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

IN THE MATTER OF APPLICATION NUMBER 85263
FILED BY Rodney St. Clair
ON July 10, 20 15

PROTEST

FILED
AUG 17 2015
STATE ENGINEER'S OFFICE

Comes now Friends of Nevada Wilderness, Inc.
Printed or typed name of protestant

whose post office address is P.O. Box 9754, Reno, NV 89507
Street No. or PO Box, City, State and ZIP Code

whose occupation is Protecting wilderness and conservation area land and protests the granting

of Application Number 85263, filed on July 10, 20 15

by Rodney St. Clair, for the

waters of underground situated in Humboldt County
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 attached

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

Shaaron Netherton
Printed or typed name, if agent

Address P.O. Box 9754
Street No. or PO Box

Reno, NV 89507
City, State and ZIP Code

775-324-7667
Phone Number

shaaron@nevadawilderness.org
E-mail

RECEIVED
2015 AUG 17 PM 12:03
STATE ENGINEERS OFFICE

State of Nevada
County of Washoe

Subscribed and sworn to before me on August 12, 2015
by Shaaron Netherton

B. CHEEK
Notary Public - State of Nevada
County of Washoe
APPT. NO. 15-1869-2
My App. Expires June 24, 2019

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.

Protest of Nevada Water Applications
#85263 and #85264 in Mud Meadows Basin (026)
By Friends of Nevada Wilderness

FRIENDS of NEVADA WILDERNESS

Friends of Nevada Wilderness protests two (2) water applications, 85263 and 85264, for the following reasons:

1. The project is on private land surrounded by the High Rock – Black Rock Emigrant Trails National Conservation Area (NCA), designated by Congress on December 20, 2000 and signed by President Clinton on December 21, 2001. The legislation states, "Establishment and Purpose" Sec.4(a) In order to conserve, protect and enhance for the benefit and enjoyment of present and future generations the unique and national 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."

   Development of these water rights would degrade lands within the NCA contrary to the establishment of the NCA.

2. There is not as much available water as requested by the applicant. The current certificated and permitted UG rights total 5659 af/y and the proposed rights total 14,241 af/y. The total would equal 19,900 af/y, substantially more than the published perennial yield of Mud Meadows, which is listed at 13,000 af/y. Developing this water would substantially destroy the values for which the area was protected as an NCA.

3. The published perennial yield for the basin is too high. The Reconnaissance Report for the Black Rock Desert (#20) recognized that, even if the water was available, it may be impossible to capture sufficient groundwater discharge because of the presence of extremely salty water under the play. Attempting to develop an amount near the perennial yield could degrade fresher groundwater throughout the area, including the NCA and the associated hot springs.

4. The proposed well to pump 7,000 AF near Double Hot Springs is on a small former DLE grant that would seriously impact an historic spring documented in many diaries of emigrants on the Applegate Lassen Trail. The impacts include drying up the spring and a violation of the viewshed of a National Historic Trail which has a buffer of a mile on either side of the actual trail corridor. It would be a complete change of ecosystem. The Land Use and Management Plan for the NCA 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 and this is contrary to the intent of the legislation and the BLM's NCA management plan.

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Visit our Website at www.NevadaWilderness.org

5. Water withdrawals in Mud Meadow area 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 within an Area of Critical Environmental Concern designated by the BLM and the Fish & Wildlife Service.

6. Even if the perennial yield estimate is accurate for the basin, the perennial yield cannot be developed from the proposed points of diversions due to the geology of the area which divides productive aquifers into small areas. Because the bulk of the basin is playa and valley fill deposits which likely contain high quantities of salt, it is necessary to develop water around the edges of the basin near the foot of the mountains. This additional development would negatively affect the NCA.

7. Pumping groundwater from the proposed diversion points will take water from Double Hot Springs and Casey Hot Springs. The pumping will upset the current flow paths to the springs which could change both the total flow rate, the quality, and the balance of thermal and nonthermal water.

8. Water rights that decrease discharge from the hot springs will diminish the wetlands downgradient from the springs and decrease secondary recharge. Resources that depend on the secondary recharge will be diminished. This will damage the NCA and harm water rights dependent on that recharge.

9. Intercepting water before it reaches the Black Rock playa will lower the water table under the playa and increase the amount of dust that blows from the playa. This is because the high water table supports an unsaturated zone necessary to hold the silty deposits in place. This increased dust pollution will degrade the NCA.

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