

STATE OF NEVADA

BRIAN SANDOVAL

Governor

LEO DROZDOFF

Director



JASON KING, P.E.

State Engineer

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

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<http://water.nv.gov>

August 10, 2012

AMENDED NOTICE OF HEARING

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Re: Protested Application 80700

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Re: Protested Application 80700

Ladies and Gentlemen:

Please take notice, pursuant to the authority set forth in NRS §§ 533.365, 533.370 and 533.375, the State Engineer hereby sets a hearing to consider the matter of protested Application 80700. This hearing was originally scheduled for December 3-7 and 10-14, 2012. Please note the amended dates for hearing and evidentiary exchanges. All previous dates are superseded by this notice.

Accordingly, the hearing will begin promptly at **8:30 a.m., on Monday, July 8, 2013, continuing through Friday, July 12, 2013, reconvening at 8:30 a.m. on Monday, July 15, 2013, continuing through Friday, July 19, 2013, if necessary, to be held at the Nevada Division of Water Resources Tahoe Hearing Room, 2nd floor, 901 S. Stewart Street, Carson City, Nevada.**

The exchange of documents, witness lists and descriptions of witness testimony will take place in two simultaneous exchanges.

Initial Evidentiary Exchange: The parties are hereby ordered to serve on each other and the State Engineer in Carson City, Nevada, no later than **Friday, February 15, 2013**, an exhibit list, a witness list, a detailed outline of the testimony of each witness, and copies of any documentary evidence intended to be introduced into the hearing record. If a witness is not identified as testifying on direct to a certain topic, the witness will not be allowed to testify to the un-identified topic in his or her direct testimony. If a witness is to be presented 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. The parties may choose to exchange documents via computer compact disk in PDF 20x20 dpi format.

Second Evidentiary Exchange: The parties are hereby ordered to serve on each other and the State Engineer in Carson City, Nevada, no later than **Friday, May 17, 2013**, an additional exhibit list, witness list, a detailed outline of the testimony of additional witnesses and copies of any additional documentary evidence intended to be introduced at the administrative hearing that may be necessary in response to the other parties' first evidentiary exchange. This exchange is meant only to provide evidence that becomes necessary in rebuttal to the original exchange. It is not intended to be the first time a party presents evidence as to their case-in-chief. Again, the parties may choose to exchange documents via computer compact disk in PDF 20x20 dpi format.

In addition to the hard copies of the lists, outlines of testimony and evidence to be served on the State Engineer in Carson City, Nevada, the parties are hereby ordered to also file in the Office of the State Engineer in Carson City, Nevada, a computer disk that includes: their exhibit list in Microsoft Word format using the exhibit numbers assigned below, their witness list in Microsoft Word format, their witness summaries in Microsoft Word format and scanned copies of all their exhibits in PDF 20x20 dpi format. The State Engineer will then make these documents available on the Division of Water Resources website at <http://water.nv.gov> where all interested persons can access the information. If the parties choose to exchange documents via computer disk, those arrangements are to be made between the parties themselves.

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. Larger charts, maps, drawings and other material will not be admitted into evidence, but may be used for demonstrative purposes. The submission of exhibits 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 recognizing that much of the modeling information will be submitted on disk. An original and one copy of each exhibit must be submitted to the State Engineer with exhibit numbers identified as provided below. Computer presentations, such as power-point slides, must be copied on paper that is 8½" x 11" and may be offered into evidence. Facilities are not available for copying documents during the hearing.

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 whomever requests it. 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.

The parties can agree to document receipt in a digital format and the digital standard will be PDF 20 x 20 dpi files. Any document, report, etc. that any participant intends to refer to must be provided as an exhibit during the administrative hearing and served upon the other hearing participants and the State Engineer in advance.

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 information technology staff of the Office of the State Engineer.

Pursuant to NRS § 533.365(7), the technical rules of evidence do not apply to administrative hearings before the State Engineer.

As set forth in Nevada Administrative Code § 533.220, the hearing will be reported by a certified court reporter. The court reporter will file an original and one copy of the transcripts with the State Engineer. Anyone wanting a copy of the transcript should make arrangements with the court reporter. The costs of the transcript will be borne by the Applicant and Protestants as set forth in the Nevada Administrative Code on a pro-rata basis.

The following exhibit numbers are hereby assigned:

State Engineer	1-50
NFWF	51-150
WRID	151-250
BIA	251-350
Walker River Paiute Tribe	351-450
Backtrack, LLC, et al. (Linda Bowman)	451-550
Jim and Bunny Snyder, et al. (Jim Snyder)	551-650
Mickey Mutual Ditch Company	651-750
G&H Mutual Ditch Company	
Greenwood Mutual Ditch Company	
Lyon County	751-850
Campbell Canal Co.	851-900
Newhall Mutual Ditch Co.	901-950
David Sceirine	951-1000
Joseph Sceirine	1001-1050

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If any parties require additional exhibit numbers, please contact the Division prior to the evidence exchange to make arrangements.

The Applicant will present its case first, followed by the Protestants. Any of the Protestants identified as presenting a case-in-chief must confirm with the State Engineer by **Friday, January 25, 2013**, their intention that they will be presenting a case-in-chief. The confirmation of intent to present a case-in-chief must be served on all parties to this proceeding. No party will be required to serve copies of the evidence on any person or party other than those actually presenting a case-in-chief.

The Protestants will present their cases-in-chief in the following order:
WRID, BIA, Walker River Paiute Tribe, Backtrack, LLC, et al. (Linda Bowman), Jim and Bunny Snyder, et al. (Jim Snyder), Mickey Mutual Ditch Company and G&H Mutual Ditch Company and Greenwood Mutual Ditch Company, Lyon County, Campbell Canal Co., Newhall Mutual Ditch Co., David Sceirine, Joseph Sceirine.

The order for examining witnesses shall be direct examination, cross-examination, re-direct examination limited to issues raised on cross-examination and re-cross examination limited to issues raised on re-direct. Rebuttal cases will not be permitted because the staggered evidentiary exchange provides for exchange of all information in advance of the administrative hearing.

You or your designated representative should plan to attend the hearing for the purposes of presenting evidence or testimony in support of your position concerning the protested application. Legal counsel not licensed to practice law in the State of Nevada is required to comply with Supreme Court Rule 42. The Rule 42 Application to Associate Form that needs to be filed with the Nevada State Bar can be found on the Nevada Division of Water Resources website at <http://water.nv.gov> under the Forms Tab - Miscellaneous Forms. Nevada Supreme Court Rule 43 provides an exception for lawyers employed by or representing the United States Government.

Public comment will be on **Friday, July 12, 2013**, beginning at 8:30 a.m. Public comment may be limited in time to accommodate all persons wishing to speak. **Written public comment will be accepted until Friday, July 19, 2013.**

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 Hearings Section of the Nevada Division of Water Resources, 901 South Stewart, 2nd Floor, Carson City, Nevada, 89701, or by calling (775) 684-2800.

Sincerely,



Tim Wilson, P.E.
Hearings Officer

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**cc: Jason King, E-mail
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