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

IN THE MATTER OF APPLICATION NUMBER 84429
FILED BY Rodney St. Clair
ON October 9, 20 14

PROTEST

FILED
DEC 19 2014
STATE ENGINEER'S OFFICE

Comes now Burning Man
Printed or typed name of protestant

whose post office address is 660 Alabama St. 4th Floor, San Francisco, CA 94110
Street No. or PO Box, City, State and ZIP Code

whose occupation is Event Production and Global Culture and protests the granting

of Application Number 84429, filed on October 9, 20 14

by Rodney St. Clair for the

waters of an underground source (Casey Hot Springs Well) situated in Humboldt
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:
Please see attached document with detailed reasons for this protest.

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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

Raymond Allen
Printed or typed name, if agent

Address 660 Alabama St. 4th Floor
Street No. or PO Box

San Francisco, CA 94110
City, State and ZIP Code

415-865-3800
Phone Number

ray@burningman.com
E-mail

State of ~~Nevada~~ California
County of San Francisco

Subscribed and sworn to before me on December 18, 2014

by Raymond Allen

Signature of Notary Public Required

ANGELA SANDERS
Commission # 2065206
Notary Public - California
San Francisco County
My Comm. Expires Apr 20, 2018

Notary Stamp or Seal Required

+ $30 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

Protest of Nevada Water Applications #84429 and #84430

in Mud Meadows Basin (026)

By Burning Man

Great Basin Water Network, Inc. *et al* protests two (2) water applications, 84429 and 84430, and asks that you deny these applications for the following reasons:

1. There is insufficient water for this project. State Engineer's Recon Reports indicate approximately 13,000 AFA is available. 5659 AF have been allocated. 3871 AF are certificated; 1788 AF have been permitted. This leaves about 7341 AF for further allocation, way below the amount requested of 14,241 AF.
2. This small amount of water available makes the project requiring a 100 mile pipeline infeasible, in fact, cost prohibitive. We know the Honey Lake Pipeline of approximately 35 miles cost $100 million. We know the SNWA pipeline at 280 miles is projected now at $15.7 billion.
3. The project is very speculative at best. We know of no contracts. Tahoe-Reno Industrial Center (TRI) developer Lance Gilman (RGJ article from September 5, 2014) says it has enough water for new development.
4. There is no demonstrated need for the water. In another article in the RGJ (December 9, 2014), Reno and Sparks (TMWRF and TMWA) are negotiating with developers to use treated effluent, further reducing the need for imported water.
5. Neither the applicant, nor the place of use are municipalities and therefore would fall under the Nevada Supreme Court ruling on Sandy Valley. Since no need for the project has been demonstrated, the water developer would be unable to put the water to beneficial use for foreseeable future.
6. The quality of water normally associated with the thermal waters of the Black Rock Desert should not be imported to south of the Truckee River. The water is not returnable to the Truckee River as effluent because of high TDS levels. TMWRF is already in violations of water quality standards for nitrogen and close for TDS and phosphorous. Water from the Black Rock would add TDS and other known thermal water pollutants such as arsenic and boron.

Interbasin Transfer Considerations—the environment, cultural resources, national public values in the National Conservation Area:

7. The project is on a small former DLE land parcel within the Black Rock – High Rock Emigrant Trails National Conservation Area (NCA), designated by Congress on December 20, 2000 and signed by President Clinton on December 21, 2001. The Act states in Sec.4(a), "Establishment and Purpose--In order to conserve, protect and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation

Area in the State of Nevada." They did this to recognize the area for its unusual resources. Granting 14,000+ acre feet would violate the public interest and trust set by Congress and the President.

8. The former DLE land parcel size is insufficient for a field of wells to pump 7,000 AF. The Land Use Management Plan for the NCA, written and adopted in July 2004 clearly states (Page 2-42, Land-3), "no new utility corridors will be established in the planning area." The proposed pipeline necessarily must request a right-of-way/utility corridor across the NCA which cannot be granted.
9. Additionally, there are many, many cultural sites because this area was part of ancient Lake Lahontan. As the waters receded, Native American campsites followed. The hot springs were especially frequented, used for hunting, cooking, softening pitch for water baskets, while occupants left artifacts virtually everywhere. Hot springs are considered sacred sites.
10. The proposed well to pump 7,000 AF near Double Hot Springs will harm the visual resources of the NCA and will cause irreplaceable adverse impacts on historic trail traces Well development would appear to seriously impact historic Double Hot Spring documented in many diaries kept by emigrants traveling on the Applegate Lassen Trail. The impacts include drying up Double Hot Spring and violating the viewshed of the NCA and Applegate Lassen National Historic Trail. Harm to the national designation is not in the public interest.
11. Water withdrawals in Mud Meadows Basin may impact groundwater flows in the rest of the geothermal faulting that occurs between Black Rock Spring and Soldier Meadows where there are two endangered species- cinquefoil and desert dace. Both species are within an Area of Critical Environmental Concern designated by the BLM and the Fish & Wildlife Service in conjunction with the owner of Soldier Meadows Ranch.
12. Public records indicate groundwater flows at Mud Meadows may come from High Rock Lake, Soldier Meadows and Summit Lake and run towards the Black Rock playa. Withdrawals may affect Summit Lake levels and Lahontan cutthroat trout, and water rights at Soldier Meadows.
13. Further reduction of groundwater to the playa will create more dust/erosion on the playa than already exists now. On windy days, depending on wind direction, Winnemucca, Gerlach, Summit Lake and Reno are known recipients of dust particulate from the Black Rock (Mike Alger, Channel 2 meteorologist).
14. The applications are seeking to take a great deal of water for industrial use out of a large basin. This could result in a lowering of the water table, which would have adverse effects on the environment, community and economy.
15. The requested use would interfere with others who have water rights that are connected to that basin.
16. It would be better to take less water out of multiple smaller basins than to take such a great amount out of one large shared basin.

Application No. 84429

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

THIS SPACE FOR OFFICE USE ONLY

Date of Filing in State Engineer's Office OCT 09 2014

Returned to applicant for correction _____

Corrected Application filed _____ Map filed May 21 2014 under 83849

The applicant Rodney St. Clair

8319 Clark Road (Street Address or P.O. Box) of Marsing (City or Town)

Idaho 83639 (State and ZIP Code) hereby make(s) application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

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1. The source of water is an underground source (Casey Hot Springs Well)
   Name of the stream, lake, underground, spring or other sources.
2. The amount of water applied for is 10.00 c.f.s., not to exceed 7,241 AFA
   One second foot equals 448.83 gallons per minute.
   (a) If stored in a reservoir give the number of acre-feet _____
3. The water is to be used for Industrial
   Irrigation, power, mining, commercial, domestic or other use. Must be limited to one major use.
4. If use is for:
   (a) Irrigation, state number of acres to be irrigated _____
   (b) Stockwater, state number and kind of animals _____
   (c) Other use (describe fully in No. 12) _____
   (d) Power:
      (1) Horsepower developed _____
      (2) Point of return of water to stream _____

Revised 07/13

Mudmeado -2

5. The water is to be diverted from its source at the following point: (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)

within Lot 8 of Section 16, T. 36 N., R. 26 E., M.D.B.&M., or at a point from which the SW corner of Section 8, T. 36 N., R. 26 E., M.D.B.&M. bears N. 76° 45' 46.8" W., a distance of 9,583.4 feet. (See map filed under 83849)

6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated)

See attached Exhibit A and supporting map filed under 83083

7. Use will begin about January 1st (Month and Day) and end about December 31st (Month and Day) of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with a pump and motor, etc.)

Proposed works include drilling of well, installation of pump, pumphouse, electrical, pipeline and booster stations.

9. Estimated cost of works: $10,000,000.00+

10. Estimated time required to construct works: 3 years
(If the well is complete, describe works.)

11. Estimated time required to complete the application of water to beneficial use: 5 years

12. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

Well to be drilled. Pump and electrical to be installed. Water will be conveyed from the pump through a pipeline, and used for industrial use throughout the proposed place of use.

13. Miscellaneous remarks:

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Michael A. Stanka, P.E.
Type or print name clearly

Signature, applicant or agent

Stanka Consulting, LTD
Company Name

3032 Silver Sage Dr., Suite 101
Street Address or PO Box

Carson City, NV 89701
City, State, ZIP Code

michael@stankaconsulting.com
E-mail Address

(775) 885-9283
Phone No. Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Revised 07/13 $360 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

EXHIBIT "A"

Proposed Place of Use

Aliquot Part	Section(s)	T.N.	R.E.	Base & Meridian
All	1, 2 & 3	18	22	MDB&M
All	10, 11 &12	18	22	MDB&M
All	13, 14 & 15	18	22	MDB&M
All	22, 23 & 24	18	22	MDB&M
All	1 thru 8	18	23	MDB&M
Portions North of Stagecoach GID	9 & 10	18	23	MDB&M
All	11, 12 & 13	18	23	MDB&M
Portions North of Stagecoach GID	14 thru 17	18	23	MDB&M
All	18 & 19	18	23	MDB&M
Portions North of Stagecoach GID	20 & 24	18	23	MDB&M
All	1 thru 18	18	24	MDB&M
Portions North of Stagecoach GID	19	18	24	MDB&M
All	20 thru 24	18	24	MDB&M
Portions outside of SSMWC*	25 & 26	18	24	MDB&M
All	27 thru 29	18	24	MDB&M
All	32 thru 34	18	24	MDB&M
Portions outside of SSMWC*	35 & 36	18	24	MDB&M
All	6 & 7	18	25	MDB&M
Portions outside of SSMWC*	18 & 19	18	25	MDB&M
Portions outside of Lake Lahonton	29 & 32	18	25	MDB&M
All	31	18	25	MDB&M
Portions South of Interstate HWY 80	1	19	21	MDB&M
All	1 thru 5	19	22	MDB&M
All	6	19	22	MDB&M
All	7 thru 30	19	22	MDB&M
All	33 thru 36	19	22	MDB&M
All	1 thru 36	19	23	MDB&M
All	6 & 7	19	24	MDB&M
All	18 & 19	19	24	MDB&M
All	30 & 31	19	24	MDB&M
Portions South of Interstate HWY 80	36	20	21	MDB&M
Portions South of the Truckee River	24 thru 26	20	22	MDB&M
Portions South of the Truckee River	28	20	22	MDB&M
Portions South of Interstate HWY 80	31 & 32	20	22	MDB&M
Portions South of the Truckee River	33 thru 35	20	22	MDB&M
All	36	20	22	MDB&M

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EXHIBIT "A"

Place of Use - Continuation Exhibit "A"

Portions South of the Truckee River	13	20	23	MDB&M
Portions South of the Truckee River	19 thru 24	20	23	MDB&M
All	25 thru 36	20	23	MDB&M
Portions South of the Truckee River	18	20	24	MDB&M
All	19	20	24	MDB&M
All	30 & 31	20	24	MDB&M

* SSMWC = Silver Springs Mutual Water Company

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