

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

IN THE MATTER OF APPLICATION NUMBER 81257
FILED BY Rockview Dairy Inc.
ON October 18, 20 11



FILED
FEB 27 2012
STATE ENGINEER'S OFFICE

PROTEST

Comes now Timothy D. Mayer, Agent for U.S. Fish and Wildlife Service

Printed or typed name of protestant

whose post office address is 911 NE 11th Ave. Portland, OR 97232

Street No. or PO Box, City, State and ZIP Code

whose occupation is Supervisory Hydrologist

and protests the granting

of Application Number 81257, filed on October 18, 20 11

by Rockview Dairy Inc. for the

waters of underground situated in Nye

an underground source or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

The USFWS requests that this application be denied per Order 1197 because it will "...change the point of diversion of an existing ground-water right to a point of diversion closer to Devils Hole, described as being within a 25 mile radius from Devils Hole within the Amargosa Desert Hydrographic Basin." Specifically, the application would move 11.35 afy of basin fill pumping ~0.5 miles closer to the nearest Ash Meadows springs (6.5 to ~6 miles) and ~2.2 miles closer to Devils Hole (11.3 to 9.1 miles).

THEREFORE the Protestant requests that the application be

Denied

Denied, issued subject to prior rights, etc., as the case may be

and that an order be entered for such relief as the State Engineer deems just and proper.

Signed

Agent or protestant

Ren Lohoefer (Regional Director, Region 8, USFWS)

Printed or typed name, if agent

Address

911 NE 11th Ave. (Address for Timothy D. Mayer, Agent)

Street No. or PO Box

Portland, OR 97232

City, State and ZIP Code

503 231-2395

Phone Number

tim_mayer@fws.gov

E-mail

Subscribed and sworn to before me this day of , 20

See attached

Notary Public

State of

County of

**+ \$25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.**

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Sacramento

On Feb. 23, 2012 before me, Alene Thomas, Notary Public

personally appeared Ren Lohofener



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature A. Thomas

Place Notary Seal Above

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OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Application 81257 Decision

Document Date: 10/18/11 Number of Pages: 1 + Acknowledgement

Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ren Lohofener

- Individual
- Corporate Officer — Title(s): RD
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: US Fish & Wildlife Service

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____