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

FILED
AUG 27 2007
STATE ENGINEER'S OFFICE

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STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 75896,

FILED BY HIGH ROCK HOLDING, LLC ON JUNE 20, 2007, TO

CHANGE THE PLACE AND MANNER OF USE THE WATERS OF

HUALAPAI FLAT (024).

PROTEST

Comes now the **Toiyabe Chapter of Sierra Club** and **Great Basin Water Network** jointly, whose addresses are. P.O. Box 8096, Reno, NV 89507 and 1755 E. Plumb Ln # 170, Reno NV 89502 respectively; whose missions are conservation and outdoor recreation; water conservation and education; support for sustainable water use; and protection of water resources and communities; protest the granting of Application Number 75896., filed on June 20, 2007 High Rock Holding, LLC to change the manner and place of use, the waters from underground sources in Hualapai Flat, Basin 024, situated in **Pershing** County, State of Nevada, for the following reasons and on the following grounds, to wit:

....(SEE ATTACHMENTS).....

.....

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 Dennis Ghiglieri Susan Lynn
Agent or protestant

.....Dennis Ghiglieri.....Susan Lynn.....
Printed or typed name, if agent

Address.....PO Box 8096.....1755 E. Plumb Ln #170.....
Street No. or P.O. Box No.

.....Reno, NV 89507.....Reno, NV 89502.....
, State and Zip Code No.

Subscribed and sworn to before me this 27 day of August, 20 07.

Brittni Christiansen
Notary Public

BRITTNI CHRISTIANSEN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No. 06 107557-2 - Expires April 19, 2010

State of Nevada

County of Washoe

+ $25 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.

ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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Rationale for Protesting Groundwater Applications in Basin 024, Hualapai Flat

Groundwater Table is Declining:

- The groundwater table appears to be in serious decline from current agricultural pumping (See Attachment)
- Existing water rights, including those proposed to be transferred, exceed the perennial yield by an exorbitant amount. The cumulative request between Sonterra, High Rock Holdings and Juniper Ridge Partners is for over 36,000 AF. The USGS indicates that perennial yield may be around 6700 AF. It is a designated basin.
- If the cumulative withdrawal includes Juniper Ridge Partners' capture of Granite Creek, the valley will loose additional recharge or perennial yield.
- The transfer of water from this basin will have a negative impact on other existing water rights holders and natural resources. There will be little if any agricultural recharge.
- Water for agriculture has flexibility of use in a drought and by season; therefore the actual use of each well may be less the allocated amount since each well may be shut down or rested.
- The perennial yield needs to be re-evaluated in light on the ongoing desertification of Nevada; the amount of water recharge needs examination and analysis.

The removal of water from this basin will create environmental damage

- Hualapai Flat is immediately adjacent to the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area known for its hot springs.
- The underground plumbing of Hualapai and the NCA is probably connected to the known geothermal springs visited by wagon trains carrying emigrants. These hot springs may cease to exist if the cumulative request is granted.
- Hualapai Valley is home to Fly Geyser, while naturally created, began with geothermal drilling. The geyser is a prominent area landmark and is prominently displayed in many state publications.
- Removal of the water from the basin prevents any recharge at all, while agricultural use tends to create some recharge.
- Springs, seeps and wetlands may dry up depriving wildlife of water sources. The same is true for geothermal ponds.
- As plants fail to reach declining groundwater, they will die.
- Subsidence has occurred in Hualapai Valley from existing agricultural pumping.
- The infrequent precipitation cannot recharge the basin to this extent of withdrawals. With plant cover gone, dust and air quality will be a problem for Reno Sparks when the north winds blow.
- The loss of vegetation will encourage the succession of noxious weeds.

Granting the applications impacts other water right holders and users.

- The impact of transferring all of the water or even some of the water requested will result in continued draw down of the water table will impact current users and natural resources. The basin yield is less than the requested transfer amount.

- Current users have both domestic and production wells.
- Transfer of the water precludes future development in this basin if all useable water will be exported.

Granting the application would not be in the public interest.

- Agricultural users have some flexibility during droughts to turn off irrigation systems, but thousands of urban people on the other end of the pipeline do not have that flexibility. They are people who require a steady reliable water supply.
- The water table will continue to decline and be unreliable.
- The tendency will be to demand deeper wells in the basin and demand higher water prices from the customers.
- The loss of groundwater will remove all water, riparian vegetation, and even vegetation relying on subsurface destroying wildlife food sources. Essentially vegetation in the valley will die from lack of groundwater.
- The removal of agricultural crops and dropping water table will result in weeds and a dust bowl on the nonirrigated lands.

Economic Impacts

- The removal of water from Hualapai Flat Basin 024 has the potential to cause problems for the Gerlach General Improvement District that supplies water for Gerlach. The San Emidio Basin in connected to the Smoke Creek, Black Rock, Winnemucca and Pyramid Lake and other nearby basins.
- A drop in water levels in surrounding basins may preclude any future development in those areas which are becoming get-away retreats.
- In the long-term, a shortage of water for the anticipated future urban development will become a liability for each community and the state as homeowners demand more water or compensation for lost investment if the water fails. Residents living in the basin of origin will also request compensation for loss of investment.
- The area receives visitation from high numbers of anglers, hunters, Burning Man participants, campers, historians and folks looking for other recreation opportunities. This is Washoe County's and northern California's recreation getaway. Loss of vegetation and landscapes may affect tourism in northern Washoe and Pershing Counties. The BLM can provide visitor records to some degree.
- Retirement of agricultural lands in Pershing County deprives the County of tax revenue.