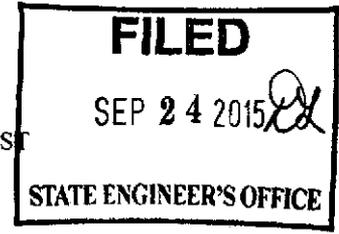


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 85386E
FILED BY Rockview Dairy, Inc.
ON August 14, 2015



PROTEST



Comes now County of Inyo, California/Inyo County Water Department

Printed or typed name of protestant

whose post office address is P.O. Box 337, Independence, California 93526

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

whose occupation is Political Subdivision of the State of California and protests the granting

of Application Number 85386E, filed on August 14, 2015

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:

See attachment.



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 [Signature] Agent or protestant

Robert Harrington, Director, Inyo County Water Department

Printed or typed name, if agent

Address P.O. Box 337

Street No. or PO Box

Independence, California 93526

City, State and ZIP Code

760-768-878-0003

Phone Number

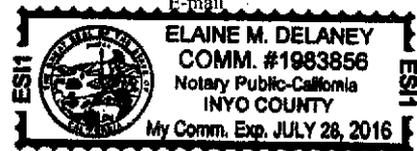
California
State of Nevada
County of Inyo

Subscribed and sworn to before me on Sept. 23, 2015

by Robert Harrington

bharrington@inyocounty.us

E-mail



[Signature]
Signature of Notary Public Required

Notary Stamp or Seal Required

+ \$30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

**ATTACHMENT TO PROTEST BY THE COUNTY OF INYO, CALIFORNIA TO WATER RIGHT APPLICATION 85386E**

RECEIVED  
2018 SEP 24 AM 11:19  
STATE ENGINEERS OFFICE

The County of Inyo, California protests application number 85386E, filed by Rockview Dairies Inc. to appropriate the public waters of the State of Nevada for Environmental Purposes. The application seeks a permit to pump 1.1 cubic feet per second of groundwater from the basin fill aquifer in Amargosa Desert (Hydrographic Basin 230).

This application was filed by Rockview Dairies Inc. to annually withdraw 1.1 cubic feet per second of groundwater from an area east of Death Valley National Park and northwest of Ash Meadows National Wildlife Refuge, within Amargosa Valley, Nevada. The total amount of water requested, combined with existing appropriations in the basin greatly exceeds the estimated annual perennial yield of Hydrographic Basin 230.

Removal of the ground water sought by this application would prove detrimental to the public interest by degrading habitat within the County of Inyo. Water table drawdowns resulting from the proposed pumping would damage the health and vigor of springs and their associated riparian habitats within this basin and potentially connected ground water basins in the region. Pumping of large volumes of water from this relatively small area will remove water from aquifer storage, reduce or eliminate discharge at several local spring riparian areas that contain species protected by the Endangered Species Act (ESA).

The County of Inyo files this Protest due to the probable, possibly substantial, effects of the proposed groundwater pumping on resources within Inyo County, California. While the Amargosa River originates in the mountains surrounding Beatty, Nevada, most its length is in Inyo County, California, terminating at Badwater in Death Valley National Park. For most of its course the river flows underground, but about seventeen miles of surface flow exist around Shoshone, Tecopa, and Amargosa Canyon, California. This perennial surface flow has created riparian and wetland habitats that support endemic and sensitive species such as the federally endangered Amargosa vole (*Microtus californicus scirpensis*), the Amargosa pupfish (*Cyprinodon nevadensis amargosae*), and Amargosa dace (*Rhinichthys osculus spp.*).

Additionally, alkali flats in Carson Slough, a tributary to the Amargosa River emanating from Ash Meadows, contains designated critical habitat for the federally endangered Amargosa niterwort (*Nitrophila mohavensis*) and federally threatened Ash Meadows Gum Plant (*Grindeliafraxinopratenensis*). All of these species are dependent on a stable water supply, particularly the endangered Amargosa vole and Amargosa niterwort. The Amargosa vole would cease to exist, except in captivity, if its habitat along the Amargosa were to go dry.

Due in part to these sensitive biological resources, the river's perennial stretch in California has been designated both a Wild and Scenic River (WSR) and a BLM Area of Critical Environmental Concern (ACEC). Both the WSR and ACEC designations protect streamflow, which is dependent on groundwater flowing from Nevada. As required by these designations, the County of Inyo protests this application for development of water, due to its probable detrimental effects on water-dependent resources within the Amargosa River WSR and ACEC. In addition, these withdrawals would impact BLM's Federal Reserve Water Right associated with the Wild and Scenic portion of the Amargosa River and the Kingston Range Wilderness which serves to protect these resources.



(760) 878-0001  
FAX: (760) 878-2552

EMAIL: [mail@inyowater.org](mailto:mail@inyowater.org)  
WEB: <http://www.inyowater.org>

P.O. Box 337  
135 South Jackson Street  
Independence, CA 93526

**COUNTY OF INYO  
WATER DEPARTMENT**

September 23, 2015

Mr. Jason King, P.E., State Engineer  
Nevada Department of Conservation and Natural Resources  
Division of Water Resources  
901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701

RECEIVED  
2015 SEP 24 AM 11:19  
STATE ENGINEERS OFFICE

Dear Mr. King:

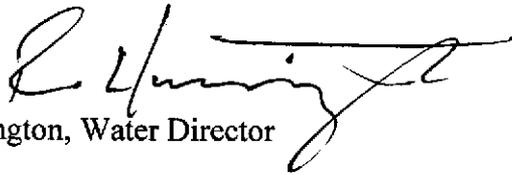
The County of Inyo, California has reviewed water right application 85386E in Amargosa Desert hydrographic basin (Basin 230) filed on August 14, 2015. The application states that the water sought by the application will be used "to mitigate increasing nitrogen-N levels in groundwater." Amargosa hydrographic basin is contiguous with and hydrologically connected to the Middle Amargosa Valley Groundwater Basin (Basin 6-20) in Inyo County, California.

The County of Inyo supports agricultural businesses and does not question that the well is a requirement of the Nevada Division of Environmental Protection; however, due to the existing over-allocation of the basin and the potential for adverse impacts to critical resources from the proposed pumping, we think that Rockview Dairies Inc. should seek other solutions to mitigate increasing nitrogen levels such as filing a change in point of diversion so that the total amount of water withdrawn does not increase and is part of the combined annual withdrawals under the existing permitted water rights at the dairy.

Further, the County of Inyo is concerned that because 85386E was filed as an "Environmental" water right application, it does not have a publication and public review/protest period. With a non-environmental application, a party has 30 days to protest an application from the date of publication by your office. The application was filed on August 14, 2015 and the County of Inyo only learned of the application within the past week. Under the circumstances, the County of Inyo is requesting the State Engineer to consider the attached Protest. If necessary, the County of Inyo will request a hearing on the matter.

If you have any questions, please contact the Inyo County Water Director, Bob Harrington at (760) 878-0001 or [bharrington@inyocounty.us](mailto:bharrington@inyocounty.us). Thank you for your consideration of this request and of the County of Inyo's protest.

Sincerely,



Bob Harrington, Water Director

Cc: County of Inyo Board of Supervisors  
Inyo County Water Commission  
Kevin Carunchio, Inyo County CAO  
Marge Kemp-Williams, Inyo County Counsel  
Greg James, Special Counsel

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