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

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.)

**SNWA'S MOTION REGARDING
SCHEDULE, PROPER PARTIES
AND OFFER OF EXHIBITS**

On September 14, 2016, the State Engineer held a Status Conference regarding the above-captioned applications ("Status Conference"). On October 3, 2016, the State Engineer issued the Interim Order on Pre-Hearing Scheduling ("Interim Order"). The State Engineer determined that an administrative hearing is necessary to provide an opportunity to fully address the issues on remand. The hearing is anticipated to be held within the last week of September, 2017 and into the first two weeks of October, 2017. Under item 5 on Page 3 of the Interim Order, the State Engineer ordered the parties to provide proposed schedules for the initial and rebuttal evidentiary exchange dates. The State Engineer further indicated that the Southern Nevada Water Authority ("SNWA") may file a motion regarding whether a protestant who did not appear or participate in the proceedings before Judge Estes or in the Nevada Supreme Court proceedings can participate in the remand hearing. Under item 3 on Page 3 of the Interim Order, the State Engineer ordered the parties to identify documents that are not currently admitted exhibits in the administrative record that the parties propose should be admitted into the record as exhibits for the upcoming hearing.

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1 **I. SNWA Proposed Evidence Exchange Dates**

2 SNWA proposes that the initial evidence exchange occur approximately sixty (60) days
3 before the hearing and the rebuttal evidence exchange occur approximately thirty (30) days before the
4 hearing. SNWA would disclose its proposed Monitoring, Management, and Mitigation Plans (“3M
5 Plans”) as part of its initial evidence exchange and any party may submit its own proposed 3M Plans
6 as part of its initial evidence exchange, or may submit comments on SNWA’s 3M Plans as part of its
7 rebuttal evidence exchange. The rebuttal evidence exchange should be appropriately limited to
8 comment and critique of the initially submitted evidence. Assuming the hearing starts on Monday,
9 September 25, 2017, SNWA proposes the following dates:

10 (1) First Exchange: Thursday, July 20, 2017; and

11 (2) Rebuttal Exchange: Thursday, August 24, 2017.

12 SNWA understands that the Corporation of the Presiding Bishop of the Church of Jesus Christ
13 of Latter-day Saints (“CPB”) will be proposing pre-hearing discovery activities that would necessitate
14 evidence exchanges far earlier than those proposed by SNWA. SNWA does not support CPB’s
15 request for discovery. In the event CPB’s pre-hearing discovery proposal is not approved by the State
16 Engineer, based on discussions between the parties, CPB and SNWA would not object to a first
17 evidence exchange date of approximately ninety (90) days before the hearing and a rebuttal evidence
18 exchange date forty-five (45) days before the hearing. Assuming a hearing start date of Monday,
19 September 25, 2017, SNWA and CPB would not object to the following dates as long as the CPB
20 proposal for pre-hearing discovery is not approved by the State Engineer:

21 (1) First Exchange: Thursday, June 29, 2017; and

22 (2) Rebuttal Exchange: Friday, August 11, 2017.

23 SNWA requests that the State Engineer follow his ordinary practice in requiring witness lists
24 and testimony summaries to be included with the first evidence exchange. In particular, SNWA
25 requests that the State Engineer require that any witness presenting expert testimony must include in
26 the initial evidence exchange a written report prepared and signed by the witness containing a
27 complete statement of all opinions to be expressed and the basis and reasons for those opinions, the
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1 data or other information considered by the witness in forming the opinions, any exhibits to be used
2 as a summary of or in support of the opinions, and a statement of qualifications of the witness. The
3 same should also be required of any expert witness offering rebuttal testimony.

4 **II. Participating Parties**

5 SNWA does not oppose participation in the upcoming hearing of any party that appeared at
6 the Status Conference.

7 **III. Proposed Additional Exhibits**

8 SNWA proposes that the following documents be admitted by the State Engineer as exhibits
9 in the administrative record without the need to offer them as exhibits during the hearing:

- 10 (1) Nevada State Engineer Rulings 6255 through 6259.
- 11 (2) Revised NDWR Solver - SNWA Exhibits Nos. 258 and 452, as revised by the State
12 Engineer for Ruling 6255. This exhibit was submitted by SNWA in the prior hearing
13 regarding Applications 53987 through 53992 but was revised by the State Engineer for
14 Ruling 6255. *See* Ruling 6255 at 25 (Jan. 29, 2014).
- 15 (3) Notice of Status Conference, June 17, 2016.
- 16 (4) Interim Order on Prehearing Scheduling, October 3, 2016.
- 17 (5) United States Department of Interior Bureau of Land Management. Right-of-Way
18 Grant/Temporary Use Permit Serial Number N-78803. Bureau of Land Management
19 Nevada State Office. May 23, 2013.
- 20 (6) United States Fish and Wildlife Service. Biological and Conference Opinion for the
21 Clark, Lincoln, and White Pine Counties Groundwater Development Project. File No.
22 84320-2012-F-0186. Nevada Fish and Wildlife Office, Reno, Nevada. November 19,
23 2012.

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1 **IV. Stipulated Proposed Exhibits**

2 Great Basin Water Network, et. al. (“GBWN”), the Utah Counties, CPB, and SNWA stipulate
3 to the admission of the following documents by the State Engineer as exhibits in the administrative
4 record without the need to offer them as exhibits during the hearing. SNWA can provide hard copies
5 to the State Engineer if he orders that these documents be admitted into the record.

- 6 (1) Transcript of Proceedings, Volumes I through XXVII, *In the Matter of Division of*
7 *Water Resources Applications 53987 through 53992*, Monday, September 26, 2011
8 through Friday, September 30, 2011, Monday, October 3, 2011 through Friday,
9 October 14, 2011, Monday, October 31, 2011 through Thursday, November 10, 2011,
10 Monday, November 14, 2011 through Friday, November 18, 2011.
- 11 (2) Transcript of Proceedings, Volume I and II, *Millard Cty Utah v. King*, Case No.:
12 CV12-04049, Thursday, June 13, 2013, and Friday, June 14, 2013.
- 13 (3) Transcript of Proceedings, *In the Matter of Applications 53987 through 53992,*
14 *Inclusive, and 54003 through 54021, inclusive, filed to Appropriate the Underground*
15 *Waters of Spring Valley, Cave Valley, Delamar Valley and Dry Lake Valley*
16 *Hydrographic Basins (184, 180, 182, and 181), Lincoln County and White Pine*
17 *County, Nevada*, Status Conference, Wednesday, September 14, 2016.
- 18 (4) Opening Brief of Petitioner, Corporation of the Presiding Bishop of the Church of
19 Jesus Christ of Latter-Day Saints on Behalf of Cleveland Ranch, *Millard Cty. v. King*,
20 Case No.: CV12-04049, filed with the clerk of the Seventh Judicial District Court on
21 January 29, 2013.
- 22 (5) Opening Brief of Petitioner, White Pine County, et. al., *Millard Cty v. King*, Case No.:
23 CV12-04049, filed with the clerk of the Seventh Judicial District Court on January 31,
24 2013.
- 25 (6) Opening Brief of Petitioner, the Confederate Tribes of the Goshute Reservation,
26 *Millard Cty v. King*, Case No.: CV12-04049, filed with the clerk of the Seventh
27 Judicial District Court on February 1, 2013.

- 1 (7) Opening Brief of Petitioner, Millard County, Utah, and Juab County, Utah, *Millard*
2 *Cty v. King*, Case No.: CV12-04049, filed with the clerk of the Seventh Judicial
3 District Court on February 1, 2013.
- 4 (8) Opening Brief of Petitioner, Ely Shoshone Tribe and Duckwater Shoshone, *Millard*
5 *Cty v. King*, Case No.: CV12-04049, filed with the clerk of the Seventh Judicial
6 District Court on February 1, 2013.
- 7 (9) Nevada State Engineer’s Answering Brief, *Millard Cty v. King*, Case No.: CV12-
8 04049, filed with the clerk of the Seventh Judicial District Court on April 15, 2013.
- 9 (10) SNWA’s Answering Briefs to Petitioners’ Opening Briefs filed, *Millard Cty v. King*,
10 Case No.: CV12-04049, filed with the clerk of the Seventh Judicial District Court on
11 April 15, 2013.
- 12 (11) Reply Brief of Petitioner, Corporation of the Presiding Bishop of the Church of Jesus
13 Christ of Latter-Day Saints on Behalf of Cleveland Ranch, *Millard Cty v. King*, Case
14 No.: CV12-04049, filed with the clerk of the Seventh Judicial District Court on May
15 22, 2013.
- 16 (12) Reply Brief of Petitioner, the Confederate Tribes of the Goshute Reservation, *Millard*
17 *Cty v. King*, Case No.: CV12-04049, filed with the clerk of the Seventh Judicial
18 District Court on May 22, 2013.
- 19 (13) Reply Brief of Petitioner, White Pine County, et. al., *Millard Cty v. King*, Case No.:
20 CV12-04049, filed with the clerk of the Seventh Judicial District Court on May 30,
21 2013.
- 22 (14) United States Bureau of Land Management. Clark, Lincoln, and White Pine Counties
23 Groundwater Development Project Final Environmental Impact Statement. Bureau of
24 Land Management Nevada State Office. August 2012.
- 25 (15) United States Bureau of Land Management. Clark, Lincoln, and White Pine Counties
26 Groundwater Development Project Record of Decision. Bureau of Land Management
27 Nevada State Office. December 2012.
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- 1 (16) SNWA’s Petition for Writ of Mandamus or, in the Alternative, Prohibition, *SNWA v.*
2 *Seventh Jud. Dist. Ct.*, Case No.: 65775, filed with the clerk of the Nevada Supreme
3 Court on May 30, 2014.
- 4 (17) Nevada Resort Association’s Amicus Curiae Brief in Support of Petition of SNWA,
5 *SNWA v. Seventh Jud. Dist. Ct.*, Case No.: 65775, filed with the clerk of the Nevada
6 Supreme Court on July 2, 2014.
- 7 (18) Brief of Amicus Curiae Nevada State AFL-CIO in Support of Southern Nevada Water
8 Authority’s Petition for Writ of Mandamus, *SNWA v. Seventh Jud. Dist. Ct.*, Case No.:
9 65775, filed with the clerk of the Nevada Supreme Court on July 14, 2014.
- 10 (19) Amicus Curiae, the Howard Hughes Corporation’s Brief in Support of the Southern
11 Nevada Water Authority’s Petition for Writ of Mandamus or, in the Alternative,
12 Prohibition, *SNWA v. Seventh Jud. Dist. Ct.*, Case No.: 65775, filed with the clerk of
13 the Nevada Supreme Court on Aug. 28, 2014.
- 14 (20) Answer of the CPB to SNWA’s Petition for Writ of Mandamus, *SNWA v. Seventh Jud.*
15 *Dist. Ct.*, Case No.: 65775, filed with the clerk of the Nevada Supreme Court on
16 September 2, 2014.
- 17 (21) Confederate Tribes of the Goshute Reservation, Real Party in Interest, Answer to
18 Petition for Writ of Mandamus, or, in the Alternative, Prohibition, *SNWA v. Seventh*
19 *Jud. Dist. Ct.*, Case No.: 65775, filed with the clerk of the Nevada Supreme Court on
20 September 2, 2014.
- 21 (22) White Pine County’s et. al., Answer to SNWA’s Petition for Writ of Mandamus, or in
22 the Alternative, Prohibition, *SNWA v. Seventh Jud. Dist. Ct.*, Case No.: 65775 and
23 65776, filed with the clerk of the Nevada Supreme Court on September 3, 2014.
- 24 (23) Amicus Curiae the Greater Las Vegas Chamber of Commerce’s Brief in Support of the
25 SNWA’s Petition for Writ of Mandamus or, in the Alternative, Prohibition, *SNWA v.*
26 *Seventh Jud. Dist. Ct.*, Case No.: 65775, filed with the clerk of the Nevada Supreme
27 Court on September 9, 2014.
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- (24) Answer of Millard County, Utah and Juab County, Utah to SNWA’s Petition for Writ of Mandamus or, in the Alternative, Prohibition, *SNWA v. Seventh Jud. Dist. Ct.*, Case No.: 65775, filed with the clerk of the Nevada Supreme Court on September 17, 2014.
- (25) Joinder by the Ely Shoshone Tribe and Duckwater Shoshone Tribe in the Answer of the Confederated Tribes of the Goshute Reservation, and the Answer of CPB to SNWA’s Petition for Writ of Mandamus or, in the Alternative, Prohibition, *SNWA v. Seventh Jud. Dist. Ct.*, Case No.: 65775, filed with the clerk of the Nevada Supreme Court on September 26, 2014.
- (26) SNWA’s Reply to Millard County and Juab County’s Answering Brief, *SNWA v. Seventh Jud. Dist. Ct., et. al.*, Case No.: 65775, filed with the clerk of the Nevada Supreme Court on December 4, 2014.
- (27) SNWA’s Reply Brief to Answering Briefs of CPB, CTGR and GBWN Protestants, *SNWA v. Seventh Judicial Dist. Court, et. al.*, Case No.: 65775, filed with the clerk of the Nevada Supreme Court on December 12, 2014.
- (28) Order Denying Petition for Writ of Mandamus or Prohibition, *SNWA v. Seventh Jud. Dist. Ct.*, Case No.: 65775, filed with the clerk of the Nevada Supreme Court on May 21, 2015.
- (29) Nevada State Engineer’s Petition for Writ of Mandamus, *King v. Seventh Jud. Dist. Ct.*, Case No. 65776, filed with the clerk of the Nevada Supreme Court on May 30, 2014.
- (30) Answer of the CPB to the Petition for Writ of Mandamus Filed by the Nevada State Engineer and the Nevada Department of Conservation and Natural Resources, Division of Water Resources, *King v. Seventh Jud. Dist. Ct.*, Case No. 65776, filed with the clerk of the Nevada Supreme Court on September 2, 2014.

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- 1 (31) Answer of Millard County, Utah and Juab County, Utah to the Petition for Writ of
2 Mandamus Filed by the Nevada State Engineer and the Nevada Department
3 Conservation and Natural Resources Division of Water Resources, *King v. Seventh*
4 *Jud. Dist. Ct.*, Case No. 65776, filed with the clerk of the Nevada Supreme Court on
5 October 3, 2014.
- 6 (32) Answer of the Confederate Tribes of the Goshute Reservation to the State Engineer's
7 Petition for Writ of Mandamus, *King v. Seventh Jud. Dist. Ct.*, Case No. 65776, filed
8 with the clerk of the Nevada Supreme Court on September 2, 2014.
- 9 (33) Joinder by the Ely Shoshone Tribe and Duckwater Shoshone Tribe in the Answer of
10 the Confederated Tribes of the Goshute Reservation, and the Answer of CPB to the
11 State Engineer's Petition for writ of Mandamus, *King v. Seventh Jud. Dist. Ct.*, Case
12 No. 65776, filed with the clerk of the Nevada Supreme Court on September 26, 2014.
- 13 (34) State Engineer's Reply to White Pine County et al.'s, CPB, the Confederate Tribes of
14 the Goshute Reservation's, the Ely and Duckwater Shoshone Tribes' and the Utah
15 Counties' Answers to the State Engineer's Petition for writ of Mandamus, *King v.*
16 *Seventh Jud. Dist. Ct.*, Case No. 65776, filed with the clerk of the Nevada Supreme
17 Court on November 3, 2014.
- 18 (35) Order Denying Petition for Writ of Mandamus, *King v. Seventh Jud. Dist. Ct.*, Case
19 No. 65776, filed with the clerk of the Nevada Supreme Court on May 21, 2015.
- 20 (36) CPB's Petition for Limited Writ Review of Whether NRS 533.3705 can be Applied
21 Retroactively to the Permit Staged Approval of SNWA's 1989 Applications, *CPB v.*
22 *Seventh Jud. Dist. Ct.*, Case No.: 65425, filed with the clerk of the Nevada Supreme
23 Court on April 15, 2014.
- 24 (37) SNWA's Answer to Petition, *CPB v. Seventh Jud. Dist. Ct.*, Case No.: 65425, filed
25 with the clerk of the Nevada Supreme Court on August 28, 2014.
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- 1 (38) State of Nevada’s Answer to CPB’s Petition for Limited writ Review Regarding
2 Application of NRS 533.3705 to SNWA’s 1989 Applications, *CPB v. Seventh Jud.*
3 *Dist. Ct.*, Case No.: 65425, filed with the clerk of the Nevada Supreme Court on
4 September 2, 2014.
- 5 (39) CPB’s Response to State of Nevada’s Answer to Petition for Limited Writ Review,
6 *CPB v. Seventh Jud. Dist. Ct.*, Case No.: 65425, filed with the clerk of the Nevada
7 Supreme Court on October 2, 2014.
- 8 (40) CPB’s Response to SNWA’s Answer to Petition for Limited Writ Review, *CPB v.*
9 *Seventh Jud. Dist. Ct.*, Case No.: 65425, filed with the clerk of the Nevada Supreme
10 Court on October 2, 2014.
- 11 (41) *Corp. Bishop, LDS v. Seventh Jud. Dist. Ct.*, 132 Nev. Adv. Op. 6, 366 P.3d 1117
12 (2016).
- 13 (42) CPB’s Motion to Dismiss Consolidated Appeals for Lack of Jurisdiction (No Final
14 Judgment), *Millard Cty. v. State Engineer*, Case No.: 64815, filed with the clerk of the
15 Nevada Supreme Court on April 15, 2014.
- 16 (43) State of Nevada’s Opposition to CPB’s Motion to Dismiss for Lack of Jurisdiction,
17 *Millard Cty. v. State Engineer*, Case No.: 64815, filed with the clerk of the Nevada
18 Supreme Court on April 25, 2014.
- 19 (44) White Pine county, et al., Response to Cross-Appellant CPB’s Motion to Dismiss
20 Consolidated Appeals, *Millard Cty. v. State Engineer*, Case No.: 64815, filed with the
21 clerk of the Nevada Supreme Court on April 25, 2014.
- 22 (45) SNWA’s Opposition to CPB’s Motion to Dismiss, *Millard Cty. v. State Engineer*,
23 Case No.: 64815, filed with the clerk of the Nevada Supreme Court on April 25, 2014.
- 24 (46) CPB’s Response to State of Nevada’s Opposition to CPB’s Motion to Dismiss (No
25 Final Judgment), *Millard Cty. v. State Engineer*, Case No.: 64815, filed with the clerk
26 of the Nevada Supreme Court on April 28, 2014.
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(47) CPB’s Response to SNWA’s Opposition to CPB’s Motion to Dismiss (No Final Judgment), *Millard Cty. v. State Engineer*, Case No.: 64815, filed with the clerk of the Nevada Supreme Court on April 28, 2014.

(48) Order Dismissing Appeal, Case No.: 64815, filed with the clerk of the Nevada Supreme Court on February 6, 2015.

Respectfully submitted this 14th day of October, 2016.

By: 

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and NRS 533.450, I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this date I served, or caused to be served, a true and correct copy of the foregoing, as follows:

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

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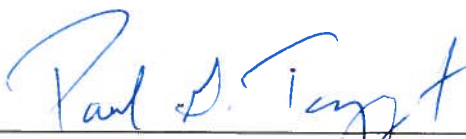
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By U.S. POSTAL SERVICE: I deposited for mailing in the United States Mail, with postage prepaid, an envelope containing the above-identified document, at Carson City, Nevada, in the ordinary course of business, addressed as follows:

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DATED this 14th day of October, 2016.



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