

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

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STATE ENGINEERS OFFICE

IN THE MATTER OF APPLICATIONS)
53987 THROUGH 53992, INCLUSIVE,)
AND APPLICATIONS 54003 THROUGH)
54021, INCLUSIVE, FILED TO)
APPROPRIATE THE UNDERGROUND)
WATERS OF CAVE VALLEY, DELAMAR)
VALLEY, DRY LAKE VALLEY, AND)
SPRING VALLEY (HYDROGRAPHIC)
BASINS 180, 181, 182 AND 184),)
LINCOLN COUNTY AND WHITE PINE)
COUNTY, NEVADA.)
_____)

**WHITE PINE COUNTY, ET AL.'S
RESPONSE TO SNWA MOTION
REGARDING SCHEDULE,
PROPER PARTIES AND OFFER
OF EXHIBITS, AND TO CPB
MOTION REGARDING
DISCOVERY AND MANDATORY
PRESENTATIONS OF PROPOSED
WRITTEN TESTIMONY**

Pursuant to the State Engineer's Interim Order on Pre-Hearing Scheduling, dated October 3, 2016, White Pine County et al. hereby file this *Response to Southern Nevada Water Authority Motion Regarding Schedule, Proper Parties and Offer of Exhibits, and to CPB Motion Regarding Discovery and Mandatory Presentation of Proposed Written Testimony.*

I. SNWA and CPB Proposed Evidence Exchange and Presentation Procedures:

White Pine County et al. do not oppose either evidentiary exchange date scenario proposed by the Southern Nevada Water Authority. White Pine County et al. agree with CPB that in the interests of efficiency and economy the State Engineer should limit the presentation of direct testimony to written submittals and limit oral testimony to rebuttal testimony, cross examination, redirect, and State Engineer questioning. Accordingly, White Pine County et al. join CPB's motion to the extent that CPB's position is consistent with this approach. However, White Pine County et al. do not believe that discovery is warranted in this proceeding, and believe that it would result in wasted time and resources by the parties and the State Engineer. We believe that cross examination will be a sufficient tool by which to challenge expert

testimony, and it would be inefficient to allow discovery in addition to the usual practice followed by the State Engineer in this type of proceeding.

As a point of clarification regarding the identification of expert witnesses and exchange of their reports, *see SNWA Motion Regarding Schedule, Proper Parties and Offer of Exhibits and CPB Motion Regarding Discovery and Mandatory Presentation of Proposed Written Testimony* at 2, lines 23-27, and 3, lines 1 to 3, White Pine County et al. wish to clarify that the practice to be followed in preparation for this hearing will be consistent with practice followed in the previous hearings on these applications. To wit, rebuttal witnesses and their reports may be identified and presented for the first time at the time of the rebuttal exchange, and a rebuttal witness need not present or prepare direct testimony. Counsel for White Pine County et al. contacted counsel for SNWA and counsel for SNWA agree with this clarification of its motion.

II. SNWA's Proposed Additional Exhibits:

White Pine County et al. do not object to any of the inclusion of the additional exhibits proposed by SNWA in Section III of SNWA's *Motion Regarding Schedule, Proper Parties and Offer of Exhibits and CPB Motion Regarding Discovery and Mandatory Presentation of Proposed Written Testimony*.

III. Additional Documents to Be Included in the List of Stipulated Proposed Exhibits:

Prior to the October 14, 2016, filing deadline, the parties stipulated to include all briefing and orders from the appeals and petitions for writs of mandamus relating to SNWA's SCDD applications. However, the following documents do not appear in the list submitted by SNWA.

(1) Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints on behalf of Cleveland Ranch's *Petition for Judicial Review* (State Engineer Ruling 6164), dated April 19, 2012;

- (2) Confederated Tribes of the Goshute Reservation *Petition for Judicial Review* (State Engineer Ruling 6164), dated April 19, 2012;
- (3) Millard and Juab Counties, Utah *Petition for Judicial Review* (State Engineer Ruling 6164), dated April 19, 2012;
- (4) White Pine County et al.'s *Notice of and Petition for Judicial Review of Ruling on Remand* (State Engineer Ruling 6164), dated April 21, 2012;
- (5) White Pine County et al.'s *Notice of and Petition for Judicial Review of Ruling on Remand* (State Engineer Ruling 6165), dated April 21, 2012;
- (6) White Pine County et al.'s *Notice of and Petition for Judicial Review of Ruling on Remand* (State Engineer Ruling 6166), dated April 21, 2012;
- (7) White Pine County et al.'s *Notice of and Petition for Judicial Review of Ruling on Remand* (State Engineer Ruling 6167), dated April 21, 2012;
- (8) *Notice of Appeal* of the Southern Nevada Water Authority, *Millard County v. King*, Case No. CV12-04049, dated January 9, 2014;
- (9) *Case Appeal Statement* of the Southern Nevada Water Authority, *Millard County v. King*, Case No. CV12-04049, dated January 9, 2014;
- (10) *Notice of Appeal* of the Nevada State Engineer, *Millard County v. King*, Case No. CV12-04049, filed with the clerk of the Seventh Judicial District Court on January 9, 2014; and
- (11) *Case Appeal Statement* of the Nevada State Engineer, *Millard County v. King*, Case No. CV12-04049, dated January 9, 2014.
- (12) Docketing Statement of the Nevada State Engineer, *King v. Millard County, et al.*, Nevada Supreme Case No. 64815, dated February 13, 2014;

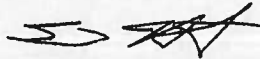
(13) Docketing Statement of the Southern Nevada Water Authority, *King v. Millard County, et al.*, Nevada Supreme Court Case No. 64815, dated February 13, 2014;

(14) Docketing Statement of Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints on behalf of Cleveland Ranch, *King v. Millard County, et al.*, Nevada Supreme Court Case No. 64815, dated February 25, 2014; and

(15) White Pine County et al.'s Response to Docketing Statements of the Nevada State Engineer and Southern Nevada Water Authority, *King v. Millard County, et al.*, Nevada Supreme Court Case No. 64815, dated February 25, 2014.

Counsel for White Pine County et al. contacted counsel for SNWA about adding the above-listed documents and counsel for SNWA agree with the addition of these documents to the stipulated list of proposed exhibits submitted by SNWA on October 14, 2016, in its *Motion Regarding Schedule, Proper Parties and Offer of Exhibits*.

Respectfully submitted this 24th day of October, 2016.



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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2016, I served, or caused to be served, a true and correct copy of the foregoing, as follows:

By electronic means pursuant to the October 13, 2016, stipulation of counsel, addressed as follows:

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By U.S. POSTAL SERVICE: I deposited for mailing in the United States Mail, postage prepaid, an envelope containing the above-identified document, addressed as follows:

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