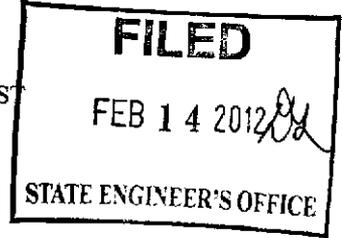


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 82157  
FILED BY Rockview Dairy Inc.  
ON October 18, 20 11, TO APPROPRIATE THE  
WATERS OF Underground

*81257* } *Agd*  
*2/15/12*



PROTEST

Comes now USDI - Bureau of Land Management, Nevada State Office

Printed or typed name of protestant

whose post office address is 1340 Financial Blvd., Reno, Nevada 89520

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

whose occupation is Public Land Management

and protests the granting

of Application Number 892157

, filed on October 18

, 20 11

by Rockview Dairy

to appropriate the

waters of Underground

situated in Nye County

Underground or name of stream, lake, spring or other source

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

See enclosed cover letter.

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

Amy Lucders

Printed or typed name, if agent

Address

1340 Financial Blvd.

Street No. or PO Box

Reno, Nevada 89520

City, State and ZIP Code

775.861.6500

Phone Number

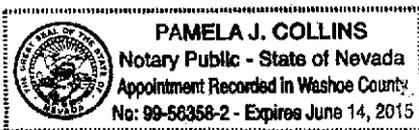
Subscribed and sworn to before me this

10<sup>th</sup>

day of

February

, 20 12



Pamela J. Collins  
Notary Public

State of Nevada

County of Clark Washoe

2012 FEB 14 PM 3:56

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

## Protest to 81257 & 81258

Rockview Dairies Inc. filed applications 81257 and 81258 on October 18, 2011, with corrections filed on December 21, 2011. Application 81257 is for a change in Point of Diversion, Place and Manner of Use for an existing water right (Permit 62373).

Application 81258 is an application for a change in Point of Diversion, Place and Manner of Use as for a portion of an existing water right (Permit 49947, Certificate 12435). The two applications would have a combined duty of 131.35 acre-ft and effectively change the Point of Diversion, Place of Use, and Manner of Use of water previously used for irrigation and domestic purposes to commercial use for the operation of a commercial dairy.

The BLM requests that the proposed actions under applications 81257 and 81258 be denied under Nevada State Engineer Order 1197, because these applications "...change the point of diversion of an existing groundwater right to a point of diversion closer to Devils Hole, described as being with a 25 mile radius from Devils Hole with the Amargosa Desert Hydrologic Basin..." Other public lands and limited water supplies and sensitive resources within the Amargosa Desert hydrographic basin that would be negatively affected by the actions proposed under the applications in question are springs within Ash Meadows National Wildlife Refuge, and resources within the BLM Ash Meadows Area of Critical Environmental Concern.

Specifically Rockview Dairy's application 81257 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). Rockview Dairy's application 81258 would move 120 afy of basin fill pumping much closer (7.5 miles) to the nearest Ash Meadows springs (from 13.4 to 5.9 mi) and much closer (9.0 mi) to Devils Hole (from 18.1 to 9.1 miles). In addition there would be a loss of irrigation return flows as a result of the change from irrigation to commercial use.

Further, it is the BLM's position that none of the five possible exceptions to Order 1197 are applicable to applications 81257 and 81258.

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