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February 4, 2019

Tim Wilson, P.E., Acting State Engineer  
Kristen Geddes, Chief, Hearing Section  
Nevada State Engineer's Office  
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**Via Email Only**  
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[kgeddes@water.nv.gov](mailto:kgeddes@water.nv.gov)

Re: Eureka County's Opposition to the BLM's Request for Extension of Time  
to File Evidence and Witness Statements – Diamond Valley Adjudication

Dear Mr. Wilson and Ms. Geddes:

Eureka County opposes the BLM's January 30, 2019 request for extension of time to file its evidence and witness statements in the Diamond Valley Adjudication. The Diamond Valley Informational Statement issued on June 15, 2017 indicated the hearings on the Objections would be at the latest between February 11, 2019 and March 1, 2019. In addition, by letter dated August 31, 2018, the State Engineer indicated the hearings on the Objections would be held at the latest between February 11, 2019 and March 1, 2019. The BLM was well aware when the hearings would occur leading up to the December 22, 2018 partial government shutdown and could have brought this issue to the attention of the State Engineer and the other Objectors well before January 30, 2019.

Based upon the BLM's January 30, 2019 letter, it appears the three-week extension request is for the BLM to prepare evidence and a witness statement in response to the numerous Objections to the BLM's claims not the evidence and witnesses in support of the BLM's Objection. The BLM has known of the numerous Objections to the BLM claims since November 7, 2018. The BLM did not serve its letter to the other Objectors by email or any other means that would have reached the Objectors or the State Engineer before the February 1, 2019 evidentiary exchange and the BLM now knows the evidence and witnesses the other Objectors intend to present in support of their respective Objections. Therefore, the BLM's suggestion that the other parties that filed Objections to the BLM claims would also receive an extension as requested by the BLM is without merit.

Further it appears the basis for the BLM's request for more time is outside the scope of the hearing notice as it is Eureka County's understanding from the Notice of Hearing that BLM, for example, may cross-examine Eureka County's witnesses during Eureka County's portion of the hearing on its Objections but the BLM is not allowed to present evidence in rebuttal to the Objections of the other parties during the hearing. In other words, the evidentiary exchange is for documents and evidence in support of the BLM's Objection, not rebuttal to the Objections of the other parties to the State Engineer's Order of Determination.

Tim Wilson, P.E., Acting State Engineer  
Kristen Geddes, Chief, Hearing Section  
Nevada State Engineer's Office  
February 4, 2019  
Page Two of Two

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Please contact the undersigned if you have any questions. Thank you.

Sincerely,

**ALLISON MacKENZIE, LTD.**

By:   
KAREN A. PETERSON, ESQ.

KAP/nf

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