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

FILED
OCT 03 1989
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 53406,
FILED BY Washoe County, Nevada,
ON June 23 19 89, TO APPROPRIATE THE
WATERS OF Underground

PROTEST

Comes now Board of Supervisors of the County of Modoc, State of California
Printed or typed name of protestant
whose post office address is P.O. Box 131, Alturas CA 96101
Street No. or P.O. Box, City, State and Zip Code
whose occupation is Political Subdivision, State of California, and protests the granting
of Application Number 53406, filed on June 23, 19 89
by Washoe County, Nevada to appropriate the
Printed or typed name of applicant
waters of Underground situated in Washoe
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:

Potential adverse impacts to the water resources, water basins, economy, citizens and environmental resources of Modoc and Lassen Counties, as described in Exhibit "A" attached hereto and incorporated by reference herein.

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 of protestant
Board of Supervisors, County of Modoc
Printed or typed name, if agent
Address P.O. Box 131
Street No. or P.O. Box No.
Alturas, CA 96101
City, State and Zip Code No.

Subscribed and sworn to before me this 29th day of September 19 89

OFFICIAL SEAL
JULIE B. REESE
Notary Public-California
MODOC COUNTY
My Comm. Exp. June 17, 1991

[signature]
Notary Public
State of California
County of Modoc

$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Modoc County
Filing of Protests

EXHIBIT "A"

In 1986 Modoc County filed protests in the matter of sixteen application filed by Washoe County to appropriate water in interstate ground water basins, in connection with the Silver State Water Project. Although it has been reported (but not confirmed as requested) that Washoe County has withdrawn its appropriation applications within the Surprise Valley Basin, Modoc County hereby protests, pursuant to Nevada Water Law, appropriation applications numbered 53406 through 53434 filed by Washoe County on June 23, 1989, totalling approximately 29 acre-feet per year.

Modoc County protests the referenced applications for the following reasons:

1. That the appropriation of water in Honey Lake Valley represents a portion of the Silver State Project which has the potential to cause detrimental impacts to the citizens, economy and resources of Modoc County. No appropriation applications which represent any portion of the Silver State project should be approved until the environmental and social impacts of the entire project are analyzed and mitigated. Modoc County continues to maintain that pending applications in Duck Flat and Long Valley may cause adverse impacts due to the interconnection of these basins with the Surprise Valley basin, and the interdependency of citizens of Modoc County on the resources of Surprise Valley and portions of Washoe County which are not constrained by political boundaries, as discussed in the protests on file with the Nevada State Engineers Office for pending applications filed in 1986, incorporated herein by reference.

2. In support of the protection of the resources of Lassen County and the State of California against detrimental impacts as stated in the letter from Hughes deMartimprey, Chairman, Lassen County Board of Supervisors, to Peter G. Morros dated September 27, 1989 attached hereto.

3. To emphasize that no action should be taken until the U.S.G.S. Honey Lake Basin study is complete, all data has been evaluated, and concurrence on a safe yield export amount is reached by the States of California and Nevada and Lassen County.

Modoc County respectfully reserves the right to submit additional evidence relevant to the points of protest and any additional matters that may affect the ground water rights and resources of the subject area as such evidence or information becomes available.

COUNTY OF LASSEN

Supervisor Hughes de Martinprey
First District

County Administrative Center
707 Nevada Street
Susanville, California 96130
(916) 257-6217, Ext. 233

September 27, 1989

Peter G. Morros, Nevada State Engineer
Department of Conservation and
Natural Resources
Division of Water Resources
Capitol Complex
201 South Fall Street
Carson City, Nevada 89710

Dear Mr. Morros:

Lassen County protests, pursuant to Nevada Law, water appropriation applications numbered 53406 to 53434 filed by Washoe County on June 23, 1989 totaling approximately 29,000 acre feet per year. The purpose of those applications is to develop groundwater resources in the Honey Lake Basin with the intent to export water to the Reno area for municipal and industrial uses. Our protest is based on available data that indicates that these applications represent an appropriation that would clearly and substantially be in excess of the safe yield of the Honey Lake Basin. Lassen County bases this position largely in reference to the report, Groundwater Availability in Honey Lake Valley, Washoe County, Nevada: William F. Guyton Associates, Inc., August, 1987, and preliminary results of the United States Geological Survey presented at a quarterly meeting on July 18, 1989, in Carson City, Nevada, concerning the uncompleted Honey Lake Basin Study. Lassen County's position on the matter of groundwater exportation continues to be as expressed in our testimony presented before the Nevada Public Service Commission (Docket No. 89-107) with reference to the Sierra Pacific Water Resource Plan.

Exportation of groundwater from the Honey Lake Basin should not be considered until an adequate level of data and analysis of the groundwater resource from a quantity and quality standpoint has been developed that is satisfactory to both states and Lassen County. Such data should be adequate to establish a safe yield amount that could be exported that will not be detrimental and adverse to Lassen County.

Following are specific points of protest relative to potential adverse effects on Lassen County that could result from the granting of the referenced applications:

1) Reduction of groundwater recharge
2) Water table drawdown
3) Basin-wide reduction of natural evapotranspiration resulting in impacts including: Desiccation of natural

vegetation: reduction in livestock forage; reduction in wildlife habitat, species numbers, diversity and population levels; reduction in natural surface flow from springs and streams

4) Hydraulic gradient influence
5) Change in rate and direction of underflow in consolidated and unconsolidated subsurface material along the entire basin boundary and between the states
6) Groundwater quality through interception of natural discharge and groundwater drafting through pumping
7) Drawing of poor quality water toward production wells and pulling poor quality water from the Sierra Army Depot, thereby reducing water quality for beneficial uses including the Army Depot and others within Lassen County
8) Adverse changes to geothermal reservoirs including Wendel/Amedee KGRA (Known Geothermal Resource Area)

As referenced in Lassen County's testimony filed with the Nevada Public Service Commission on May 16, 1989, specific conclusions in the Guyton report (1987) substantiate Lassen County's concern with the amount of any export from the Honey Lake Basin. Our points of protest refer to the following excerpts from that report:

> "Based on data now available, it is estimated that from about 5,000 acre feet per year to possibly 10,000 acre feet per year of water can be obtained from Honey Lake Valley on a long-term basis. While additional data need to be obtained, the results obtained from the additional work that is proposed for Honey Lake Valley would have to be very favorable to show that 10,000 acre feet of water is available on a long-term basis."

> "...there is a limit as to how much natural discharge can be intercepted by pumping without causing an unacceptable amount of the poor quality water to move into the area of good quality water around the edge of the basin."

Furthermore, the USGS reported preliminary results of the Honey Lake Basin study at their quarterly meeting on July 18, 1989, which indicate that under a scenario of drafting and exporting 15,000 acre feet of groundwater from the Honey Lake Basin a substantial lowering (approximately 100 feet) of the groundwater table and resulting desiccation of the natural vegetation would result. It was also predicted that such pumping would induce an increase (from approximately 3% to 5%) in the proportion of the total inflow to the Nevada portion of the Honey Lake Basin from Lassen County.

Lassen County recognizes that the USGS study, pursuant to the Tripartite Agreement for the Cooperative Investigation of the Honey Lake Groundwater Basin, has not been completed and the filing for water appropriation applications by Washoe County has not been respective of the target completion of April 1990 nor the results of the study.

The granting of the referenced permit applications, or any portion thereof, prior to full evaluation and understanding of the potential impacts on the groundwater resources of the basin and establishment of appropriate mechanisms to manage the interstate groundwater resources of the Honey Lake Basin on an equitable apportionment/safe yield basis, will be counterproductive to efforts that have been made by the States of Nevada and California and Lassen County to resolve the very serious conflicts associated with these interstate water matters.

Lassen County respectfully requests that consideration of the referenced applications be held in abeyance pursuant to the moratorium established with the tripartite agreement and that the applications be considered only after an adequate level of technical and environmental analysis has been conducted to evaluate the effects of the proposal and in a public hearing forum.

Lassen County also respectfully reserves the right to submit additional evidence relevant to our points of protest and any additional matters that may effect the groundwater rights and resources of Lassen County as such evidence and information becomes available.

Sincerely,

Hughes deMartimprey

Hughes deMartimprey, Chairman
Lassen County Board of Supervisors

HdM:nes

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STATE ENGINEER'S OFFICE
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