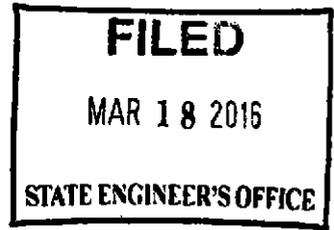


IN THE OFFICE OF THE STATE ENGINEER OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION NUMBER 85902
FILED BY Rodney St. Clair
ON March 15, 2016



PROTEST



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 85902

, filed on March 15

, 2016

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

RECEIVED
2016 MAR 19 AM 11:15
STATE ENGINEER'S OFFICE

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

Shaaron Netherton
Agent or protestant

Shaaron Netherton

Printed or typed name, if agent

Address

P.O. Box 9754

Street No. or PO Box

State of Nevada

County of Washoe

Reno, NV 89507

City, State and ZIP Code

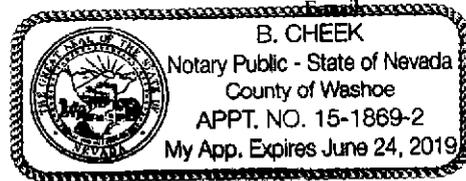
Subscribed and sworn to before me on March 15, 2016

775-324-7667

Phone Number

by Shaaron Netherton

shaaron@nevadawilderness.org



Notary Stamp or Seal Required

Signature of Notary Public 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 Friends of Nevada Wilderness



FRIENDS of NEVADA WILDERNESS

Friends of Nevada Wilderness protests two (2) water applications, 85901 and 85902, for the following reasons:

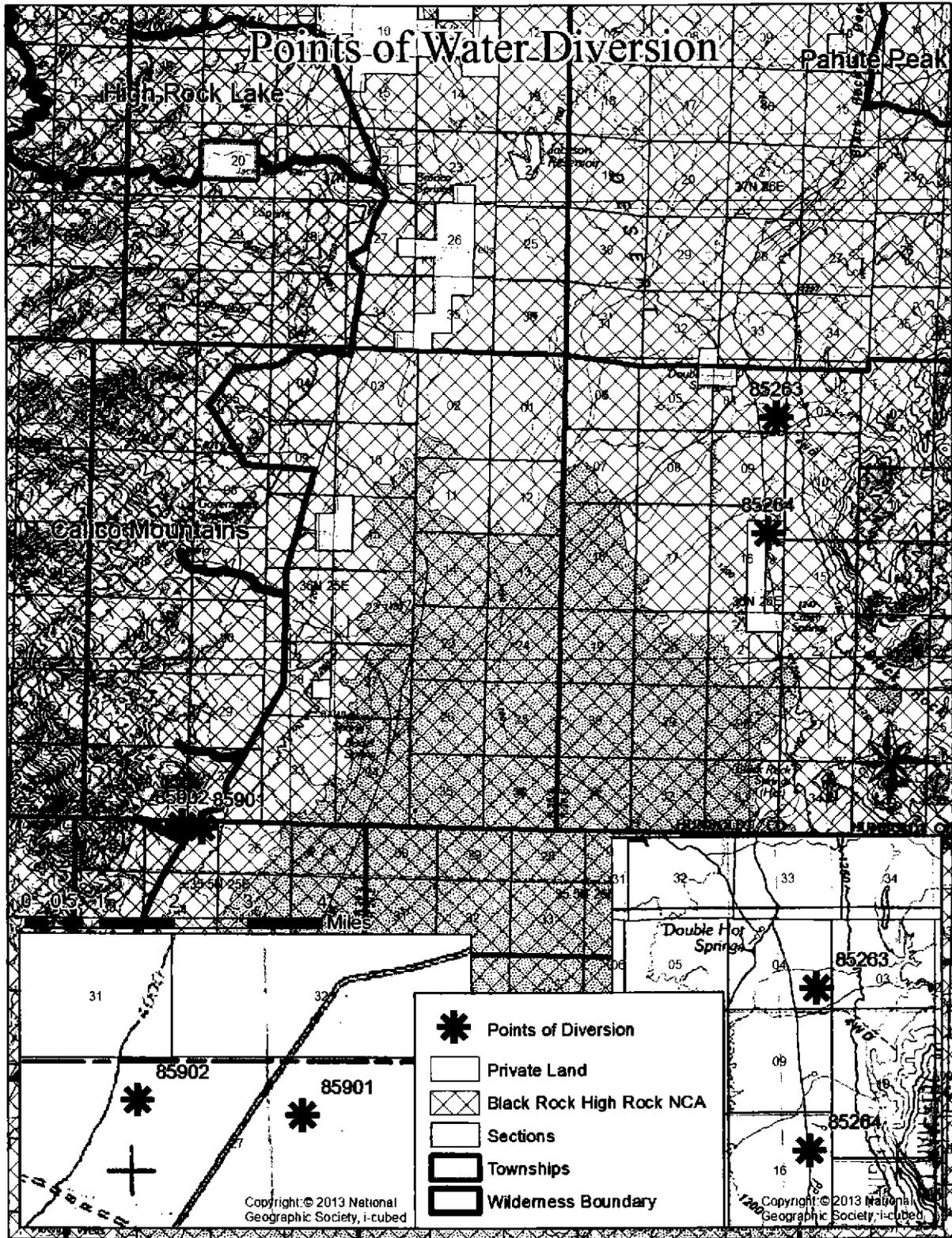
1. The project is on private land surrounded by the High Rock – Black Rock Emigrant Trails National Conservation Area (NCA), designated by Congress on December 20, 2000 and signed by President Clinton on December 21, 2001. The legislation states, “Establishment and Purpose” Sec.4(a) In order to conserve, 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. See the attached map showing applications 85901 and 85902 as well as recently withdrawn applications 85263 and 85264.

2. There is not as much available water as requested by the applicant. The current certificated and permitted UG rights in the Mud Meadow Basin 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 playa. 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 application are very close together near the base of the Calico Mountains on the west side of Mud Meadows Basin. The basin includes many historic springs that were important to immigrants on the Applegate Lassen Trail, including hot springs such as Double Hot Springs, Casey Hot Springs, and Black Rock Springs. Developing these application could potentially negatively affect these historically and ecologically valuable springs.
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. These applications could draw salt toward the base of the Calico Mountains. This additional development would negatively affect the NCA.
7. Water rights that decrease discharge from hot springs or other springs in the basin 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.
8. 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.

RECEIVED
2016 MAR 18 AM 11:15
STATE ENGINEERS OFFICE



RECEIVED
11:15
OFFICE