

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

IN THE MATTER OF THE DETERMINATION)
OF THE RELATIVE RIGHTS IN AND TO THE)
WATERS OF BUENA VISTA VALLEY)
HYDROGRAPHIC BASIN NO. 10-129,)
PERSHING AND CHURCHILL COUNTIES,)
NEVADA)

**NOTICE OF HEARING
ON OBJECTIONS**

**I.
INTRODUCTION**

Pursuant to Nevada Revised Statute (NRS) § 533.150, the State Engineer hereby sets a public administrative hearing on Objections to the Preliminary Order of Determination, In the Matter of the Determination of the Relative Rights in and to the waters of Buena Vista Valley, Hydrographic Basin No. 10-129, located in Pershing and Churchill Counties, Nevada.

Objections to the Preliminary Order of Determination were filed by the following claimants:

1. The United States Department of the Interior, Bureau of Land Management (BLM)
2. Jim Estill
3. Salvador and Maria Galindo and Star Creek Ranch, LLC – through counsel Schroeder Law Offices.

Any claimant not filing an objection to the Preliminary Order is welcome to attend and observe the hearing proceedings but will not be permitted to put on a case-in-chief.

**II.
HEARING DATE, LOCATION AND SCHEDULE**

The hearing to consider the objections will convene at **9:00 a.m., Wednesday, July 31, 2024, continuing through Thursday, August 1, 2024, at the Division of Water Resources, Tahoe Hearing Room, 901 South Stewart Street, Second Floor, Carson City, Nevada.**

**III.
WAIVER OF APPEARANCE AT HEARING**

Pursuant to NRS 533.150(1), a claimant may waive their appearance at a hearing and request that the objection and any supporting materials be submitted for consideration without a hearing. In the event that you wish to waive your appearance at the hearing, you must inform Melissa L. Flatley, Esq., Chief Administrative Law Judge, by e-mail at MLFlatley@water.nv.gov, not later than **July 10, 2024**, that you do not intend to appear at the hearing.

**IV.
EVIDENCE AND WITNESSES**

NRS 533.150(4) requires that the evidence in the proceedings must be confined to the subjects enumerated in the objections and the preliminary order of determination. Subject to the requirements of NRS 533.150(4), claimants are hereby ordered to serve on the State Engineer in Carson City, Nevada:

1. A witness list no later than **July 17, 2024**, that includes a reasonably detailed summary of the testimony of each witness. If a witness is not identified as testifying regarding a certain topic, the witness may not be allowed to testify as to unidentified topics.
2. **One copy** of any documentary evidence intended to be introduced no later than **July 17, 2024**. If a witness was identified as intending to provide expert testimony, the evidentiary exchange shall include a written report prepared and signed by the witness, which shall contain a complete statement of all opinions to be expressed and the basis and reasons for those opinions, the data or other information considered by the witness in forming the opinions, any exhibits to be used as a summary of or in support of the opinions and a statement of qualifications of the witness.
 - a. Exhibits should be identified by claimant name and exhibit number. For example, The United States Department of the Interior, Bureau of Land Management Exhibit Number 1, should be identified as BLM_001.
 - b. EXCEPTION: If a claimant submitted materials in support of the objection that substantially complies with the requirements of Paragraph 2(a) (e.g., supporting materials were marked as attached exhibits and/or numbered or bates numbered pages) the party is not required to re-file the same exhibits for purposes of the hearing. If you require additional guidance on this issue, please contact the Hearing Section.
3. In addition to hard copies of the lists, summaries and evidence to be served on the State Engineer, **the parties are hereby ordered to also file a computer disk or thumb drive that includes: (1) the exhibit list in Microsoft Excel format; and (2) one scanned copy of all exhibits in PDF 200 x 200 dpi format.**
4. The State Engineer will post all witness and exhibit lists and proposed exhibits on the State Engineer's website at <https://water.nv.gov/news.aspx?news=Hearings%20Exhibits>, prior to the commencement of the hearing.

5. Please be advised that the State Engineer intends to offer the following documents under the State Engineer's exhibits:
 - a. Notice of Order for Taking Proofs (SE_001)
 - b. Preliminary Order and Abstract of Claims (SE_002)
 - c. Notice of Hearing (SE_003)

V.

EXHIBITS AND COMPUTER EQUIPMENT

1. Nevada Administrative Code § 533.290 requires that exhibits introduced into evidence must be in a readily reproducible form, on paper that is 8½" x 11" or foldable to that size.
2. The submission of exhibits submitted on computer compact disks or any other media, other than paper that is 8½" x 11" or foldable to that size, will be considered on a case-by-case basis. Computer presentations, such as power-point slides, must be copied on paper that is 8½" x 11" and may be offered into evidence.
3. For the presentation of excerpts from large documents, the State Engineer will allow the submission of excerpts, but upon request, the person or entity serving such document must make the entire document available to a requesting party. If excerpts from a larger document are served and the person upon whom it is served requests to have the entire document in either a hard copy or in a PDF format on a computer compact disk, the person serving said document has 10 days from the date of receipt of the request to place the requested copy in the U.S. Mail or actually provide it to the requestor.
4. Any document, report or other evidence that any participant intends to refer to must be provided as an exhibit during the administrative hearing.
5. The use of any computer, projector or other type of equipment in the hearing room must be arranged at least one week in advance of the hearing with the Division of Water Resources' I.T. Section.

VI.

COST OF REPORTING


As provided in NRS 533.155, the hearing will be reported by a certified court reporter. An original and one copy of the transcript of the proceedings must be filed with the State Engineer. The parties filing objections will bear equally the court reporter's appearance fee, travel expenses, reporting and transcribing the portion of the transcript consisting of comments by the State Engineer and the public. In addition, the parties filing objections shall bear pro rata the cost of the portion of the transcript taken up by their own case.

**VII.
ATTENDANCE AND REPRESENTATION**

You or your designated representative should plan to attend the hearing for the purpose of presenting evidence or testimony in support of your position concerning your objections to the Preliminary Order of Determination. Legal counsel not licensed to practice law in the State of Nevada, are required to comply with Nevada Supreme Court Rule 42. The Verified Application to Associate form that must be filed with the Nevada State Bar can be found on the Nevada Division of Water Resources website at <http://water.nv.gov> Forms Tab - Miscellaneous Forms, 1034F – Rule 42 Application to Associate Form.¹ Nevada Supreme Court Rule 43 provides an exception for lawyers employed by or representing the United States Government.

**VIII.
REASONABLE ACCOMMODATIONS**

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the hearing. If special arrangements for the hearing are necessary, please notify the Hearing Section at the Nevada Division of Water Resources, 901 South Stewart, Suite 2002, Carson City, Nevada, 89701, or by calling (775) 684-2800.


For MELISSA L. FLATLEY, ESQ.
Chief Administrative Law Judge

Dated this 12th day of

April, 2024.

Courtesy Copy only—*Non-Objecting Claimants*:

Charles and Carlinda Kendricks, Trustees, Kendricks Family Living Trust

Sandra Meck, Meck-Tec Inc.

Astrid Inga Schweigert, Trustee

Vance Vesco, Vesco Ranch, LLC

J.W. Wenzel, *No contact information on file*

Sheba Gold & Silver Mining Company, *No contact information on file*

¹<https://water.nv.gov/forms/forms20/WR%20and%20Misc/1034F%20Rule%2042%20Application%20to%20Associate.pdf>

CERTIFICATE OF SERVICE

I hereby certify that a copy of **NOTICE OF HEARING ON OBJECTIONS TO THE PRELIMINARY ORDER OF DETERMINATION IN THE MATTER OF THE DETERMINATION OF THE RELATIVE RIGHTS IN AND TO THE WATERS OF BUENA VISTA VALLEY HYDROGRAPHIC BASIN NO. 10-129, PERSHING AND CHURCHILL COUNTIES, NEVADA** was served by U.S. regular and certified mail, postage prepaid, on April 12, 2024, on the following:

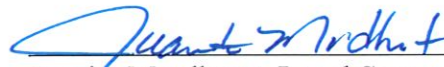
The Honorable Merrick B. Garland
Attorney General of the United States
US Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Regular and Certified Mail
9489009000276499897387

Jon K. Raby, State Director, Nevada
Bureau of Land Management
1340 Financial Blvd.
Reno, NV 89502
Regular and Certified Mail
9489009000276499897332

State of Nevada
Office of the Attorney General
100 North Carson Street
Carson City, NV 89701
Regular and Certified Mail
9489009000276499897394

Salvador and Maria Galindo
Star Creek Ranch, LLC
c/o Therese A. Ure Stix
Schroeder Law Offices, P.C.
10615 Double R Blvd., Suite 100
Reno, NV 89521
Regular and Certified Mail
9489009000276499897349

Jim Estill
P.O. Box 1107
Lovelock, NV 89419
Regular and Certified Mail
9489009000276499897370



Juanita Mordhorst, Legal Secretary II
Nevada Division of Water Resources
Hearings, Compliance, and Adjudications