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

IN THE MATTER OF APPLICATION NUMBER 85901
FILED BY Rodney St. Clair
ON Januaray 29, , 20 16

PROTEST

FILED
APR 07 2016
STATE ENGINEER'S OFFICE

Comes now Great Basin Water Network, Summit Lake Paiute Tribe, & Progressive Leadership Alliance of Nevada (PLAN)
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 local water from interbasin transfers and protests the granting

of Application Number 85901, filed on January 29, 20 16

by Rodney St. Clair for the

waters of underground situated in Pershing Co., 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

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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 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

State of Nevada
County of Washoe

Subscribed and sworn to before me on April 7, 2016

by SUSAN B. LYNN

ROBERT MCIVER
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 1-14-2020
Certificate No: 16-1268-2

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 #85901 and #85902

in Mud Meadows Basin (026)

By Great Basin Water Network, Inc., Summit Lake Paiute Tribe

and Progressive Leadership Alliance of Nevada

Great Basin Water Network, Inc., Summit Lake Paiute Tribe, and Progressive Leadership Alliance of Nevada protests two (2) water applications, 85901 and 85902 in Basin 026-- Pershing County, 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 may be 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. Other reports show less water is available. Much of this water may be unavailable because of the geology.
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. Pumping the full requested amount of water from 2 pumps in such close proximity to each other seems infeasible. The duel cones of depression could reach far.
4. 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.
5. 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.
6. Neither the applicant, nor one of the places 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, the water developer would be unable to put the water to beneficial use in the foreseeable future.
7. This project probably must cross the Pyramid Lake Paiute Tribe's lands. No contact has been made with the Tribe to seek permission.
8. 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 has been in violations of water quality standards for nitrogen and close for TDS and phosphorous (now in compliance). 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:

9. 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 public values and resources. Granting 14,000+ acre feet would violate the public interest and trust set by Congress and the President.
10. The former DLE land parcel size is insufficient for a field of wells to pump 7,000 AF, much less 14,000 afa.
11. 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. The property owner, Mr. St. Clair in this instance, may have reasonable access, but power lines, wells, collectors and roads are more than reasonable access.
12. 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 receding water line. 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.
13. The proposed well to pump 7,000 AF still is near Double Hot Springs will harm the visual resources of the NCA and probably will cause irreplaceable adverse impacts on historic trail traces Well development would still 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.
14. Water withdrawals in Mud Meadows Basin may impact groundwater flows in the rest of the geothermal faulting area 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.
15. 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, it tributaries, and Lahontan cutthroat trout, plus water rights at Soldier Meadows and other area ranches.
16. 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).

For these reasons of national and historic public interest, we ask that you deny these applications and any future applications of Mr. St. Clair. This is the third set of applications in the same general area. No more applications should be allowed. Thank you.

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SUMMIT LAKE PAIUTE TRIBE
Primary Administrative Office
1001 Rock Blvd., Sparks, NV 89431-4337
(775) 827-9670 • (775) 827-9678 (Fax)

SUMMIT LAKE PAIUTE COUNCIL
Acting Chairwoman: Page Linton • Vice-Chairperson: Page Linton • Secretary/Treasurer: Celina Gonzalez
Council Member: Jerry L. Barr • Council Member: Vacant

March 25, 2016

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

RE: Protest of Nevada Water Applications #85901 and #85902

Dear Ms. Lynn:

I am writing to acknowledge that the Summit Lake Paiute Tribe hereby agrees to join Great Basin Water Network's *et al* formal protest of Applications 85901 (Well BR-01) and 85902 (Well BR-02) for over 14,241 acre feet in Basin 026 Mud Meadows in the western arm of the Black Rock Desert.

These applications involve water rights that are very close to our tribal lands and we fear that the removal of this amount of water will jeopardize our underground water flow around Summit Lake; that it will ultimately affect the Lake and tributary flows which are home to native Lahontan cutthroat trout. Our water probably flows toward the Black Rock Desert and pumping may draw down our contributing flows faster.

Respectfully, we ask to join you in requesting that the Nevada State Engineer deny these applications as they have serious implications for our Tribe.

Sincerely,

Page Linton
Acting Chairwoman

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