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STATE ENGINEERS OFFICE

July 27, 2017

Susan Joseph-Taylor
Deputy Administrator
Nevada Division of Water Resources
901 S. Stewart St., Suite 2002
Carson City, NV 89701

RE: SNWA Remand Hearing Public Comment and Scheduling Issues

Dear Ms. Joseph-Taylor:

This letter is sent in response to the July 19, 2017, letter from Simeon Herskovits regarding public comment during the upcoming remand hearing. As Mr. Herskovits stated, SNWA proposed setting aside a half day on Friday, September 29, 2017, for oral public comments. SNWA believes that it is appropriate to welcome public comments in this matter on the four topics that are the subject of Judge Estes' remand order. Due to time constraints, we do not believe it would be appropriate to allow public comment on items not related to the four remand topics. So long as the applicant gets four-and-a-half days to present its case and the protestants get four-and-a-half days to present their case, SNWA supports reserving one half day for oral public comment. Regarding written public comment, SNWA does not object to making the deadline for written public comment October 20, 2017, again with the limitation that written comments should address the four remand issues.

Regarding scheduling of SNWA and protestant presentations during the hearing, SNWA would like to suggest that hearing presentations be grouped according to remand topic. SNWA would present its case during September 25- 29. All protestants would then present their cases during October 2-6. However, within those time frames, presentations would be ordered by remand topic. For example, during the protestants' portion, all witnesses related to monitoring, management, and mitigation would be presented during the same days, regardless of which protestant calls the witness. SNWA would also group its witnesses according to remand topic. We believe this will make the two-week hearing easier to follow and understand because witnesses testifying on the same topic will be heard together. SNWA and the protestants followed a similar approach when we completed the briefing and oral argument in front of Judge Estes in 2013. We ordered our briefing and oral argument presentations according to which basin the argument related to, so that all arguments related to Spring Valley were heard together, all arguments relating only to Delamar, Dry Lake and Cave Valleys were together, and all arguments that applied to all basins were heard together. Given the four narrow remand issues to be addressed this fall, we think a similar presentation style would be beneficial to both the State Engineer and the public. To give the parties time to plan their presentations, we request an Interim Order be issued on this topic no later than September 11, 2017.

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Finally, SNWA would like to propose a schedule for filing motions in limine regarding testimony and evidence for the fall hearings. We suggest that all parties file their motions in limine no later than August 11, 2017. Responses to motions in limine would be due no later than August 18, 2017, and replies would be due no later than August 25, 2017. We would request an Interim Order be issued on the motions in limine no later than September 11, 2017.

Thank you for your consideration of these requests.

Sincerely,



Dana R. Walsh
Deputy Counsel

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