

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

IN THE MATTER OF APPLICATION NUMBER 85264
FILED BY Rodney St. Clair
ON June 25, 20 15



FILED
AUG 25 2015
PROTEST
STATE ENGINEER'S OFFICE

Comes now Great Basin Water Network, Pyramid Lake Paiute Tribe and Progressive Leadership Alliance of NV
Printed or typed name of protestant
whose post office address is 1599 Wheatgrass Dr., Reno, NV 89509
Street No. or PO Box, City, State and ZIP Code
whose occupation is protecting groundwater basins from large interbasin transfers and protests the granting
of Application Number 85264 (Casey Hot Springs), filed on June 25, 20 15
by Rodney St. Clair for the
waters of underground source situated in Humboldt County - Basin 026
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 Protestants request 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 Susan B Lynn
Agent or protestant
Susan B. Lynn
Printed or typed name, if agent
Address 1599 Wheatgrass Dr.
Street No. or PO Box
Reno, NV 89509
City, State and ZIP Code
775-324-6221
Phone Number
sblynn@sbcglobal.net
E-mail

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State of Nevada
County of Washoe
Subscribed and sworn to before me on August 25, 2015
by Susan B Lynn

Breanna Borja
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 Great Basin Water Network, Inc., Pyramid Lake Paiute Tribe and Progressive Leadership Alliance of Nevada

Great Basin Water Network, Inc., Pyramid Lake Paiute Tribe, and Progressive Leadership Alliance of Nevada protests two (2) water applications, 85263 and 885264, and ask 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 in Basin 026. 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 (TRIC) developer Lance Gilman (RGJ article from September 5, 2014) says it has enough water for new development. The City of Fernley and environs has not been approached to purchase this potential water.
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 TRIC, the place of use, are municipalities and therefore would fall under the Nevada Supreme Court ruling on Sandy Valley (Bacher v. State Engineer: 122 Nev.1110, 146P 3rd 793 [2006]). Since no need for the project has been demonstrated by TRIC or Fernley, the water developer would be unable to put the water to beneficial use in the foreseeable future.
6. This project probably must cross the Pyramid Lake Paiute Tribe's lands. No contact has been made with the Tribe to seek permission. And the Pyramid Lake Paiute Tribe joins this protest. The Tribe objects to these applications because these springs hold great cultural and spiritual important to their people; this pumping may affect geothermal groundwater flows through the reservation's adjacent Smoke Creek and San Emidio basins; and the cultural and environmental impacts to the reservation by the pipeline that must surely cross the reservation.
7. 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 of the National Conservation Area:

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8. 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, 2000. 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.

9. 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 would be difficult to grant as wells this large would require electrical lines, collector pipes and roads that would affect the historic viewsheds.

10. 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.

11. The proposed well to pump 7,000 AF near Double Hot Springs and Casey 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 nationally designated conservation area is not in the public interest.

12. 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.

13. Public records indicate groundwater flows at Mud Meadows comes from High Rock Lake, Soldier Meadows and Summit Lake and run towards the Black Rock playa. Withdrawals may affect Summit Lake levels, its tributaries, and Lahontan cutthroat trout, plus water rights at Soldier Meadows and other area ranches. These geothermal flows may also impact similar geothermal areas on the Smoke Creek and San Emidio Desert basins.

14. 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 meteorologist).

For these reasons, we ask that you deny these applications.

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Pyramid Lake Paiute Tribe

Post Office Box 256
Nixon, Nevada 89424
Tel: 775.574.1000 Ext. 115
Fax: 775.574.0432

July 29, 2015

Great Basin Water Network
c/o Susan Lynn
1599 Wheatgrass Dr.
Reno, NV 89509

RE: Protest of Nevada Water Applications Nos. 85263 and 85264

Dear Ms. Lynn:

On behalf of the Pyramid Lake Paiute Tribe ("Tribe"), I am writing to express the Tribe's full support of Great Basin Water Network's protest of Nevada Water Applications Nos. 85263 (Double Hot Springs) and 85264 (Casey Hot Springs Well) for over 14,241 acre-feet of water rights in Basin 026 (Mud Meadows) in the Black Rock Desert.

These applications would significantly impact the Tribe in at least the following ways:

1. The potential to cause substantial depletion of the underground aquifer, with resulting negative impacts on springs throughout the area. These springs are of great cultural and spiritual importance to the Paiute people in northern Nevada.
2. The proposed points of diversion are in close proximity to important geothermal resources within the Black Rock Desert basin. The Tribe is concerned that extensive pumping of this geothermal groundwater could have significant and detrimental impacts on important geothermal resources within the Reservation's adjacent Smoke Creek Desert and San Emidio Desert basins.
3. The applications call for the conveyance of the water south to Fernley and other adjacent areas, which would require a pipeline. Although it is very likely that such a pipeline would cross the Reservation, the applicants have not contacted the Tribe or made any proposal for Tribal consideration. Given the cultural and environmental impacts associated with the construction of a pipeline across the Reservation, Tribal support for such a proposal is unlikely.

Given the serious implications for the Tribe of the proposed applications, we join you in your request to the Nevada State Engineer to deny Water Right Applications Nos. 85263 and 85264.

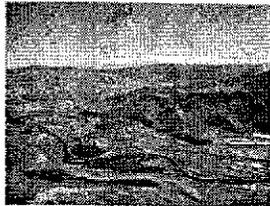
Sincerely,


Vinton Hawley
Tribal Chairman
Pyramid Lake Paiute Tribe

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No water worries for Tesla at Reno industrial park

 **Mark Robison, RGJ** 5:56 a.m. PDT September 5, 2014



(Photo: Handout)

The Tahoe Reno Industrial Center east of Sparks is already home to such heavy hitters as Walmart, Toys R Us, FedEx Supply Chain Services, Petsmart and Kal Kan/Mars pet food.

It has just landed Tesla Motors' massive battery factory..

Lance Gilman, marketing director for the industrial park, said water won't be a problem for Tesla or anybody else there.

"We're really not impacted by the drought situation," he said. "Our water source appears to be incredibly stable and we haven't seen a change in it at all (during the drought). We can pump 2 to 3 million gallons a day or more under today's capacity and that's, of course, expandable dramatically."

The industrial center has three different water sources. The smallest involves water rights for the Truckee River — it has an extraction well to get water from the river.

The biggest source involves an aquifer that's a thousand feet underground, has about 30,000 acre-feet of water (9.8 billion gallons) and serves only Tahoe Reno Industrial Center. This water is pumped throughout the park to numerous tanks, which then pipe the water to individual businesses.

"It's been tested by Tesco Gatorade for bottling and it's a very pure bottling water right out of the ground," Gilman said.

Mother Nature uses rain and snowmelt to recharge the aquifer.

A third source involves reclaimed water. The industrial park is a closed-loop system, meaning that when companies use water and it goes down the drain, this water is pumped to the center's own treatment plant, which cleans up the water and stores it in an above-ground reserve.

This lake — about 100 surface acres and 60 to 70 feet deep at its deepest point — holds all of the park's treated water.

This recaptured water can be used in manufacturing for concrete or cool-down processes.

Gilman said water is a frequent discussion with businesses looking to locate here.

"The good news for our economic development community is, we can deliver large quantities of water, and I don't believe that that's really been available in our market in the past," he said.

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MORE STORIES

Is Reno ready for Tesla growth?

Gigafactory would require hefty price tag

By Anjeanette Damon
adamon@rgj.com

Reno can handle a spike in growth fueled by the construction of Tesla's \$5 billion battery gigafactory, regional officials learned Monday.

But it will come with a hefty price tag and no one is sure who will foot the bill.

At a joint meeting of the Washoe County Commission and Reno and Sparks city councils, regional officials said the area is well positioned to provide water and housing to a population influx that could reach as high as 6,200 new residents by the time the gigafactory is up and running in 2018.

But the region faces an expensive challenge when it comes to sewage treatment, which is already straining the area's largest waste water treatment plant. Although the Truckee Meadows Water Reclamation Facility has not reached capacity, it can't treat the incoming water fast enough to meet environmental regulations.

The fix for that isn't cheap. Either the region builds a \$35 million pipeline to send the effluent water to Storey County for industrial use, or it installs new nitrogen treatment technology at a cost of \$40 million.

Sparks Assistant City Manager Neil Krutz said those projects would have to be fast-tracked in order to meet the immediate demand expected from Tesla in the next 10 years.

That \$40 million cost is not built into the rates Reno and Sparks sewer customers already pay — rates that are climbing 8 percent a year. The sewage treatment plant in Stead also needs \$71 million worth of improvements in the near future.

"We have enough capacity to treat the growth that is coming at us in the next decade," Krutz said. "We certainly don't have it ready to go today. We can't throw a switch at TMWRF or any of our five facilities and suddenly add 10 million gallons a day. Really it's up to us to deliver on those capital and operating plans so that the capacity is there when it is needed."

Sparks City Councilwoman Julia Ratti remarked that that is a pretty big "if."

"We have to spend more money to get there," she said.

See TESLA, Page 6A



'Skateboard service on Longtime Reno

RGJ He got to the point where he carried skateboard as a symbol."

RICK CROCITTO
Owner, Nu York Pizza

George Spinner, aka Skateboard George, poses for a photo on March 1, 2012 outside the former location of Nu York Pizza in Reno.

By Susan Skorupa | ss

Longtime Reno "Skateboard George" Spinner poses for a photo outside the former location of Nu York Pizza in Reno. A burial service for Mother of Sorrows was held at East Moana Lutheran Church on Virginia Street April 1. "He was a fixture here," Spinner said. "He had broken his leg and was one of our regulars. We're all pretty sad."

But Spinner could not attend the service. "He had broken his leg and was one of our regulars. We're all pretty sad."

Spinner, 68, was a former newspaper guardian, but he grew up in Reno.

See SPINNER, Page 6.

RGJ
Tuesday
Dec 9 2014
Front page
1A

lions, also became his friend and his legal guardian after Spinner's sister died.

A few years ago, Spinner's arthritis became bad and he had hip replacement surgery. Other health problems arose. Several months ago, his electric wheelchair broke and Spinner was using a manually operated chair.

"I understand it tipped over and he was hurt," Edelnant said.

Over the next few months, Spinner's health failed further.

"He was famous," Edelnant said. "Everybody knew him at the ballparks. He'd talk to people and that's how he's known... That was his life. He was a good guy."

Tesla

Continued from Page 1A

Krutz answered yes.

Regional officials may also seek state or federal funding to build the effluent water pipeline, hoping to sell it as infrastructure needed for economic development.

That plan also poses a risk to Washoe County, however. Washoe can pipe the water to Storey County, but if the water isn't used in the Tahoe Reno Industrial Center, Washoe would be liable for the effluent going back into the Truckee River. The treatment plant was fined by state regulators for putting too much nitrogen into the Truckee River.

In terms of housing, the region has about 64,000 housing units that have been approved but are not yet built-- more than enough to handle the population influx from Tesla and other growth. But regional forecasters question whether the housing is the right type of housing to meet the needs of the Tesla workers-- about half of whom are expected to take up residence in Washoe County.

"We are in the very, very early stage in this process of planning for Tesla," said Kim Robinson, executive director of the Truckee Meadows Regional Planning Authority. "We are going to have to constantly reevaluate that particular piece."

Water planners said the region has enough water to meet the demands of the projected population growth, but only if the region brings online the water importation project from Fish Springs Ranch. The water rights are assembled and the pipeline is constructed already for that project. Additional ground water resources are available in northern basins, but the infrastructure has not been built to transport that water.

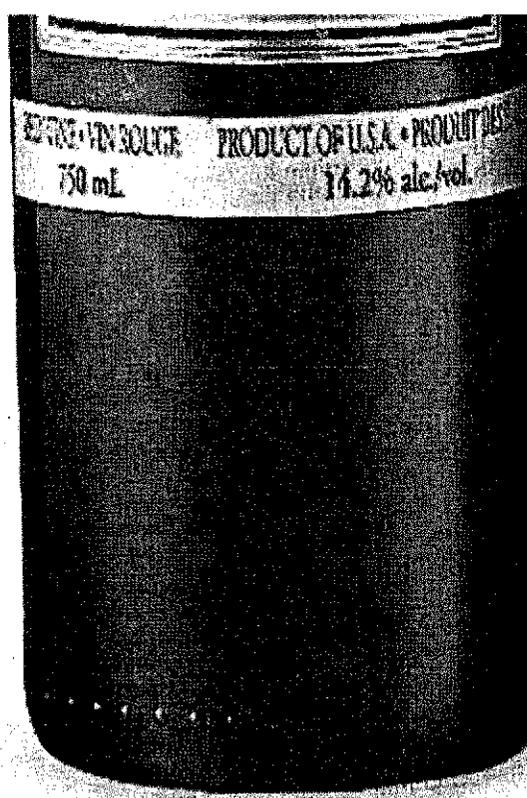
According to projections from Jim Smitherman of the Western Regional Water Commission, the region will need 142,000 acre feet of water by 2030. The region has 143,800 acre feet available without building further infrastructure, Smitherman said.

Much of the region's infrastructure plans were put in place during a boom in construction and development before the recession.

That growth curve is anticipated to start up again, but won't be as steep as once projected, even with the arrival of Tesla.

With the plans in place, the region must come up with the money to fund them.

Absent from the meeting, however, was a discussion of whether the region's roads and school system -- which already lacks sufficient infrastructure funds-- can meet the Tesla growth demands. Officials hope to meet again in January to discuss those topics.



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