

STATE OF NEVADA



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002

Carson City, Nevada 89701-5250

(775) 684-2800 • Fax (775) 684-2811

(800) 992-0900

(In Nevada Only)

<http://water.nv.gov>

September 22, 2011

NOTICE OF 2nd PRE-HEARING CONFERENCE

National Fish and Wildlife Foundation
Attn: Director, Walker Basin Restoration Program
1133 Fifteenth Street NW, Suite 1100
Washington, DC 20005
Certified Mail #7106 7808 0630 0047 7307

Re: 80700 (See attached service list)

Ladies and Gentlemen:

As ordered at the pre-hearing conference of August 31, 2011, an outline of issues should be submitted to the Office of the State Engineer by **Friday, October 21, 2011.**

In order to prepare for the pre-hearing conference and administrative hearing, the State Engineer needs to gather information from the Protestants and therefore includes with this notice an Intent to Participate form. The State Engineer needs to know who intends to put on a case in chief, if they will be represented by legal counsel and how much time they anticipate for their case in chief. **Please return the Intent to Participate form to the Office of the State Engineer, attention Tim Wilson, by Monday, January 9, 2012.**

PLEASE TAKE NOTICE, pursuant to the authority set forth in Nevada Revised Statutes §§ 533.365, 533.370 and 533.375, the State Engineer hereby sets a second pre-hearing conference to consider the matter of protested Application 80700.

Accordingly, this second pre-hearing conference will begin promptly at **9:00 a.m., on Tuesday, January 24, 2012, to be held at the Tahoe Hearing Room, Nevada Division of Water Resources, 901 South Stewart Street, Second Floor, Carson City, Nevada.** Only the parties that have standing as Applicant and Protestants to the above-referenced application may

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participate in the pre-hearing conference. Items of discussion will include the provisions of NAC § 533.170 regarding pre-hearing conferences and may include scheduling for legal briefs, motions, evidence exchanges and hearing dates.

As set forth in Nevada Administrative Code § 533.220, the pre-hearing conference will be reported by a certified court reporter. The court reporter will file an original and one copy of the transcript with the State Engineer. Anyone wanting a copy of the transcript should make arrangements with the court reporter. The Applicant and participating Protestants will bear equally the court reporter's appearance fee, travel expenses, and costs of reporting and transcribing the transcript.

You or your designated representative should plan to attend the prehearing conference regarding the course and conduct of the administrative hearing. Legal counsel not licensed to practice law in the State of Nevada is required to comply with Supreme Court Rule 42. The Verified 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 Water Rights Forms. Nevada Supreme Court Rule 43 provides an exception for lawyers employed by or representing the United States Government.

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, Second Floor, Carson City, Nevada, 89701, or by calling (775) 684-2873.

Sincerely,



Tim Wilson, P.E.
Hearings Officer

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SERVICE LIST
2nd Pre-Hearing Conference
In the Matter of Protested Application 80700
NATIONAL FISH AND WILDLIFE FOUNDATION

Backtrack, LLC
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Smith, Nevada 89430
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City of Yerington
Mayor George Dini
102 South Main St.
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Bale Counter Inc.
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D & GW Ditch Co.
Louis Scatena, Secretary
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Berrington Custom Hay
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Bureau of Indian Affairs-Western Region
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