

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

FILED  
AUG 17 2015  
STATE ENGINEER'S OFFICE

IN THE MATTER OF APPLICATION NUMBER 85263  
FILED BY Rodney St. Clair  
ON June 25, 20 15

PROTEST

Comes now Friends of Black Rock-High Rock  
Printed or typed name of protestant

whose post office address is PO Box 224, Gerlach, NV 89412  
Street No. or PO Box, City, State and ZIP Code

whose occupation is nonprofit organization and protests the granting

of Application Number 85263, filed on June 25, 20 15

by Rodney St. Clair for the

waters of underground source (Double 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 the attached statement of reasons

THEREFORE the Protestant requests that the application be Denied

and that an order be entered for such relief as the State Engineer deems just and proper.  
Denied, issued subject to prior rights, etc., as the case may be

Signed Michael Myers  
Agent or protestant

Michael Myers  
Printed or typed name, if agent

Address PO Box 224  
Street No. or PO Box

State of Nevada  
County of Humboldt

Gerlach, NV 89412  
City, State and ZIP Code

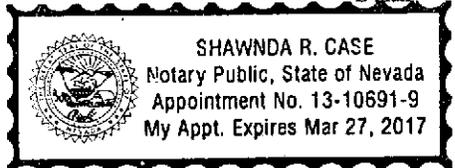
Subscribed and sworn to before me on Aug 12, 2015

775-557-2900  
Phone Number

by Michael Myers

info@blackrockdesert.org  
E-mail

Shawnda R. Case  
Signature of Notary Public Required



Notary Stamp or Seal Required

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

Friends of Black Rock-High Rock Protest 2 Water Applications (85263 & 85264) in the Mud Meadows Basin (026) for the following reasons:

1. The applications are located on private in-holdings within the boundaries of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area (NCA). The NCA was designated by an act of Congress on December 20, 2000 and signed by President Clinton on December 21, 2001 "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." These water applications would have a negative effect upon the NCA, and they would be detrimental to the public interest.
2. The proposal to pump 14,241 AFA, in addition to already approved rates of 5,659 AFA, would exceed the published perennial yield for the Mud Meadows Basin, currently listed at 13,000 AFA.
3. The impacts from diverting water from the basin would be detrimental for numerous reasons. The proposed wells are within close proximity to springs on public lands, and they could negatively impact riparian areas that are on public and private lands in the basin. These negative effects could include:
  - a. A lowering of the water table. This would negatively impact vegetation and wildlife who rely upon the vegetation and water for survival. This could alter hydrologic and geothermic activity within the basin. This could also result in a loss of water quality, and it could increase concentrations of naturally occurring metals that hot springs produce.
  - b. Flow rates of other springs in the area. Some of the springs in the northern part of the basin are associated with the Soldier Meadows spring complex. Soldier Meadows is home to sensitive species such as the basalt cinquefoil and the threatened desert dace. Other sensitive species along the proposed pipeline route could be adversely effected.
4. The NCA specifically sites the historic emigrant trails as part of the reason for protecting this area. "The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers" (Sec. 2 (1)). The NCA act also serves, "to protect the integrity of the viewshed of the historic emigrant trails" (Sec. 2 (6)). The proposed pumps and associated pipeline would be in direct conflict with these stipulations. The Applegate-Lassen Emigrant Trail went through and emigrants stopped at both Casey and Double Hot Springs. In addition to harming the visual integrity of the emigrant trail corridor, the proposal could disturb historically significant artifacts. Furthermore, this proposal is not endorsed by the BLM, who would be responsible for issuing a right of way that would be in direct conflict of these important visual concerns.
5. Springs contain cultural and religious significance to Native Americans. There are extensive prehistoric archaeological sites near all of the hot springs in the area of the proposed wells. Some of these sites have not been fully evaluated. The construction of the proposed wells and pipelines could damage these culturally significant areas.
6. The proposed project would need to have a new utility right-of-way, or similar structure, created within the NCA. This is unlikely to be granted due to management standards created by the BLM with the Black Rock NCA Resource Management Plan (RMP) signed in 2004. The RMP states:

1. "LAND-3: No new utility corridors will be established in the planning area."
2. "LAND-5: Utility rights-of-way may be granted outside of Wilderness where in conformance with visual quality objectives and the NCA Act.
3. "LAND-6: Permanent above-ground facilities will not be allowed on the 104,546 acre playa of the Black Rock Desert."

In accordance with these standards, the proposed water applications should be denied due to a lack of feasibility in completing the project. It is forbidden to establish a new utility corridor. A utility right-of-way would cause visual harm to the historic emigrant trails. And, the location of this project is directly adjacent to the playa, and the project would need some form of above ground facilities, which also violates the stipulations of the RMP.

These water applications (85263 & 85264) are in direct conflict with multiple aspects of not only the NCA Act of 2000, but also the NCA Resource Management Plan of 2004 created by the BLM for the region. The amount of water drawn from the Mud Meadows basin is significant, and it would have a multitude of negative impacts upon the area. There are numerous cultural and historical sites that would be harmed if this project were to be approved. The proposed project is not beneficial to the land, landscape, or the nearby ranches or community of Gerlach. This proposal is speculative, cost prohibitive, and detrimental to the resources of the area, and it should be denied.

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