate 2780 (Permit 9682)
  - b. Certificate 2880 (Permit 11072)
2. Willow a.k.a. 3F Ranch
  - a. Certificate 2782 (Permit 10428)
  - b. Certificate 6457 (Permit 18544)
  - c. Certificate 8002 (Permit 23951)
  - d. Certificate 8003 (Permit 23952)
3. Bean Flat a.k.a. Damele Ranch
  - a. Certificate 4922 (Permit 13849)

All certificates were issued for irrigation and/or domestic purposes and the testimony and evidence indicates extensive periods of non-use. The Division has conducted crop inventories in Kobeh Valley and records from those pumpage inventories from 1983 to 2007 were introduced at the hearing.<sup>38</sup> The following is a summary of the crop inventories that are available. There is no inventory data for any omitted years in the following Table 1.

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<sup>37</sup> NRS § 534.090.

<sup>38</sup> Exhibit No. 29.

Ranch & Cert./Year	1984	1985	1986	1993	1995	1998	2001	2002	2003	2004	2005	2006	2007
Bartine Cert. 2780												65.54	65.54
Bartine Cert. 2880								20	20	20	20	0	0
Willow Cert. 2782												0	0
Willow Cert. 6457	0	0	0	0	0							0	0
Willow Cert. 8002	0	0	0	0	0	0						0	0
Willow Cert. 8003												0	0
Bean Flat Cert. 4922												0	0

**Table 1.** Crop inventory summary. Entries are in acres of land irrigated.

For the Bartine a.k.a. Fish Creek Ranch, the crop inventories indicate some usage of water in recent years. The Protestant has argued that the water is not used for active irrigation, rather the water flows uncontrolled from artesian wells on an area of pasture land and no crop has been planted and/or harvested; therefore, this use should not be counted as beneficial use as noted on the crop inventories. There was substantial testimony stating that there was no irrigation of a crop on the property,<sup>39</sup> but most of the witnesses appeared to agree that there was some artesian flow of water on the property. Certificate 2780 indicates that the proposed works include an artesian well, supporting structures and a small ditch. Certificate 2880 indicates that the proposed works consists of a well providing underground water to ditches. Both certificates irrigate the same acreage being 65.54 acres of land and are supplemental to each other by place of use. The crop inventories credit the entire acreage as irrigated in 2006 and 2007, as seen in Table 1. The Protestant makes a strong argument that the artesian flow does not comply with the intent of the Certificates, does not constitute a beneficial use of water, and does not meet the definition of irrigate or irrigation water. However, because the Protestant's evidence of non-use conflicts with the 2006 and 2007 crop inventories, which show use on the entire place of use of 65.54 acres, the State Engineer finds that there is not clear and convincing evidence of forfeiture for Certificates 2780 and 2880.

<sup>39</sup> Transcript, pp. 117, 118, 401, 423 and 484.

For the Willow a.k.a. 3F Ranch, four witnesses testified that there has been no water use or irrigated land under the certificated underground water rights, since the early 1980s, or at least 1989.<sup>40</sup> The witnesses consist of a resident who has hauled hay in the general area for 32 years and had assisted in harvesting crops on the ranch in 1980, a long-time resident that drove the area at least once a month between 1994-2003, the current Chairman of the Eureka County Board of Commissioners who was also the County Assessor for thirty years and visited the properties every five years as Assessor, and the Public Works Director for Eureka County who is a long-time resident and for a seven-year period was road superintendent. The available crop inventories corroborate the testimony of the witnesses as illustrated in Table 1. A review of the record shows no evidence was provided at the administrative hearing as to water use on the ranch from at least 1989 to 2007. The Applicant raised the issue that a portion of the underground water rights for Willow a.k.a. 3F Ranch, under Certificates 2782 and 6457, may be supplemental to surface water, and therefore, not subject to forfeiture. In cases where a surface-water right exists and a later ground-water right has been issued to supplement the surface source during periods of low flow, the State Engineer has ruled that the supplemental ground-water right cannot be lost through non-use caused by surface-water use.<sup>41</sup> Surface-water Permit 12040, Certificate 3617, allows for the irrigation of 10.0 acres of land within the ranch property from Willow Creek. The priority date is October 13, 1947.<sup>42</sup> The priority date for Certificate 2782 is September 28, 1939, showing that the ground-water right was issued prior to the surface water. A review of the record shows no evidence that the non-use on the 10.0 acre portion of Permit 12040, Certificate 3617, was due to surface-water use.

The evidence demonstrates that the water represented by Certificates 2782, 6457, 8002, and 8003 has not been placed to beneficial use for a period of time in excess of more than the statutory five-year period necessary to work a forfeiture. The State Engineer finds that the water under Certificates 2782, 6457, 8002 and 8003 is subject to forfeiture.

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<sup>40</sup> Transcript, pp. 113-114, 402, 422, 423 and 485.

<sup>41</sup> State Engineer's Ruling No. 4214, September 13, 1995, official records in the Office of the State Engineer.

<sup>42</sup> File No. 12040, official records in the Office of the State Engineer.

For the Bean a.k.a. Damele Ranch, the crop inventories show no water use in 2001, 2002, 2006 and 2007.<sup>43</sup> Aerial photos from 1954, 1975 and 1981 compared to Google Earth today show no differences in the area; the area has not changed since 1954.<sup>44</sup> The Protestant's witness concluded that his review of the crop inventories and aerial photos show no beneficial use of water on this property.<sup>45</sup> The former Eureka County Assessor also testified that during his assessment duties he had never seen any water used for irrigation purposes at the ranch.<sup>46</sup> Under cross-examination, it was reiterated that there was no irrigation, just some meadows.<sup>47</sup> The evidence demonstrates that the water represented by Certificate 4922 (Permit 13849) has not been placed to beneficial use for more than the statutory five-year period necessary to work a forfeiture. The State Engineer finds that the water under Certificate 4922 is subject to forfeiture.

### **XIII.**

#### **CONSUMPTIVE USE**

The State Engineer defines the consumptive use of a crop as that portion of the annual volume of water diverted under a water right that is transpired by growing vegetation, evaporated from soils, converted to non-recoverable water vapor, or otherwise does not return to the waters of the state. Consumptive use does not include any water that falls as precipitation directly on the place of use nor does it include irrigation inefficiencies or waste. The consumptive use of a crop is equal to the crop evapotranspiration less the amount of precipitation available for evapotranspiration by the crop.

The State Engineer's consumptive use estimate for the Kobeh Valley and Diamond Valley Hydrographic Basins is based on the Penman-Monteith short reference evapotranspiration and dual-crop coefficient approach for estimating crop evapotranspiration, similar to methods described by the American Society of Civil

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<sup>43</sup> Crop/pumpage/well measurement data for Kobeh Valley (139), official records in the Office of the State Engineer.

<sup>44</sup> Transcript, pp. 169-170 and Exhibit No. 29.

<sup>45</sup> Transcript, p. 171.

<sup>46</sup> Transcript, p. 424.

<sup>47</sup> Transcript, pp. 445-446.

Engineers,<sup>48</sup> Food and Agriculture Organization of the United Nations,<sup>49</sup> and Allen et al., (2005).<sup>50</sup> For Kobeh Valley and Diamond Valley, a crop of alfalfa is simulated for the estimation of consumptive use. Using these methods, the State Engineer estimates both alfalfa and highly managed pasture grass annual consumptive use is 2.3 acre-feet per acre per year. The State Engineer finds there are no weather stations in Kobeh Valley, but in the absence of such data the State Engineer will use Diamond Valley weather data and consumptive use estimates as being representative of Kobeh Valley.

#### XIV.

#### PERENNIAL YIELD

The Applicant is requesting to change existing water rights and, to the extent necessary to satisfy the estimated water use of the project, new appropriations of water. There are no new appropriations of ground water requested from Diamond Valley. There are two applications to appropriate water in Pine Valley and the remaining thirteen applications to appropriate water are located in Kobeh Valley.

In determining the amount of ground water available for appropriation in a given hydrographic basin (basin), the State Engineer relies on available hydrologic studies to provide relevant data to determine the perennial yield of a basin. The perennial yield of a ground-water reservoir may be defined as the maximum amount of ground water that can be salvaged each year over the long term without depleting the ground-water reservoir. Perennial yield is ultimately limited to the maximum amount of natural discharge that can be salvaged for beneficial use. The perennial yield cannot be more than the natural recharge to a ground-water basin and in some cases is less. If the perennial yield is exceeded, ground-water levels will decline and steady-state conditions will not be achieved, a situation commonly referred to as ground-water mining. Additionally, withdrawals of ground water in excess of the perennial yield may contribute to adverse

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<sup>48</sup> State Engineer's Office, *The ASCE Standardized Reference Evapotranspiration Equation*, 2005.

<sup>49</sup> State Engineer's Office, *Crop Evapotranspiration: Guidelines for Computing Crop Water Requirements*, FAO Irrigation and Drainage Paper No. 56, 1998.

<sup>50</sup> State Engineer's Office, Allen, R.G., Pereira, L.S., Smith, M., Raes, D., and Wright, J.L., *FAO-56 Dual Crop Coefficient Method for Estimating Evaporation from Soil and Application Extensions*, *Journal of Irrigation and Drainage Engineering*, 2005, pp. 131(1), 2-13.

conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, and land subsidence.<sup>51</sup>

The estimated perennial yield of the Kobeh Valley Hydrographic Area is approximately 16,000 afa.<sup>52</sup> Prior to the administrative hearing, the Applicant purchased and obtained nearly all of the existing water rights within the Kobeh Valley Hydrographic Basin, excepting approximately 1,100 afa owned by parties other than the Applicant. The Applicant has filed new applications and change applications seeking a total combined duty of 11,300 afa from Kobeh Valley. If the subject applications were to be approved, the total committed ground-water resources in Kobeh Valley would be approximately 12,400 afa, which is less than the perennial yield of 16,000 afa. The State Engineer finds that there is sufficient water within the perennial yield of Kobeh Valley to satisfy the water appropriation requirements of the project. The State Engineer finds that no new appropriation is sought within Diamond Valley.

#### **XV.**

##### **PROTECTIBLE INTEREST IN EXISTING DOMESTIC WELLS**

Nevada Revised Statute § 533.370(5) provides that the State Engineer shall reject an application and refuse to issue the permit where the proposed use of the water will conflict with the protectible interests in existing domestic wells as set forth in NRS § 533.024. Nevada Revised Statute § 533.024 provides that it is the policy of this State to recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable effects which are caused by municipal, quasi-municipal or industrial uses and which cannot be reasonably mitigated. The State Engineer finds that no evidence was presented which demonstrated with any certainty there would be unreasonable adverse effects to any specifically identified domestic well and it is not possible in this case to know in advance with any certainty that such impacts will occur and could not be reasonably mitigated. The State Engineer finds that if the project is developed and unreasonable adverse effects are seen in any domestic well, the Applicant may be required to mitigate the impacts in a timely manner.

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<sup>51</sup> State Engineer's Office, *Water for Nevada, State of Nevada Water Planning Report No. 3*, p. 13, Oct. 1971.

<sup>52</sup> State Engineer's Office, *Water for Nevada, State of Nevada Water Planning Report No. 3*, Oct. 1971.

## XVI.

### **PUBLIC INTEREST NRS § 533.370(5)**

Nevada Revised Statute § 533.370(5) provides that the State Engineer must reject an application if the proposed use of the water threatens to prove detrimental to the public interest. Increasingly, both applicants and protestants have attempted to use this statutory provision to argue for denial and approval of applications. Protestants have attempted to broaden the scope of these statutory criteria to reach far beyond the water law and applicants have argued that their project is in the public interest. The State Engineer finds that the statutory criterion and the history of this provision have been laid out in the Spring Valley Ruling and are adopted in this ruling.<sup>53</sup>

The State Engineer finds that, in this case, the Applicant has applied for water that belongs to the public at large. The Applicant has demonstrated a need for the water and a beneficial use for the water and it does not threaten to prove detrimental to the public interest to allow the use of the water for reasonable and economic mining and milling purposes as proposed. The State Engineer recognizes that existing rights must be protected as well as concern for wildlife; therefore, the State Engineer finds it would threaten to prove detrimental to the public interest to allow the resource to be developed without a monitoring, management and mitigation plan. The Applicant has confirmed its commitment to developing this project, has demonstrated the ability to finance the project, and has demonstrated its willingness to monitor its ground-water development. The State Engineer finds under these circumstances the proposed use of the water does not threaten to prove detrimental to the public interest.

## XVII.

### **GEOLOGIC ARGUMENT OF CHAMBERLAIN**

Dr. Chamberlain is Protestant Cedar Ranches, LLC (Cedar), and testified on his own behalf and as the expert witness for Lloyd Morrison. Dr. Chamberlain was qualified as an expert in geology and as a petroleum geologist for the purposes of the hearing. Cedar is a protestant to change Applications 76744, 76745, and 76746 in Kobeh Valley. The crux of this protestant's argument was that the existing published geologic data is not

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<sup>53</sup> State Engineer's Ruling No. 5726, Findings - Section XXVI, dated April 16, 2007, official records in the Office of the State Engineer.

adequate and without an accurate geologic model it is impossible for the Applicant to develop a hydrologic model of the area.<sup>54</sup> A PowerPoint presentation was submitted in support of the Protestant's geologic theory and a shortened version of the presentation was given at the hearing.<sup>55</sup>

A review of the testimony shows that the Protestant did a substantial amount of work as a petroleum geologist for the Placid Oil Company.<sup>56</sup> The Protestant also formed the Cedar Stratigraphic Corporation to generate geologic data for oil companies to use in their exploration programs.<sup>57</sup>

The Protestant presented the results of some of the geological studies he has completed over the years; however, most of the studies were outside of the project area at issue in this case and their relevance appears tenuous at best.<sup>58</sup> One of his major points is that there is a hydrologic connection between Diamond Valley and Kobeh Valley, and that pumping in Kobeh Valley could impact water levels in Diamond Valley. The Protestant concluded by stating, "...this presentation establishes that an accurate geologic model is critical for the applicants to create an accurate hydrologic model..." and "[a]n accurate hydrologic model is necessary because the geology demonstrates there are huge horizontal and vertical conduits for the transfer of water from Diamond Valley to Kobeh Valley."<sup>59</sup> The existence of a hydrologic connection between Kobeh and Diamond Valleys, or between numerous other basins in the Diamond Valley Flow System, is a generally accepted principal for interbasin flow in the carbonate terrains of eastern Nevada. The State Engineer finds the Protestant's conclusion of the existence of interbasin flow is already accepted by hydrologists. The level of connection was further discussed with the Protestant arguing against the presence of basin and range extension and range-bounding faults while most professionals and peer-reviewed publications accept that basic principal. The State Engineer finds the Protestant's argument that no hydrologic barriers exist between any of the subject basins is not generally supported in the literature and is not accepted.

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<sup>54</sup> Transcript, p. 54.

<sup>55</sup> Exhibit Nos. 75 and 84; Transcript, pp. 49-93.

<sup>56</sup> Transcript, p. 57.

<sup>57</sup> Transcript, p. 53.

<sup>58</sup> Exhibit Nos. 75 and 84; Transcript, pp. 49-93.

<sup>59</sup> Transcript, p. 92.

The Protestant provided documents stating, "Neither the State Engineer nor the BLM have the knowledge or necessary data to make major responsible resource or land use decisions concerning the eastern Great Basin Aquifer." <sup>60</sup> "The State of Nevada has yet to conduct a detailed and accurate State Geological Survey for [sic] proper land and resource decisions can be made."<sup>61</sup> "Meanwhile, Cedar Strat has already initiated a proprietary Great Basin Geological Survey that can be used for land and resource decisions and natural resource exploration."<sup>62</sup> "Cedar Strat's Great Basin Geological Survey has been recently valued at more than \$850 MM [sic] but it has only begun the work that needs to be done."<sup>63</sup> The State Engineer finds that an administrative hearing is not the proper forum for a Protestant to promote his business venture.

The State Engineer finds the basin and range extensional tectonics in the Great Basin is widely accepted by the scientific community in every peer-reviewed publication analyzed by the Division and cannot be discounted based on this lone Protestant's contrary interpretation. The State Engineer finds that the Protestant is not an expert in hydrology or hydrogeology and any testimony or evidence provided by the Protestant in those areas of study carry no weight. The State Engineer finds that the Protestant failed to provide substantial evidence and testimony in support of his protest to Applications 76744, 76745, and 76746.

## **XVIII.**

### **IMPACTS TO EXISTING RIGHTS**

Nevada Revised Statute § 533.370(5) provides that the State Engineer shall reject an application where the proposed use conflicts with existing water rights. Water rights that could potentially be adversely affected by the proposed applications include both ground-water rights and surface-water rights in Diamond, Kobeh and Pine Valley Hydrographic basins. The following is based on evidence and testimony of the Protestants, excluding Eureka County, which is discussed in the next section, Section XIX.

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<sup>60</sup> Exhibit No. 75.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

Protestants Cedar Ranches, Etcheverry Family Partnership & Diamond Cattle Company, Eureka Producers Cooperative, Tim Halpin, Lander County, Lloyd Morrison, and David Stine (Beverly Conley, Successor), through either their testimony, public comment or protests raised the issue of protecting existing water rights. The testimony and evidence was non-technical and the witnesses on their behalf were not called as experts with the exception of Dr. Chamberlain; Dr. Chamberlain is Cedar Ranches, LLC, testifying on his own behalf and as the expert witness for Lloyd Morrison. Dr. Chamberlain was qualified as an expert in geology and petroleum geology and his testimony and argument were addressed in the preceding section. The remaining witnesses testified to their various concerns primarily related to their respective water rights, farming and ranching interests.

The Eureka Producers Cooperative (Cooperative) protested 12 of the 13 applications filed to appropriate water in Kobeh Valley. It did not protest any change applications and did not protest the two applications to appropriate in Pine Valley. Concerns were raised regarding surface-water drainage from Slough Creek, which flows for about a month each year from Kobeh Valley into Diamond Valley. The Cooperative believes this indicates a flow of water, implicitly including ground water, through Devils Gate.<sup>64</sup> Also, that it believes there is flow from Kobeh Valley through Whistler Mountain and the Sulfer Springs Range into Diamond Valley.<sup>65</sup> It was alleged that the flow of water from Kobeh Valley to Diamond Valley is a significant portion of recharge to Diamond Valley and the requested appropriations, in conjunction with existing water rights in Kobeh Valley, will over-appropriate the Kobeh Valley basin thereby affecting existing water rights in Diamond Valley. In addition, the Cooperative indicated its belief that Applicant is requesting 16,500 afa of new water on top of existing water rights of nearly 17,000 afa in Kobeh Valley.<sup>66</sup>

Tim Halpin, Loyd Morrison and Cedar Ranches were represented by one attorney and presented a joint case. The Protestants own ranches in Diamond Valley, which is adjacent to Kobeh Valley.<sup>67</sup> In general, the Protestants argue pumping under these

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<sup>64</sup> Transcript, pp. 15-19.

<sup>65</sup> Transcript, p. 35.

<sup>66</sup> Transcript, pp. 20-21.

<sup>67</sup> Transcript, p. 42.

applications will have an adverse impact on their existing water rights.<sup>68</sup> This claim is based on a believed hydrologic connection between Kobeh Valley and Diamond Valley and their belief that Kobeh Valley is fully appropriated.<sup>69</sup>

Etcheverry Family Partnership & Diamond Cattle Company (Etcheverry) protested Applications 76364 and 76365, which are applications to appropriate water in Pine Valley. Martine Etcheverry testified that he has property in Pine Valley that receives surface water from springs and creeks; Henderson Creek, Vinini Creek and Frazier Creek. The creeks flow through his property, which is located north of the proposed mining activities. The creeks were described as two miles, three miles and five miles north of the mine for Henderson Creek, Vinini Creek and Frazier Creek, respectively.<sup>70</sup> Although they were not a protestant to any applications in Kobeh Valley, Etcheverry, through public comment, also raised the issue of the effect on existing rights in Kobeh Valley where they have a grazing allotment and private property. The State Engineer finds that Applications 76364 and 76365 are not being considered for approval;<sup>71</sup> therefore, the protest issues are moot.

A review of the record shows that the Applicant has justified the need for 11,300 afa of water from a combination of change applications and new appropriations in Kobeh Valley. The committed resources of the Kobeh basin are well below the estimated perennial yield, including the changes and appropriations sought by the Applicant in this ruling. It is recognized in a recent USGS report<sup>72</sup> and other reports that there is a connection between Kobeh Valley and Diamond Valley; however, the existence of a hydrologic connection between basins does not automatically result in the denial of future applications. The Applicant presented scientific evidence through hydrologic studies and ground-water modeling to estimate future effects resulting from these applications.

Potential impacts to water rights and the ground-water aquifer as a result of the applications in Kobeh Valley were evaluated by the Applicant in both their testimony and

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<sup>68</sup> Transcript, p. 44.

<sup>69</sup> Transcript, p. 44-45.

<sup>70</sup> Transcript, p. 132-134.

<sup>71</sup> See, Finding Section V. of this ruling, "The State Engineer finds there is no need to import water as proposed under Applications 76364 and 76365 from Pine Valley for production water or dewatering at the pit."

<sup>72</sup> Exhibit No. 10.

ground-water flow model.<sup>73</sup> In Reconnaissance Series Report No. 6,<sup>74</sup> Eakin suggests minimal subsurface flow from Kobeh to Diamond Valley through the narrow alluvium-filled gap at Devil's Gate. Harrill suggests 40 afa through the same gap.<sup>75</sup> Rush and Everett concur on the minimal flow through Devil's Gate, and go on to state that flow from Kobeh to Diamond Valley through the carbonate bedrock is possible, but found no evidence to suggest such flow occurs.<sup>76</sup> Tumbusch and Plume did not provide a revised estimate of subsurface flow from Kobeh to Diamond Valley, but did pointedly recognize the potential for flow in the carbonate bedrock as evidenced by fault structures with solution cavities in carbonate outcrops at Devil's Gate.<sup>77</sup>

The Applicant used Darcy's Law to estimate 20 to 260 afa of subsurface flow from Kobeh Valley to Diamond Valley at Devil's Gate through alluvium and carbonate bedrock.<sup>78</sup> They further estimate 810 to 1,050 afa of deep flow in bedrock from Kobeh Valley to Diamond Valley in the area north of Whistler Peak.<sup>79</sup> In their predictive analysis using the ground-water flow model, the Applicant simulated the pumping of 11,300 afa in Kobeh and Diamond Valley for the 44-year mine life. The results are shown in Table 13.3<sup>80</sup> of the modeling report, and indicate that there will be an insignificant change in the estimated subsurface flow from Kobeh to Diamond Valley as a result of the pumping. However, a better method of simulating the net effect of the mine-related pumping on the hydrologic system would have been to simulate the region with and without the mine pumping, and then to compare the results to compute the actual effect of the mine pumping. This was completed for the BLM in the EIS process, but was not completed in time for the hearing. The results relating to inflow to Diamond Valley from Kobeh Valley from this BLM simulation were addressed in the testimony of Smith. He testifies that there will be a net reduction in subsurface flow from Kobeh Valley to Diamond Valley of 62 to 130 afa after 44 years of mine pumping.<sup>81</sup>

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<sup>73</sup> Exhibit No. 116.

<sup>74</sup> Exhibit No. 16, p. 18.

<sup>75</sup> Exhibit No. 13, pp. 21-23.

<sup>76</sup> Exhibit No. 17, p. 16.

<sup>77</sup> Exhibit No. 10, p. 13.

<sup>78</sup> Exhibit No. 116, pp. 87 - 88.

<sup>79</sup> Exhibit No. 116, Table 12.10, p.184.

<sup>80</sup> Exhibit No. 116, p. 201.

<sup>81</sup> Transcript, pp. 950, 1015 - 1016.

Water-level decline attributable to mine pumping encompasses much of Kobeh Valley as well as the pit area. South of the pit in the vicinity of Whistler Peak and Devil's Gate, the drawdown due to mine pumping is estimated to be about 5 feet at the end of the 44-year project.<sup>82</sup> Drawdown at the mine site is significant, as expected because the pit is to be dewatered, but the 5-foot drawdown contour at the end of mine life is just 5 miles from the open pit. The model was not designed to simulate pumpage effects on spring flow, and the potential exists for decreased flow at Shipley Hot Spring 12 miles from the mine in northwestern Diamond Valley as a direct result of mine dewatering. Some small changes were made to the model being submitted to the BLM, and as a result, the best estimate of mine-related drawdown is slightly different than shown in the model report<sup>83</sup>, but the difference is not significant.<sup>84</sup> The method the Applicant used to simulate the net effect of mine pumpage was modified for the BLM and not presented at the hearing as discussed above, but the results of the revised simulation would not significantly change the estimated drawdown due to the mine pumping.

The State Engineer finds NRS § 533.110 provides that it is a condition of each appropriation of ground water that the right allows for a reasonable lowering of the static water level at the appropriator's point of diversion, but that the State Engineer is not prohibited from granting new appropriations because the later appropriator may cause the water level to be lowered at the point of diversion of a senior appropriator so long as any protectable interest in existing domestic wells as set forth in NRS § 533.024 and the rights of holders of existing water rights can be satisfied. The State Engineer finds that a comprehensive monitoring, management and mitigation plan will be required as a condition of any approval including water-level monitoring. The State Engineer finds that if an unreasonable lowering of the static water level should occur that would impact existing rights, curtailment of pumping would be ordered unless the impacts can be reasonably and timely mitigated. The State Engineer finds that there is no dispute that there is a hydrologic connection between Kobeh Valley and Diamond Valley, but that development of the proposed project with the water rights being sought at this hearing will not significantly lower water levels in Diamond Valley and will not materially

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<sup>82</sup> Exhibit No. 116, Figs. 13.2 - 13.4, pp. 202-204.

<sup>83</sup> *Ibid.*

<sup>84</sup> Transcripts, pp. 933-1045.

reduce the subsurface ground-water flow from Kobeh to Diamond Valley. The State Engineer finds that water rights in Diamond Valley will not be unreasonably impacted as a result of these applications and the protests are hereby denied.

### XIX.

#### IMPACTS TO EXISTING RIGHTS – EUREKA COUNTY

Protestant Eureka County engaged a team of consultants to review ground-water investigations and the regional numerical ground-water model prepared by the Applicant. The purpose was to assess whether there is a reasonable assurance that the Applicant's investigations are adequate to determine detrimental impacts to the basins, including the Protestants concern that the mine ground-water extractions will exacerbate future lowering of the water level in Diamond Valley agricultural and municipal wells.<sup>85</sup> To that end, the team prepared five technical memoranda.<sup>86</sup>

The Protestants identified a number of model flaws, which were classified as fatal, moderate, or minor.<sup>87</sup> Three fatal flaws were identified. They were the existence of flooded cells, dry cells, and model boundaries too close to the mine. Witness Rumbaugh addressed the fatal flaws in his testimony. To address the effect of flooded cells, the model was adjusted by adjusting the ET rate so that the cells were not flooded. The result of the modification was that there was virtually no change in the model results, and there was a slight decrease in water level decline, i.e. less impact.<sup>88</sup> The second claimed fatal flaw has to do with dry cells. The Applicant's witness responded that dry cells have no effect on predictions, therefore they are not fatal flaws. The fatal flaw boundary condition issue was disputed by the Applicant. They correctly argue that the boundaries are not located too close to the mine site as suggested by the Protestant, because the stresses simulated in the model as a result of mine pumpage do not impinge on any of the models boundaries. Pumping simulations have no effect on boundary flows or heads, and moving the boundaries further from the mine site would have no effect on the model predictions.<sup>89</sup>

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<sup>85</sup> Exhibit No. 44.

<sup>86</sup> Exhibit Nos. 44, 45, 46, 47 and 48.

<sup>87</sup> Exhibit No. 48.

<sup>88</sup> Transcript, pp. 1066 - 1070.

<sup>89</sup> Transcript, pp. 1070 - 1073.

The State Engineer finds the Applicant's conceptual and numerical model reasonably simulate existing and future conditions surrounding the proposed applications. Several moderate and minor issues with the model were identified by the Protestants. It is not necessary to discuss each of these possible shortcomings. No model is perfect, and it is probably safe to say that all models could be improved with the addition of new data. The issue that must be determined is whether or not the submitted evidence is accurate and sufficient to reasonably simulate potential effects of the proposed project. The model results are unambiguous, strongly indicating that pumping of the proposed applications will not significantly impact other water rights holders in Diamond Valley or elsewhere. Current model predicted impacts to water rights holders in Diamond Valley are insignificant, and minor changes to the Applicant's ground-water flow model would not appreciably change those results. The State Engineer finds the model is suitable for estimating impacts at this time and that the Applicant adequately addressed the fatal flaws claimed by the Protestant. The State Engineer finds the protest issues of Eureka County related to impacts to the Diamond Valley aquifers and water rights in Diamond Valley are hereby denied.

## **XX.**

### **ADDITIONAL PROTEST ISSUES**

The State Engineer finds that Peter and/or Tom Damele, Roy Risi and the BLM have withdrawn their respective protests.

Protestant Bobcat Ranch (Robert and Cathy Valenta Weise) protested on the general grounds that the Bobcat Ranch has senior applications (70818 thru 70827) pending and the Applicant's applications would seriously deplete the water resources of Kobeh Valley. After the protest was filed, this Protestant sold and transferred its senior Applications 70818 thru 70827 and other existing water right permits to the Applicant and did not pursue its protests at the hearing. The State Engineer finds that the protest of Bobcat Ranch is dismissed.

Additional protest issues include that the mine straddles Kobeh Valley and Diamond Valley; therefore, the project may be an interbasin transfer subject to NRS § 533.370(6). The State Engineer agrees with the contention of the Protestants that the

project qualifies as an interbasin transfer of water and has found that the Applicant meets the additional statutory criteria.

The Protestants have asked that any application approved for this project be issued as temporary mining and milling. The State Engineer finds that any application that is a new appropriation of water will be issued with the appropriate permit terms indicating the temporary nature of the water permits.

The issue of water quality was raised in the protest(s) to Applications 72695 thru 72698 and Applications 73545 thru 73552 in Kobeh Valley by the Eureka Producers Cooperative. The State Engineer finds the record fails to show any scientific evidence from the Protestant to support this claim.

Protestant Halpin's protest to the Applications 72695 thru 72698 and Applications 73545 thru 73552 in Kobeh Valley indicates that he is the owner of Permit 29765, Certificate 8881, which is used to irrigate a farm on the east side of Whistler Mountain in Diamond Valley. The Protestant is concerned that his irrigation water is warm and there is hot water in Kobeh Valley; therefore, the water source may be the same. The State Engineer finds the record fails to show any scientific evidence from the Protestant to support his claims.

## **XXI.**

### **WATER RESOURCE MANAGEMENT**

Large ground-water projects present numerous water-resource management challenges. The State Engineer has found that there exists an uncertainty with such projects such that a cautious water management approach is warranted. The State Engineer finds, in order to gather the necessary information to more accurately predict the effects of pumping, the development of water will occur in conjunction with a monitoring, management, and mitigation plan. The State Engineer finds that prior to the Applicant pumping any ground-water resources granted under this ruling, there shall be a monitoring, management, and mitigation plan approved by the State Engineer.

The State Engineer finds that any applications approved for this project will be limited as follows:

- A hydrologic monitoring, management, and mitigation plan shall be submitted and approved by the State Engineer.
- The Applicant will be limited as follows (values are rounded):
  - 11,300 afa in Kobeh Valley
    - Applications 72695 thru 72698, 73545 thru 73552, 74587, 75988 thru 76004, 76745, 76746, 76989 and 76990
  - 0.0 afa in Pine Valley
    - Applications 76364 and 76365
  - 354 afa<sup>90</sup> in Diamond Valley
    - Applications 76005 thru 76009 and 76802 thru 76805
- New appropriations will be issued as temporary uses.
- The Applicant shall file an annual report with the State Engineer by March 15<sup>th</sup> of each year detailing the findings of the monitoring, management, and mitigation plan.

## CONCLUSIONS

### I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>91</sup>

### II.

The State Engineer is prohibited by law from granting an application to appropriate or change the public waters where:<sup>92</sup>

- A. there is no unappropriated water at the proposed source;
- B. the change conflicts with existing rights;
- C. the proposed 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.

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<sup>90</sup> *Note*, this amount does not include existing mining and milling water rights in Diamond Valley owned by the Applicant under Permit 29120, Certificate 10599; Permit 29121, Certificate 14155; Permit 11163, Certificate 3132; and Permit 11359, Certificate 3163.

<sup>91</sup> NRS chapters 533 and 534.

<sup>92</sup> NRS § 533.370(5).

### III.

The State Engineer concludes based on the findings and limitations contained herein, there is no substantial evidence the proposed changes will conflict with existing rights, there is no substantial evidence the proposed use will conflict with the protectable interests in existing domestic wells, or that the use of the water will threaten to prove detrimental to the public interest; thus, under NRS § 533.370(5), the law mandates the granting of the water rights.

### IV.

The State Engineer concludes the Applicant provided proof satisfactory of its intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence, and its financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

### V.

The State Engineer concludes that based on the findings the Applicant meets the additional statutory criteria required for an interbasin transfer of water under NRS § 533.370(6) and therefore, the applications can be considered for approval.

### VI.

Concerns were raised at the administrative hearing that the State Engineer had not provided notice under NRS 534.090 that the water right might be subject to forfeiture.

Nevada Revised Statute 534.090 provides:

For water rights in basins for which the Sate Engineer keeps pumping records, if the records of the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of such a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that he has 1 year after the date of the notice in which to use the water rights beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right.

The argument was raised that the State Engineer was required to notify the holders of the possible forfeiture one year before commencing the forfeiture proceeding. The statutory language quoted above was added to NRS § 534.090 in 1995 as Assembly Bill

435, which became effective on July 1, 1995. Accordingly, any water right for which there was more than five consecutive years of complete or partial non-use on the effective date of the notice provision, July 1, 1995, is not entitled to notice by the express terms of the statute. As to Certificates 2782, 4962, 6457, 8002, and 8003, the water rights had not been used for more than five consecutive years before the notice provision was enacted in 1995. Therefore, the holders of the water right were not entitled to notice of possible forfeiture. Such an interpretation is clear from the express provisions of the statute. The plain language of the statute lends itself to only one possible interpretation: any water right or portion of water right that had not been put to beneficial use for five years or more when the notice provision became effective is not entitled to notice. The Applicant's argument can only be accepted if the phrase "but less than 5 consecutive years" is ignored.

Such an interpretation would not only be inconsistent with the express language of NRS § 534.090, but would give retroactive effect to the statute when the legislative history clearly intended the notice provision not apply retroactively. According to Assemblyman Neighbors, one of the sponsors of Assembly Bill 435, "there are not retroactive provisions in [A.B. 435]."<sup>93</sup> In testimony regarding A.B. 435, the State Engineer stated, "this office has taken the position that if 5 years have already past [sic], those non-users of water rights are not to be notified. Under the measure, it is only the ones where 4 years of non-use of water rights have occurred, but not yet 5."<sup>94</sup> The reason A.B. 435 was not applied to existing rights that had not been used for five years or more was that such a requirement would have placed a tremendous burden on the Division. The State Engineer commented that "probably 4,000 water rights in the state . . . are subject to forfeiture."<sup>95</sup>

Accordingly, the Legislature understood from one of the drafters of A.B. 435 that the notice provision was not intended to be applied in situations where five years of non-use had already occurred prior to the enactment of the law and thereby resurrect rights that were already subject to forfeiture. Generally, a statute will only be interpreted to have prospective effect unless there is a clear expression of legislative intent that it applies retroactively.<sup>96</sup>

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<sup>93</sup> *Hearing on A.B. 435 before the Senate Committee on Natural Resources*, 1995 Leg., 68<sup>th</sup> Sess. 2 (June 7, 1995).

<sup>94</sup> *Id.* at Sess. 4.

<sup>95</sup> *Ibid.*

<sup>96</sup> *See, Nevada Power Co. v. Metropolitan Development Co.*, 104 Nev. 684, 686, 765 P.2d 1162 (1988).

Here not only has the Legislature not stated an intention that the notice provision of NRS § 534.090(1) apply retroactively, they specifically indicated in both the language of the statute and the legislative history that the notice provision was not intended to be retroactive.

The State Engineer concludes that since more than five consecutive years of non-use of water under Certificates 2782, 4962, 6457, 8002, and 8003, had passed prior to the enactment of the notice provision of NRS § 534.090, he was not required to provide one-year notice as set forth in NRS § 534.090.

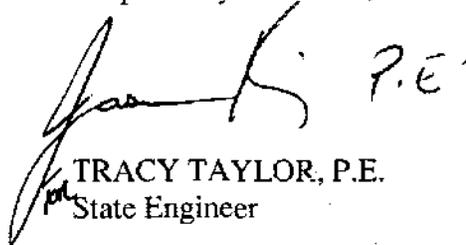
### **RULING**

The protests are overruled in part and upheld in part and Applications 72695, 72696, 72697, 72698, 73545, 73546, 73547, 73548, 73549, 73550, 73551, 73552, 74587, 75988, 75989, 75990, 75991, 75992, 75993, 75994, 75995, 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003, 76004, 76005, 76006, 76007, 76008, 76009, 76745, 76746, 76802, 76803, 76804, 76805, 76989 and 76990 are hereby granted subject to:

1. Existing rights;
2. Payment of the statutory permit fees;
3. A monitoring, management, and mitigation plan approved by the State Engineer;
4. A total combined duty of 11,300 afa from Kobeh Valley;
5. In Kobeh Valley, Applications to Appropriate 72695, 72696, 72697, 72698, 73545, 73546, 73547, 73548, 73549, 73550, 73551, 73552 and 74587 are granted and shall be limited to 5,339 afa;
6. In Kobeh Valley, Change Applications 75988, 75989, 75990, 75991, 75992, 75993, 75994, 75995, 75996, 75997, 75998, 75999, 76000, 76001, 76002, 76003, 76004, 76745, 76746, 76989 and 76990 are granted and shall be limited to 5,961 afa. Any irrigation changes are at a consumptive use duty of 2.3 acre-feet/acre;
7. In Diamond Valley, Change Applications 76005, 76006, 76007, 76008, 76009, 76802, 76803, 76804 and 76805 are granted and shall be limited to 354.2 afa. These irrigation changes are at a consumptive use duty of 2.3 acre-feet/acre;
8. The proposed place of use is limited to the land described in the Plan of Operations submitted to and accepted by the BLM.

Applications 76483, 76484, 76485, 76486 and 76744 are denied since the water that forms the basis for the change applications under Certificates 2782, 4962, 6457, 8002 and 8003 is forfeited. Applications 76364 and 76365 are denied on the grounds that the Applicant did not justify the need to import water from Pine Valley.

Respectfully submitted,



TRACY TAYLOR, P.E.  
State Engineer

TT/TW/jm

Dated this 26th day of

March, 2009.

I.

Application 70818 was filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 6.0 cfs of underground water for irrigation and domestic purposes. Deeds have been filed to convey ownership to Kobeh Valley Ranch, LLC. The proposed place of use is described as being located within S $\frac{1}{2}$  Section 15, N $\frac{1}{2}$  S $\frac{1}{2}$ , S $\frac{1}{2}$  N $\frac{1}{2}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 21, Section 22, Section 23, and the W $\frac{1}{2}$  Section 24, T.19N., R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 21, T.19N., R.47E., M.D.B.&M.<sup>96</sup> The point of diversion and place of use are located within the Kobeh Valley Hydrographic Basin.

II.

Application 70819 was filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 3.0 cfs of underground water for irrigation and domestic purposes. Deeds have been filed to convey ownership to Kobeh Valley Ranch, LLC. The proposed place of use is described as being located within S $\frac{1}{2}$  Section 15, N $\frac{1}{2}$  S $\frac{1}{2}$ , S $\frac{1}{2}$  N $\frac{1}{2}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 21, Section 22, Section 23, and the W $\frac{1}{2}$  Section 24, T.19N., R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 21, T.19N., R.47E., M.D.B.&M.<sup>97</sup> The point of diversion and place of use are located within the Kobeh Valley Hydrographic Basin.

III.

Application 70820 was filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 3.0 cfs of underground water for irrigation and domestic purposes. Deeds have been filed to convey ownership to Kobeh Valley Ranch, LLC. The proposed place of use is described as being located within S $\frac{1}{2}$  Section 15, N $\frac{1}{2}$  S $\frac{1}{2}$ , S $\frac{1}{2}$  N $\frac{1}{2}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 21, Section 22, Section 23, and the W $\frac{1}{2}$  Section 24, T.19N., R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, T.19N., R.47E., M.D.B.&M.<sup>98</sup> The point of diversion and place of use are located within the Kobeh Valley Hydrographic Basin.

IV.

Application 70821 was filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 6.0 cfs of underground water for irrigation and domestic purposes. Deeds have been filed to convey ownership to Kobeh Valley Ranch, LLC. The proposed place of use is described as being located within S $\frac{1}{2}$  Section 15, N $\frac{1}{2}$  S $\frac{1}{2}$ , S $\frac{1}{2}$  N $\frac{1}{2}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 21, Section 22, Section 23, and the W $\frac{1}{2}$  Section 24, T.19N., R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, T.19N., R.47E., M.D.B.&M.<sup>99</sup> The point of diversion and place of use are located within the Kobeh Valley Hydrographic Basin.

V.

Application 70822 was filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 6.0 cfs of underground water for irrigation and domestic purposes. Deeds have been filed to convey ownership to Kobeh Valley Ranch, LLC. The proposed place of use is described as being located within S $\frac{1}{2}$  Section 15, N $\frac{1}{2}$  S $\frac{1}{2}$ , S $\frac{1}{2}$  N $\frac{1}{2}$ , S $\frac{1}{2}$  SE $\frac{1}{4}$  Section 21, Section 22, Section 23, and the W $\frac{1}{2}$  Section 24, T.19N.,

<sup>96</sup> File No. 70818, official records in the Office of the State Engineer.

<sup>97</sup> File No. 70819, official records in the Office of the State Engineer.

<sup>98</sup> File No. 70820, official records in the Office of the State Engineer.

<sup>99</sup> File No. 70821, official records in the Office of the State Engineer.

R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ SE¼ of Section 22, T.19N., R.47E., M.D.B.&M.<sup>100</sup> The point of diversion and place of use are located within the Kobeh Valley Hydrographic Basin.

#### VI.

Application 70823 was filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 6.0 cfs of underground water for irrigation and domestic purposes. Deeds have been filed to convey ownership to Kobeh Valley Ranch, LLC. The proposed place of use is described as being located within S½ Section 15, N½ S½, S½ N½, S½ SE¼ Section 21, Section 22, Section 23, and the W½ Section 24, T.19N., R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ SW¼ of Section 23, T.19N., R.47E., M.D.B.&M.<sup>101</sup> The point of diversion and place of use are located within the Kobeh Valley Hydrographic Basin.

#### VII.

Application 70824 was filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 6.0 cfs of underground water for irrigation and domestic purposes. Deeds have been filed to convey ownership to Kobeh Valley Ranch, LLC. The proposed place of use is described as being located within S½ Section 15, N½ S½, S½ N½, S½ SE¼ Section 21, Section 22, Section 23, and the W½ Section 24, T.19N., R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ SE¼ of Section 23, T.19N., R.47E., M.D.B.&M.<sup>102</sup> The point of diversion and place of use are located within the Kobeh Valley Hydrographic Basin.

#### VIII.

Application 70825 was filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 6.0 cfs of underground water for irrigation and domestic purposes. Deeds have been filed to convey ownership to Kobeh Valley Ranch, LLC. The proposed place of use is described as being located within S½ Section 15, N½ S½, S½ N½, S½ SE¼ Section 21, Section 22, Section 23, and the W½ Section 24, T.19N., R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ SW¼ of Section 24, T.19N., R.47E., M.D.B.&M.<sup>103</sup> The point of diversion and place of use are located within the Kobeh Valley Hydrographic Basin.

#### IX.

Application 70826 was filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 3.0 cfs of underground water for irrigation and domestic purposes. Deeds have been filed to convey ownership to Kobeh Valley Ranch, LLC. The proposed place of use is described as being located within S½ Section 15, N½ S½, S½ N½, S½ SE¼ Section 21, Section 22, Section 23, and the W½ Section 24, T.19N., R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ NW¼ of Section 23, T.19N., R.47E., M.D.B.&M.<sup>104</sup> The point of diversion and place of use are within the Kobeh Valley Hydrographic Basin.

<sup>100</sup> File No. 70822, official records in the Office of the State Engineer.

<sup>101</sup> File No. 70823, official records in the Office of the State Engineer.

<sup>102</sup> File No. 70824, official records in the Office of the State Engineer.

<sup>103</sup> File No. 70825, official records in the Office of the State Engineer.

<sup>104</sup> File No. 70826, official records in the Office of the State Engineer.

**X.**

Application 70827 was filed on January 16, 2004, by Robert L. and Cathy Valenta Weise to appropriate 3.0 cfs of underground water for irrigation and domestic purposes. Deeds have been filed to convey ownership to Kobeh Valley Ranch, LLC. The proposed place of use is described as being located within S½ Section 15, N½ S½, S½ N½, S½ SE¼ Section 21, Section 22, Section 23, and the W½ Section 24, T.19N., R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ NE¼ of Section 23, T.19N., R.47E., M.D.B.&M.<sup>105</sup> The point of diversion and place of use are located within the Kobeh Valley Hydrographic Basin.

**XI.**

Application 72695 was filed on May 3, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ SE¼ of Section 35, T.21N., R.51E., M.D.B.&M.<sup>106</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XII.**

Application 72696 was filed on May 3, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ NW¼ of Section 35, T.21N., R.51E., M.D.B.&M.<sup>107</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The

<sup>105</sup> File No. 70827, official records in the Office of the State Engineer.

<sup>106</sup> File No. 72695, official records in the Office of the State Engineer.

<sup>107</sup> File No. 72696, official records in the Office of the State Engineer.

proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

### XIII.

Application 72697 was filed on May 3, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ SW¼ of Section 35, T.21N., R.51E., M.D.B.&M.<sup>108</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

### XIV.

Application 72698 was filed on May 3, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NE¼ of Section 35, T.21N., R.51E., M.D.B.&M.<sup>109</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

### XV.

Application 73545 was filed on December 5, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25,

<sup>108</sup> File No. 72697, official records in the Office of the State Engineer.

<sup>109</sup> File No. 72698, official records in the Office of the State Engineer.

26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ SE¼ of Section 10, T.20N., R.51E., M.D.B.&M.<sup>110</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XVI.

Application 73546 was filed on December 5, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ SE¼ of Section 11, T.20N., R.51E., M.D.B.&M.<sup>111</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XVII.

Application 73547 was filed on December 5, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E.,

<sup>110</sup> File No. 73545, official records in the Office of the State Engineer.

<sup>111</sup> File No. 73546, official records in the Office of the State Engineer.

M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T.20N., R.51E., M.D.B.&M.<sup>112</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XVIII.

Application 73548 was filed on December 5, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 35, T.21N., R.51E., M.D.B.&M.<sup>113</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XIX.

Application 73549 was filed on December 5, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 26, T.21N., R.51E., M.D.B.&M.<sup>114</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

<sup>112</sup> File No. 73547, official records in the Office of the State Engineer.

<sup>113</sup> File No. 73548, official records in the Office of the State Engineer.

<sup>114</sup> File No. 73549, official records in the Office of the State Engineer.

**XX.**

Application 73550 was filed on December 5, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ NW¼ of Section 26, T.21N., R.51E., M.D.B.&M.<sup>115</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XXI.**

Application 73551 was filed on December 5, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ SW¼ of Section 26, T.21N., R.51E., M.D.B.&M.<sup>116</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XXII.**

Application 73552 was filed on December 5, 2005, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N.,

<sup>115</sup> File No. 73550, official records in the Office of the State Engineer.

<sup>116</sup> File No. 73551, official records in the Office of the State Engineer.

R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ SE¼ of Section 23, T.21N., R.51E., M.D.B.&M.<sup>117</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XXIII.

Application 74587 was filed on August 2, 2006, by Idaho General Mines, Inc., and later assigned to Kobeh Valley Ranch, LLC to appropriate 22.28 cfs of underground water for mining and milling and dewatering purposes. The proposed place of use is described as being located within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NW¼ of Section 7, T.21N., R.52E., M.D.B.&M.<sup>118</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XXIV.

Application 75979 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 4.01 cfs, not to exceed 568 afa (afa), of underground water previously permitted for appropriation under Permit 22111 Certificate 7902. The existing manner of use and place of use is described as being for irrigation purposes within the NW¼ SE¼, SW¼ SE¼ Section 17, NW¼ NE¼, NE¼ NE¼, SW¼ NE¼, SE¼ NE¼ Section 20, T.20N., R.52E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and domestic purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24,

<sup>117</sup> File No. 73552, official records in the Office of the State Engineer.

<sup>118</sup> File No. 74587, official records in the Office of the State Engineer.

25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75979, if approved, would transfer the Applicant's existing point of diversion from the SW¼ NE¼ of Section 17, T.20N., R.52E., M.D.B.&M. to a point which is located within the SE¼ NW¼ of Section 32, T.22N., R.51E., M.D.B.&M.<sup>119</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XXV.**

Application 75980 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 5.4 cfs, not to exceed 1,170.0 afa, of underground water previously permitted for appropriation under Permit 22112 Certificate 7903. The existing manner of use and place of use is described as being for irrigation purposes within the SW¼ NW¼, NW¼ SW¼, NE¼ SW¼, SW¼ SW¼, SE¼ SW¼ Section 17, NE¼ SE¼, SE¼ SE¼ Section 18, NW¼ NW¼, NE¼ NW¼ Section 20, T.20N., R.52E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and domestic purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75980, if approved, would transfer the Applicant's existing point of diversion from the NW¼ NE¼ of Section 18, T.20N., R.52E., M.D.B.&M. to a point which is located within the NW¼ NE¼ of Section 33, T.22N., R.50E., M.D.B.&M.<sup>120</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XXVI.**

Application 75981 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 4.7 cfs, not to exceed 1,062.0 afa, of underground water previously permitted for appropriation under Permit 22113 Certificate 7904. The existing manner of use and place of use is described as being for irrigation purposes within the SW¼ NW¼, SE¼ NW¼, NE¼ SW¼, SE¼ SW¼, SW¼ NE¼, NW¼ SE¼, SW¼ SE¼ Section 18, T.20N., R.52E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and domestic purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M.,

<sup>119</sup> File No. 75979, official records in the Office of the State Engineer.

<sup>120</sup> File No. 75980, official records in the Office of the State Engineer.

Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75981, if approved, would transfer the Applicant's existing point of diversion from the NW¼ NW¼ of Section 18, T.20N., R.52E., M.D.B.&M. to a point which is located within the NW¼ SW¼ of Section 26, T.22N., R.50E., M.D.B.&M.<sup>121</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XXVII.

Application 75982 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 6.0 cfs, not to exceed 1,148.0 afa, of underground water previously permitted for appropriation under Permit 23359 Certificate 7905. The existing manner of use and place of use is described as being for irrigation purposes within the NE¼ NE¼, SW¼ NE¼, SE¼ NE¼, NW¼ SE¼, NE¼ SE¼, SW¼ SE¼, SE¼ SE¼ Section 13, T.20N., R.51E., M.D.B.&M., SW¼ NW¼, NW¼ SW¼, SW¼ SW¼ Section 18, T.20N., R.52E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75982, if approved, would transfer the Applicant's existing point of diversion from the SW¼ NE¼ of Section 13, T.20N., R.51E., M.D.B.&M. to a point which is located within the NW¼ NE¼ of Section 32, T.22N., R.50E., M.D.B.&M.<sup>122</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XXVIII.

Application 75983 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 5.4 cfs, not to exceed 938.4 afa, of underground water previously permitted for appropriation under Permit 23466 Certificate 8334. The existing manner of use and place of use is described as

<sup>121</sup> File No. 75981, official records in the Office of the State Engineer.

<sup>122</sup> File No. 75982, official records in the Office of the State Engineer.

being for irrigation and domestic purposes within the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 17, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 20, T.20N., R.52E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and domestic purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75983, if approved, would transfer the Applicant's existing point of diversion from the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 17, T.20N., R.52E., M.D.B.&M. to a point which is located within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 30, T.22N., R.50E., M.D.B.&M.<sup>123</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XXIX.

Application 75984 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 5.0 cfs, not to exceed 980.0 afa, of underground water previously permitted for appropriation under Permit 23467 Certificate 8335. The existing manner of use and place of use is described as being for irrigation and domestic purposes within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 17, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 18, T.20N., R.52E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and domestic purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75984, if approved, would transfer the Applicant's existing point of diversion from the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 17, T.20N., R.52E., M.D.B.&M. to a point which is located within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 13, T.22N., R.50E., M.D.B.&M.<sup>124</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

<sup>123</sup> File No. 75983, official records in the Office of the State Engineer.

<sup>124</sup> File No. 75984, official records in the Office of the State Engineer.

**XXX.**

Application 75985 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 5.4 cfs, not to exceed 1,295.6 afa, of underground water previously permitted for appropriation under Permit 23468 Certificate 8336. The existing manner of use and place of use is described as being for irrigation purposes within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 17, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 18, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 19, NW $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, T.20N., R.52E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75985, if approved, would transfer the Applicant's existing point of diversion from the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 18, T.20N., R.52E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, T.22N., R.51E., M.D.B.&M.<sup>125</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XXXI.**

Application 75986 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 10.0 cfs, not to exceed 4,436.24 afs, of surface water from Slough Creek previously claimed for appropriation under Vested Claim V-04513. The existing manner of use and place of use is described as being for irrigation purposes within portions of Section 13, T.20N., R.51E., M.D.B.&M., Sections 17, 18, 19, 20 and 21, T.20N., R.52E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75986, if approved, would transfer the Applicant's existing point of diversion from the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, T.20N., R.51E.,

<sup>125</sup> File No. 75985, official records in the Office of the State Engineer.

M.D.B.&M. to a point which is located within the SE¼ NE¼ of Section 30, T.22N., R.51E., M.D.B.&M.<sup>126</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XXXII.**

Application 75987 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 2.5 cfs, not to exceed 511.84 afa, of surface water from an unnamed drainage water previously claimed for appropriation under Vested Claim V-04514. The existing manner of use and place of use is described as being for irrigation purposes within portions of Sections 20 and 21, T.20N., R.52E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75987, if approved, would transfer the Applicant's existing point of diversion from the NW¼ SE¼ of Section 20, T.20N., R.52E., M.D.B.&M. to a point which is located within Lot 4 of Section 2, T.21N., R.50E., M.D.B.&M.<sup>127</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XXXIII.**

Application 75988 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.0 cfs, not to exceed 235.906 mga, of underground water previously permitted for appropriation under Permit 54093. The existing manner of use and place of use is described as being for mining, milling and domestic purposes within portions of Sections 25 and 26, T.22N., R.49E., M.D.B.&M., Sections 2, 3, 4, 9, 10, 11, 14, 15, 21, 22, 27, 28, 29 and 30, T.22N., R.50E., M.D.B.&M. and portions of Sections 33 and 34, T.23N., R.50E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and

<sup>126</sup> File No. 75986, official records in the Office of the State Engineer.

<sup>127</sup> File No. 75987, official records in the Office of the State Engineer.

31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75988, if approved, would transfer the Applicant's existing point of diversion from the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 35, T.22N., R.50E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, T.22N., R.51E., M.D.B.&M.<sup>128</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XXXIV.**

Application 75989 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.0 cfs, not to exceed 235.906 mga, of underground water previously permitted for appropriation under Permit 54094. The existing manner of use and place of use is described as being for mining, milling, and domestic purposes within portions of Sections 25 and 26, T.22N., R.49E., M.D.B.&M., Sections 2, 3, 4, 9, 10, 11, 14, 15, 21, 22, 27, 28, 29 and 30, T.22N., R.50E., M.D.B.&M. and portions of Sections 33 and 34 T.23N., R.50E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and domestic purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75989, if approved, would transfer the Applicant's existing point of diversion from the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, T.22N., R.50E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, T.22N., R.51E., M.D.B.&M.<sup>129</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XXXV.**

Application 75990 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.0 cfs, not to exceed 88.84 mga, of underground water previously permitted for appropriation under Permit 60281. The existing manner of use and place of use is described as being for mining, milling, and domestic purposes within portions of Sections 22, 23, 25, 26, 27, NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 28, and Section 34, T.22N., R.49E., M.D.B.&M., Sections 2, 3, 4, 9, 10, 11, 14, 15, 21, 22, 27, 28, 29 and 30, T.22N., R.50E., M.D.B.&M. and portions of Section 33 and 34, T. 23N., R.50E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M.,

<sup>128</sup> File No. 75988, official records in the Office of the State Engineer.

<sup>129</sup> File No. 75989, official records in the Office of the State Engineer.

Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75990, if approved, would transfer the Applicant's existing point of diversion from the NW¼ SW¼ of Section 27, T.22N., R.49E., M.D.B.&M. to a point which is located within the NW¼ SE¼ of Section 13, T.22N., R.50E., M.D.B.&M.<sup>130</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XXXVI.

Application 75991 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.0 cfs, not to exceed 235.906 mga, of underground water previously permitted for appropriation under Permit 60282. The existing manner of use and place of use is described as being for mining, milling, and domestic purposes within portions of Sections 22, 23, 25, 26, 27, NE¼ SE¼ Section 28, and Section 34, T.22N., R.49E., M.D.B.&M., Sections 2, 3, 4, 9, 10, 11, 14, 15, 21, 22, 27, 28, 29 and 30, T.22N., R.50E., M.D.B.&M., Sections 33 and 34, T.23N., R.50E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75991, if approved, would transfer the Applicant's existing point of diversion from the NW¼ SW¼ of Section 27, T.22N., R.49E., M.D.B.&M. to a point which is located within the NW¼ SE¼ of Section 13, T.22N., R.50E., M.D.B.&M.<sup>131</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XXXVII.

Application 75992 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.0 cfs, not to exceed 88.84 mga, of underground water previously permitted for appropriation under Permit 60283. The existing manner of use and place of use is described as being for mining,

<sup>130</sup> File No. 75990, official records in the Office of the State Engineer.

<sup>131</sup> File No. 75991, official records in the Office of the State Engineer.

milling, and domestic purposes within portions of Sections 22, 23, 25, 26, 27, NE¼ SE¼ Section 28, and Section 34, T.22N., R.49E., M.D.B.&M., Sections 2, 3, 4, 9, 10, 11, 14, 15, 21, 22, 27, 28, 29 and 30, T.22N., R.50E., M.D.B.&M., Sections 33 and 34, T.23N., R.50E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75992, if approved, would transfer the Applicant's existing point of diversion from the NE¼ SE¼ of Section 28, T.22N., R.49E., M.D.B.&M. to a point which is located within the NW¼ SW¼ of Section 26, T.22N., R.50E., M.D.B.&M.<sup>132</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XXXVIII.

Application 75993 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.0 cfs, not to exceed 235.906 mga, of underground water previously permitted for appropriation under Permit 60284. The existing manner of use and place of use is described as being for mining, milling, and domestic purposes within portions of Sections 22, 23, 25, 26, 27, NE¼ SE¼ Section 28, and Section 34, T.22N., R.49E., M.D.B.&M., Sections 2, 3, 4, 9, 10, 11, 14, 15, 21, 22, 27, 28, 29 and 30, T.22N., R.50E., M.D.B.&M., Sections 33 and 34, T.23N., R.50E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75993, if approved, would transfer the Applicant's existing point of diversion from the NE¼ SE¼ of Section 28, T.22N., R.49E., M.D.B.&M. to a point which is located within the NW¼ SW¼ of Section 26, T.22N., R.50E., M.D.B.&M.<sup>133</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobch Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

<sup>132</sup> File No. 75992, official records in the Office of the State Engineer.

<sup>133</sup> File No. 75993, official records in the Office of the State Engineer.

**XXXIX.**

Application 75994 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.0 cfs, not to exceed 235.906 mga, of underground water previously permitted for appropriation under Permit 60285. The existing manner of use and place of use is described as being for mining, milling, and domestic purposes within portions of Sections 22, 23, 25, 26, 27, NE¼ SE¼ Section 28, and Section 34, T.22N., R.49E., M.D.B.&M., Sections 2, 3, 4, 9, 10, 11, 14, 15, 21, 22, 27, 28, 29 and 30, T.22N., R.50E., M.D.B.&M., Sections 33 and 34, T.23N., R.50E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and domestic purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75994, if approved, would transfer the Applicant's existing point of diversion from the NE¼ SE¼ of Section 28, T.22N., R.49E., M.D.B.&M. to a point which is located within the NW¼ SW¼ of Section 26, T.22N., R.50E., M.D.B.&M.<sup>134</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XI.**

Application 75995 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.0 cfs, not to exceed 88.84 mga, of underground water previously permitted for appropriation under Permit 60286. The existing manner of use and place of use is described as being for mining, milling, and domestic purposes within portions of Sections 22, 23, 25, 26, 27, NE¼ SE¼ Section 28, and Section 34, T.22N., R.49E., M.D.B.&M., Sections 33 and 34, T.23N., R.50E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75995, if approved, would transfer the Applicant's existing point of diversion from the NE¼ SE¼ of Section 28, T.22N., R.49E., M.D.B.&M. to a point which is located within the NW¼

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<sup>134</sup> File No. 75994, official records in the Office of the State Engineer.

SW $\frac{1}{4}$  of Section 26, T.22N., R.50E., M.D.B.&M.<sup>135</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XLI.**

Application 75996 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 0.45 cfs, not to exceed 300.76 afa. of underground water previously permitted for appropriation under Permit 72580. The existing manner of use and place of use is described as being for irrigation and domestic purposes within portions of S $\frac{1}{2}$  of Section 15, S $\frac{1}{2}$  N $\frac{1}{2}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  S $\frac{1}{2}$  Section 21, N $\frac{1}{2}$  and SW $\frac{1}{4}$  Section 22, N $\frac{1}{2}$  Section 23, NW $\frac{1}{4}$  Section 24, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75996, if approved, would transfer the Applicant's existing point of diversion from the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, T.19N., R.47E., M.D.B.&M. to a point which is located within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 21, T.22N., R.51E., M.D.B.&M.<sup>136</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**XLII.**

Application 75997 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 4.7 cfs, not to exceed 1,142.4 afa, of underground water previously permitted for appropriation under Permit 72581. The existing manner of use and place of use is described as being for irrigation and domestic purposes within portions of S $\frac{1}{2}$  of Section 15, S $\frac{1}{2}$  N $\frac{1}{2}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  S $\frac{1}{2}$  Section 21, N $\frac{1}{2}$  and SW $\frac{1}{4}$  Section 22, N $\frac{1}{2}$  Section 23, NW $\frac{1}{4}$  Section 24, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34,

<sup>135</sup> File No. 75995, official records in the Office of the State Engineer.

<sup>136</sup> File No. 75996, official records in the Office of the State Engineer.

35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75997, if approved, would transfer the Applicant's existing point of diversion from the NW¼ NE¼ of Section 23, T.19N., R.47E., M.D.B.&M. to a point which is located within the SE¼ NW¼ of Section 21, T.22N., R.51E., M.D.B.&M.<sup>137</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XLIII.

Application 75998 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 2.0 cfs, not to exceed 500 afa, of underground water previously permitted for appropriation under Permit 72582. The existing manner of use and place of use is described as being for irrigation purposes within portions of S½ of Section 15, S½ N½, NW¼ NE¼, NE¼ NE¼, N½ S½ Section 21, N½ and SW¼ Section 22, N½ Section 23, NW¼ Section 24, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75998, if approved, would transfer the Applicant's existing point of diversion from the NW¼ NE¼ of Section 23, T.19N., R.47E., M.D.B.&M. to a point which is located within the SE¼ NW¼ of Section 21, T.22N., R.51E., M.D.B.&M.<sup>138</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XLIV.

Application 75999 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.0 cfs, not to exceed 211.25 afa, of underground water previously permitted for appropriation under Permit 72583. The existing manner of use and place of use is described as being for irrigation and domestic purposes within portions of S½ of Section 15, S½ N½, NW¼ NE¼, NE¼ NE¼, N½ S½ Section 21, N½ and SW¼ Section 22, N½ Section 23, NW¼ Section 24, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24,

<sup>137</sup> File No. 75997, official records in the Office of the State Engineer.

<sup>138</sup> File No. 75998, official records in the Office of the State Engineer.

25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 75999, if approved, would transfer the Applicant's existing point of diversion from the SW¼ NW¼ of Section 23, T.19N., R.47E., M.D.B.&M. to a point which is located within the SW¼ SW¼ of Section 21, T.22N., R.51E., M.D.B.&M.<sup>139</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XLV.

Application 76000 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 3.99 cfs, not to exceed 842.91 afa, of underground water previously permitted for appropriation under Permit 72584. The existing manner of use and place of use is described as being for irrigation and domestic purposes within portions of S½ of Section 15, S½ N½, NW¼ NE¼, NE¼ NE¼, N½ S½ Section 21, N½ SW¼ Section 22, N½ Section 23, NW¼ Section 24, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and domestic purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76000, if approved, would transfer the Applicant's existing point of diversion from the NE¼ SE¼ of Section 21, T.19N., R.47E., M.D.B.&M. to a point which is located within the SE¼ NE¼ of Section 30, T.22N., R.51E., M.D.B.&M.<sup>140</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XLVI.

Application 76001 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 2.72 cfs, not to exceed 1,280.0 afa, of underground water previously permitted for appropriation under Permit 72585. The existing manner of use and place of use is described as being for irrigation and domestic purposes within portions of S½ of Section 15, S½ N½, NW¼ NE¼, NE¼ NE¼, N½ S½ Section 21, N½ and SW¼ Section 22, N½ Section 23, NW¼ Section 24, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15,

<sup>139</sup> File No. 75999, official records in the Office of the State Engineer.

<sup>140</sup> File No. 76000, official records in the Office of the State Engineer.

22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76001, if approved, would transfer the Applicant's existing point of diversion from the SW¼ SW¼ of Section 22, T.19N., R.47E., M.D.B.&M. to a point which is located within Lot 4 of Section 2, T.21N., R.50E., M.D.B.&M.<sup>141</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### **XLVII.**

Application 76002 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 0.82 cfs, not to exceed 300.76 afa, of underground water previously permitted for appropriation under Permit 72586. The existing manner of use and place of use is described as being for irrigation and domestic purposes within portions of S½ of Section 15, S½ N½, NW¼ NE¼, NE¼ NE¼, N½ S½ Section 21, N½ and SW¼ Section 22, N½ Section 23, NW¼ Section 24, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76002, if approved, would transfer the Applicant's existing point of diversion from the SW¼ SW¼ of Section 22, T.19N., R.47E., M.D.B.&M. to a point which is located within Lot 4 of Section 2, T.21N., R.50E., M.D.B.&M.<sup>142</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### **XLVIII.**

Application 76003 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 5.00 cfs, not to exceed 1,280.0 afa, of underground water previously permitted for appropriation under Permit 72587. The existing manner of use and place of use is described as being for irrigation and domestic purposes within portions of S½ of Section 15, S½ N½, NW¼ NE¼, NE¼

<sup>141</sup> File No. 76001, official records in the Office of the State Engineer.

<sup>142</sup> File No. 76002, official records in the Office of the State Engineer.

NE¼, N½ S½ Section 21, N½ and SW¼ Section 22, N½ Section 23, NW¼ Section 24, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76003, if approved, would transfer the Applicant's existing point of diversion from the SW¼ NW¼ of Section 23, T.19N., R.47E., M.D.B.&M. to a point which is located within the SW¼ SW¼ of Section 21, T.22N., R.51E., M.D.B.&M.<sup>143</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### XLIX.

Application 76004 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 5.00 cfs, not to exceed 1,280.0 afa, of underground water previously permitted for appropriation under Permit 72588. The existing manner of use and place of use is described as being for irrigation purposes within portions of S½ of Section 15, S½ N½, NW¼ NE¼, NE¼ NE¼, N½ S½ Section 21, N½ SW¼ Section 22, N½ Section 23, NW¼ Section 24, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76004, if approved, would transfer the Applicant's existing point of diversion from the SW¼ SW¼ of Section 22, T.19N., R.47E., M.D.B.&M. to a point which is located within Lot 4 of Section 2, T.21N., R.50E., M.D.B.&M.<sup>144</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

<sup>143</sup> File No. 76003, official records in the Office of the State Engineer.

<sup>144</sup> File No. 76004, official records in the Office of the State Engineer.

L.

Application 76005 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 0.435 cfs, not to exceed 164 afa, of underground water previously permitted for appropriation under Permit 57840. The existing manner of use and place of use is described as being for irrigation purposes within the E $\frac{1}{2}$ , E $\frac{1}{2}$  W $\frac{1}{2}$  of Section 24, NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 25, T.23N., R.52E., M.D.B.&M., W $\frac{1}{2}$  W $\frac{1}{2}$  Section 19, W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 30, T.23N., R.53E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and dewatering purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76005, if approved, would transfer the Applicant's existing point of diversion from the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, T.23N., R.52E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, T.23N., R.51E., M.D.B.&M.<sup>145</sup> The proposed point of diversion is located within the Diamond Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

LI.

Application 76006 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 0.435 cfs, not to exceed 164 afa, of underground water previously permitted for appropriation under Permit 57839. The existing manner of use and place of use is described as being for irrigation purposes within the E $\frac{1}{2}$ , E $\frac{1}{2}$  W $\frac{1}{2}$  of Section 24, NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 25, T.23N., R.52E., M.D.B.&M., W $\frac{1}{2}$  W $\frac{1}{2}$  Section 19, W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 30, T.23N., R.53E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76006, if approved, would transfer the Applicant's existing point of diversion from the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, T.23N., R.52E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$

<sup>145</sup> File No. 76005, official records in the Office of the State Engineer.

SE $\frac{1}{4}$  of Section 12, T.22N., R.51E., M.D.B.&M.<sup>146</sup> The proposed point of diversion is located within the Diamond Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LII.**

Application 76007 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 0.66 cfs, not to exceed 147.6 afa, of underground water previously permitted for appropriation under Permit 57836. The existing manner of use and place of use is described as being for irrigation purposes within the E $\frac{1}{2}$ , E $\frac{1}{2}$  W $\frac{1}{2}$  of Section 24, NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 25, T.23N., R.52E., M.D.B.&M., W $\frac{1}{2}$  W $\frac{1}{2}$  Section 19, W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 30, T.23N., R.53E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and dewatering purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76007, if approved, would transfer the Applicant's existing point of diversion from the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, T.23N., R.52E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, T.22N., R.51E., M.D.B.&M.<sup>147</sup> The proposed point of diversion is located within the Diamond Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LIII.**

Application 76008 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 0.66 cfs, not to exceed 155.48 afa, of underground water previously permitted for appropriation under Permit 57835. The existing manner of use and place of use is described as being for irrigation purposes within the E $\frac{1}{2}$ , E $\frac{1}{2}$  W $\frac{1}{2}$  of Section 24, NE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 25, T.23N., R.52E., M.D.B.&M., W $\frac{1}{2}$  W $\frac{1}{2}$  Section 19, W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 30, T.23N., R.53E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and dewatering purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34,

<sup>146</sup> File No. 76006, official records in the Office of the State Engineer.

<sup>147</sup> File No. 76007, official records in the Office of the State Engineer.

35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76008, if approved, would transfer the Applicant's existing point of diversion from the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, T.23N., R.52E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, T.22N., R.51E., M.D.B.&M.<sup>148</sup> The proposed point of diversion is located within the Diamond Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LIV.**

Application 76009 was filed on June 29, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.02 cfs, not to exceed 303.08 afa, of underground water previously permitted for appropriation under Permit 66062. The existing manner of use and place of use is described as being for irrigation and domestic purposes within the S $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 12, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , S $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 13, E $\frac{1}{2}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , E $\frac{1}{2}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  of Section 24, E $\frac{1}{2}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  of Section 25, T.23N., R.52E., M.D.B.&M., W $\frac{1}{2}$  W $\frac{1}{2}$  Section 19, W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 30, T.23N., R.53E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and dewatering purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76009, if approved, would transfer the Applicant's existing point of diversion from the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 13, T.23N., R.52E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, T.22N., R.51E., M.D.B.&M.<sup>149</sup> The proposed point of diversion is located within the Diamond Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LIV.**

Application 76364 was filed on October 9, 2007, by Kobeh Valley Ranch, LLC, to appropriate 1.5 cfs of underground water. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point

<sup>148</sup> File No. 76008, official records in the Office of the State Engineer.

<sup>149</sup> File No. 76009, official records in the Office of the State Engineer.

of diversion is described as being located within the SE¼ SW¼ of Section 35, T.23N., R.51E., M.D.B.&M.<sup>150</sup> The proposed point of diversion is located within the Pine Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LVI.**

Application 76365 was filed on October 9, 2007, by Kobeh Valley Ranch, LLC, to appropriate 1.5 cfs of underground water. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ SW¼ of Section 35, T.23N., R.51E., M.D.B.&M.<sup>151</sup> The proposed point of diversion is located within the Pine Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LVII.**

Application 76483 was filed on November 14, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 0.05 cfs, not to exceed 15.50 afa, of underground water previously permitted for appropriation under Permit 10426 Certificate 2782. The existing manner of use and place of use is described as being for irrigation and domestic purposes within the SW¼ NW¼ Section 20, T.19N., R.49E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining, milling, and dewatering purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76483, if approved, would transfer the Applicant's existing point of diversion from the SW¼ NW¼ of Section 20, T.19N., R.49E., M.D.B.&M. to a point which is located within the SE¼ NW¼ of Section 21, T.22N., R.51E., M.D.B.&M.<sup>152</sup> The proposed point of

<sup>150</sup> File No. 76364, official records in the Office of the State Engineer.

<sup>151</sup> File No. 76365, official records in the Office of the State Engineer.

<sup>152</sup> File No. 76483, official records in the Office of the State Engineer.

diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### LVIII.

Application 76484 was filed on November 14, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 5.40 cfs, not to exceed 1,292.40 afa, of underground water previously permitted for appropriation under Permit 18544 Certificate 6457. The existing manner of use and place of use is described as being for irrigation purposes within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 18, NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 19, SW $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, T.19N., R.49E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76484, if approved, would transfer the Applicant's existing point of diversion from the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, T.19N., R.49E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 32, T.22N., R.51E., M.D.B.&M.<sup>153</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### LVIX.

Application 76485 was filed on November 14, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 2.45 cfs, not to exceed 332.64 afa, of underground water previously permitted for appropriation under Permit 23951 Certificate 8002. The existing manner of use and place of use is described as being for irrigation and domestic purposes within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , of Section 29, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, T.19N., R.49E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M.

<sup>153</sup> File No. 76484, official records in the Office of the State Engineer.

The change requested by Application 76485, if approved, would transfer the Applicant's existing point of diversion from the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 29, T.19N., R.49E., M.D.B.&M. to a point which is located within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 26, T.22N., R.50E., M.D.B.&M.<sup>154</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LX.**

Application 76486 was filed on November 14, 2007, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 2.70 cfs, not to exceed 238.64 afa, of underground water previously permitted for appropriation under Permit 23952 Certificate 8003. The existing manner of use and place of use is described as being for irrigation and domestic purposes within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 19, SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, T.19N., R.49E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76486, if approved, would transfer the Applicant's existing point of diversion from the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, T.19N., R.49E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 21, T.22N., R.51E., M.D.B.&M.<sup>155</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LXI.**

Application 76744 was filed on February 13, 2008, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 4.28 cfs, not to exceed 950.64 afa, of underground water previously permitted for appropriation under Permit 13849 Certificate 4922. The existing manner of use and place of use is described as being for irrigation and domestic purposes within the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 4, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 5, T.19N., R.49E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24,

<sup>154</sup> File No. 76485, official records in the Office of the State Engineer.

<sup>155</sup> File No. 76486, official records in the Office of the State Engineer.

25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76744, if approved, would transfer the Applicant's existing point of diversion from the NE¼ SE¼ of Section 5, T.19N., R.49E., M.D.B.&M. to a point which is located within the SE¼ NE¼ of Section 30, T.22N., R.51E., M.D.B.&M.<sup>156</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### LXII.

Application 76745 was filed on February 13, 2008, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 1.21 cfs, not to exceed 819.24 afa, that being a portion of the underground water previously permitted for appropriation under Permit 35866. The existing manner of use and place of use is described as being for irrigation and domestic purposes within the SW¼ SW¼, SE¼ SW¼, SW¼ SE¼, SE¼ SE¼ of Section 16, NW¼ NW¼, NE¼ NW¼, NW¼ NE¼ of Section 21, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76745, if approved, would transfer the Applicant's existing point of diversion from the SW¼ SW¼ of Section 16, T.19N., R.47E., M.D.B.&M. to a point which is located within the SE¼ NE¼ of Section 30, T.22N., R.51E., M.D.B.&M.<sup>157</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### LXIII.

Application 76746 was filed on February 13, 2008, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 2.24 cfs, not to exceed 819.24 afa, that being a portion of the underground water previously permitted for appropriation under Permit 64616. The existing manner of use and place of use is described as being for irrigation and domestic purposes within the SW¼ SW¼, SE¼ SW¼, SW¼ SE¼, SE¼ SE¼ of Section 16, NW¼ NW¼, NE¼ NW¼, NW¼ NE¼ of Section 21, T.19N., R.47E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M.,

<sup>156</sup> File No. 76744, official records in the Office of the State Engineer.

<sup>157</sup> File No. 76745, official records in the Office of the State Engineer.

Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76746, if approved, would transfer the Applicant's existing point of diversion from the NE¼ NE¼ of Section 21, T.19N., R.47E., M.D.B.&M. to a point which is located within the SE¼ NE¼ of Section 30, T.22N., R.51E., M.D.B.&M.<sup>158</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### LXIV.

Application 76802 was filed on March 11, 2008, by Kobeh Valley Ranch, LLC, to change the point of diversion of 0.435 cfs, not to exceed 164.0 afa, of underground water previously applied for under Application 76005. The manner of use and place of use is described as being for mining, milling and dewatering purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76802, if approved, would transfer the Applicant's existing point of diversion from the SE¼ SE¼ of Section 12, T.22N., R.51E., M.D.B.&M. to a point which is located within the NW¼ SE¼ of Section 1, T.22N., R.51E., M.D.B.&M.<sup>159</sup> The proposed point of diversion is located within the Diamond Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

#### LXV.

Application 76803 was filed on March 11, 2008, by Kobeh Valley Ranch, LLC, to change the point of diversion of 0.435 cfs, not to exceed 164.0 afa, of underground water previously applied for under Application 76006. The manner of use and place of use is described as being for mining, milling and dewatering purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E.,

<sup>158</sup> File No. 76746, official records in the Office of the State Engineer.

<sup>159</sup> File No. 76802, official records in the Office of the State Engineer.

M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76803, if approved, would transfer the Applicant's existing point of diversion from the SE¼ SE¼ of Section 12, T.22N., R.51E., M.D.B.&M. to a point which is located within the NW¼ SE¼ of Section 12, T.22N., R.51½E., M.D.B.&M.<sup>160</sup> The proposed point of diversion is located within the Diamond Valley Hydrographic Basin. The proposed place of use is located within the Kobch Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LXVI.**

Application 76804 was filed on March 11, 2008, by Kobch Valley Ranch, LLC, to change the point of diversion of 0.660 cfs, not to exceed 147.60 afa, of underground water previously applied for under Application 76007. The manner of use and place of use is described as being for mining, milling and dewatering purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76804, if approved, would transfer the Applicant's existing point of diversion from the SE¼ SE¼ of Section 12, T.22N., R.51E., M.D.B.&M. to a point which is located within the NE¼ SW¼ of Section 12, T.22N., R.51E., M.D.B.&M.<sup>161</sup> The proposed point of diversion is located within the Diamond Valley Hydrographic Basin. The proposed place of use is located within the Kobch Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LXVII.**

Application 76805 was filed on March 11, 2008, by Kobch Valley Ranch, LLC, to change the point of diversion of 1.020 cfs, not to exceed 303.08 afa, of underground water previously applied for under Application 76009. The manner of use and place of use is described as being for mining, milling and dewatering purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21½N., R.51½E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21½N., R.52E., M.D.B.&M., Section 31, T.21½N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The

<sup>160</sup> File No. 76803, official records in the Office of the State Engineer.

<sup>161</sup> File No. 76804, official records in the Office of the State Engineer.

change requested by Application 76805, if approved, would transfer the Applicant's existing point of diversion from the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 12, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M. to a point which is located within Mineral Survey 37A of Section 13, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M.<sup>162</sup> The proposed point of diversion is located within the Diamond Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LXVIII.**

Application 76989 was filed on April 23, 2008, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 0.6554 cfs, not to exceed 474.0 afa, of underground water previously permitted for appropriation under Permit 9682 Certificate 2780. The existing manner of use and place of use is described as being for irrigation and domestic purposes within the NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 16, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , of Section 17, T.19N., R.50E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51 $\frac{1}{2}$ E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76989, if approved, would transfer the Applicant's existing point of diversion from the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 17, T.19N., R.50E., M.D.B.&M. to a point which is located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, T.22N., R.51E., M.D.B.&M.<sup>163</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

**LXIX.**

Application 76990 was filed on April 23, 2008, by Kobeh Valley Ranch, LLC, to change the point of diversion, place of use and manner of use of 0.76 cfs, not to exceed 322.25 afa, that being a portion of underground water previously permitted for appropriation under Permit 11072 Certificate 2880. The existing manner of use and place of use is described as being for irrigation and domestic purposes within the SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 10, NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 15, NW $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 16, T.19N., R.50E., M.D.B.&M. The proposed manner of use and place of use is described as being for mining and milling purposes within Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, T.21N., R.50E., M.D.B.&M., all of T.21N., R.51E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.21N., R.52E., M.D.B.&M., Section 36, T.21 $\frac{1}{2}$ N., R.51 $\frac{1}{2}$ E., M.D.B.&M., Sections 31, 32, 33, 34, 35, and 36, T.21 $\frac{1}{2}$ N., R.52E., M.D.B.&M., Section 31, T.21 $\frac{1}{2}$ N., R.53E., M.D.B.&M., Sections 34, 35, and 36,

<sup>162</sup> File No. 76805, official records in the Office of the State Engineer.

<sup>163</sup> File No. 76989, official records in the Office of the State Engineer.

T.22N., R.50E., M.D.B.&M., Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, and 36, T.22N., R.51E., M.D.B.&M., Sections 1, 12, 13, 24, 25, and 36, T.22N., R.51½E., M.D.B.&M., all of T.22N., R.52E., M.D.B.&M., Sections 6, 7, 18, 19, 30, and 31, T.22N., R.53E., M.D.B.&M., Sections 34, 35, and 36, T.23N., R.51E., M.D.B.&M. The change requested by Application 76990, if approved, would transfer the Applicant's existing point of diversion from the NE¼ SE¼ of Section 17, T.19N., R.50E., M.D.B.&M. to a point which is located within the SE¼ NE¼ of Section 30, T.22N., R.51E., M.D.B.&M.<sup>164</sup> The proposed point of diversion is located within the Kobeh Valley Hydrographic Basin. The proposed place of use is located within the Kobeh Valley, Pine Valley, and Diamond Valley Hydrographic Basins.

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<sup>164</sup> File No. 76990, official records in the Office of the State Engineer.