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

IN THE MATTER OF APPLICATION NUMBER..76229,

FILED BY..ROCKVIEW DAIRIES, INC. OF AMARGOSA VALLEY, NEVADA,

ON SEPTEMBER 6, 2007, TO APPROPRIATE THE WATERS OF UNDER

PERMIT 49947, CERTIFICATE 12435

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PROTEST

Comes now John F. Bosta, whose post office address is. P.O. Box 43 Amargosa Valley, Nevada. 89020 whose occupation is Retired and protests the granting of Application Number 76229., filed on September 6, 2007 by Rockview Dairies, Inc. of Amargosa Valley, Nevada to appropriate the waters of an underground source under permit 49947, Certificate 12435 situated Basin 230 in Nye County, State of Nevada, for the following reasons and on the following grounds, to wit:

On September 20, 2002 I purchased my home on 1830 E. McCoy Street which is located in Section 35, Township 16 South, Range 49 East, M.D.B.&M My domestic water supply well is located about 2.2 miles from the diversion place in Section 4, Township 17 South, Range 49 East, M.D.B.&M. for the proposed Application Permit for 0.0931c.f.s for Commercial use. Another Application, 76230, for 0.0455c.f.s for Commercial use has also been made for same location in Section 4. These two application will total 0.1386c.f.s. Section 4 is across Mecca Road from Section 9, which is the location of Dairy 3 of the Rockview Dairies, Inc..

Nye County received grants from NDEP for the preparation of a basin wide Wellhead Protection Plan for Pahrump and a separate plan for the County Complex water supply wells in Amargosa Valley. These plans were completed in 2005 and the reports presented in early 2006. A map in the Amargosa Valley Plan Report showed a conic depression under the dairies. A local hydrologist presented this information at the DNEP Public Hearing for the Beverly Hills Dairy Permit NEV2006504. With the onset of pumping water levels are lowered in the vicinity of the production wells. The amount of water level decline will occur depends upon a number of factors, including the pumping rate and duration, and the ability of the underground aquifers to store and transmit groundwater. If more than one production well is present a pumping center may develop where the cone of depression of each well begins to overlap. With continued pumping, the area over which declines occur begins to expand outward from the pumping well or wells. As water withdrawals continue over time, the area of influence of the commercial production wells will begins to approach the edge of the domestic wells or the geologic structure controlling the domestic well discharge rate will then begin to decline. Therefore, the owner of the water supply well will need to deepen the well to receive water or drill a new well. This diversion of groundwater could effect the water level in my well. Since I am retired, I can not afford the cost of deepening my water well or drilling a new well.

On February 28, 2002 the Nevada Division of Environmental Protection (NDEP) granted major modification that increased the NPDES total permitted flow from 0.350 million gallons per day (MGD) to 0.625 MGD in Sections 9 and 10. "In September 2003, nitrate as nitrogen was detected in MW-2 at a concentration of 11.0 mg/l" (NDEP Fact Sheet). This is a violation of the Drinking Water Standard for nitrate which is 10 mg/l. NDEP required the replacement of the unlined pond with HDPE-lined pond. NDEP no longer requires the use of MW-2 to monitor the new HDPE-lined pond. This lack of monitoring is NDEP lack of concern for publics health. A HDPE-lined pond is not zero discharge, lined pond will leak.

The Rockview Farms , Inc. has an application for renewal of the NPDES Permit NV0023027 to increase the permitted flow from 0.625 million gallons per day (MGD) to 1.000 MGD for Commercial use for the existing three dairies located Sections 9, 10&15. At a public meeting the NDEP staff has expressed their attitudes that they do not issue water rights and are not concerned with the issues of water rights they only issue discharge flow permits. If the flow rate is increased, then more groundwater will be pumped.

If NDEP approves the NPDES application permit NV0023027 and if NDWR approves this water application the cumulative effect of these two permits will increase pumping of the groundwater which will increase the radius and depth of conic depression under the dairies, which could effect the domestic water supply wells.

The Rockview Dairies, Inc. of Amargosa Valley has not provided information pursuant to Amargosa Valley Town Advisory Board Resolution Number 05-001 to "ensure that no further development plans are implemented by the by the existing or proposed Dairy Farming Operation/CAFO until the Amargosa Valley Town Advisory Board is provided with meaningful, detailed and comprehensive impact studies regarding the potential negative effect of Concentrated Animal Feeding Operations on the health, and welfare of the inhabitants of the Town of Amargosa Valley and Amargosa Valley." The Rockview Dairies, Inc. continues the attitude that if they have a state permit the local government has no say in their operations within the Amargosa Valley. This permit should be denied until the Rockview Dairies, Inc. has provided the required information to the Amargosa Town Advisory Board for review. If and when the Town Advisory Board approves the proposed plan of the Rockview Dairies, Inc., they can reapply for a state permit.

THEREFORE the Protestant requests that the application be Denied and that an order be entered for such relief as the State Engineer deems just and proper.

Signed John F. Bosta

John F. Bosta

Address P. O. Box 42

Amargosa Valley, NV 89020

Subscribed and sworn to before me this 17th day of October, 2007

Shelly Kadrmas
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Nye
SHELLY KADRMAS
No: 96-1623-14
My Appointment Expires March 30, 2008

State of Nevada

County of Nye