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STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

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Continuation of Hearing to
Receive Evidence and Testimony
Concerning Possible Curtailment
of Pumpage of Ground Water in
Diamond Valley, Eureka County,
Nevada.

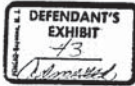
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REPORTER'S TRANSCRIPT OF PROCEEDINGS
OF CONTINUED HEARING
Before
PETER G. MORROS, State Engineer

Held at
District Courtroom,
Eureka County Courthouse
Eureka, Nevada

Monday, August 9, 1982
1:10 o'clock, p. m.

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A P P E A R A N C E S

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For the State Division of Water Resources:

PETER G. MORROS,
State Engineer, HEARING OFFICER.

JERRY BROWNFIELD,
Division of Water Resources.

BUD DANNER,
Division of Water Resources.

RALPH GAMBOA,
Division of Water Resources.

JAMES R. HARRILL,
United States Geological Survey.

Reported by Harold Krabbenhoft,
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1 EUREKA, NEVADA, MONDAY, AUGUST 9, 1982,
2 1:10 O'CLOCK, P.M.
3 ---o0o---
4 MR. PETER G. MORROS (Hearing Officer): Ladies and
5 gentlemen, I guess we better get started.
6 Everybody hear me all right in the back of the room?
7 If not, I would suggest that since there is plenty of seats up
8 front, some of you may want to move up towards the front. I
9 don't think the acoustics here are that good.
10 By way of introduction again, my name is Pete Morros.
11 I am the State Engineer, State of Nevada.
12 With me here today is James Harrill of the U. S.
13 Geological Survey; Jerry Brownfield of the staff of the
14 Division of Water Resources, and Bud Danner of the staff of
15 the Division of Water Resources. Also, Ralph Gamboa of our
16 staff in Elko, Supervising Water Commissioner, has come down
17 from Elko to be with us today.
18 This hearing is a continuance of the public hearing
19 that was held at this location on May 24, 1982, for the
20 purpose of receiving any evidence or testimony concerning the
21 possible curtailment of pumpage of ground water in Diamond
22 Valley, Eureka County, Nevada.
23 There are a couple of other items that have come to
24 our attention since we recessed the hearing on May 24th, and
25 I would like to enter them into the record as additional
26 State's Exhibits. We have managed to accumulate some additional

1 precipitation information for the Eureka area, which I think
2 is going to be extremely helpful. This information covers
3 a period of time from approximately the turn of the century
4 up to 1982.
5 Anybody that wants to is more than welcome to come
6 up here and look at it, or possibly when we take a recess,
7 and if they desire a copy of it, we will be glad to provide
8 a copy to you. This will be entered into the record as
9 State's Exhibit next in order, which is number 24.
10 (Precipitation information, as described, was then
11 received and marked as State's Exhibit No. 24.)
12 MR. CLAY COOPER: May I ask a question?
13 MR. MORROS: Yes.
14 MR. CLAY COOPER: Where was this taken? Here in
15 town or in the valley?
16 MR. MORROS: Could you identify yourself for the
17 record?
18 MR. COOPER: Clay Cooper.
19 MR. MORROS: My understanding is that this informa-
20 tion was taken here in town.
21 Additionally, Mr. Jim Harrill was able to locate a
22 1937 Geological Survey Water Supply Paper No. 679-B, entitled
23 "Thermal Springs in the United States." To my knowledge, this
24 is the only copy that either the U. S. Geological Survey or
25 the State Engineer's Office is aware of.
26 MR. HARRILL: Only one I have.

1 MR. MORROS: We have taken and made Xerox copies
2 of certain pages of that report, which we will enter into the
3 record as State's Exhibit No. 25.
4 (Xerox pages of report, as described, were then
5 received and marked State's Exhibit No. 25.)
6 On page 162 of that report is some data on thermal
7 springs in the United States, concerning the flows of thermal
8 springs in the United States, the data being accumulated some
9 time prior to 1937. Specifically, there is identified a
10 Jacobsen Ranch Springs on the east side of Diamond Valley,
11 which we believe to be Thompson Springs, one and the same,
12 and at that time the flow was identified as approximately
13 900 gallons per minute.
14 Mr. Harrill, did you have anything you wanted to
15 add to that?
16 MR. JAMES HARRILL: I think that says that the
17 information came from records that were in the files of the
18 U. S. Geological Survey and could have been values that were
19 reported from either the U. S. Forest Service, the Bureau of
20 Indian Affairs, or at that time what they called the U. S.
21 Land Office. I did not see any of the original records, so
22 I'm just relaying what was reported in this report.
23 MR. MORROS: Thank you.
24 We have also received some information and data
25 from Northwest Demolition, which apparently is a company that
26 is in the process of plugging some of the shot holes out in

1 the north end of Diamond Valley. This information was
2 submitted under the signature of Mr. Ray Wagner. We will
3 enter this into the record as State's Exhibit next in order,
4 26 and 27.

5 (Data from Northwest Demolition was then received
6 and marked, respectively, Exhibits Nos. 26 and 27, being two
7 separate sets of data.)

8 MR. MORROS: What this data portrays is that to date
9 there has been approximately 73 of those holes plugged.

10 We will also enter into the record as the next
11 exhibit in order the Notice of Continuance of the Public
12 Hearing here today, to receive evidence and testimony con-
13 cerning possible curtailment of pumpage of ground water in
14 Diamond Valley, Eureka County, Nevada. That will be Exhibit
15 No. 28.

16 (The Notice of Continuance of Public Hearing was
17 then received as State's Exhibit No. 28.)

18 MR. MORROS: Mr. Freeman from Shell Oil Company,
19 did you have anything further you wanted to offer?

20 MR. J. R. FREEMAN: Mr. Chairman, the only thing I
21 would add is the fact that we are quite active in plugging as
22 of this date, with some success, I might add. I was talking
23 to the crew yesterday, they were very proud of the fact they
24 had successfully plugged three in the last five days, I
25 believe it was. We also have an additional crew that is
26 recreating from the original survey notes the lines and

1 original shot points so that we may determine which of the
2 holes that we are personally responsible for.

3 MR. MORROS: You are pursuing, though, the blocking
4 of those holes?

5 MR. FREEMAN: Very much so, yes, sir.

6 MR. MORROS: Okay. For the purposes of the record,
7 I might indicate that Mr. Freeman was previously sworn, so
8 you are still under oath.

9 Okay. Thank you, Mr. Freeman.

10 MR. TED BENSON: May I ask a question?

11 MR. MORROS: If Mr. Freeman wants to respond to it,
12 yes. Did you intend to ask me or Mr. Freeman?

13 MR. TED BENSON: Mr. Freeman, yes.

14 MR. MORROS: Okay. Would you identify yourself for
15 the record?

16 MR. TED BENSON: The name is Ted Benson. The
17 question was, to your knowledge, on a portion of those holes
18 you are currently plugging, after you are actually plugging
19 them, are they continuing to flow? Are you actually as of
20 this date and time encountering holes that are flowing out
21 there right now or are you just simply plugging all holes you
22 feel you are responsible for?

23 MR. FREEMAN: Those that are flowing, indication
24 there is some seepage or flowing, we are attempting to plug
25 those at this time, yes.

26 MR. TED BENSON: That is the extent of it?

1 MR. MORROS: Okay. Yes, sir?

2 MR. ROBERT BURNHAM: Mr. Morros, could we determine
3 whether or not the holes are plugged solidly clear to the
4 bottom, or just at the top?

5 MR. MORROS: Identify yourself for the record?

6 MR. ROBERT BURNHAM: Sure. My name is Bob Burnham.

7 MR. MORROS: Mr. Burnham, the information we have
8 received I don't believe indicates to what depth the holes
9 have been plugged, other than there is a column here that
10 they indicate cement in pounds. Now, whether that is per
11 foot or total, or not, I don't know.

12 MR. FREEMAN: Mr. Chairman?

13 MR. MORROS: Yes, sir.

14 MR. FREEMAN: I might clarify something for Mr.
15 Burnham.

16 MR. MORROS: Let the record show Mr. Freeman is
17 responding.

18 MR. FREEMAN: We have found it is necessary to go
19 back to the original depth and plug from that point to the
20 surface to control the flow.

21 Mr. ROBERT BURNHAM: In other words, your holes
22 have been plugged from the very bottom clear up to the top of
23 the ground?

24 MR. FREEMAN: Yes.

25 MR. MORROS: We have not, Mr. Burnham, we have not
26 had the chance to talk to this individual that submitted this

1 particular data personally yet, but we intend to. We do have
2 some questions we want to ask him and we'll just add yours to
3 the list when we do catch up with him. Okay?

4 Yes, Mr. Thompson?

5 MR. T. M. THOMPSON: It is my understanding most of
6 these holes are flowing from very shallow depths.

7 MR. MORROS: Okay. Yes, sir?

8 MR. DON PALMORE: I'm Don Palmore. I would like to
9 ask a question. Is there any estimate of the total gallons
10 per minute, the total amount that you plugged off?

11 MR. FREEMAN: I don't know personally, but we have
12 had reports anywhere from just a seep to 1800 gallons per
13 minute on some of the holes. I really don't know which one,
14 but that is a report we have had.

15 MR. MORROS: We have also had reports of up to 1800
16 gallons a minute.

17 MR. T. M. THOMPSON: Okay. A question again.

18 MR. MORROS: Mr. Thompson?

19 MR. THOMPSON: That is hearsay. I have pictures of
20 that hole and I have also pictures of the hole that supposedly
21 1800 gallon area has stopped, and the one that it stopped is a
22 lot bigger than the one that spring is covering.

23 MR. MORROS: You are saying that 1800 gallons a
24 minute is conservative?

25 MR. THOMPSON: I'm saying that all that water in the
26 previous hole you can put in a 4-inch pipe.

1 MR. MORROS: Okay. Well, we'll get to your
2 testimony, Mr. Thompson.

3 Mr. Pastorino?

4 MR. DAVID PASTORINO: No, nothing.

5 MR. MORROS: Mr. Clay Cooper?

6 MR. CLAY COOPER: The only comment I have --

7 MR. MORROS: Mr. Cooper, I think the previous hear-
8 ing you were sworn in, as I recall, weren't you?

9 MR. CLAY COOPER: No, I wasn't.

10 MR. MORROS: Okay. Why don't you stand and be
11 sworn then, for the record? Then you can go ahead with your
12 comments.

13 (Clay Cooper was thereupon duly sworn by Mr. Danner.

14 MR. CLAY COOPER: The comment I wanted to make is
15 in regards to the water here in town. They have been having
16 problems too, lost volume, and this is a higher level and it
17 comes from -- I just wanted you to know that this was another
18 place where there is a decrease in the water springs, and I
19 know Mr. Morrison that owns the water system, and he said it
20 was a serious problem here in town.

21 MR. MORROS: Okay. Thank you.

22 Mr. Benson?

23 MR. KEN BENSON: Yes. Ken Benson. I don't have
24 any testimony at this time, but I would like to observe and
25 probably to submit written testimony within the 15 day time
26 period you made reference to.

1 MR. MORROS: Okay. Fine.

2 Don Palmore? You were sworn in before, Mr. Palmore,
3 as I recall?

4 MR. DON PALMORE: Right.

5 MR. MORROS: You are still under oath.

6 MR. DON PALMORE: Well, there's no way I'll make any
7 derogatory statements about Mr. Thompson or the ranch. There
8 are a few things I would like to point out. One is that I
9 think the property tax records will show that I think in his
10 previous testimony he said his whole ranch was ruined. There-
11 fore I would like to point out that the tax records show that
12 the big part of that place was in brush or a low class of
13 grazing.

14 The other thing is that he made reference to the
15 point that a well would be of no value, and I think that they
16 did run power lines in the early 70's with the intentions of
17 putting in some wells, so somebody must have thought it would
18 be of value. And since I don't think we are affecting his
19 water supply down there, I don't think if wells are drilled
20 down there it would affect our water in this end of the valley.
21 Therefore, I know that he in the beginning refusing the well
22 or permit to dig a well or whatever, but I think the only
23 thing we can do that would benefit that ranch would be to
24 persuade you to give maybe two water permits. I do believe
25 that two wells on that ranch should be permitted to him. I
26 think that is the only thing you can do that wouldn't directly

1 damage someone in this end of the valley, and still give
2 something to that ranch.

3 MR. MORROS: Well, this is one of the alternatives
4 that we drew up as a suggestion at the last hearing, Mr.
5 Palmore, and I still feel that that is the viable alternative.
6 I know Mr. Thompson hasn't been too receptive to it.

7 MR. THOMPSON: Are you going to furnish a pump and
8 electricity?

9 MR. MORROS: I don't know. I don't know.

10 MR. DON PALMORE: Well, I think the power lines are
11 there --

12 MR. MORROS: Just a moment.

13 I'll tell you one thing, Mr. Thompson: You can't
14 develop a ground water resource in any ground water basin
15 without having some effect on surface water sources within
16 that basin. The only way you can maintain the flow of any
17 spring in any ground water basin would be to never allow any
18 pumpage at all. The minute you turn on one single pump, you
19 are going to have some effect on those surface waters, how-
20 ever minute it might be.

21 MR. THOMPSON: I don't agree with that concept --

22 MR. MORROS: That comes with developing a ground
23 water basin, with developing a ground water resource.

24 MR. THOMPSON: Right. Thank you. But I don't really
25 wish to be questioned on that point.

26 MR. MORROS: Well, I want to make it damn clear to

1 you that is exactly what happens, and another thing that
2 bothers me, as long as we're on the subject, is what you have
3 been doing up there at that spring with that backhoe of yours.
4 You know, there's a danger of you getting in there and seal-
5 ing off that spring with the excavating that you have been
6 doing up there. I don't think that anybody else should be
7 held responsible for that if that occurs.

8 MR. THOMPSON: I haven't done anything to the spring.
9 That isn't going to seal off the spring. Those springs are
10 coming out of the rocks.

11 MR. MORROS: I have seen it happen before.

12 MR. THOMPSON: Those springs are coming out of the
13 rocks, sir.

14 MR. MORROS: Might as well have that on the record
15 too.

16 MR. THOMPSON: And have it on the record those
17 springs are coming out of rocks.

18 MR. MORROS: Okay.

19 Mr. Palmore, did you have anything further?

20 MR. DON PALMORE: Well, one other thing, I think.
21 The indication that they must have felt, I know that Milt's
22 Dad felt that when they ran the power line that they needed
23 the well because the canyon water was not sufficient for
24 run-off water, and he did indicate that they needed the well
25 in order to put in some hay on the land that is basically
26 the brush now, which is good land. The power lines are there,

1 and were run for that purpose, and I would assume they would
2 be paying standby on the power line.

3 MR. THOMPSON: I think we might as well clear this
4 up right now, if you don't mind.

5 MR. MORROS: All right. Let the record show this is
6 Mr. Thompson.

7 MR. THOMPSON: Let the record show I want to clear
8 this up forever, and I don't want to hear any more about it.

9 MR. MORROS: I'll decide whether you hear any more
10 about it. Okay? All right.

11 MR. THOMPSON: Okay. Now, those power lines were
12 put in for that purpose, right? We are not discussing that
13 point, but being it is brought up, the BLM claimed that land
14 down there until 1974. You can not get a well permit down
15 there until 1974. We are not discussing that land down there.
16 That isn't what this started out as. We are discussing the
17 water table here in the valley.

18 MR. MORROS: True.

19 MR. THOMPSON: I have ample proof of what happened
20 to the water table. I am not the only rancher that dried up
21 and I take exception to a lot of things Mr. Palmore said.
22 He said last time his water was not being affected, he was
23 standing there right in that chair swearing he had a well
24 driller out there in his field re-drilling the well. Further-
25 more, he's digging down to the water table in the yard out
26 there making a big pond. But mine out there is drying up,

1 but naturally nobody seems to care about that except me. I'm
2 a little upset about it. That water coming up out of the
3 ground out there on my place is free and you guys want to put
4 in a well and satisfy my water requirement, and everybody
5 knows that's going to cost about \$50,000 to put in and plus
6 about 10 or \$20,000 to keep going every year. Nobody has
7 mentioned that fact.

8 MR. MORROS: Okay. Anything further?

9 MR. THOMPSON: Not at this time.

10 MR. MORROS: Mr. Palmore?

11 MR. PALMORE: No.

12 MR. MORROS: I have a "maybe" here for Barbara
13 Martin.

14 MRS. BARBARA MARTIN: Yes. They'll say it.

15 MR. MORROS: Mr. Robert Burnham?

16 MR. ROBERT BURNHAM: Yes, sir.

17 MR. MORROS: Did you want to testify, sir?

18 MR. ROBERT BURNHAM: May I reserve that towards the
19 end of the meeting, please?

20 MR. MORROS: Okay.

21 All right, Mr. Thompson.

22 MR. THOMPSON: First of all, is Mr. Burnham here?

23 MR. MORROS: You are still under oath.

24 MR. THOMPSON: I was definitely sworn, yes.

25 I would like to answer this. I understand it was sent to your
26 office. Is Mrs. Brown here? And Mr. Burnham, Mrs. Burnham,

1 you are the ones that made copies of this testimony?

2 MRS. BURNHAM: I made copies of it, yes.

3 MR. THOMPSON: All right. I would like to answer
4 this.

5 MR. MORROS: Let me see what it is first.

6 MR. THOMPSON: You have copies of it. I understand
7 it was sent to your office.

8 MR. MORROS: You say, Mrs. Martin, you forwarded
9 this to our office?

10 MRS. MARTIN: Pardon me?

11 MR. MORROS: I'm sorry. Mrs. Brown, Rita Brown?

12 MR. THOMPSON: Mrs. Burnham made copies of it and
13 was passing it around to people.

14 MR. MORROS: I see. We don't seem to have any
15 record we received it. Do we have any record of receiving it?

16 MR. DANNER: No. I have no record of receiving it.

17 MR. MORROS: Unless it is entered into evidence, it
18 is not part of the record.

19 MR. THOMPSON: Could we get Mrs. Burnham to explain
20 how it came into happening?

21 MR. MORROS: Okay. Mr. Burnham, was it your intent
22 to enter this into evidence?

23 MR. ROBERT BURNHAM: This letter was, as I under-
24 stand it, written by Mrs. Brown, given to my wife, and at the
25 request of Mr. Thompson, asked my wife to reproduce the letter,
26 which she did --

1 MR. THOMPSON: I did not --

2 MR. MORROS: Now, I don't want to get into a debate.

3 MR. THOMPSON: I didn't even know about it.

4 MR. MORROS: Go ahead, Mr. Burnham.

5 MR. ROBERT BURNHAM: That is my understanding of the
6 origin of that letter.

7 MR. MORROS: Do you have knowledge whether this was
8 submitted to the State Engineer's Office or not?

9 MRS. BURNHAM: No, it has not been.

10 MR. MORROS: It is not in evidence, so --

11 MR. THOMPSON: Well, that clears up a lot.

12 However, I had some displays over here, people,
13 and in light of that I would appreciate whoever is keeping
14 the records here --

15 MR. MORROS: Mr. Danner is marking the exhibits.

16 MR. THOMPSON: Okay. If you would go around and
17 see the dates on the back of these photographs, some of them
18 are put on by the developer and some in my mother's handwrit-
19 ing, which can be verified, she died in 1975, and if you
20 could, to find out, to take them out of the displays and
21 verify they are of that date, then I would like to have those
22 back because they are irreplaceable.

23 MR. DANNER: They are on there?

24 MR. THOMPSON: Yes. You will see the spring in the
25 background. That is the reason that is there. Through the
26 trees back there.

1 MR. MORROS: I assume you have reproduced these
2 photos?

3 MR. THOMPSON: Right. They are reproduced on there
4 and I want to verify the dates on them, and then I would like
5 to have them back.

6 MR. MORROS: All right. Why don't we just go off
7 the record for a few minutes here while Mr. Danner does that.
8 (Short off the record.)

9 MR. MORROS: We'll be back on the record. Let the
10 record show that Mr. Danner has confirmed that the photographs
11 are in fact part of the collage.

12 MR. THOMPSON: Would you like me to go through that
13 prior to letting people look at them?

14 MR. MORROS: I think it probably would be helpful.

15 MR. THOMPSON: Would you like to have somebody hold
16 them up?

17 MR. MORROS: We can arrange for that too.

18 MR. THOMPSON: All right. Ladies and gentlemen,
19 this is a mosaic of my ranch in the valley. A lot of these
20 photographs are taken recently and the display itself is of
21 every photo taken in 1973, September 27th. It shows where my
22 water was, how much hay I had, and at that time my water was
23 clear out through my back fence, on September 27th. It was
24 running down three different ditches. As of today the water
25 has been running three days and it is not covering an area --
26 it's covering an area 100 yards long by 100 yards wide,

1 running three days, and hasn't covered any more ground.

2 Now, you may have heard that none of this ground has
3 been in. Mr. Palmore alluded to that, that it needs to be
4 put in. All right. The BLM has claimed that for years. My
5 Dad drilled a well there in 1950 and they came by and said it
6 was their ground. He drilled a well here at the Rock Field.
7 They came by and said that was in their ground, said this
8 ground we are farming was their ground. The Mau place, the
9 Rock Field, that that was their ground. We could not get a
10 well permit on that until 1974, until they made a legal survey.
11 As it turned out, our ground was where it was supposed to be.

12 Now, I have moving pictures of all these fields if
13 we want to go through them, back in the 50's. Shows what hay
14 we put up, and you can see what hay I put up that year.

15 All these pictures here at the top, these colored
16 pictures, are in the present condition. You can come up here
17 and look at them and it's going to look like a pretty poor
18 field. There isn't any good cow feed there.

19 MR. MORROS: I think we better identify that for
20 the record as an exhibit, okay? Because you're referring
21 specifically to one collage of pictures there now, so I think
22 for the purposes of the record we will identify that for
23 identification purposes only as Thompson Exhibit No. 2, okay?

24 (A collage of photographs was then marked for
25 identification, Thompson Exhibit No. 2.)

26 MR. THOMPSON: As I told you previously, some of

1 these old pictures, there is two here specifically I'll
2 remove, because I do not have copies of them and they are
3 irreplaceable.

4 MR. MORROS: That's understandable.

5 MR. THOMPSON: I'll get some copies in the meantime,
6 but it takes at least two weeks to get copies of them.

7 MR. MORROS: That's understood.

8 MR. THOMPSON: Now, down here on the bottom there
9 is a little old John Deere tractor and an old horse-drawn
10 ditcher. That John Deere tractor was the only tractor on this
11 ranch when my Dad bought it in March of 1946. That ditcher
12 was the only ditcher.

13 It has been suggested in some of these hearings you
14 have had in the past among yourselves that the water was not
15 able to reach this back meadow on the south side. When we
16 bought that ranch in the late 50's and early 60's, our first
17 problem was our swampy ditches. They were infested with
18 tules. We could not get them cleaned out and we were in
19 there stuck most of the time. At the present time, until
20 this water started dropping out, I could fill this big dry
21 lake out here with that spring flow, and in reference to their
22 exhibit a while ago, the 1937 report of 900 gallons a minute,
23 I would like to answer that partially right now, that that is
24 on down the road.

25 Way back in the 1800's and 1900's, they plugged off
26 the natural channel with about a 5-foot levee. There was no

1 opening in that. They were irrigating all high ground. The
2 measurement I made, where I got 2057 gallons a minute was in
3 the natural channel.

4 Now, this here that he claims that I was in there
5 with a drag line decreasing the flow possibly of the spring,
6 that hole there was drag lined out. The water was tremendous
7 ly increased. This picture here shows the present condition
8 of the Rock Pasture.

9 MR. MORROS: I think you are going to have to be
10 more specific on that identification.

11 MR. THOMPSON: Well, they are all there. When we
12 have a recess, the people are more than welcome to come back
13 here and look at them.

14 MR. MORROS: Okay. With reference to the pictures,
15 when you refer to them, could you refer to the picture
16 labelled "Rock Field, September 27, 1973;" okay?

17 MR. THOMPSON: Okay. As labelled here, "Rock Field
18 September 23, 1973;" note broken bales in field. Land
19 claimed by BLM until 1974.

20 Back to the Mau Ranch, September 27, 1973, which is
21 the date of this photograph. Note broken bales in field.
22 Claimed by BLM until 1974.

23 Now, Rock Pasture, September 27, 1973. No hay stack.
24 Land claimed by BLM until 1974. They are still claiming half
25 of it.

26 Willow Field Spring. Note entire area is full of

1 water running out west end in 1973. Photo last represents
2 flow 1964, same view -- Boy, I can't even read my own
3 writing -- Oh, yes, "Note water." You can come up here and
4 look at this aerial photo. This big spring here full of water
5 running out the back side.

6 This photograph alongside of it was taken in 1964
7 with the horses in it. You can see the water. I tried to
8 take the same view the end of July, and you can see the area
9 where the water is, it's foxtails. On the spring you can see
10 here on the south end of this Willow Field, July of '82, you
11 can see at that time in the '73 photo they were wet. And in
12 July of '82 they were dry. Mr. Brownfield can testify last
13 year they were dry also.

14 Now, these measurements in 1973 -- or pardon me,
15 I'll backtrack. The measurements on the spring, getting back
16 to this main ranch, as I said in previous testimony, I do
17 believe they were measuring the south spring only, because the
18 north spring was plugged up, and luckily I took a picture of
19 it when I built up the levee in 1973. It would drain about
20 halfway down, and then it would quit. Then I dynamited the
21 rest and it washed out. You can see that interconnecting
22 channel between the two springs is full of trees. As you can
23 see by the pictures, in June of 1961 it was quite boggy along
24 the side, and the rest of these pictures I do believe is
25 self-explanatory on this particular exhibit. I think it would
26 be well if the people would look at it.

1 MR. MORROS: I take it you want that to be
2 accomplished now, or do you want to go through the others?

3 MR. THOMPSON: Well, it's up to you as far as the
4 exhibits.

5 MR. MORROS: Okay. Why don't you go through every-
6 thing?

7 MR. THOMPSON: Okay. This aerial photo here was
8 1946.

9 MR. MORROS: Now, let's mark this for identifica-
10 tion purposes as Thompson Exhibit No. 3.

11 MR. DANNER: Three.

12 (Collage of photographs were then marked Thompson
13 Exhibit No. 3.)

14 MR. MORROS: I can hold this up there for you if
15 you want.

16 MR. THOMPSON: Why don't you move on over there?

17 As he stated, when you develop any farming area in
18 an area like this, you are bound to affect the water table,
19 but as far as I'm concerned, ladies and gentlemen, this went
20 too far. There was hundreds of springs between me and the
21 Romano Ranch, and the Romano Ranch itself was quite wet.
22 These pictures of the springs that dried up, and most of them
23 have dried up since the 70's on my side of the valley only.
24 I did not go into the Sadler side or the Romano area, but I
25 could have done the same thing on their side of the fence.
26 These pictures are pretty self-explanatory too, and these

1 springs put out a lot of water in their time.

2 I also have an aerial photo of 1946 I have borrowed
3 from the SCS that goes all the way to the Romano place, and
4 you can compare it if you would care to, but I do have to
5 return those.

6 MR. MORROS: We'll mark this 3 and 4. We have two
7 exhibits to represent the collages of photographs and they
8 will be marked for identification purposes as Thompson
9 Exhibits 3 and 4.

10 (The collage of photographs was then marked as
11 Thompson Exhibit No. 4.)

12 MR. MORROS: Okay, Mr. Thompson. Go ahead.

13 MR. THOMPSON: This aerial photo here is the one
14 copy of the one the State Water made in 1977. They know the
15 exact date. I do not. I do believe it was made in the
16 spring.

17 As you can see, I have water running down all these
18 channels. These photographs on the other side over here were
19 taken and they are numbered here as I took them up the old
20 channel, and I think anybody that calls himself a farmer will
21 know that the amount of water I put out all that way out
22 there, two miles out there, is going to amount to consider-
23 ably more than they claim my spring put out.

24 MR. MORROS: When you say "two miles out there," is
25 that still on your land or is it on other land?

26 MR. THOMPSON: No. My land is drawn in red here.

1 MR. MORROS: Okay.

2 MR. THOMPSON: Here is the old natural channel for
3 Taft Creek. This used to be a swampy area in here. It split
4 off and run this way, but the old channel was mainly this
5 way, but then it mostly runs this way at this time. These
6 areas here that used to be springs in the fields, you
7 couldn't ride a horse through there let alone get through
8 with a mower. They have gone to foxtails and weeds.

9 This photograph up here was taken of the spring --

10 MR. MORROS: Let's identify it.

11 MR. THOMPSON: Note water mark on post fence put in
12 in -- This fence running through this picture here was put in
13 by the BLM in 1976, and the water mark on that post is quite
14 prominent. It's about 18 inches above ground level. It's
15 bone dry.

16 You can see in 1973 it was full of water. This old
17 spring here was an old Indian camp. It dried up in 1968.

18 These are all lines drawn to where they are pointed
19 to their origin on the photograph. This one here dried up in
20 1974.

21 MR. MORROS: Again, identify the photograph?

22 "Spring went dry in 1974, 8 foot to water in 1981."

23 MR. THOMPSON: This spring on the north side of the
24 south spring of Taft Creek used to flow over the top and
25 alongside of the pond into the swamp. Now it's just setting
26 there.

1 The rest of it, I do believe, ladies and gentlemen,
2 is self-explanatory.

3 MR. MORROS: Okay. Did you want to take a recess
4 for a few minutes so people that would like to can come up and
5 take a look at these pictures?

6 Excuse me. We'll introduce this for identification
7 purposes as Thompson's next exhibit in order, number 5.

8 (Collage of photographs was then marked for identifi-
9 cation as Thompson's Exhibit No. 5.)

10 MR. MORROS: We'll take a ten minute recess.

11 (The hearing was thereupon recessed from 1:50
12 o'clock, p. m. until 2:00 o'clock, p. m.)

13 MR. MORROS: We'll be back on the record.

14 Mr. Thompson?

15 MR. THOMPSON: To further point out some of the
16 springs that have dried up, old historical springs, here's a
17 picture of 1980, of Mud Springs. That's between me and the
18 old McGinny ranch. There's a certified copy of 1973 --
19 Pardon me, 1980 -- wrong photograph, folks. Here's a certi-
20 fied copy, September 23, 1980, of the spring called Skilman.
21 All it shows, shows up here in the corner, is an old artesian
22 well. It's dried up.

23 Here's a copy of 1973, of the Skilman, that you can
24 see it covers considerably more area and the spring in the
25 corner is flowing. Would you like these?

26 MR. MORROS: Do you want them introduced into the

1 record?

2 MR. THOMPSON: If the testimony is not good enough,
3 I'll introduce them.

4 MR. MORROS: Sure.

5 MR. THOMPSON: Okay. This cover letter has to go
6 with this.

7 MR. MORROS: Let's take them one at a time then.

8 MR. THOMPSON: I have to get a correction on this
9 one. This one I can't enter, but yes, I do have a copy of
10 that. I can enter this one. I'll see if I can get the '73
11 copy. Is that acceptable or not?

12 MR. MORROS: This letter here? Yes, we'll enter it
13 as Thompson Exhibit No. 6, identified for the purposes of
14 the record.

15 (A letter was then received and marked for identifi-
16 cation, Thompson Exhibit No. 6.)

17 MR. THOMPSON: If not, they'll re-make these.
18 Here's the '73 certified copy of the aerial photograph, show-
19 ing Mud Springs, and there's a considerable amount of water in
20 it.

21 MR. MORROS: These four photographs is what you
22 want entered into the record then?

23 MR. THOMPSON: Right.

24 MR. MORROS: For the purposes of identification,
25 Thompson Exhibit No. 7 will be an enlargement of an aerial
26 photograph identified as Serial No. 32011-372-26R. The date

1 on the certification is corrected by Thompson Exhibit No. 6,
2 and should read "September 27, 1973."

3 (An enlargement of an aerial photograph, identified
4 as Serial No. 32011-372-26R, was then received and marked for
5 identification as Thompson Exhibit No. 7.)

6 MR. MORROS: Thompson Exhibit No. 8 is an enlarged
7 aerial photograph, Serial No. 32011-180-97R. The date of the
8 certification is corrected by Thompson Exhibit No. 6, and
9 should be September 27, 1973.

10 (An enlarged aerial photograph, Serial No. 32011-
11 180-97R, was then received and marked for identification as
12 Thompson Exhibit No. 8.)

13 MR. MORROS: Next is No. 9 for identification
14 purposes. Thompson Exhibit No. 9 is an enlargement of an
15 aerial photograph, Serial No. 32011-372-14L. Certification
16 date is corrected to September 27, 1973, by Thompson Exhibit
17 No. 6.

18 (The aerial photograph enlargement as described was
19 then received and marked for identification as Thompson
20 Exhibit No. 9.)

21 MR. THOMPSON: This is an aerial photo of the same
22 date, dated the same date, shows an artesian well which we
23 cased in the late 50's, shows there is water there, and the
24 one north of it. You can see it flowing on the south end and
25 starting to dry up.

26 MR. MORROS: Thompson's Exhibit No. 10 for

1 identification purposes is an enlargement of an aerial
2 photograph, Serial No. 3211-180-76L. The date of certifica-
3 tion is corrected to September 27, 1973, by Thompson Exhibit
4 No. 6.)

5 (The aerial photo enlargement, as described, was
6 then received and marked for identification as Thompson
7 Exhibit No. 10.)

8 MR. THOMPSON: This is approximately the same area
9 dated 1980, and you can see both of those have dried up.

10 MR. MORROS: Thompson Exhibit No. 11 for identifica-
11 tion purposes is an enlargement of an aerial photograph,
12 Serial No. 32011-372-15R. Certification date is corrected by
13 Thompson Exhibit No. 6 to September 27, 1973.

14 (The aerial photo enlargement, as described, was
15 then received and marked for identification as Thompson
16 Exhibit No. 11.)

17 MR. THOMPSON: I'm going to enter all these photo-
18 graphs of the 1980 aerial photo series for comparison
19 purposes.

20 MR. MORROS: The certification, Mr. Thompson, under
21 your Exhibit No. 6, does not apply to these?

22 MR. THOMPSON: No, no. Doesn't it state there
23 which ones it applies to?

24 MR. MORROS: Yes.

25 MR. THOMPSON: Are you questioning the validity of
26 the dates on those photographs, anybody?

1 MR. MORROS: Well, if anybody objects to the intro-
2 duction of the exhibits, they can so state when we get
3 through introducing all of the exhibits or identifying all of
4 the exhibits.

5 MR. THOMPSON: They missed three on the 1980
6 series, which will take me at least two weeks to get.

7 MR. MORROS: All right. You can submit those.
8 We'll leave the record open for the purposes of receiving
9 those. Okay?

10 MR. THOMPSON: I can go on and show you people home
11 movies, which I don't really care to, but it certainly proves
12 a point of what water level I had at that time.

13 MR. MORROS: No, I don't know how much good the
14 home movies would do unless you intend to introduce them into
15 evidence.

16 MR. THOMPSON: Well, if there is any doubt in these
17 people's minds, it is evidence.

18 MR. MORROS: The decision is yours.

19 Let me get the rest of these exhibits taken care of
20 here.

21 MR. THOMPSON: There is plenty of still photographs
22 verifying the depth of those springs. If there is any ques-
23 tion about it, I wish anybody would state so now.

24 I would like to also add there is some photographs
25 taken last March of my springs. You people noted on the
26 photographs, as they pointed out, there was a stick sticking

1 out in the north spring, and that used to be the bottom of
2 the old spring level. That's the 900 gallon a minute they
3 are talking about. In other words, for all practical purposes,
4 my springs have dried up.

5 MR. MORROS: Okay. Thompson Exhibit No. 12 will be
6 received into evidence for identification purposes and
7 represents an enlargement of an aerial photograph, Serial No.
8 32011-180-97L.

9 (The aerial photo enlargement was then received
10 into evidence for identification purposes, as Thompson Exhibit
11 No. 12.)

12 MR. MORROS: Thompson Exhibit No. 13 will be
13 received into evidence for identification purposes, and
14 represents an enlargement of an aerial photograph, Serial No.
15 32011-180-95L.

16 (The aerial photo enlargement as described was
17 then received and marked for identification as Thompson
18 Exhibit No. 13.)

19 MR. MORROS: Thompson Exhibit No. 14 will be
20 received into evidence for the purposes of identification.
21 It is an enlarged aerial photograph, Serial No. 32011-180-96L.

22 (The aerial photo enlargement as described was then
23 received and marked for identification as Thompson Exhibit
24 No. 14.)

25 MR. MORROS: Thompson Exhibit No. 15 will be
26 received into evidence for identification purposes, which is

1 an enlargement of an aerial photograph, Serial No. 32011-180-
2 77R.

3 (The aerial photo enlargement as described was then
4 received and marked Thompson Exhibit No. 15 for identification.)

5 MR. MORROS: Thompson Exhibit No. 16 is received
6 into evidence for the purposes of identification, which is an
7 enlargement of an aerial photograph, Serial No. 32011-180-93L.

8 (The aerial photo enlargement as described was then
9 received and marked Thompson Exhibit No. 16 for identification.)

10 MR. MORROS: Thompson Exhibit No. 17 introduced into
11 evidence for identification purposes is an enlargement of an
12 serial photograph, Serial No. 32011-180-94L.

13 (The aerial photo enlargement as described was then
14 received and marked for identification Thompson Exhibit No. 17.)

15 MR. MORROS: Is there any objection to the introduc-
16 tion into evidence of Thompson Exhibits 2 through 17?

17 (No objection was voiced.)

18 MR. MORROS: All right. Thompson Exhibits 2 through
19 17 will be received into evidence.

20 (Thompson Exhibits Nos. 2 through 17 were then
21 received into evidence.)

22 MR. MORROS: Mr. Thompson, you may proceed.

23 MR. THOMPSON: Yes. There has been much said about
24 these flowing wells. Ladies and gentlemen, don't kid your-
25 selves. That is not the problem. These supposedly 1800
26 gallons a minute, I have tried to get the State to go out

1 there and make an actual measurement and they have refused to
2 do it. I have tried to get them out there to measure all the
3 other supposedly flowing ones. They have refused to do it.

4 Here is a picture of the holes that were plugged
5 up, or that were plugged up or stopped flowing, from the ones
6 Shell drilled, one to two miles south. That area, as I
7 stated previously, was flowing, and you could have put it all
8 through a 4-inch pipe. You aren't going to put 1800 gallons
9 a minute through a 4-inch pipe. The area that spring
10 covered was, that well covered, was half again as big as
11 these holes that are covered by the Shell wells, and these
12 pictures show -- Pardon me. These are of the Shell area.

13 MR. MORROS: You want these received into evidence?

14 MR. THOMPSON: Right.

15 MR. MORROS: Thompson Exhibit 18 will consists of
16 two photographs, received into evidence for the purposes of
17 identification.

18 (Two photographs were then received and marked for
19 identification as Thompson Exhibit No. 18.)

20 MR. MORROS: All right. As soon as he could get
21 these marked, maybe you can describe exactly what they repre-
22 sent for the record. Just take them one step at a time.

23 MR. THOMPSON: Now, if you look at these photographs
24 closely you can see my motorcycle setting right up in the
25 meadow, and it's dry where that motorcycle is setting. Then
26 I went out to the edge where the evidence of water had been

1 and I took the photographs back. You put these two photo-
2 graphs together and you cover the entire area encompassed by
3 those flowing wells. In other words, it was taken from the
4 west side facing east.

5 MR. EVERETT GROTH: What year was that, now?

6 MR. THOMPSON: That was taken the first part of
7 August.

8 MR. GROTH: 19 --

9 MR. THOMPSON: 1982.

10 MR. MORROS: That's Exhibit No. 18 now you were
11 referring to?

12 MR. THOMPSON: Yes. There is evidence they are
13 drying up and drying up fast.

14 MR. MORROS: Now, are you going to introduce those
15 into evidence also?

16 MR. THOMPSON: Yes.

17 MR. MORROS: Let me identify them.

18 Thompson Exhibit No. 19 will be received into
19 evidence for the purposes of identification and represents
20 two photographs.

21 (The two photographs were then received and marked
22 for identification as Thompson Exhibit No. 19.)

23 MR. THOMPSON: This is a photograph of about the
24 same general spot in relation to the other hole, and you can
25 see the area encompassed by these two photographs is consider-
26 ably more than the area covered by the Shell wells. As I

1 stated, this all was coming out of one hole and running down-
2 hill and you could have put it all through a 4-inch pipe.

3 MR. MORROS: Okay, gentlemen. Excuse me just one
4 minute, Mr. Thompson.

5 The young lady that just came into the room --
6 well, let's go off the record.

7 (Short off the record.)

8 MR. MORROS: Did you mention these?

9 MR. THOMPSON: I have finished with those.

10 MR. MORROS: Okay. We'll be back on the record.

11 MR. THOMPSON: These other photographs I'm going
12 to enter are photographs taken of the old flowing well that
13 Shell plugged up when they drilled the one two miles north.
14 I would say that also indicates that the water is flowing
15 from south to north.

16 MR. MORROS: Thompson Exhibit No. 20 will be
17 received into evidence for identification purposes and is a
18 group of four photographs.

19 (The four photographs were then received and marked
20 for identification as Thompson Exhibit No. 20.)

21 MR. THOMPSON: Unless you want to see the moving
22 pictures, that's about all I have, I think. I think I have
23 supplied you with sufficient photographs.

24 MR. MORROS: Let's go off the record again for a
25 moment.

26 (Short off the record.)

1 MR. MORROS: We'll be back on the record.

2 Any objection to receiving into evidence Thompson
3 Exhibits 18 through 20?

4 (No objection was voiced.)

5 MR. MORROS: All right. Thompson Exhibits 18
6 through 20 are received into evidence.

7 (Thompson Exhibits No. 18 through 20 were then
8 received into evidence.)

9 MR. MORROS: Mr. Thompson, do you have anything
10 further?

11 MR. THOMPSON: Yes. I would like to state on the
12 record by Mr. Burnham that I asked for copies of these to be
13 made, and I didn't even know about it. I was not the one
14 that asked for copies of this to be made.

15 MR. BURNHAM: Copies of what?

16 MR. THOMPSON: Of this letter allegedly by Mrs.
17 Rita I. Brown, dated July 11, 1982.

18 MR. MORROS: Well, that letter has not been
19 received by the State Engineer and it has not been requested
20 to be introduced into evidence, so I don't think there is any
21 need to respond.

22 Is that all you had, Mr. Thompson?

23 MR. THOMPSON: Now, I have a lot more photographs,
24 people, if you want to look at them, but they are just
25 repetition. I have photographs, like I say, all the way to
26 the Romano ranch, but I can't enter them because they belong

1 to the SCS.

2 MR. MORROS: Thank you, Mr. Thompson.

3 MR. THOMPSON: I would wish that you would tell
4 the people what my spring is flowing as of this date.

5 MR. MORROS: One other thing I want to clear up
6 before we proceed so I don't forget about it. I don't know
7 how many of you remember State's Exhibit No. 22, which was
8 a compilation of Diamond Valley water level data that we
9 introduced into this hearing on May 24th. We also indicated
10 there was a confirmation procedure that the U. S. Geological
11 Survey had to go through concerning this computer data before
12 it could be certified.

13 We have since that time received the confirmed data
14 so we will be substituting those changes represented in the
15 confirmed data for the data that was entered into evidence
16 originally, and as you recall, I did indicate for the record
17 at that time this would occur, so if anybody wants to compare
18 it, either one of these computer read-outs, there have been
19 some corrections made on well locations and this type of
20 thing.

21 MR. THOMPSON: I would like to state something
22 else concerning --

23 MR. MORROS: All right. Mr. Thompson is back on
24 the record.

25 MR. THOMPSON: For the record, I would like to
26 state this, and I stated this to Mr. Brownfield the first

1 time he came out there, if you people want to go with the
2 gallons per minute, get your documents out, fine, let's go
3 back to the old pipes that are still in and put the old
4 levies back in and then we'll get the flow out of those
5 pipes. The flow right now is five foot below those pipes.

6 MR. MORROS: What are we referring to now? Thompson
7 Springs?

8 MR. THOMPSON: You are referring to my spring flow.
9 900 gallons a minute.

10 MR. MORROS: No, I indicated -- I don't even know
11 how authentic that data is, Mr. Thompson. All I indicated to
12 you was that that data did occur in that report. And it did
13 indicate --

14 MR. THOMPSON: I have no objection to that. I have
15 no objection to the flow, but let's take it by the old
16 measurement.

17 MR. MORROS: It is qualified in there that it is an
18 approximation, that any data I think that is available, it is
19 important that it be put in the record.

20 MR. THOMPSON: You take a contour of my springs,
21 you can follow that contour to practically every spring on my
22 ranch, on my fields, so if I get the old pressure back in my
23 main springs, I'm going to get it back on the others also,
24 and Romanos will get their water back.

25 MR. MORROS: Yes, sir. Would you identify yourself
26 for the record?

1 MR. ROBERT MC NULTY: Yes. Bob McNulty.

2 MR. MORROS: Did you wish to testify, Mr. McNulty?

3 MR. MC NULTY: I would like to ask some questions
4 of you, if possible.

5 MR. MORROS: Okay. Go ahead.

6 MR. MC NULTY: On the dried up springs, I was
7 curious on the springs, if the geological survey shows the
8 point of origination, and if it does, whether any development
9 was what was drying up the water, and whether maybe it was
10 drying up his water very slow?

11 MR. JAMES HARRILL: I'm sorry. With the traffic
12 behind you, I couldn't hear your entire question.

13 MR. MORROS: I couldn't either. Why don't you hold
14 up for a minute until that clatter stops outside.

15 Mr. McNulty, why don't you come up here and we'll
16 be able to hear you better because you're competing with that
17 street sweeper out there and you're losing.

18 MR. MC NULTY: What I was saying, do you know the
19 point of origination of his springs, on the geographic survey,
20 and if so, is the community in that place developing enough
21 to use a point of water that is affecting his spring?

22 MR. MORROS: The point of origination of his spring?
23 You mean where it discharges?

24 MR. MC NULTY: Yes. The water is coming in from
25 some place and you're surveying the water in different
26 valleys and you have maps. Do you have the maps of

1 approximately where it is going to or coming from and just
2 where it is coming from in the light of development, where
3 they could be using the water to dry up the springs?

4 MR. MORROS: Mr. Harrill?

5 MR. JAMES HARRILL: As to the point of origination
6 of the springs, I would refer to Water Resources' Bulletin 35
7 that has been entered as an exhibit in this hearing, and in
8 that, the water in the springs was thought to be derived from
9 precipitation that falls within the drainage area of Diamond
10 Valley above the Thompson springs, and probably precipitation
11 that falls upon the Diamond Mountains. On the west side of
12 the valley, some of the water that is derived for those
13 supplies is spring discharge in that area, coming from
14 perhaps the Roberts Mountains and Garden Valley immediately
15 to the west of Diamond Valley.

16 MR. MC NULTY: Anything that is being used that is
17 maybe tapping into that water?

18 MR. JAMES HARRILL: Well, I think there is a very
19 strong probability that some of the changes that are being
20 observed now represents the tapping into some of that water.

21 MR. MC NULTY: Does that have a significant effect
22 on maybe his spring?

23 MR. JAMES HARRILL: That is the contention. That's
24 why we are here today.

25 MR. MORROS: Thank you, Mr. McNulty. Just a
26 moment. We still have one more name here that had signed up

1 to testify.

2 Everett Groth?

3 MR. EVERETT GROTH: I want to ask Milton some
4 questions. There are some things that are not quite up --

5 MR. MORROS: Well, that's up to him, if he wants to
6 respond, I have no objection.

7 MR. THOMPSON: I have no objection. Go ahead.

8 MR. MORROS: I don't want to turn this into a
9 debate --

10 MR. THOMPSON: I'll just state the facts.

11 MR. MORROS: I don't want to turn this into a debate.
12 If you want some clarification on whatever has been intro-
13 duced --

14 MR. THOMPSON: That is what I have been asking for,
15 is questions. Do you have any questions about the photographs?
16 I'll be more than happy. I have even offered to take people
17 out there and show them, and nobody has ever taken me up on
18 it.

19 MR. MORROS: Well, Mr. Thompson, maybe you can allow
20 him to ask the question and then you can respond.

21 MR. EVERETT GROTH: Okay. I'm not debating or
22 questioning your spring is drying up.

23 Say 15 years ago, was there any runoff of those
24 mountains on your ranch?

25 MR. THOMPSON: Sure.

26 MR. GROTH: And that is what those crops are on the

1 runoff?

2 MR. THOMPSON: No. On the last two, on all of these
3 old ranches, Everett, when they came in here back in the
4 1800's, they put them down where there was meadow, natural
5 sub-irrigated meadow.

6 MR. GROTH: But that's not sub-irrigated meadow
7 you're talking about, that runoff^{off} that mountain. On some of
8 those places where they irrigate, he has about that much
9 topsoil and water doesn't go down because he has a hardpan.
10 That can be the same thing with your meadows, if that
11 mountain runs off and fills your meadow up, sure it's going
12 to stay sub-irrigated.

13 MR. THOMPSON: There is hardpan, but not in the
14 meadow, Everett, that spring can go forever.

15 MR. GROTH: Another thing I want to ask, did you
16 measure your springs last year, 1981?

17 MR. THOMPSON: Yes.

18 MR. MORROS: We measured it.

19 MR. GROTH: How many gallons a minute?

20 MR. THOMPSON: That was the old drainage, the old
21 bottom, and that was four foot below the old bottom. It was
22 about 615 gallons a minute.

23 MR. GROTH: Okay. What was it the year before?
24 Did you measure it?

25 MR. THOMPSON: This brings up a very sore point.
26 I tried to get the former extension agent to come out there

1 on a twice yearly basis. He came out there when I got the
2 2057 gallons a minute flow and refused to come out any more
3 after that when I made complaints to A.D. Joy over here.

4 MR. GROTH: That was two years ago?

5 MR. THOMPSON: That was 1976.

6 MR. GROTH: How about 1979?

7 MR. THOMPSON: Everett, this is all stated in the
8 previous one.

9 MR. GROTH: I wasn't here --

10 MR. THOMPSON: Yes, it was all stated. You were
11 here.

12 MR. GROTH: Okay. I was just interested, how much
13 did it measure this spring?

14 MR. MORROS: This spring?

15 MR. THOMPSON: You're not going to like this.

16 MR. MORROS: On May 25th it measured 676 gallons
17 per minute.

18 MR. THOMPSON: Hold on here. He's talking about
19 your March measurement.

20 MR. GROTH: I want the highest.

21 MR. THOMPSON: The March measurement, where they're
22 talking about the 900 gallon a minute, previously that was
23 110 gallons --

24 MR. MORROS: All I did, you asked what the measurement
25 showed this spring, and as far as I'm concerned, May is
26 spring.

1 MR. THOMPSON: Okay. I will enter another exhibit.
2 That trench is what the measurement was made out of.

3 MR. MORROS: You are objecting to the method of
4 measurement?

5 MR. THOMPSON: No, I'm not making objection. I'm
6 pointing out -- I point this out to you folks: Here's a
7 photograph I took this morning. I took this picture this
8 morning. There's a pipe there. You can see it. I measured
9 it. I think you measured it, and I think it's at least two
10 foot from the bottom of the pipe to the bottom of the trench.
11 Last spring when they came out on March, what, tenth, some-
12 where around there. It was 110 gallons a minute.

13 Okay. I kept dropping down. They kept coming out
14 and measuring and measuring, and finally it was 600 something.

15 MR. MORROS: On May 25th it was 676.

16 MR. GROTH: And it was lower then that what it was
17 in March?

18 MR. MORROS: Oh, yes. Right.

19 MR. GROTH: You dug it out?

20 MR. THOMPSON: Then it dropped off to 500.

21 MR. MORROS: In State's Exhibit 13, we have measure-
22 ments for 1965, 1966; in October, on October 3rd of 1981, the
23 spring was down to 30 gallons per minute.

24 MR. GROTH: But this is what I'm getting at --

25 MR. MORROS: On March 10th of 1982 it was 130
26 gallons per minute.

1 MR. GROTH: Nobody knows where that water is
2 coming from, everybody is conjecturing. Maybe that water is
3 coming out of the upper valley and maybe it's coming off that
4 mountain. There hasn't been any runoff off that mountain to
5 speak of in ten years. That's my thought on the springs,
6 but other springs are going too.

7 MR. THOMPSON: Getting back to the question at
8 hand, last Friday I dug out the old ditch where they took
9 their previous measurements. It's a lot deeper than it was
10 previously. I did it with a backhoe. I went through the
11 hardpan in most places. There's a picture of that ditch.

12 MR. MORROS: You want to enter this in as an
13 exhibit?

14 MR. THOMPSON: Right. Also, this is that other
15 measurement.

16 MR. MORROS: Let's just talk one at a time here.
17 What is the next exhibit number?

18 MR. DANNER: Twenty-one.

19 MR. MORROS: All right. Thompson Exhibit 21, which
20 will be received into evidence for identification purposes,
21 represents a Polaroid snapshot. Mr. Thompson, maybe you
22 could describe -- Just put the other pictures down for now
23 and do it one at a time.

24 MR. THOMPSON: Yes, I will. They are all connected.
25 As I stated -- Oh, yes. Threw me a curve there. Okay. The
26 first picture, as I have stated, is a picture back, from

1 looking north towards the pipe into the ditch. The other one
2 was from the pipe down the trench. In other words, I was
3 standing along the side of the pipe taking the picture down
4 the valley towards Devil's Gate, and not where they were
5 taking the final measurements on. The final measurement on
6 that ditch, I believe, was 500 gallons, or 500 something.

7 MR. MORROS: That was the measurement that was made
8 on July 29th of 506 gallons.

9 MR. THOMPSON: Okay. That's the same one as the
10 previous 600. It hadn't been moved.

11 MR. MORROS: Now, you want these two photographs
12 marked as the same exhibit?

13 MR. THOMPSON: Yes. To save time, these are all
14 four various views of that ditch.

15 MR. MORROS: Okay. They all represent the same
16 ditch, just various views, so 21 -- we'll just call it 21-1,
17 dash 2, dash 3, dash 4.

18 (The photographs were then marked for identification
19 as Thompson Exhibit No. 21-1, 21-2, 21-3, 21-4.)

20 MR. THOMPSON: I'll clarify one of those. Now, as
21 I stated, ladies and gentlemen, I did a lot of backhoe work
22 getting this levelled down as far as I could. Years ago the
23 SCS told us if we drop the level of our springs and moved the
24 levees out into the valleys we would get a lot more water.
25 We did. Okay. That is what I had planned and you can see
26 where I did a lot of planning on these aerial photos. I had

1 the new levees drawn in there. Now, this photograph here is,
2 this series shows the old ditch level, and this water is
3 below the old ditch level, and that was taken this morning.

4 MR. GROTH: Well, you maintain that --

5 MR. MORROS: Wait a minute, Mr. Groth.

6 MR. THOMPSON: Let me finish, Everett. It's self-
7 explanatory.

8 Okay. Here is a picture I took this morning of
9 where this water had been running out this other ditch for
10 three days -- Oh, wait a minute. I took a picture this
11 morning of the area covered by water that has been running
12 there for three days. Draw a little circle there. It's a
13 hundred yards long and maybe at a maximum a hundred yards
14 wide.

15 Mr. Gamboa, or Mr. -- the engineer here can tell
16 you what the flow was this morning. I think that's self-
17 explanatory. I have some more if I can find them. These
18 pictures here that I will enter.

19 MR. MORROS: Just a moment. Let's go back to these.
20 Did you want this entered also?

21 MR. THOMPSON: Yes, please. Maybe to save time I'll
22 give them all to you.

23 MR. MORROS: That's fine.

24 The next exhibit will consist of a series of six
25 photographs, No. 22 --

26 MR. THOMPSON: Five.

1 MR. MORROS: Five Polaroid photographs. Maybe we
2 could indicate for the purposes of reference your next
3 exhibit number will be 22, so why don't you just say 22-a,
4 b, c or d, whatever the case may happen to be?

5 (Four photos as described were then received and
6 marked Thompson Exhibits Nos. 22-a, 22-b, 22-c and 22-d.)

7 MR. THOMPSON: Okay. Twenty-two-a is taken of the
8 trench of the old ditch I dug out Friday, looking south.

9 MR. MORROS: Give me that and I'll have it marked.

10 MR. THOMPSON: Southeast. This 22-b would be the
11 same ditch back a little further to the outlet pipes.

12 MR. MORROS: Go ahead, Mr. Thompson.

13 MR. THOMPSON: Twenty-two-c is from that same area
14 looking back through the head gate as Mr. Gamboa was measur-
15 ing the flow.

16 Twenty-two-c and d -- Pardon me --

17 MR. MORROS: A, b, c, d, e --

18 MR. THOMPSON: F. That other one I will explain.

19 And this final one is a picture of an area just
20 north of my north spring that used to be quite boggy.

21 MR. MORROS: We'll identify that as 22-f.

22 MR. THOMPSON: No. That would be 23.

23 MR. MORROS: Okay. 23.

24 (A single photo was then received and marked for
25 identification Thompson Exhibit No. 23.)

26 MR. THOMPSON: They can find out and tell you the

1 flow. What was the flow this morning?

2 MR. MORROS: The flow this morning was measured at
3 225 gallons per minute.

4 I might add that Mr. Ralph Gamboa, our Supervising
5 Water Commissioner out of Elko, has made all of these measure-
6 ments. I haven't sworn him in to testify to these measure-
7 ments, but these measurements are of record in the State
8 Engineer's Office.

9 MR. THOMPSON: Yes. I didn't ask -- You have been
10 reading these other records?

11 MR. MORROS: That's right. August 9, 1982, the
12 measurement was made at 225 gallons per minute.

13 MR. THOMPSON: And that was around between 11:30
14 and 12:00, if I'm not mistaken, this morning.

15 MR. GROTH: Okay. Back to this question: Your
16 spring flow this year is lower than last year?

17 MR. THOMPSON: Yes.

18 MR. GROTH: Right. It has gone down.

19 MR. THOMPSON: For all practical purposes, as I
20 stated previously, my spring dried up.

21 MR. GROTH: I know that. I'm not arguing about that.

22 You also contend that in the years before that your
23 meadows were solely irrigated by the springs and no runoff?
24 And no runoff helped make these big crops you got these
25 pictures of?

26 MR. THOMPSON: If you're going to bring that in --

1 MR. GROTH: That's what I'm asking you.

2 MR. THOMPSON: Would you let me answer? I'm not
3 contending that at all. However, we are not going to get any
4 more runoff, I do not believe. You are draining the water
5 clear out of the Diamonds. I should have got runoff this
6 year. I didn't get a drop.

7 MR. GROTH: Hey, that runoff comes out of the snow.

8 MR. THOMPSON: Right. And it's sinking right up
9 there in the mountains. There should have been a regular
10 river coming out of McGinty Canyon this year.

11 MR. GROTH: There should have what?

12 MR. THOMPSON: There should have been a regular
13 river coming out of McGinty Canyon this year.

14 MR. GROTH: So the valley out here is draining the
15 water off the top of that mountain?

16 MR. THOMPSON: That's true.

17 MR. GROTH: That can't be. I just don't know how
18 it can be.

19 MR. THOMPSON: You argue with geologists.

20 MR. GROTH: Hey, I'm not arguing with you. There
21 hasn't been any runoff to speak of on the east side of that
22 mountain, since I think probably 1972 is the last time it run
23 off. I have seen hay bales on this ranch going out of Devil's
24 Gate towards Austin that were almost end to end. I haven't
25 seen a hay bale for ten years, and that ranch doesn't run
26 off springs. That runs strictly off runoff.

1 MR. THOMPSON: They have a lot of wells out there.

2 MR. GROTH: Well, on the piece of ground straight
3 out, you know, right on the right as you go up there by where
4 Mark -- What's the name of it? And I think your springs,
5 myself, is drying up as much from lack of snow in the moun-
6 tains myself.

7 MR. MORROS: Hold it, Mr. Groth. Hold it up a
8 minute.

9 Okay. Go ahead.

10 MR. GROTH: Every ranch that I know of that has had
11 meadow, Purdy's ranch, if he doesn't get runoff he doesn't
12 get a very good hay crop.

13 MR. THOMPSON: He doesn't keep any springs either.

14 MR. GROTH: That's right. But I still maintain
15 that your ranch didn't produce all those big crops from all
16 those springs. Some of it, yes.

17 MR. THOMPSON: Everett, we covered this before. I'm
18 not talking about those areas up north. I was talking about
19 the water table. We can get into this in the adjudication
20 hearings.

21 MR. GROTH: Well, what I'm maintaining is, your
22 spring is drying up, a big share of it, probably from no snow,
23 because your springs are coming out of the mountains as much
24 or more than us pumping in the valley.

25 MR. THOMPSON: Everett, there has been no record of
26 the past runoff.

1 MR. GROTH: Is there any record of the ten years
2 that are dry?

3 MR. THOMPSON: No. There has never been any --
4 That's beyond my expertise.

5 MR. GROTH: Well, one compliments the other.

6 MR. MORROS: Everett, as far as the measurements
7 go, everything we have available to us is in the record.

8 MR. THOMPSON: There was no observable change in
9 our spring in the serious dry years in the 50's and there was
10 no observable change in our spring flow. It's warm water.
11 As I testified previously, warm water is supposed to come
12 from deep.

13 MR. GROTH: How can water from here force your
14 water up?

15 MR. THOMPSON: I'm not the geologist.

16 MR. MORROS: Okay. Are you through?

17 MR. THOMPSON: I don't know. I'm just being
18 objective. We have gone through this before.

19 MR. MORROS: No, no. You don't have to answer if
20 you don't want to.

21 MR. THOMPSON: If it answers any purpose, I will,
22 but we have gone through this before.

23 MR. MORROS: Is there anything further you have to
24 offer at this time?

25 MR. THOMPSON: As I say, Everett, we went through
26 this at the last hearing.

1 MR. GROTH: You don't want to answer the question
2 anyway, so --

3 MR. THOMPSON: How can I? I'm not a geologist.
4 There has been no change in the flow in my springs in past
5 dry years. We had serious dry years in the 50's, worse than
6 we have now.

7 MR. GROTH: For a long period of time? Ten years?
8 Fifteen years?

9 MR. THOMPSON: If you guys are going to bring that
10 up, Everett, every year we have a dry year, and you guys are
11 pumping more and more water every year.

12 MR. MORROS: I think you have both made your points.

13 MR. GROTH: Is that pumping making a dry year?

14 MR. MORROS: Anybody else want to testify? Yes,
15 sir?

16 MR. HAROLD MILES: I would like to have the record
17 show --

18 MR. MORROS: Could you state your name for the
19 record?

20 MR. MILES: I'm Harold Miles. In 1977 there was an
21 exceptional amount of water. This is when Mr. Thompson's
22 photos were taken of the excessive amount of water. It
23 covered a portion of my ground. I live right directly below
24 Water Canyon and there was a lake out on BLM ground that
25 covered in the neighborhood of 150 acres. It went onto Mr.
26 Glenn's ground too, some of these creeks did. I drove down

1 the road, which was covered with water, and the water run
2 right through the floorboards of my pickup. I had a small
3 pickup, but that's how much water was running in 1973.

4 MR. MORROS: Thank you, sir. Mr. Plaskett?

5 MR. WALTER PLASKETT: Just a couple of statements.

6 In 1963 I cut a field of hay on the Thompson ranch. The
7 southeast corner of that field lay right next to their cattle
8 scales and pen, and it was a terrific lush crop, alfalfa,
9 fairly new perhaps, seeded that year, I believe unless they
10 were pumping spring water up to that level, which I think is
11 probably 50 to 150 feet above the spring level, it's totally
12 made on runoff water.

13 MR. THOMPSON: I'll answer that --

14 MR. MORROS: Well, I don't know what the relevancy
15 of that is.

16 MR. WALTER PLASKETT: Only if someone decides to
17 jerk all these pumps, because other people than in Diamond
18 Valley pump in some other areas.

19 MR. MORROS: Well, number one, the limited extent
20 of Mr. Thompson's water rights on that spring are going to
21 have to be determined through an adjudication proceeding,
22 which is beyond the scope of what the purpose of this hearing
23 is. If it is determined that the pumpage in fact is affecting
24 the flow of those springs, then it will have to be determined
25 to what extent that effect is having on Mr. Thompson's exist-
26 ing rights, and the only way the limited extent of those

1 rights can be determined is if they are adjudicated, so
2 really --

3 MR. KEN BENSON: You can't make any determination
4 of what his rights are until they are adjudicated?

5 MR. MORROS: They have to be adjudicated as set
6 forth in the law. We have to determine the validity of his
7 claim and there is a procedure, a statutory procedure set out
8 for doing that.

9 MR. THOMPSON: May I come back? I would like to
10 say something.

11 MR. MORROS: Go ahead, Mr. Thompson.

12 MR. THOMPSON: As I stated previously, this is not
13 an adjudication hearing. This is a question, a complaint
14 over damage done to the water table, not how much my springs
15 are flowing in the past. It's damage done to the water table,
16 ladies and gentlemen. If it hadn't been for my backhoe, I
17 wouldn't even have any stock water.

18 Now, as far as Mr. Plaskett just stated, in 1963
19 he mowed a field, I don't understand how you did that, Walt.
20 I was doing all the mowing then.

21 MR. WALTER PLASKETT: Your father asked me to come
22 and cut it and I came and cut it.

23 MR. MORROS: All right, gentlemen. I don't think
24 that's relevant to our --

25 MR. THOMPSON: To answer this question at that
26 point, that was sprinkler-irrigated. There is ample pictures

1 up there showing that fact.

2 MR. MORROS: Thank you. Any more statements, any
3 more testimony?

4 MR. THOMPSON: I would like to say also there is
5 pictures there of the pump we used. Now, I will submit
6 testimony or evidence of what that pump produced, but the
7 people that sold it to us stated that pump produced 2,000
8 gallons a minute at open discharge. It was 900 some gallons
9 through the sprinklers. We only irrigated out of the south
10 spring. The other one flowed out onto the field. The last
11 few years I used that pump open discharge and still had water
12 flowing out of the springs.

13 MR. MORROS: Okay, Mr. Thompson. I'm sure that that
14 is information that will be very relevant at the adjudication
15 proceedings.

16 Yes, Ma'am? Will you state your name for the record,
17 please?

18 MRS. DELLA MULFORD: My name is --

19 MR. MORROS: Wait a minute. You're competing with
20 that whatever it is outside. Could you come up here, please?

21 MRS. DELLA MULFORD: Yes. My name is Della Mulford.
22 I live at the extreme north end of Diamond Valley.

23 Four years ago my husband and I bought a ranch out
24 there, ten miles north of Mr. Plaskett's place. We applied
25 for an irrigation well at that time, and were turned down by
26 the state. They said that Diamond Valley was closed.

1 At this last meeting here in May it was said that
2 end of the Valley is not in the Diamond Valley Water Basin.
3 I need to know why we were turned down if we are not in the
4 Basin?

5 MR. MORROS: Well, that is not the purpose of this
6 hearing and that is not the issue here. Even if I could
7 answer it, I wouldn't answer it, because that is not the
8 purpose of this hearing.

9 MRS. MULFORD: Well, the reason I --

10 MR. MORROS: We would be glad to talk to you about
11 that when we get through here. That is not relevant to the
12 issue before this hearing, Ma'am.

13 MRS. MULFORD: It is to me.

14 MR. MORROS: Well, I'm sure it is, but I'm telling
15 you I'll talk to you --

16 MRS. MULFORD: Because we have a petition here, and
17 I don't know whether to sign it or not.

18 MR. MORROS: I'll talk to you about it as soon as
19 we conclude this hearing. I'll be more than happy to, but it
20 would not be proper to discuss that matter because it is not
21 the issue that is before this hearing. Okay? But I will be
22 quite happy to talk to you about it later.

23 Anybody else?

24 Yes, Mr. Burnham?

25 MR. ROBERT BURNHAM: Is the hearing about to be
26 concluded, sir?

1 MR. MORROS: That's up to you people.

2 MR. ROBERT BURNHAM: As somewhat of a rebuttal, Bob
3 Burnham. I would like to say that the general principle of
4 water, truthfully, as we stated earlier, it does not flow up-
5 hill ordinarily unless it came from some kind of a pressure,
6 and that pressure was determined from a higher point, and
7 especially is this the case with either springs or artesian
8 water.

9 I believe the record should show, and I don't know
10 that it has to date, what the levels are insofar as these
11 springs are concerned, and what water, subterranean, that has
12 accumulated in the upper south end of the Valley, and accord-
13 ing to Mr. Jim Perkins, even from an area to the west and the
14 southwest, whether or not this water literally at its static
15 level really is about the same level, or whether or not it is
16 below Mr. Thompson's springs.

17 Earlier I had made the point that from the experi-
18 ence of two similar situations in Utah and knowing a
19 hydraulic engineer who still lives and sat in on these hear-
20 ings, that it is my contention that Milt's water basically
21 comes from the alluvial source, a-l-l-u-v-i-a-l, I believe it
22 is, rather than a subterranean source basically, and where
23 there is no water above to support his either artesian or
24 springs, he is not going to have any appreciable amount of
25 flow.

26 I think Mr. Bailey during the interim, Wilfred

1 Bailey, pointed out that it was his feeling that the picture
2 that we see here, that Mr. Thompson shows, very possibly
3 originated during the year of 1973 or 74, according to his
4 recollection, and that was the year of unusually high runoff,
5 and according to Mr. Bailey's recollection, not any appreci-
6 able time before that or occasion subsequent to that has water
7 literally flown in the amounts, and as shown here on this
8 particular map.

9 Mr. Groth pointed out there hasn't been much runoff
10 and some of us who have been here quite some time can affirm
11 that during the years of rapid melting of snows you do get
12 the runoff. Years of very slow melting you get virtually
13 none. This last year we had one of the best mountain covers
14 of snow that we have had in quite a number of years. Creeks
15 on the east side of the hill normally when there is a rapid
16 melting of snow usually flow. This year, even with a higher
17 amount of snow in the mountains, did not run off. Mr. Groth
18 will remember a couple of years when we had a lesser amount
19 of snow, I'm guessing only two-thirds of that amount, we had
20 a part of our Section 8 flooded. This year there was no
21 flooding whatsoever, and to my knowledge, no water ran out of
22 the canyon that comes from the base of Diamond Mountain.

23 If Mr. Thompson's observations that this year there
24 was a lesser amount of water coming out of his spring than
25 there was the previous years and we had a much greater moun-
26 tain capacity of snow, it would indicate certainly that it

1 will take some time from a real shortage of mountain precipi-
2 tation before the subterranean water, the alluvial water,
3 is going to do much good for Mr. Milt. It is my firm
4 conviction and feeling then that because of earlier testimony
5 number one, Milt's water temperatures, Mr. Thompson's water
6 taste; in other words, the identification of the unit water
7 is not similar to water farther up towards the south end of
8 the valley, that absolutely his basic water source is alluvi-
9 al and is not a part of the subterranean water that comes
10 from the north end -- or excuse me, the upper south end of
11 Diamond Valley, and to the southwest, and what he might have
12 insofar as a real problem insofar as the basic amount of
13 water that we have had in precipitation over several years
14 should not be reflected in whatever the irrigators are doing.

15 Thank you.

16 MR. MORROS: Thank you, Mr. Burnham. Anybody else?

17 MR. THOMPSON: Can I say something? You more or
18 less confirmed just what I got through saying, Mr. Burnham,
19 that you people are taking the runoff water.

20 Now, this also -- I'll enter this -- the rest of
21 my ranch, taken in 1946. There was also other series of
22 photos in between 46 and 55. That's more or less the same
23 thing.

24 MR. MORROS: Now, this is an undated photograph,
25 from what I can see. So you are willing to testify under
26 oath this was taken in 1946?

1 MR. THOMPSON: I believe it's written on the back.
2 If it isn't, it's written on the back of the other one. I
3 got one here identical that I got from the SCS.

4 MR. MORROS: Better see it then.

5 6-28-46. Do you want to keep this one, and we'll
6 enter this one?

7 MR. THOMPSON: That's theirs.

8 MR. MORROS: I see.

9 MR. THOMPSON: You just verify it.

10 MR. MORROS: I think what you better do, Mr.
11 Thompson --

12 MR. THOMPSON: We can not find copies of this one.

13 MR. MORROS: You don't want to enter this in
14 evidence?

15 MR. THOMPSON: Yes. I want to enter that in
16 evidence.

17 MR. MORROS: Okay. I think in your own handwriting
18 you better mark the date on the back there and initial it.

19 MR. THOMPSON: Yes, as long as you can verify it.
20 Is there going to be a contention about my entering it?

21 MR. MORROS: No. I'm witnessing it right now. I
22 think that's all that is important. 6-28-46.

23 All right. And a large aerial photograph identified
24 on the back by photo date, "6-28-46, T. M. Thompson," will be
25 received into evidence as Thompson's Exhibit No. 24.

26 (The aerial photograph as described was then

1 received and marked for identification Thompson's Exhibit
2 No. 24.)

3 MR. MORROS: I think for the record, Mr. Thompson,
4 why don't you just describe basically what the photograph
5 depicts?

6 MR. THOMPSON: This point here is the Mau ranch.
7 Rock field. Rock pasture. Willow field. And way up here
8 in the corner faintly is the Diamond Springs area. I would
9 like to note also, gentlemen, ladies and gentlemen, that area
10 got its name from having springs there. There are no longer
11 springs there. Now, in closing, I think I presented ample
12 evidence, ladies and gentlemen, my problem isn't with you.
13 Your problem isn't with me. Your problem is with the State
14 Engineer, namely, Roland Westergard. However, when you start
15 trying to tear down my valid claims, your problem will be with
16 me.

17 MR. EVERETT GROTH: Milton, is that a threat?

18 MR. MORROS: Anything further?

19 Okay. Yes, Mr. Burnham?

20 MR. ROBERT BURNHAM: Mr. Morros, I earlier had
21 measured a well that I think was a part of your evidence, and
22 I was remiss in not measuring it either this morning or
23 yesterday to find out whether or not that static water has
24 gone down even a mentionable amount.

25 MR. RALPH GAMBOA: I measured it for you, sir.

26 MR. ROBERT BURNHAM: Pardon?

1 MR. RALPH GAMBOA: I measured it for you. It's
2 41.2 feet.

3 MR. MORROS: That was Mr. Gamboa responding to Mr.
4 Burnham. He said that he measured the well -- When, Mr.
5 Gamboa?

6 MR. GAMBOA: Friday.

7 MR. MORROS: And that it was 41.2 feet.

8 MR. ROBERT BURNHAM: Okay. Thank you.

9 MR. MORROS: The State Engineer will require the
10 original and one copy of the transcript.

11 Anybody else that wants a copy of this transcript
12 will make arrangements with the Court Reporter.

13 I would be glad to talk to the lady that came
14 forward about her application in the north end of Diamond
15 Valley.

16 I am going to declare this hearing closed -- Oh,
17 let's stay on the record for one more minute. The record
18 will remain open for fifteen days for the purpose of receiving
19 any additional written testimony, fifteen days from today's
20 date.

21 MRS. BURNHAM: Postmarked in 15 days or be there
22 in 15 days?

23 MR. MORROS: Postmarked 15 days.

24 MR. THOMPSON: As I stated previously in testimony,
25 I may not be able to get these additional photographs re-
26 printed in time to meet that deadline.

1 MR. MORROS: If you don't, just forward a letter to
2 that effect and give me the time frame in which you can sub-
3 mit them.

4 MR. THOMPSON: That reminds me. I have to remove
5 some of those.

6 MR. MORROS: When you remove them now, would you
7 mark underneath where you remove the picture, "Removed," and
8 then your initials, please? So the question doesn't come up
9 at some later date as to what happened to the photographs.

10 Okay. That's it?

11 The hearing is declared closed.

12 (The hearing was thereupon concluded and closed at
13 3:02 o'clock, p. m.)

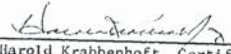
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5 REPORTER'S CERTIFICATE

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7 This is to certify that I, Harold Krabbenhoft, a
8 Certified Shorthand Reporter, was present at the time and
9 place the foregoing proceedings were had and taken, at
10 Eureka, Nevada, on Monday, August 9, 1982; that I did report
11 the same fully and truly in Stenograph writing to the best of
12 my ability; that thereafter I caused my said Stenograph
13 writing to be transcribed into longhand typewriting, and the
14 foregoing pages, beginning at the top of page 1, through
15 line 13 of page 65 hereof, plus three index pages, contains
16 a full, true, correct and complete transcription of my said
17 Stenograph writing.

18 Dated at Carson City, Nevada this 27th day of August,
19 1982.

20
21 
22 Harold Krabbenhoft, Certified
23 Shorthand Reporter, CSR #25.
24
25
26