

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOUTHERN NEVADA WATER
AUTHORITY,

Appellant,

vs.

COYOTE SPRINGS INVESTMENT,
LLC, et al.

Respondents.

Electronically Filed
Jun 01 2022 07:26 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**VOLUME THREE OF APPENDIX FOR EMERGENCY MOTION FOR
STAY UNDER NRAP 27(e) OF DISTRICT COURT’S ORDER GRANTING
PETITION FOR JUDICIAL REVIEW PENDING APPEAL**

COMES NOW, Appellant, SOUTHERN NEVADA WATER AUTHORITY (“SNWA”) by and through its counsel, PAUL G. TAGGART, ESQ. and THOMAS P. DUENSING, ESQ., of the law firm of TAGGART & TAGGART, LTD., and STEVEN C. ANDERSON ESQ., of SNWA, submit Volume Three of this appendix in support of SNWA’s Emergency Motion for Stay under NRAP 27(e) of District Court’s Order Granting Petition for Judicial Review Pending Appeal pursuant to NRAP 8(a)(2).

AFFIRMATION

The undersigned hereby affirm that the preceding document does not contain the social security number of any person.

Respectfully submitted this 1st day of June 2022.

TAGGART & TAGGART, LTD.
108 North Minnesota Street
Carson City, Nevada 89703
(775) 882-9900 – Telephone
(775) 883-9900 – Facsimile

By: /s/ Paul G. Taggart
PAUL G. TAGGART, ESQ.
Nevada State Bar No. 6136
THOMAS P. DUENSING, ESQ.
Nevada State Bar No. 13567

Attorneys for Respondents

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(b), I hereby certify that I am an employee of TAGGART & TAGGART, LTD., and that on this day, I served, or caused to be served, a true and correct copy of this Motion by electronic service to:

OFFICE OF THE ATTORNEY GENERAL

JAMES N. BOLOTIN #13829
LAENA ST-JULES #15156C
100 North Carson Street
Carson City, Nevada 89701-4717
Email: jbolotin@ag.nv.gov
Email: lstjules@ag.nv.gov
Attorneys for Nevada State Engineer

ROBISON, SHARP, SULLIVAN & BRUST

KENT R. ROBISON #1167
THERESE M. SHANKS #12890
71 Washington Street
Reno, Nevada 89593
Email: krobison@rssblaw.com
Email: tshanks@rssblaw.com

IN ASSOCIATION WITH:

BRADLEY J. HERREMA #10368
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106
Email: bherrema@bhfs.com

WILLIAM L. COULTHARD #3927

COULTHARD LAW
840 South Ranch Drive, #4-627
Las Vegas, Nevada 89106
Email: wlc@coulthardlaw.com

EMILIA K. CARGILL #6493
3100 State Route 168
P.O. Box 37010
Coyote Springs, Nevada 89037
Email: emilia.cargill@coyotesprings.com
Attorneys for Coyote Springs Investment, LLC

MARQUIS AURBACH COFFING
CHRISTIAN T. BALDUCCI #12688
10001 Park Run Drive
Las Vegas, Nevada 89145
Email: cbalducci@maclaw.com
Email: kwilde@maclaw.com
Attorneys for Apex Holding Company, LLC and Dry Lake Water, LLC

SCOTT LAKE
Center for Biological Diversity
P.O. Box 6205
Reno, Nevada 89513
(802) 299-7495
Email: slake@biologicaldiversity.org
IN ASSOCIATION WITH:
LISA T. BELENKY (Pro Hac Vice to be submitted)
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, California 94612
Email: lbelenky@biologicaldiversity.org
Attorneys for Center for Biological Diversity

DYER LAWRENCE, LLP
FRANCIS C. FLAHERTY
2805 Mountain Street
Carson City, Nevada 89703
(775) 885-1896
Email: fflaherty@dyerlawrence.com
Attorneys for Nevada Cogeneration Associates Nos. 1 and 2
KAEMPFER CROWELL

SEVERIN A. CARLSON #9373
SIHOMARA L. GRAVES #13239
50 West Liberty Street, Suite 700
Reno, Nevada 89501
Email: scarlson@kcnvlaw.com
Email: sgraves@kcnvlaw.com
Attorneys for The Church of Jesus Christ of Latter-day Saints

DOTSON LAW
ROBERT A. DOTSON #5285
JUSTIN C. VANCE #11306
5355 Reno Corporate Drive, Suite 100
Reno, Nevada 89511
Email: rdotson@dotsonlaw.legal
Email: jvance@dotsonlaw.legal

IN ASSOCIATION WITH:
STEVEN D. KING #4304
227 River Road
Dayton, Nevada 9403
Email: kingmont@charter.net
Attorneys for Muddy Valley Irrigation Company

McDONALD CARANO LLP
SYLVIA HARRISON #4106
LUCAS FOLETTA #12154
SARAH FERGUSON #14515
100 W. Liberty Street, Suite 1000
Reno, Nevada 89501
Email: sharrison@mcdonaldcarano.com
Email: lfoletta@mcdonaldcarano.com
Email: sferguson@mcdonaldcarano.com
Attorneys for Georgia-Pacific Gypsum, LLC and Republic Environmental Technologies, Inc.

PARSONS BEHLE & LATIMER

GREGORY H. MORRISON #12454
50 West Liberty Street, Suite 750
Reno, Nevada 89501
Email: gmorrison@parsonsbehle.com
Attorneys for Moapa Valley Water District

NEVADA ENERGY
JUSTINA A. CAVIGLIA #9999
MICHAEL D. KNOX #8143
6100 Neil Road
Reno, Nevada 89511
Email: justina.caviglia@nvenergy.com
Email: mknnox@nvenergy.com
Attorneys for Nevada Power Company dba NV Energy

SCHROEDER LAW OFFICES, P.C.
THERESE A. URE STIX #10255
LAURA A. SCHROEDER #3595
10615 Double R Blvd., Suite 100
Reno, Nevada 89521
Email: t.ure@water-law.com
Email: schroeder@water-law.com
Attorneys for City of North Las Vegas, Western Elite Environmental, Inc. and Bedroc Limited, LLC

LINCOLN COUNTY DISTRICT ATTORNEY
DYLAN V. FREHNER #9020
181 North Main Street, Suite 205
P.O. Box 60
Pioche, Nevada 89043
Email: dfrehner@lincolncountynv.gov

IN ASSOCIATION WITH:

WAYNE O. KLOMP #10109
SNELL & WILMER L.L.P.
50 West Liberty Street, Suite 510
Reno, Nevada 89501
Email: wklomp@swlaw.com
Attorneys for Lincoln County Water District

ALLISON MacKENZIE, LTD.
KAREN A. PETERSON #366
402 North Division Street
Carson City, Nevada 89703
Email: kpeterson@allisonmackenzie.com
Attorneys for Vidler Water Company, Inc.

DATED this 1st day of June 2022.

/s/ Thomas P. Duensing
Employee of TAGGART & TAGGART, LTD.

APPENDIX INDEX

<u>Exhibit</u>	<u>Description</u>	<u>Bate Stamp</u>
1.	Order 1309	APP MFS 1-68
2.	Interim Order 1303	APP MFS 69-87
3.	CSI's Opposition to LVVWD & SNWA's Motion for Stay Pending Appeal	APP MFS 68-103
4.	Transcript of Hearing regarding LVVWD & SNWA's Motion for Stay Pending Appeal	APP MFS 104-188
5.	Findings of Fact, Conclusions of Law, and Order Granting Petitions for Judicial Review	APP MFS 189-228
6.	Addendum and Clarification to Court's Findings of Fact, Conclusions of Law, and Order Granting Petitions for Judicial Review	APP MFS 229-234
7.	Court Minutes from May 16 th , 2022	APP MFS 235-236
8.	SNWA & LVVWD Assessment of the Moapa Dace and other Groundwater-Dependent Special Status Species in the Lower White River Flow System	APP MFS 237-239
9.	APP MFS 240-314 Intentionally Omitted	APP MFS 240-314
10.	Amended Notice of Hearing August 26 th , 2019	APP MFS 315-332
11.	Prehearing Conference on August 8 th , 2019	APP MFS 333-366

APP MFS 240-314 INTENTIONALLY OMITTED

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

IN THE MATTER OF THE ADMINISTRATION)
AND MANAGEMENT OF THE LOWER WHITE)
RIVER FLOW SYSTEM WITHIN COYOTE)
SPRING VALLEY HYDROGRAPHIC BASIN)
(210), A PORTION OF BLACK MOUNTAINS)
AREA HYDROGRAPHIC BASIN (215), GARNET)
VALLEY HYDROGRAPHIC BASIN (216),)
HIDDEN VALLEY HYDROGRAPHIC BASIN)
(217), CALIFORNIA WASH HYDROGRAPHIC)
BASIN (218), AND MUDDY RIVER SPRINGS)
AREA (AKA UPPER MOAPA VALLEY))
HYDROGRAPHIC BASIN (219), LINCOLN AND)
CLARK COUNTIES, NEVADA.)

**AMENDED NOTICE OF
HEARING**

I. PROCEDURAL BACKGROUND

The State Engineer issued Interim Order 1303 on January 11, 2019, whereby the State Engineer designated the Lower White River Flow System, consisting of the Coyote Spring Valley, Muddy River Springs Area, California Wash, Hidden Valley, Garnet Valley, and a portion of the Black Mountain Area as a joint administrative unit for the purpose of administering water rights, and among other interim matters, solicited reports to be filed with the Office of the State Engineer addressing: (1) the geographic boundary of the hydrologically connected groundwater and surface-water system comprising the Lower White River Flow System; (b) the information obtained from the State Engineer's Order 1169 aquifer test and subsequent to the aquifer test and Muddy River headwater spring flow as it relates to aquifer recovery since the completion of the aquifer test; (c) the long-term annual quantity of groundwater that may be pumped from the Lower White River Flow System, including the relationships between the location of pumping on discharge to the Muddy River Springs, and the capture of Muddy River Flow; (d) the effects of movement of water rights between alluvial wells and carbonate wells on deliveries of senior decreed rights to the Muddy River; and, (e) any other matter believed to be relevant to the State Engineer's analysis. The deadline for the filing of reports was initially set for June 3, 2019, and rebuttal reports were permitted to be filed no later than July 18, 2019. The State Engineer further ordered that an administrative hearing would be held in the month of September 2019. The State Engineer issued an addendum to Interim Order 1303 on May 13, 2019, whereby the State Engineer extended the deadline for any interested stakeholder to submit a report to July 3, 2019, and rebuttal reports to August 16, 2019.¹

Initial reports in response to the Order 1303 solicitation were filed with the Office of the State Engineer by the Center for Biological Diversity; City of North Las Vegas; Coyote Springs Investment, LLC; Dry Lake Water, LLC; Georgia Pacific Corporation and Republic

¹ See Interim Order 1303, and addendum, official records in the Office of the State Engineer.

Environmental Technologies; Great Basin Water Network; Lincoln County Water District and Vidler Water Company; Moapa Band of Paiutes; Moapa Valley Water District; United States National Park Service; Southern Nevada Water Authority and Las Vegas Valley Water District; Technichrome; and the United States Fish and Wildlife Service. Rebuttal reports were filed by Bedroc Limited and Western Elite Environmental, Inc.; Center for Biological Diversity; City of North Las Vegas; Coyote Springs Investment, LLC; Dry Lake Water, LLC, Georgia Pacific Gypsum and Republic Environmental Technologies; Lincoln County Water District and Vidler Water Company; Moapa Band of Paiutes; Moapa Valley Water District; Muddy Valley Irrigation Company; the United States National Park Service; Nevada Cogeneration Associates; Nevada Energy; Southern Nevada Water Authority and Las Vegas Valley Water District; and the United States Fish and Wildlife Service.

On August 9, 2019, the State Engineer held a pre-hearing conference regarding the hearing on the submission of reports and evidence as solicited in Order 1303. At the pre-hearing conference, the State Engineer set forth the purpose of the Order 1303 hearing, addressed the timing and length of the hearing, discussed the sequence of the presentation of evidence by the participants, addressed the procedures and other administrative matters relating to Order 1303, discussed the timing for disclosures of witnesses and evidence, including expert witnesses, and addressed other matters relating to the hearing. The State Engineer established that the purpose of the hearing on the Order 1303 reports was to provide the participants an opportunity to explain the positions and conclusions expressed in the reports and/or rebuttal reports submitted in response to the Order 1303 solicitation. The State Engineer directed the participants to limit the offer of evidence and testimony to the salient conclusions, including directing the State Engineer and his staff to the relevant data, evidence and other information supporting those conclusions. The State Engineer further noted that the hearing on the Order 1303 reports was the first step in determining to what extent, if any, and in what manner the State Engineer would address future management decisions, including policy decisions, relating to the Lower White River Flow System basins. On that basis, the State Engineer then addressed other related matters pertaining to the hearing on the Order 1303 reports, including addressing the date and sequence of the hearing, as set forth in this Notice of Hearing.

II. NOTICE OF HEARING

Please take notice, the State Engineer hereby sets the hearing on Order 1303, to begin at **8:30 a.m., on Monday, September 23, 2019, continuing through Friday, September 27, 2019, ending each day by 4:30 p.m. The hearing will reconvene at 8:30 a.m. on Monday, September 30, 2019, continuing through Friday, October 4, 2019, ending each day by 4:30 p.m., with the exception of October 3, 2019, where the hearing will reconvene at 11:00 a.m. and end at 4:30 p.m., at the Nevada State Legislature, 401 South Carson Street, Room 2135, Carson City, Nevada and will video be conferenced to the Legislative Counsel Bureau, Sawyer Office Building, 555 E. Washington Ave., Suite 4400, Las Vegas, Nevada.**

III. REPRESENTATION OF PARTICIPANTS BY ATTORNEYS OR AGENTS

Pursuant to NAC 533.200, any participant may be represented by either an attorney or other agent. Any attorney appearing on behalf of a participant must be an active member of the State Bar of Nevada or associated with an active member of the State Bar of Nevada. Any attorney not an active member of the State Bar of Nevada must comply with Nevada Supreme Court Rule 42, governing the practice of attorneys not admitted in Nevada. Further, either the attorney(s) or agent will be recognized as fully controlling the case on behalf of the participant, and in accordance with NAC 533.200, the attorney or agent must make an appearance and submit a Notice of Appearance with the State Engineer in this matter. Only the attorney or agent whom submits a Notice of Appearance on behalf of a participant shall be permitted to examine and cross-examine witnesses in the proceedings. The State Engineer will not permit a participant to have both attorneys and agents examine witnesses in this proceeding.

IV. SEQUENCE OF PRESENTATION OF EVIDENCE AND CROSS-EXAMINATION OF WITNESSES

Each participant who has submitted either a report, rebuttal report, or both a report and rebuttal report in response to the Order 1303 solicitation is hereby assigned the following dates and times for both the presentation of their submitted reports, and to present any other evidence, as outlined within the scope of the hearing. The time allocated to each participant shall be allotted such that the participant shall use half its time to present their evidence and testimony, and the other half shall be used by the other participants to cross-examine the witnesses. For example, 7 hours will be allocated to address the report and rebuttal report submitted by Coyote Springs Investment, LLC; accordingly, Coyote Springs Investments, LLC will be allowed not more than 3.5 hours to present its evidence and testimony and the other participants shall be allowed not more than 3.5 to cross-examine Coyote Springs Investments, LLC's witnesses.

The schedule for presentation of evidence by the parties is established as follows:

Date(s) and Time(s)	Participant
September 23, 2019, all day	Coyote Springs Investment, LLC
September 24, 2019, all day	United States Fish and Wildlife Service
September 25, 2019, all day	United States National Park Service
September 26, 2019, all day	Moapa Band of Paiutes
September 27, 2019, all day, and September 30, 2019, 8:30 a.m. to 10:30 a.m.	Southern Nevada Water Authority and Las Vegas Valley Water District
September 30, 2019, 10:30 a.m. to 12:30 p.m., and 1:30 p.m. to 3:30 p.m.	Moapa Valley Water District
September 30, 2019, 3:30 p.m. to 4:30 p.m., and October 1, 2019, 8:30 a.m. to 11:30 a.m.	Lincoln County Water District and Vidler Water Company

October 1, 2019, 11:30 a.m. to 12:30 p.m., and 1:30 p.m. to 4:30 p.m.	City of North Las Vegas
October 2, 2019, 8:30 a.m. to 12:30 p.m.	Center for Biological Diversity and Great Basin Water Network
October 2, 2019, 1:30 p.m. to 4:30 p.m., and October 3, 2019, 11:00 a.m. to 12:00 p.m.	Dry Lake Water, LLC, Georgia Pacific Corporation/Georgia Pacific Gypsum, LLC, and Republic Environmental Technologies
October 3, 2019, 12:00 p.m. to 2:00 p.m.	Technichrome
October 3, 2019, 2:00 p.m. to 4:30 p.m.	Nevada Cogeneration Associates
October 4, 2019, 8:30 a.m. to 10:30 a.m.	Muddy Valley Irrigation Company
October 4, 2019, 10:30 a.m. to 12:30 p.m.	Bedroc Limited/Western Elite Environmental, Inc.
October 4, 2019, 1:30 p.m. to 3:30 p.m.	Nevada Energy
October 4, 2019, 3:30 p.m. to 4:30 p.m.	Public Comment

A participant is not required to examine their witnesses or to use its full allocation of time. Any participant who has submitted a report or expert report to the State Engineer for consideration as written testimony or evidence must, pursuant to NAC 533.250, present the person who has prepared that report or expert report to affirm that it is their work product and that they personally prepared or directed its preparation, and submit to cross-examination. The State Engineer may, in his discretion, disregard any report or rebuttal report submitted pursuant to Order 1303 that is not affirmed and attested to by the individual who is identified as an author of the report or rebuttal report and is not made available for cross-examination.

V. DISCLOSURE OF EVIDENCE AND WITNESS LISTS

The disclosure of documents, witness lists and descriptions of witness testimony will take place as set forth and in the manner provided in this Notice of Hearing. The State Engineer requires that two copies of any of the documents referenced below be filed in the Office of the State Engineer in addition to the electronic copies, as applicable.

Evidentiary Disclosure. The participants are hereby ordered to serve on the State Engineer in Carson City, Nevada, **no later than Friday, September 6, 2019**, an exhibit list, a witness list, a reasonably detailed summary 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 as to a certain topic, the witness may not be allowed to testify to the unidentified topic in his or her direct testimony. If a witness is to be presented to provide expert testimony, the evidentiary exchange shall identify the written report prepared and submitted to the State Engineer in response to the solicitations contained within Order 1303 and any exhibits to be used as a summary of or in support of the opinions and a statement of qualifications of the witness. For any

witness identified and designated as an expert witness, the evidentiary disclosure shall include the Curriculum Vitae and shall identify whether the expert has been previously admitted as an expert witness before the State Engineer, in what discipline(s) the expert has been so admitted before the State Engineer, and if the witness has not previously been admitted as an expert before the State Engineer, all other court or administrative proceedings in which the expert has been admitted. The Evidentiary Disclosure must include any relevant documents or evidence that the participant desires the State Engineer to consider in his examination of the five issues identified in Order 1303, and making any determination related to those issues.

In addition to two copies of the exhibit list, witness list, and documentary evidence, **the participants are required to also provide an electronic copy of: the exhibit list in Excel format, their witness summaries, and scanned copies of all their exhibits in pdf 200 dpi format.**

The State Engineer shall publish all timely served Evidentiary Disclosures on its website at <http://water.nv.gov/news.aspx?news=LWRFS>.

Objections to Evidentiary Disclosures: Any objection or challenge to evidence disclosed by another participant must be served on the State Engineer in Carson City, Nevada, no later than 5:00 p.m., Friday, September 13, 2019. The objection must include the basis for the evidence or expert to not be admitted.

Pre-Hearing on Challenged Experts: If a participant objects to the designation of an expert not previously admitted as an expert in the specified discipline before the State Engineer, the State Engineer shall hold a hearing commencing at **8:30 a.m., Thursday September 19, 2019, to consider the admission of the challenged expert in the designated discipline at the hearing commencing on September 23, 2019.**

Further, the Nevada State Engineer has taken administrative notice of those files and records of the Office of the State Engineer identified on Exhibit A to this Notice of Hearing, and which will be marked as exhibits of the Nevada State Engineer. The exhibits identified in Exhibit A will be published on the Division of Water Resources website at <http://water.nv.gov/news.aspx?news=LWRFS>.

VI. EXHIBITS

Nevada Administrative Code Chapter 533 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 State Engineer recognizes that if hydrologic models are used that some evidence may need to be submitted in an electronic format. An original and one copy of each exhibit must be submitted to the State Engineer. Exhibits based on technical studies or models shall be accompanied by sufficient information to clearly identify and explain the logic, assumptions, development, and operation of the studies or models.

Each electronically submitted exhibit must be saved as a separate .pdf file, with the name of the participant presenting the document, the exhibit number and a short description of the document in the title. For example, a document identified as Exhibit No. 1 submitted by the Nevada State Engineer would be identified as "*NSE Ex. No. 1 Order 1303.*"

VII. RULES OF EVIDENCE NOT APPLICABLE

Pursuant to NRS 533.365(4), the technical rules of evidence do not apply to administrative hearings before the State Engineer.

VIII. COST OF REPORTING

As set forth in Nevada Administrative Code Chapter 533, the hearing 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 costs of the transcript will be borne proportionally by all participants actively participating during the hearing.

IX. REASONABLE ACCOMMODATIONS

The Division of Water Resources is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the hearing. If special arrangements are necessary, please notify the Nevada Division of Water Resources, 901 South Stewart, Suite 2002, Carson City, Nevada, 89701, or by calling (775) 684-2800.


MICHELINE N. FAIRBANK
Deputy Administrator

Dated this 26th day of
August, 2019.

Exhibit A

Documents and Records of the Nevada State Engineer Which Administrative Notice is Taken for the Purpose of the Order 1303 Administrative Hearing

NSE Ex. No. 1	Order 1303 and Addendum to Order 1303
NSE Ex. No. 2	Order 1169A
NSE Ex. No. 3	Order 1169
NSE Ex. No. 4	Order 1026
NSE Ex. No. 5	Order 1025
NSE Ex. No. 6	Order 1024
NSE Ex. No. 7	Order 1023
NSE Ex. No. 8	Order 1018
NSE Ex. No. 9	Order 905
NSE Ex. No. 10	Order 803
NSE Ex. No. 11	Order 392
NSE Ex. No. 12	Ruling 5712 ¹
NSE Ex. No. 13	Ruling 5987 ¹
NSE Ex. No. 14	Ruling 6254 ¹
NSE Ex. No. 15	Ruling 6255 ¹
NSE Ex. No. 16	Ruling 6256 ¹
NSE Ex. No. 17	Ruling 6257 ¹
NSE Ex. No. 18	Ruling 6258 ¹
NSE Ex. No. 19	Ruling 6259 ¹
NSE Ex. No. 20	Ruling 6260 ¹
NSE Ex. No. 21	Ruling 6261 ¹
NSE Ex. No. 22	Hydrographic Abstract Lower Meadow Valley Wash (Basin 205)
NSE Ex. No. 23	Hydrographic Abstract Kane Springs Valley (Basin 206)
NSE Ex. No. 24	Hydrographic Abstract Coyote Spring Valley (Basin 210)
NSE Ex. No. 25	Hydrographic Abstract Black Mountains Area (Basin 215)
NSE Ex. No. 26	Hydrographic Abstract Garnet Valley (Basin 216)
NSE Ex. No. 27	Hydrographic Abstract Hidden Valley (Basin 217)
NSE Ex. No. 28	Hydrographic Abstract California Wash (Basin 218)
NSE Ex. No. 29	Hydrographic Abstract Muddy River Springs Area (Basin 219)
NSE Ex. No. 30	Hydrographic Basin Summary Lower Meadow Valley Wash (Basin 205)
NSE Ex. No. 31	Hydrographic Basin Summary Kane Springs Valley (Basin 206)
NSE Ex. No. 32	Hydrographic Basin Summary Coyote Spring Valley (Basin 210)
NSE Ex. No. 33	Hydrographic Basin Summary Black Mountains Area (Basin 215)
NSE Ex. No. 34	Hydrographic Basin Summary Garnet Valley (Basin 216)

¹ While the State Engineer does not officially identify the permit and/or hearing files that were subject to the ruling, such records, should they be determined to be relevant to these proceedings may be included in the State Engineer's ultimate determination and will be so identified if relied upon.

NSE Ex. No. 35	Hydrographic Basin Summary Hidden Valley (Basin 217)
NSE Ex. No. 36	Hydrographic Basin Summary California Wash (Basin 218)
NSE Ex. No. 37	Hydrographic Basin Summary Muddy River Springs Area (Basin 219)
NSE Ex. No. 38	Pumpage Report Coyote Spring Valley 2005
NSE Ex. No. 39	Pumpage Report Coyote Spring Valley 2006
NSE Ex. No. 40	Pumpage Report Coyote Spring Valley 2007
NSE Ex. No. 41	Pumpage Report Coyote Spring Valley 2008
NSE Ex. No. 42	Pumpage Report Coyote Spring Valley 2009
NSE Ex. No. 43	Pumpage Report Coyote Spring Valley 2010
NSE Ex. No. 44	Pumpage Report Coyote Spring Valley 2011
NSE Ex. No. 45	Pumpage Report Coyote Spring Valley 2012
NSE Ex. No. 46	Pumpage Report Coyote Spring Valley 2013
NSE Ex. No. 47	Pumpage Report Coyote Spring Valley 2014
NSE Ex. No. 48	Pumpage Report Coyote Spring Valley 2015
NSE Ex. No. 49	Pumpage Report Coyote Spring Valley 2016
NSE Ex. No. 50	Pumpage Report Coyote Spring Valley 2017
NSE Ex. No. 51	Pumpage Report Black Mountains Area 2001
NSE Ex. No. 52	Pumpage Report Black Mountains Area 2002
NSE Ex. No. 53	Pumpage Report Black Mountains Area 2003
NSE Ex. No. 54	Pumpage Report Black Mountains Area 2004
NSE Ex. No. 55	Pumpage Report Black Mountains Area 2005
NSE Ex. No. 56	Pumpage Report Black Mountains Area 2006
NSE Ex. No. 57	Pumpage Report Black Mountains Area 2007
NSE Ex. No. 58	Pumpage Report Black Mountains Area 2008
NSE Ex. No. 59	Pumpage Report Black Mountains Area 2009
NSE Ex. No. 60	Pumpage Report Black Mountains Area 2010
NSE Ex. No. 61	Pumpage Report Black Mountains Area 2011
NSE Ex. No. 62	Pumpage Report Black Mountains Area 2012
NSE Ex. No. 63	Pumpage Report Black Mountains Area 2013
NSE Ex. No. 64	Pumpage Report Black Mountains Area 2014
NSE Ex. No. 65	Pumpage Report Black Mountains Area 2015
NSE Ex. No. 66	Pumpage Report Black Mountains Area 2016
NSE Ex. No. 67	Pumpage Report Black Mountains Area 2017
NSE Ex. No. 68	Pumpage Report Garnet Valley Area 2001
NSE Ex. No. 69	Pumpage Report Garnet Valley Area 2002
NSE Ex. No. 70	Pumpage Report Garnet Valley Area 2003
NSE Ex. No. 71	Pumpage Report Garnet Valley Area 2004
NSE Ex. No. 72	Pumpage Report Garnet Valley Area 2005
NSE Ex. No. 73	Pumpage Report Garnet Valley Area 2006
NSE Ex. No. 74	Pumpage Report Garnet Valley Area 2007
NSE Ex. No. 75	Pumpage Report Garnet Valley Area 2008
NSE Ex. No. 76	Pumpage Report Garnet Valley Area 2009
NSE Ex. No. 77	Pumpage Report Garnet Valley Area 2010
NSE Ex. No. 78	Pumpage Report Garnet Valley Area 2011

NSE Ex. No. 79	Pumpage Report Garnet Valley Area 2012
NSE Ex. No. 80	Pumpage Report Garnet Valley Area 2013
NSE Ex. No. 81	Pumpage Report Garnet Valley Area 2014
NSE Ex. No. 82	Pumpage Report Garnet Valley Area 2015
NSE Ex. No. 83	Pumpage Report Garnet Valley Area 2016
NSE Ex. No. 84	Pumpage Report Garnet Valley Area 2017
NSE Ex. No. 85	Pumpage Report California Wash Area 2016
NSE Ex. No. 86	Pumpage Report California Wash Area 2017
NSE Ex. No. 87	Pumpage Report Muddy River Springs Area 2016
NSE Ex. No. 88	Pumpage Report Muddy River Springs Area 2017
NSE Ex. No. 89	Water Level Data 205 S14 E66 15CA 1 Lower Meadow Valley Wash
NSE Ex. No. 90	Water Level Data 205 S14 E66 22DCAD Lower Meadow Valley Wash
NSE Ex. No. 91	Water Level Data 205 S14 E66 35CABA1 Lower Meadow Valley Wash
NSE Ex. No. 92	Water Level Data 205 S12 E66 12BBBD1 Lower Meadow Valley Wash
NSE Ex. No. 93	Water Level Data 205 S12 E66 12BBBD2 Lower Meadow Valley Wash
NSE Ex. No. 94	Water Level Data 205 S12 E66 12BBBD3 Lower Meadow Valley Wash
NSE Ex. No. 95	Water Level Data 205 S14 E66 04DB 1 Lower Meadow Valley Wash
NSE Ex. No. 96	Water Level Data 205 S14 E66 22DC 1 Lower Meadow Valley Wash
NSE Ex. No. 97	Water Level Data 205 S14 E66 26CD 1 Lower Meadow Valley Wash
NSE Ex. No. 98	Water Level Data 205 S14 E66 26CDAB1 Lower Meadow Valley Wash
NSE Ex. No. 99	Water Level Data 205 S14 E66 26CDBA1 Lower Meadow Valley Wash
NSE Ex. No. 100	Water Level Data 205 S14 E66 26DDCD1 Lower Meadow Valley Wash
NSE Ex. No. 101	Water Level Data 205 S14 E66 34ADCA1 Lower Meadow Valley Wash
NSE Ex. No. 102	Water Level Data 205 S14 E66 35BDAB1 Lower Meadow Valley Wash
NSE Ex. No. 103	Water Level Data 205 S14 E66 35CA 1 Lower Meadow Valley Wash
NSE Ex. No. 104	Water Level Data 205 S14 E66 35CABA2 Lower Meadow Valley Wash
NSE Ex. No. 105	Water Level Data 205 S14 E66 35CACC1 Lower Meadow Valley Wash
NSE Ex. No. 106	Water Level Data 205 S14 E66 35DACC1 Lower Meadow Valley Wash
NSE Ex. No. 107	Water Level Data 205 S14 E66 35DD 1 Lower Meadow Valley Wash 205
NSE Ex. No. 108	Water Level Data 206 S11 E64 06CACC1 Kane Springs
NSE Ex. No. 109	Water Level Data 210 S10 E62 25ACAD1 Coyote Spring Valley
NSE Ex. No. 110	Water Level Data 210 S10 E62 25CBCC1 Coyote Spring Valley
NSE Ex. No. 111	Water Level Data 210 S11 E62 13BDDC1 Coyote Spring Valley
NSE Ex. No. 112	Water Level Data 210 S11 E62 24BA 2 Coyote Spring Valley
NSE Ex. No. 113	Water Level Data 210 S11 E62 24BD 1 Coyote Spring Valley
NSE Ex. No. 114	Water Level Data 210 S11 E62 24DB 1 Coyote Spring Valley
NSE Ex. No. 115	Water Level Data 210 S11 E63 13CBAB1 Coyote Spring Valley
NSE Ex. No. 116	Water Level Data 210 S11 E63 19ABAA1 Coyote Spring Valley
NSE Ex. No. 117	Water Level Data 210 S11 E63 21ABCA1 Coyote Spring Valley
NSE Ex. No. 118	Water Level Data 210 S12 E63 29ADCC1 Coyote Spring Valley
NSE Ex. No. 119	Water Level Data 210 S12 E63 29DABC1 Coyote Spring Valley
NSE Ex. No. 120	Water Level Data 210 S13 E63 05ABCC1 Coyote Spring Valley
NSE Ex. No. 121	Water Level Data 210 S13 E63 10DCCA1 Coyote Spring Valley
NSE Ex. No. 122	Water Level Data 210 S13 E63 11BACD1 Coyote Spring Valley

NSE Ex. No. 123	Water Level Data 210 S13 E63 11BCCC1 Coyote Spring Valley
NSE Ex. No. 124	Water Level Data 210 S13 E63 22DCAC1 Coyote Spring Valley
NSE Ex. No. 125	Water Level Data 210 S13 E63 23BAAB1 Coyote Spring Valley
NSE Ex. No. 126	Water Level Data 210 S13 E63 23DDDC1 Coyote Spring Valley
NSE Ex. No. 127	Water Level Data 210 S13 E63 25BDBB1 Coyote Spring Valley
NSE Ex. No. 128	Water Level Data 210 S13 E63 26AAAA1 Coyote Spring Valley
NSE Ex. No. 129	Water Level Data 210 S13 E63 26AABD1 Coyote Spring Valley
NSE Ex. No. 130	Water Level Data 210 S13 E64 31DAAD1 Coyote Spring Valley
NSE Ex. No. 131	Water Level Data 210 S14 E62 01ADBD1 Coyote Spring Valley
NSE Ex. No. 132	Water Level Data 210 S14 E63 28ACDC1 Coyote Spring Valley
NSE Ex. No. 133	Water Level Data 210 S15 E63 03BBCC1 Coyote Spring Valley
NSE Ex. No. 134	Water Level Data 215 S19 E63 13AADD1 Black Mountains Area
NSE Ex. No. 135	Water Level Data 215 S19 E63 13ABCB1 Black Mountains Area
NSE Ex. No. 136	Water Level Data 215 S19 E63 13DAAB1 Black Mountains Area
NSE Ex. No. 137	Water Level Data 215 S19 E63 13DACA1 Black Mountains Area
NSE Ex. No. 138	Water Level Data 215 S19 E63 13DACA1 Black Mountains Area
NSE Ex. No. 139	Water Level Data 215 S20 E65 08CDBA1 Black Mountains Area
NSE Ex. No. 140	Water Level Data 215 S20 E65 08DCAA1 Black Mountains Area
NSE Ex. No. 141	Water Level Data 216 S16 E64 19DCDB1 Garnet Valley
NSE Ex. No. 142	Water Level Data 216 S17 E63 32AABA1 Garnet Valley
NSE Ex. No. 143	Water Level Data 216 S17 E63 32CCCB1 Garnet Valley
NSE Ex. No. 144	Water Level Data 216 S17 E63 33CBCB1 Garnet Valley
NSE Ex. No. 145	Water Level Data 216 S17 E64 09DDCD1 Garnet Valley
NSE Ex. No. 146	Water Level Data 216 S17 E64 10CBCC1 Garnet Valley
NSE Ex. No. 147	Water Level Data 216 S17 E64 21CBBD1 Garnet Valley
NSE Ex. No. 148	Water Level Data 216 S17 E64 21CCAB1 Garnet Valley
NSE Ex. No. 149	Water Level Data 216 S18 E63 04CBBA1 Garnet Valley
NSE Ex. No. 150	Water Level Data 216 S18 E63 05AADB1 Garnet Valley
NSE Ex. No. 151	Water Level Data 216 S18 E63 05DBCA1 Garnet Valley
NSE Ex. No. 152	Water Level Data 216 S18 E63 05DBCD1 Garnet Valley
NSE Ex. No. 153	Water Level Data 216 S18 E63 15AACC1 Garnet Valley
NSE Ex. No. 154	Water Level Data 216 S18 E63 15AACD1 Garnet Valley
NSE Ex. No. 155	Water Level Data 216 S18 E63 27ACAD1 Garnet Valley
NSE Ex. No. 156	Water Level Data 216 S18 E64 07DDCC1 Garnet Valley
NSE Ex. No. 157	Water Level Data 216 S18 E64 18ACDB1 Garnet Valley
NSE Ex. No. 158	Water Level Data 216 S18 E64 20BABA1 Garnet Valley
NSE Ex. No. 159	Water Level Data 217 S16 E63 09DDAB1 Hidden Valley
NSE Ex. No. 160	Water Level Data 218 S15 E66 31DACA1 California Wash
NSE Ex. No. 161	Water Level Data 218 S16 E64 02ABCD1 California Wash
NSE Ex. No. 162	Water Level Data 218 S16 E64 15AAAA1 California Wash
NSE Ex. No. 163	Water Level Data 218 S16 E64 15AADD1 California Wash
NSE Ex. No. 164	Water Level Data 218 S16 E64 15ADAA1 California Wash
NSE Ex. No. 165	Water Level Data 218 S16 E64 34CDBC1 California Wash
NSE Ex. No. 166	Water Level Data 219 S13 E64 35DCAD1 Muddy River Springs Area

NSE Ex. No. 167	Water Level Data 219 S13HE64 33DBBC1 Muddy River Springs Area
NSE Ex. No. 168	Water Level Data 219 S14 E65 07ADDA1 Muddy River Springs Area
NSE Ex. No. 169	Water Level Data 219 S14 E65 07ADDA2 Muddy River Springs Area
NSE Ex. No. 170	Water Level Data 219 S14 E65 08AB 1 Muddy River Springs Area
NSE Ex. No. 171	Water Level Data 219 S14 E65 08AB 2 Muddy River Springs Area
NSE Ex. No. 172	Water Level Data 219 S14 E65 08ABBD1 Muddy River Springs Area
NSE Ex. No. 173	Water Level Data 219 S14 E65 08AC 1 Muddy River Springs Area
NSE Ex. No. 174	Water Level Data 219 S14 E65 08AC 2 Muddy River Springs Area
NSE Ex. No. 175	Water Level Data 219 S14 E65 08ADBB1 Muddy River Springs Area
NSE Ex. No. 176	Water Level Data 219 S14 E65 08BD 1 Muddy River Springs Area
NSE Ex. No. 177	Water Level Data 219 S14 E65 08BDBD1 Muddy River Springs Area
NSE Ex. No. 178	Water Level Data 219 S14 E65 08BDCC1 Muddy River Springs Area
NSE Ex. No. 179	Water Level Data 219 S14 E65 08DB 1 Muddy River Springs Area
NSE Ex. No. 180	Water Level Data 219 S14 E65 08DB 2 Muddy River Springs Area
NSE Ex. No. 181	Water Level Data 219 S14 E65 08DD 1 Muddy River Springs Area
NSE Ex. No. 182	Water Level Data 219 S14 E65 09CA 1 Muddy River Springs Area
NSE Ex. No. 183	Water Level Data 219 S14 E65 09CBCC1 Muddy River Springs Area
NSE Ex. No. 184	Water Level Data 219 S14 E65 09CC 1 Muddy River Springs Area
NSE Ex. No. 185	Water Level Data 219 S14 E65 09CCBC1 Muddy River Springs Area
NSE Ex. No. 186	Water Level Data 219 S14 E65 09DC 1 Muddy River Springs Area
NSE Ex. No. 187	Water Level Data 219 S14 E65 09DD 1 Muddy River Springs Area
NSE Ex. No. 188	Water Level Data 219 S14 E65 14CD 1 Muddy River Springs Area
NSE Ex. No. 189	Water Level Data 219 S14 E65 14CDBB1 Muddy River Springs Area
NSE Ex. No. 190	Water Level Data 219 S14 E65 15AC 1 Muddy River Springs Area
NSE Ex. No. 191	Water Level Data 219 S14 E65 15BBCA1 Muddy River Springs Area
NSE Ex. No. 192	Water Level Data 219 S14 E65 16AACD1 Muddy River Springs Area
NSE Ex. No. 193	Water Level Data 219 S14 E65 21AB 1 Muddy River Springs Area
NSE Ex. No. 194	Water Level Data 219 S14 E65 21ACAA1 Muddy River Springs Area
NSE Ex. No. 195	Water Level Data 219 S14 E65 22AA 1 Muddy River Springs Area
NSE Ex. No. 196	Water Level Data 219 S14 E65 22AABB1 Muddy River Springs Area
NSE Ex. No. 197	Water Level Data 219 S14 E65 22AABB2 Muddy River Springs Area
NSE Ex. No. 198	Water Level Data 219 S14 E65 23AB 1 Muddy River Springs Area
NSE Ex. No. 199	Water Level Data 219 S14 E65 23BB 1 Muddy River Springs Area
NSE Ex. No. 200	Water Level Data 219 S14 E65 23BB 2 Muddy River Springs Area
NSE Ex. No. 201	Water Level Data 219 S14 E65 23BB 3 Muddy River Springs Area
NSE Ex. No. 202	Water Level Data 219 S14 E65 23BBBB1 Muddy River Springs Area
NSE Ex. No. 203	Water Level Data 219 S14 E65 23BC 1 Muddy River Springs Area
NSE Ex. No. 204	Water Level Data 219 S14 E66 35DD 1 Muddy River Springs Area
NSE Ex. No. 205	Nevada Climate Divisional 3, 4 and PRISM Precipitation Data 1985-2012
NSE Ex. No. 206	USGS 09415900 Muddy Springs LDS Moapa NV (all data)
NSE Ex. No. 207	USGS 09415908 Pederson E. Springs Moapa 2002-2012
NSE Ex. No. 208	USGS 09415910 Pederson Springs Moapa 1985-2013
NSE Ex. No. 209	USGS 09415920 Warm Springs West 1985-2012
NSE Ex. No. 210	USGS 09415927 Warm Springs Confluence at Iverson Flume 2001-10

NSE Ex. No. 211	USGS 09416000 Muddy River Moapa 1914-2013
NSE Ex. No. 212	USGS Partial Muddy River Springs 11, 12, 13, 19, 15, 16,
NSE Ex. No. 213	All Order 1169 Water Level Data
NSE Ex. No. 214	Baldwin Jones Monthly Data 2002-2019
NSE Ex. No. 215	Moapa Valley Water District Data Baldwin Jones Daily/Monthly 2010-2012
NSE Ex. No. 216	Order 1169 EH4 Data NDWR Dec. 2012
NSE Ex. No. 217	Order 1169 Daily Pumpage 2010-2013
NSE Ex. No. 218	Order 1169 Monthly Pumpage Data 2000-2012
NSE Ex. No. 219	Order 1169 Monthly Pumpage Data 2000-2019
NSE Ex. No. 220	<i>Intentionally Omitted</i>
NSE Ex. No. 221	Southern Nevada Water Authority Shallow Monitor Wells Muddy River Springs Area Periodic Measurements 2009-2012
NSE Ex. No. 222	Southern Nevada Water Authority Solver White River Flow System 10-11-2011
NSE Ex. No. 223	Order 1169 Nevada State Engineer Monitoring Well Site ID and Locations
NSE Ex. No. 224	Lower White River Flow System Water Rights by Priority
NSE Ex. No. 225	2016 Hydrologic Review Team Annual Determination Report with Appendices
NSE Ex. No. 226	2017 Hydrologic Review Team Annual Determination Report
NSE Ex. No. 227	Lower White River Flow System Rights by Priority with 2017 Pumpage Data
NSE Ex. No. 228	2018 Hydrologic Review Team Annual Determination Report with Appended Moapa Valley Water District and Moapa Band of Paiutes Reports
NSE Ex. No. 229	2016 Southern Nevada Water Authority Muddy River Intentionally Created Surplus Certification Report
NSE Ex. No. 230	2017 Southern Nevada Water Authority Muddy River Intentionally Created Surplus Certification Report
NSE Ex. No. 231	State of Nevada, Nevada Water Resources Water Planning Report No. 3, Water for Nevada, October 1971
NSE Ex. No. 232	State of Nevada, Department of Conservation and Natural Resources, Ground-Water Resources – Reconnaissance Series Report 25: Ground-Water Appraisal of Coyote Spring and Kane Spring Valleys and Muddy River Springs Area, Lincoln and Clark Counties, Nevada, by Thomas E. Eakin, February 1964
NSE Ex. No. 233	State of Nevada, Department of Conservation and Natural Resources, Ground-Water Resources – Reconnaissance Series Report 50: Water-Resources Appraisal of the Lower Moapa-Lake Mead Area, Clark County, Nevada, by F. Eugene Rush, December 1968
NSE Ex. No. 234	State of Nevada, Department of Conservation and Natural Resources, Division of Water Resources, Nevada Water Resources-Informational, Nevada Streamflow Characteristics, October 1978
NSE Ex. No. 235	State of Nevada, Department of Conservation and Natural Resources, Water Resources Bulletin No. 33, A Regional Interbasin Ground-Water System in the White River Area, Southeastern Nevada, by Thomas E. Eakin, 1966

NSE Ex. No. 236	2006 Memorandum of Agreement between the Southern Nevada Water Authority, United States Fish and Wildlife Service, Coyote Springs Investment LLC, Moapa Band of Paiute Indians and Moapa Valley Water District.
NSE Ex. No. 237	2001 Stipulation for Dismissal of Protests between Las Vegas Valley Water District, Southern Nevada Water Authority and Federal Bureaus
NSE Ex. No. 238	4/20/2006 Southern Nevada Water Authority Agenda Item Re: Memorandum of Agreement, Water Supply Agreement and Back-Up Water Rights Agreement
NSE Ex. No. 239	4/18/2006 Las Vegas Valley Water District Board of Directors Agenda Item Re: Water Supply Agreement and Water Supply Agreement
NSE Ex. No. 240	4/13/2006 Letter from Nevada Department of Conservation and Natural Resources Re: Supporting Water Settlement Agreement
NSE Ex. No. 241	April 2006 Back-Up Water Rights Agreement Between Southern Nevada Water Authority, Moapa Valley Water District, Muddy Valley Irrigation Company and Coyote Springs Investments LLC
NSE Ex. No. 242	April 2006 Surface Water Lease Between Muddy Valley Irrigation Company and Moapa Band of Paiute Indians
NSE Ex. No. 243	2006 Water Rights Deed Between Las Vegas Valley Water District and Moapa Band of Paiute Indians
NSE Ex. No. 244	2006 Memorandum of Agreement Trigger Levels agreed to by the Southern Nevada Water Authority, Moapa Valley Water District, Coyote Springs Investments LLC and Moapa Band of Paiute Indians
NSE Ex. No. 245	Southern Nevada Water Authority Order 1169 Report
NSE Ex. No. 246	Great Basin Water Network Order 1169 Report
NSE Ex. No. 247	Coyote Springs Investments, LLC Order 1169 Report
NSE Ex. No. 248	Center for Biological Diversity Order 1169 Report
NSE Ex. No. 249	Moapa Valley Water District Order 1169 Report
NSE Ex. No. 250	Moapa Valley Water District Basin 220 Well Site Analysis
NSE Ex. No. 251	Moapa Valley Water District Evaluation of MX-5 Pumping Test on Springs and Wells in the Muddy Springs Area
NSE Ex. No. 252	Moapa Band of Paiute Indians Order 1169 Report
NSE Ex. No. 253	Hydrogeologic and Groundwater Modeling Analysis for the Moapa Paiute Energy Center by Mifflin and Associates
NSE Ex. No. 254	PowerPoint Presentation Re: Lewis Well Field Production Effects on Groundwater Temperatures
NSE Ex. No. 255	Cover Letter Federal Bureaus Order 1169 Report
NSE Ex. No. 256	Federal Bureaus Order 1169 Report
NSE Ex. No. 257	Federal Bureaus Order 1169 Report Appendix A
NSE Ex. No. 258	Federal Bureaus Order 1169 Report Selected References: Water-Surface Elevations, Discharge, and Water-Quality Data for Selected Sites in the Warm Springs Area near Moapa, Nevada, Beck et. al., 2006

NSE Ex. No. 259	Federal Bureaus Order 1169 Report Selected References: Hydraulic-Property Estimates for Use with a Transient Ground-Water Flow Model of the Death Valley Regional Ground-Water Flow System, Nevada and California, Belcher et. al., 2001
NSE Ex. No. 260	Federal Bureaus Order 1169 Report Selected References: Ground Water Development – The Time to Full Capture Problem, Bredehoeft and Durbin 2009
NSE Ex. No. 261	Federal Bureaus Order 1169 Report Selected References: It Is the Discharge, Bredehoeft, 2007
NSE Ex. No. 262	Federal Bureaus Order 1169 Report Selected References: Basic Principles and Ecological Consequences of Altered Flow Regimes for Aquatic Biodiversity, Bunn & Arthington, 2002
NSE Ex. No. 263	Federal Bureaus Order 1169 Report Selected References: Extinction Rates in North American Freshwater Fishes, 1900-2010, Burkhead, 2012
NSE Ex. No. 264	Federal Bureaus Order 1169 Report Selected References: The Disconnect Between Restoration Goals and Practices: A Case Study of Watershed Restoration in the Russian River Basin, California, Christian-Smith and Merenlender, 2010
NSE Ex. No. 265	Federal Bureaus Order 1169 Report Selected References: Quantifying Ground-Water and Surface-Water Discharge from Evapotranspiration Processes in 12 Hydrographic Areas of the Colorado Regional Ground-Water Flow System, Nevada, Utah, and Arizona, Demeo et. al., 2008
NSE Ex. No. 266	Federal Bureaus Order 1169 Report Selected References: A Regional Interbasin Groundwater System in the White River Area, Southeastern Nevada, Eakin, 1966
NSE Ex. No. 267	Federal Bureaus Order 1169 Report Selected References: Detecting Drawdowns Masked by Environmental Stresses with Water-Level Models, Garcia et. al., 2013
NSE Ex. No. 268	Federal Bureaus Order 1169 Report Selected References: Advanced Methods for Modeling Water-Levels and Estimating Drawdowns with SeriesSEE, and Excel Add-In, Halford et. al., 2012
NSE Ex. No. 269	Federal Bureaus Order 1169 Report Selected References: An Ecohydraulic Model to Identify and Monitor Moapa Dace Habitat, Hatten et. al., 2013
NSE Ex. No. 270	Federal Bureaus Order 1169 Report Selected References: The Myths of Restoration Ecology, Hilderbrand et. al., 2005
NSE Ex. No. 271	Federal Bureaus Order 1169 Report Selected References: Technical Memo Re: Analysis of Evapotranspiration for the Muddy River Springs Area, Huntington et. al., 2013
NSE Ex. No. 272	Federal Bureaus Order 1169 Report Selected References: The AEM and Regional Carbonate Aquifer Modeling, Johnson and Mifflin, 2006
NSE Ex. No. 273	Federal Bureaus Order 1169 Report Selected References: Evaluating Climate Variability and Pumping Effects in Statistical Analyses, Mayer and Congdon, 2008
NSE Ex. No. 274	Federal Bureaus Order 1169 Report Selected References: Vanishing Fishes of North America, Ono et. al., 1983

NSE Ex. No. 275	Federal Bureaus Order 1169 Report Selected References: Life History, Abundance, and Distribution of Moapa Dace, Scoppettone et. al., 1992
NSE Ex. No. 276	Federal Bureaus Order 1169 Report Selected References: Geology of White Pine and Lincoln Counties and Adjacent Areas, Nevada and Utah: The Geologic Framework of Regional Groundwater Flow Systems, Southern Nevada Water Authority, 2007
NSE Ex. No. 277	Federal Bureaus Order 1169 Report Selected References: Water-Resources Assessment and Hydrogeologic Report for Gave, Dry Lake, and Delamar Valleys, Southern Nevada Water Authority, 2007
NSE Ex. No. 278	Federal Bureaus Order 1169 Report Selected References: Hydrologic Data Analysis Report for Test Well 184W105 in Spring Valley Hydrographic Area 184, Southern Nevada Water Authority, 2009
NSE Ex. No. 279	Federal Bureaus Order 1169 Report Selected References: Warm Springs Natural Area Stewardship Plan, Southern Nevada Water Authority, 2011
NSE Ex. No. 280	Federal Bureaus Order 1169 Report Selected References: Development of a Numerical Groundwater Flow Model of Selected Basins within the Colorado Regional Groundwater Flow System, Southeastern Nevada, Tetra Tech 2012
NSE Ex. No. 281	Federal Bureaus Order 1169 Report Selected References: Predictions of the Effects of Groundwater Pumping in the Colorado Regional Groundwater Flow System Southeastern Nevada, Tetra Tech, 2012
NSE Ex. No. 282	Federal Bureaus Order 1169 Report Selected References: Comparison of Simulated and Observed Effects of Pumping from MX-5 Using Data Collected to the End of the Order 1169 Test, and Prediction of the Rates of Recovery from the Test, TetraTech, 2013
NSE Ex. No. 283	Federal Bureaus Order 1169 Report Selected References: Geochemistry and Isotope Hydrology of Representative Aquifers in the Great Basin Region of Nevada, Utah, and Adjacent States, Thomas et. al., 1996
NSE Ex. No. 284	Federal Bureaus Order 1169 Report Selected References: Federal Register, Vol. 32, No. 48, p. 4001, Department of the Interior Fish and Wildlife Service Endangered Species Listing (Moapa Dace), 1967
NSE Ex. No. 285	Federal Bureaus Order 1169 Report Selected References: United States Fish and Wildlife Service, 2013 Moapa dace survey data (1994-2013)
NSE Ex. No. 286	Federal Bureaus Order 1169 Report Selected References: Analysis and Management of Animal Populations, Modeling, Estimation, and Decision Making, Williams et. al., 2002
NSE Ex. No. 287	Federal Bureaus Order 1169 Report Selected References: Prospects for Recovering Endemic Fishes Pursuant to the U.S. Endangered Species Act, Williams et. al., 2005
NSE Ex. No. 288	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrangat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement Summary, August 2009

NSE Ex. No. 289	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 1, August 2009
NSE Ex. No. 290	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix A Index
NSE Ex. No. 291	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix B References
NSE Ex. No. 292	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix C List of Preparers
NSE Ex. No. 293	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix D Distribution List
NSE Ex. No. 294	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix E Laws and Regs
NSE Ex. No. 295	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix F GOS
NSE Ex. No. 296	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix G CDs
NSE Ex. No. 297	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix H Biological Resources

NSE Ex. No. 298	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix I Wilderness Review
NSE Ex. No. 299	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix J Bighorn Sheep
NSE Ex. No. 300	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix K Implementation
NSE Ex. No. 301	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix L Moapa LPP-CMP
NSE Ex. No. 302	Federal Bureaus Order 1169 United States Fish and Wildlife Service Desert National Wildlife Refuge Complex, Ash Meadows, Desert, Moapa Valley, and Pahrnagat National Wildlife Refuges, Final Comprehensive Conservation Plan and Environmental Impact Statement, Volume 2, Appendix M Response to Comments
NSE Ex. No. 303	Federal Bureaus Order 1169 Detailed Production Data w CHECKS
NSE Ex. No. 304	Federal Bureaus Order 1169 Groundwater level & production data
NSE Ex. No. 305	Federal Bureaus Order 1169 Baldwin Jones Monthly Data_2002-2019
NSE Ex. No. 306	Federal Bureaus Order 1169 NV Climate Divisional 3, 4 and PRISM pcp data 1985-2012
NSE Ex. No. 307	Federal Bureaus Order 1169 EH4 Data NDWR Dec 2012
NSE Ex. No. 308	Federal Bureaus Order 1169 Monthly Pumpage Data 2000-2012
NSE Ex. No. 309	Federal Bureaus Order 1169 Southern Nevada Water Authority shallow monitor wells MRSA periodic measurements 2009-2012
NSE Ex. No. 310	Federal Bureaus Order 1169 Muddy Springs LDS Moapa NV (all data)
NSE Ex. No. 311	Federal Bureaus Order 1169 Pederson E. Springs near Moapa 2002-2012
NSE Ex. No. 312	Federal Bureaus Order 1169 Pederson Springs near Moapa 1985-2013
NSE Ex. No. 313	Federal Bureaus Order 1169 Warm Springs West all data 1985-2012
NSE Ex. No. 314	Federal Bureaus Order 1169 Warm Springs Confluence at Iverson Flume 2001-2010
NSE Ex. No. 315	Federal Bureaus Order 1169 Muddy River near Moapa all data 1914-2013
NSE Ex. No. 316	Federal Bureaus Order 1169 Muddy River Springs Partial
NSE Ex. No. 317	2/27/2014 Tetra Tech Cover Letter
NSE Ex. No. 318	Responses Tetra Tech Model final

NSE Ex. No. 319	Lincoln County/Vidler Water Company Response to National Park Service
NSE Ex. No. 320	Settlement Agreement between the Nevada State Engineer, Lincoln County and Vidler Water Company
NSE Ex. No. 321	Clearing the Waters: Unraveling Hydrologic Trends in the Muddy River Springs Area, Tim Mayer, U.S. Fish and Wildlife Service, March, 2008, NWRA Annual Meeting
NSE Ex. No. 322	Geologic Map of Lincoln County
NSE Ex. No. 323	Geologic Map of Clark County
NSE Ex. No. 324	April 26, 2019, United States Fish and Wildlife Service Request for Extension of Time to submit Order 1303 Reports
NSE Ex. No. 325	May 2, 2019, NDWR Letter Seeking Responses to Request for Extension of Time to submit Order 1303 Reports
NSE Ex. No. 326	May 2, 2019, Coyote Springs Investment, LLC Response to Request for Extension of Time to submit Order 1303 Reports
NSE Ex. No. 327	May 2, 2019, Moapa Band of Paiutes Response to Request for Extension of Time to submit Order 1303 Reports
NSE Ex. No. 328	May 6, 2019, Centers for Biological Diversity Response to Request for Extension of Time to submit Order 1303 Reports
NSE Ex. No. 329	May 8, 2019, Las Vegas Valley Water District and Southern Nevada Water Authority Response to Request for Extension of Time to submit Order 1303 Reports
NSE Ex. No. 330	May 9, 2019, Dry Lake Water Response to Request for Extension of Time to submit Order 1303 Reports
NSE Ex. No. 331	March 5, 2018, Memorandum by Stetson Engineer Inc. to Coyote Spring Investment, LLC Re: Review of Nevada State Engineer's Ruling #6255 and Order 1169 Pumping Test in the Coyote Spring Valley
NSE Ex. No. 332	Evaluation of boundary fluxes for the ground-water flow model being prepared as part of the NDPLMA-5 project by James R. Harrill, December 31, 2007
NSE Ex. No. 333	Muddy River Decree
NSE Ex. No. 334	8/21/2019 Vidler Water Company Quarterly Update of Ongoing Data Collection in Kane Springs Valley Hydrographic Basin (206)

In The Matter Of:
State of Nevada
Department of Conservation and Natural Resources

August 8, 2019

Capitol Reporters
123 W. Nye Lane, Ste 107

Carson City, Nevada 89706

Original File 8-8-19wtrcoyot_1.txt
Min-U-Script® with Word Index

Page 1		Page 3	
1	STATE OF NEVADA	1	APPEARANCES:
2	DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES	2	Also Present:
3	DIVISION OF WATER RESOURCES	3	Kathryn Brinton
4	BEFORE MICHELINE N. FAIRBANK, HEARING OFFICER	4	Gary Karst
5		5	Levi Kryder
6		6	Carl Savely
7	IN THE MATTER OF THE ADMINISTRATION	7	Glen Knaves
8	AND MANAGEMENT OF THE LOWER	8	Sue Braumiller
9	WHITE RIVER FLOW SYSTEM WITHIN	9	Mark Stock
10	COYOTE SPRING VALLEY HYDROGRAPHIC	10	Steve King
11	BASIN (210), A PORTION OF BLACK	11	Steven Anderson
12	MOUNTAINS AREA HYDROGRAPHIC	12	Colby Pellegrino
13	BASIN (215), GARNET VALLEY	13	Scott Millington
14	HYDROGRAPHIC BASIN (216), HIDDEN	14	Greg Morrison
15	VALLEY HYDROGRAPHIC BASIN (217),	15	Joseph Davis
16	CALIFORNIA WASH HYDROGRAPHIC BASIN	16	Tim O'Connor
17	(218), AND MUDDY RIVER SPRINGS AREA	17	Rick Felling
18	(AKA UPPER MOAPA VALLEY HYDROGRAPHIC	18	Greg Bushner
19	BASIN (219).	19	Emilia Cargill
20	/	20	Lonnie Roy
21		21	Wade Poulsen
22		22	Dwight Smith
23		23	James Bolotin
24		24	Brad Herrera
TRANSCRIPT OF PROCEEDINGS			
PUBLIC HEARING			
PRE-HEARING CONFERENCE			
THURSDAY, AUGUST 8, 2019			
24	Reported by: Michel Loomis, RPR		
Page 2		Page 4	
1	APPEARANCES:	1	CARSON CITY, NEVADA, THURSDAY, AUGUST 8, 2019, A.M. SESSION
2	Micheline N. Fairbank, Hearing Officer	2	-o0o-
3	Melissa Flatley, Chief of the Hearing Officer Section	3	
4		4	HEARING OFFICER FAIRBANK: Okay. Good morning.
5	For SNWA: Taggart & Taggart, Ltd.	5	This is Micheline Fairbank, and I'm going to go ahead and get
6	By: Paul G. Taggart, Esq.	6	the hearing started, or the prehearing conference proceeding
7	Carson City, Nevada	7	for the Lower White River Flow System Order 1303 hearing on
8	For CSI: Robison, Belaustegui, Sharp	8	the solicited reports.
9	& Low	9	I'm Micheline Fairbank and I'll be operating as
10	By: Kent R. Robison, Esq.	10	the hearing officer for today's purposes. With me is Melissa
11	Reno, Nevada	11	Flatley, and she's the chief of our hearing section, and --
12	For NV Energy: Justina Caviglia, Esq.	12	and so we'll go ahead and be conducting the hearing.
13		13	We do have a sign-in sheet, and so if all the
14	For the City of North Las Vegas: Andy Moore, Esq.	14	people that are here present in Carson City, if you have not
15	For Lincoln County Water District: Dylan Frehner, Esq.	15	signed in on the sign-in sheet, if you'll make sure you do so
16		16	before the -- before you leave today.
17	For NCA: Alex Flangas, Esq.	17	And for those individuals who are appearing on
18	For the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day-Saints: Kaempfer Crowell	18	the phone conference, I think I have most everybody who
19	By: Severin Carlson, Esq.	19	accepted the calendar invite and so we'll go ahead and put you
20		20	on the sign-in sheet via those calendar invites.
21	For Moapa Band of Paiutes: Beth Baldwin, Esq.	21	However, if you are calling in and you did not
22	Also Present: Jeff Henkelman	22	accept a calendar invite, if you'll please send an email so we
23	Sarah Peterson	23	can make sure we have your participation and attendance noted
24	Peter Fehmy	24	for the record.
	Karen Glasgow		
	Patrick Donnelly		

Page 5

1 So this is the time set for the hearing, the
2 prehearing conference for the Order 1303 reports that have
3 been solicited by the State Engineer's office.
4 And as we've spoken at the last public workshop,
5 the hearing on the Order 1303 reports is going to commence on
6 September 23rd, but prior to issuing a scheduling order,
7 there's obviously a bunch of logics we need to work out and
8 want to make sure we have a clear playing field which will be
9 outlined also in that scheduling order for all the parties and
10 participants to this proceeding.
11 As we've kind of noted all a long, this is a
12 different format than most of our protested hearings. There's
13 not necessarily -- there's not an Applicant and a Protestant.
14 But what this is is really an opportunity for the
15 participants and those stakeholders in the Lower White River
16 Flow System to come forth and have an opportunity to present
17 their reports that they've submitted or rebuttal reports that
18 have been submitted to allow the State Engineer to go ahead
19 and take that under advisement in making further
20 determinations with respect to the issues.
21 So, just to go ahead and get started, I'm just
22 going to state we're a little bit limited in time this
23 morning, so we have to complete this by the noon hour because
24 this room is actually being occupied this afternoon as well.

Page 6

1 So we're not going to extend past the lunch hour.
2 And so I'm going to go ahead and give us a quick road map of
3 what we are intending to accomplish during this meeting this
4 morning, or this hearing this morning.
5 So the purpose of this conference is to go over
6 the purpose of the Order 1303 hearing. So what are our
7 expectations and what our goals for the State Engineer's
8 office for having that hearing?
9 To address the timing and length of the hearing.
10 To discuss the sequence of presentation by the different
11 participants.
12 To go over procedures and other administrative
13 matters relating to the Order 1303 hearing and to determine
14 the time for disclosures of witnesses and evidence anticipated
15 to be filed and relied upon during the hearing. And then to
16 address any other questions.
17 So, just to kind of provide a summary for the
18 purpose of the hearing. The purpose of the hearing is to
19 consider the reports solicited pursuant to Order 1303.
20 And so the State Engineer views the purpose of
21 Order 1303 and the report submitted in response to the
22 solicitation as an opportunity for the participants who have
23 or will have filed reports, rebuttal reports an opportunity to
24 explain their positions and conclusions and to respond to any

Page 7

1 criticism of those positions and conclusions presented by
2 other parties through rebuttal reports.
3 The participants are the stakeholders who have
4 submitted either a report or rebuttal report or both a report
5 and rebuttal report.
6 Individuals who do not submit a report will be
7 allowed to provide public comment, but they're not
8 participants for the purpose of presenting testimony, evidence
9 or cross-examining.
10 And just because a participant has submitted a
11 report or rebuttal report does not require to party to
12 something evidence beyond their reports.
13 So the State Engineer will consider all reports
14 and opinions submitted, regardless of whether there's --
15 actual parties proffer witnesses or testimony.
16 Participants will be limited to offering
17 testimony and evidence relating to the most salient
18 conclusions, including data, evidence and other information
19 supporting those conclusions.
20 So, the idea is that participants who have
21 submitted reports, the State Engineer and staff, we will have
22 reviewed those reports prior to the commencement of the
23 hearing and the State Engineer staff within the Division of
24 Water Resources, we are well qualified to review, consider,

Page 8

1 analyze reports, including the data and evidence relied upon
2 in preparing opinions and rendering those -- and rendering the
3 conclusions within the reports.
4 And the State Engineer's expectation and
5 intention for this hearing is that the parties who have
6 submitted either a report or rebuttal reports will be
7 permitted an opportunity to provide limited testimony and to
8 submit evidence identifying those salient conclusions and
9 findings contained in those reports.
10 And really the purpose is to direct the State
11 Engineer and our staff to the data, information and relevant
12 evidence within the State Engineer's administrative record or
13 to provide that evidence in support of those conclusions.
14 So, this isn't -- the hearing is not intended to
15 have everybody and every participant to go through each and
16 every sub detail of their reports.
17 The idea is that we want you to go ahead and hit
18 the high points, point us to those conclusions, point us in
19 the direction what do you think is substantive and important
20 for our office to really consider, but the intent is that
21 we're trying to go ahead and keep this relatively limited and
22 focused. We have the capability to go ahead and examine all
23 the detail and such.
24 So the hearing is not and the State Engineer will

<p style="text-align: right;">Page 9</p> <p>1 not permit participants to address each and every detail. And 2 the purpose is to afford participants the opportunity to 3 highlight the points and to direct staff components which are 4 the most significant matters as is addressed in the Order 1303 5 solicitation which are the geographic boundary of 6 hydrologically connected groundwater and surface water systems 7 comprising the Lower White Water River Flow System. 8 The information obtained from the Order 1169 9 aquifer test, and subsequent to the aquifer test, the Muddy 10 River Headwater Spring Flow as it relates to aquifer recovery 11 since the completion of the aquifer test. 12 The long term annual quantity of groundwater that 13 maybe pumped from the Lower White River Flow System, including 14 relationships between location of pumping on discharge to the 15 Muddy River Springs and the capture of Muddy River flow. 16 The effects of movement on water rights between 17 alluvial wells and carbonate wells on deliveries of senior 18 decreed rights in the Muddy River and other matters 19 participants have included in their reports that they believe 20 to be relevant in the State Engineer's analysis. 21 MR. FLANGAS: A question? 22 HEARING OFFICER FAIRBANK: Yes. 23 MR. FLANGAS: When you say "other matters 24 relevant", are you limiting to that to the hydrology, other</p>	<p style="text-align: right;">Page 11</p> <p>1 of these findings and determinations, really this is more 2 about a scientific analysis and data analysis. 3 MR. FLANGAS: Thank you for that clarification. 4 HEARING OFFICER FAIRBANK: So second, the purpose 5 of the hearing is limited to those issues I've outlined and 6 these particular issues must be addressed to decide the 7 threshold matter. 8 So, kind of to follow up on Alex's question, to 9 the extent participants intend or desire to spend time 10 addressing future policy considerations which are not 11 encompassed within the issues specifically identified in the 12 solicitation of the reports, those matters will not be 13 considered during these proceedings. 14 The State Engineer anticipates that any future 15 decision will address -- that the future decision coming out 16 of this Order 1303 hearing will address the following issues. 17 The geographic boundary of the hydrologically 18 connected water system comprising the Lower White River Flow 19 System. To whether or not that's a singular basin, whether or 20 not it's encompassing multiple basins, that's going to be a 21 decision that is ultimately determined by the State Engineer 22 following this hearing. 23 The quantity of water that may be sustainably 24 developed within the Lower White River Flow System without</p>
<p style="text-align: right;">Page 10</p> <p>1 matters relevant to the hydrology or any other matter relevant 2 period? 3 HEARING OFFICER FAIRBANK: So it's not -- it's 4 not any other matter relevant period. It's relevant to these 5 particular issues and questions that we're asking. 6 And so, and I'm going to talk about this and 7 we've spoken about this before, is that really this is a 8 threshold reporting aspect, that this is part of a 9 multi-tiered process in terms of determining the appropriate 10 management strategy to the Lower River Flow System. 11 And in order for the office to go ahead and start 12 to engage in working with the -- with the community, working 13 with water right holders and determining what an appropriate 14 management strategy is, there's threshold matters that have to 15 be decided and determined. 16 And that is those particular, those four 17 components that we've solicited in the Order 1303 report. 18 This larger substantive policy determinations is not part of 19 this particular proceeding. 20 That's part of later proceedings, but this is 21 what has to occur in order to inform those future policy 22 determinations and decisions. 23 And while some people have addressed some policy 24 interplays, because there are some policy interplays into some</p>	<p style="text-align: right;">Page 12</p> <p>1 conflicting with senior rights, and whether there should be 2 any restrictions or limitations on the movement of points of 3 diversion within the LWRFS and other issues which will provide 4 the framework for making future management decisions within 5 the LWRFS. 6 And the purpose of the hearing is not to resolve 7 or address allegations of conflict between groundwater pumping 8 within the LWRFS and Muddy River decreed rights. That is not 9 the purpose of this hearing and that's not what we are going 10 to be deciding at this point in time. 11 The purpose of the hearing is to determine what 12 the sustainability is, what the impact is on decreed rights, 13 and then addressing and resolving allegations of conflict 14 should that be a determination that will be addressed in, at a 15 future point in time. 16 Also, I want to provide a little bit of kind of a 17 framework for parties to understand what our office is looking 18 at when we're reviewing the reports received in response to 19 our solicitation. 20 Our office is looking for the following, and this 21 is not a comprehensive list, but this is just kind of a 22 framework. 23 We're looking for how conclusions are supported 24 by the available data.</p>

<p style="text-align: right;">Page 13</p> <p>1 How those conclusions differ from positions our 2 office has previously taken. 3 Whether there's new interpretations of data based 4 upon what has been observed since the conclusion of the Order 5 1169 aquifer test. 6 Whether the conclusions that are drawn are 7 sufficiently supported by the available data and cited to 8 data. 9 Whether the conclusions and data and evidence 10 relied upon in rendering those conclusions are independently 11 reproducible and verifiable. 12 So if our office can't go through and reproduce 13 the data that you're relying upon in terms of making your 14 conclusions, it's going to be difficult for us to go ahead and 15 substantiate those findings. And we're also going to be 16 looking for commonalities and conclusions amongst the various 17 participants. 18 So, again, that's a general overview, it's not an 19 exhaustive list of what we're looking for. 20 So that I just kind of wanted to provide 21 everybody a little bit of a framework of what we anticipate 22 the Order 1303 hearing to be encompassing and the little bit 23 about what the direction and the lane in which we're intending 24 to operate in.</p>	<p style="text-align: right;">Page 15</p> <p>1 their opinions, respond to any rebuttal, and for inclusion for 2 rebuttal opinions. 3 So we've been looking at what we're thinking for 4 the hearing structure, and certainly this is going to be a 5 point of discussion this morning, but the State Engineer's 6 proposing the hearing be structured so that the first five 7 days are assigned to those participants who have submitted 8 substantial initial reports. 9 So in the sense we've had a variation as 10 everybody has available, if they haven't seen already on our 11 website, all of the reports that have been submitted to our 12 office are available on the website under the news tab and 13 then there's a tab for LWRFS and then we have all the reports 14 within there. 15 And so we've been reviewing the reports and there 16 are some that are more comprehensive than other reports. And 17 so the more comprehensive reports and the more substantial 18 ones that are addressing a more broad variety of the 19 particular issues, we see those first, those five participants 20 as being the Moapa Band of Indians, the National Park Service, 21 the United States Fish and Wildlife Service, Coyote Spring 22 Investments, and the Southern Nevada Water Authority. 23 And so what we are considering, and certainly 24 this is part of the dialogue, is that for those first five</p>
<p style="text-align: right;">Page 14</p> <p>1 So moving onto the next item on kind of our 2 agenda for this morning is the timing and the length of the 3 hearing. 4 So, as I mentioned before, we're scheduling the 5 hearing to commence on September 23rd, 2019. At this point in 6 time, we're anticipating that the hearing will be held from 7 8:30 a.m. until 5 o'clock p.m. with an hour and 30 minute 8 lunch break and the hearing will be set for two weeks and will 9 end on October 4th. 10 So, again, as I've outlined, the purpose of the 11 hearing is limited and the expectation of the parties will 12 distill the reports and conclusions into a succinct 13 presentation of the salient opinions and direct our office to 14 the data and other information supporting of those 15 conclusions. 16 And, again, the Division of Water Resources has 17 the expertise and experience to review the reports submitted 18 and we are actively engaged in reviewing all of the reports 19 that have been submitted for our office and every report will 20 be submitted prior to the hearing on September 23rd. 21 So the State Engineer does not desire 22 participants to rehash the reports, and on that basis, the 23 hearing is being set for two weeks. And we believe this 24 should be more than adequate time for participants to present</p>	<p style="text-align: right;">Page 16</p> <p>1 days, each one of those parties, their reports and 2 cross-examination of those parties' witnesses will occur in 3 one day. So we'll assign a day to each of those parties. 4 MR. ROBISON: Sorry, could you repeat that, 5 please? 6 HEARING OFFICER FAIRBANK: So each of those 7 parties will be assigned one day, and so what we're trying to 8 do is we are trying to balance the time and so that -- that 9 one day would encompass both the presentation of that party's 10 witnesses and evidence as well as an equal amount of time to 11 go ahead and cross-examine. 12 MR. ROBISON: Does that one day include a 13 rebuttal? 14 HEARING OFFICER FAIRBANK: Yes. Yes, that will 15 include the rebuttal. 16 MR. ROBISON: Thank you. Kent Robison for CSI 17 Projects. 18 HEARING OFFICER FAIRBANK: So the next 19 participants we believe will need more than probably about a 20 half day and perhaps a little more, but about a half day, but 21 not a full day, would be the Moapa Valley Water District, 22 Vidler, Lincoln County, the City of North Las Vegas and the 23 centers -- Center for Biologic Diversity. 24 So we believe we should be able to move through</p>

1 those participants in not more than three days. Probably
2 about -- and so, optimally, we're trying to do that within two
3 and a half days.

4 And, finally, we believe that the remaining time
5 will be sufficient to address Dry Lake and their Dry Lake
6 Georgia Pacific and Republic Services, Great Basin Water
7 Network, Technichrome and any rebuttal report submissions.

8 Yes, Mr. Robison.

9 MR. ROBISON: The one day that is assigned to the
10 major report, the first week, that day includes
11 cross-examination of whatever is presented by that person?

12 HEARING OFFICER FAIRBANK: Yes.

13 MR. ROBISON: That entity.

14 HEARING OFFICER FAIRBANK: Um-hum.

15 MR. ROBISON: Okay. Thank you.

16 HEARING OFFICER FAIRBANK: And, again, the idea
17 is we have the capacity to go ahead and review the reports and
18 the evidence and the data relied upon, but this is the
19 opportunity for the participants to really highlight the
20 salient conclusions and point us in the direction of what the
21 evidence is that supports those conclusions.

22 MR. TAGGART: Could I just ask a question?

23 HEARING OFFICER FAIRBANK: Yes.

24 MR. TAGGART: For the record, Paul Taggart, for

1 duplicative time restating the same opinions or the same
2 findings or the same interpretations of data. And also
3 there's going to be opportunities for people to go an ahead
4 and get the cross-examination or the challenging of evidence
5 and opinions.

6 And so the rebuttal reports, while I understand
7 and appreciate that some of those parties are going to want to
8 go ahead and at least have a witness, present some of the data
9 relied upon in rendering why they believe that certain
10 conclusions are not supported by other parties.

11 Most of that will have and should have been drawn
12 out during the proceedings leading up to it.

13 Yes, Kent.

14 MR. ROBISON: Yes. Is the order of presentation
15 that which you just related for the major report -- reporting
16 parties? Is that the order, or is that to be determined?

17 HEARING OFFICER FAIRBANK: That's to be
18 determined. We'll have that discussion, but that's kind of a
19 general order of which I've -- we've been contemplating at
20 this point in time.

21 MR. ROBISON: Thank you.

22 HEARING OFFICER FAIRBANK: Yes.

23 MS. GLASGOW: Hi, Karen Glasgow for the
24 Department of Interior representing the National Park Service.

1 Southern Nevada Water Authority. In your view, have all the
2 parties that you just listed submitted reports?

3 HEARING OFFICER FAIRBANK: No. There's still
4 rebuttal reports, and we anticipate at this point in time,
5 we'd obviously -- rebuttal reports are not due until next
6 Friday. But at this point in time, I'm aware of probably at
7 least three parties that will be submitting rebuttal reports.

8 But the rebuttal reports, again, they haven't
9 submitted an initial report, so it's going it be a truncated
10 period of time in which to go ahead and present their, you
11 know, their -- their rebuttal opinions or to address those
12 opinions to the extent necessary.

13 And part of the idea, and just to be completely
14 candid with everyone, is as we move through these different
15 processes and get through the different parties, a lot of the
16 different issues and rebuttal issues are going to have been
17 addressed.

18 And kind of the idea is starting out with the
19 more substantive reports and the more substantive analysis
20 first is that it's going to have a funnel effect in the extent
21 that people will have had an opportunity to go ahead, get a
22 lot of either evidence and conclusions that they have either
23 supported already presented.

24 And so we're not going to have to spend a lot of

1 With respect to questioning or cross-examination,
2 will the -- your office be participating in that, or is it
3 just going to be report writers, rebuttal writers only?

4 HEARING OFFICER FAIRBANK: No. Our office will
5 be asking questions. I mean, we always reserve our right
6 during hearings to ask questions of the participants and of
7 witnesses.

8 MS. GLASGOW: Thank you.

9 MR. MORRISON: Excuse me, Greg Morrison, Muddy
10 Valley Water District. I understand the structure that you're
11 looking at as far as the substance of the initial reports that
12 were submitted.

13 I think my client anticipated submitting much
14 more of a substantial rebuttal report and as the community who
15 is essentially in the absolute heart of this entire matter,
16 I'm not sure if we're a hundred percent comfortable being
17 relegated to this second day truncated status in our
18 participation.

19 HEARING OFFICER FAIRBANK: And certainly -- and
20 that's why we're having the dialogue and the conversation is
21 trying to balance out the time within that two-week window of
22 time to allow parties, you know, a reasonable opportunity.

23 But, again, the idea is also to keep everything
24 very, you know, focused and, again, have people highlight the

Page 21

1 salient points, the salient opinions and point us in the
2 direction.
3 And we'll talk -- we'll talk about balancing this
4 out here in a little while as well.
5 MR. MORRISON: Okay.
6 HEARING OFFICER FAIRBANK: So just to kind of --
7 so we understand that the NV Energy will be submitting a
8 rebuttal report.
9 MS. CAVIGLIA: That is correct.
10 HEARING OFFICER FAIRBANK: Thank you, Justina.
11 We also understand that Alex, I think.
12 MR. FLANGAS: Nevada Cogeneration.
13 HEARING OFFICER FAIRBANK: So, Nevada Cogen will
14 be submitting a rebuttal report.
15 Are there any other parties who did not submit an
16 initial report who will be submitting a rebuttal report?
17 Steve?
18 MR. KING: Steve King for Muddy Valley Irrigation
19 Company. We will be submitting a rebuttal report.
20 HEARING OFFICER FAIRBANK: And does anybody know
21 what the LDS Church, and the Church of --
22 MR. CARLSON: We haven't made a decision of -- at
23 this point.
24 HEARING OFFICER FAIRBANK: Okay. And just

Page 22

1 because I'm trying to understand the number of participants so
2 we can anticipate the window of time in which to try to
3 balance everybody.
4 MR. CARLSON: Sev Carlson, for the record. I
5 think in all likelihood we'll be monitoring closely what the
6 City of Las Vegas will be --
7 HEARING OFFICER FAIRBANK: Okay.
8 MS. BRINTON: Kathryn Brinton for the Department
9 of Interior, BLM. There's a chance we'll be joining with the
10 Park Service, but we still haven't decided entirely what we're
11 going to do.
12 HEARING OFFICER FAIRBANK: So, just to kind of
13 understand, I mean, other than the Moapa Valley Water
14 District, are there any other parties that believe that kind
15 of the framework that we've outlined is unduly restrictive in
16 terms of their ability to present their issues as the State
17 Engineer has outlined the intent and purpose of the hearing?
18 MR. TAGGART: Yeah, again, Paul Taggart for
19 Southern Nevada Water Authority. We think we'll need more
20 than a day. We think we need a day and a half. And I think
21 that we totally understand your effort to make presentations
22 concise.
23 I think that we have three witnesses, and in
24 anticipating the potential cross-examination time, we're

Page 23

1 just -- I mean, again, how do we manage how much time gets
2 taken up on cross-examination, that's outside the control of
3 the offering party.
4 So -- so, that's, you know, our view is we need a
5 day and a half to make sure we have enough time to put on our
6 presentation, there's enough time for cross-examination. And
7 then we can put on our next witness.
8 But we will be concise as possible. I mean,
9 we're imagining, you know, 45 minutes as a presentation on
10 direct of a witness, then maybe another 45 minutes with the
11 next witness, then maybe a half hour with the next.
12 But cross-examination is really difficult to
13 anticipate. And just given my experience, you can eat up an
14 entire half a day with one witness, even if direct is only
15 45 minutes, with the cross.
16 Particularly, if we have 10 or 12, I don't know
17 how many parties are authorized to cross -- or how many
18 parties have submitted reports, and therefore, would be
19 authorized to cross-examine, but anyway, that's our point
20 here.
21 HEARING OFFICER FAIRBANK: And so I think it's
22 part of to follow up with a little bit, and I appreciate that,
23 Mr. Taggart, is, you know, to follow up with regards to that,
24 is -- you know, obviously our office is going to encourage the

Page 24

1 participants to, you know, be, you know, working to avoid
2 redundancy in the cross-examination of witnesses.
3 Certainly if one party has elicited the
4 information or a line the questioning that you intended to go
5 ahead and address what that particular witness, we would like
6 to avoid the redundancy. Not everybody has to, you know, as
7 the saying goes, beat the dead horse.
8 And so, you know, that's what we're going to be
9 looking for and that's one of the things that we're hoping
10 will help maintain the time frame, and you know, obviously,
11 you know, I -- for full transparency, in terms of what we're
12 trying to do is, again, is we're trying to go ahead and keep
13 that within that two-week period of time.
14 In all honesty, we still have to wait and see
15 what rebuttal reports are submitted and we want to provide all
16 the parties a reasonable opportunity, but not -- this isn't
17 intended to become a six-week hearing.
18 If we to go ahead and extend the hearing once we
19 get all the rebuttal reports in, the scheduling order will go
20 ahead and account for that.
21 And so the concerns raised by the SNWA and the
22 SNWA parties, as well as the Moapa Valley Water District,
23 we'll take those under advisement in terms of setting the
24 schedule, recognizing while we would -- we are endeavoring to

1 not continue the hearing into the second week of October which
2 would be the 7th, 8th.

3 If it's necessary in order to provide all the
4 opportunities an adequate opportunity, we will continue -- the
5 hearing will extend into that following week.

6 And so, I appreciate the feedback, because those
7 are the type of things and, obviously, there's a bit of
8 uncertainty not knowing how many rebuttal reports are going to
9 be submitted.

10 MR. TAGGART: Well, and if I can, just to build
11 on that, if -- if we go to day one and whoever that first
12 party is can't get done, but we're all being, you know,
13 efficient, we may find out quickly that this schedule, this
14 time allocation isn't working completely and that's when we
15 start talking about whether to continue on into the next week.

16 HEARING OFFICER FAIRBANK: Right. Well, so when
17 we issued the scheduling order, the scheduling order will set
18 out the days and times. And part of that is what we're going
19 to try to talk about today is get an understanding of what the
20 parties, you know, I understand that Moapa Valley Water
21 District feels that a half of day would be unduly restrictive
22 for their purposes.

23 I understand that SNWA believes that a day is
24 unduly restrictive. And so we're going to take some of that

1 MR. DONNELLY: Patrick Donnelly, Center for
2 Biological Diversity. I think -- I'm checking with our
3 hydrologist about half day and whether that's adequate. I
4 would think a half day plus, probably.

5 But I think we would be as -- as or more
6 concerned about the structure and equity of the
7 cross-examination process, particularly because there would be
8 a week and a half before we get to go and could probably
9 elicit a lot of our points during that process if it is
10 structured properly. So, what is that going to look like?

11 HEARING OFFICER FAIRBANK: Well, the idea is that
12 the cross-examination process will be not less than the amount
13 of time that a participant -- that a particular witness was
14 subject to their direct examination.

15 MR. ROBISON: By all parties.

16 HEARING OFFICER FAIRBANK: What?

17 MR. ROBISON: I'm sorry, by all parties.

18 HEARING OFFICER FAIRBANK: By all parties.

19 MR. ROBISON: Thank you.

20 HEARING OFFICER FAIRBANK: And, again, that's why
21 we're encouraging the parties to go ahead and, you know, be
22 cognitive of what the other questions and to the extent that
23 there's parties that have similar perspectives, similar
24 conclusions, similar opinions that, you know, perhaps that,

1 feedback and we are going to develop the sequencing of the
2 report of the participants' participation that is going to be
3 set forth in the schedule order.

4 The scheduling order will also indicate that as
5 necessary the hearing will continue, you know, day to day
6 beyond that, as, you know, if necessary.

7 Yes, Mr. Robison.

8 MR. ROBISON: Rebuttal will overlap with
9 cross-examination, so that provides some incentive to be
10 succinct.

11 We are customarily and frequently restricted in
12 time limitations in courtrooms, but that said, any major
13 player that gets a day and a half, we want the same.

14 HEARING OFFICER FAIRBANK: And I also understand
15 that's one of the other balancing interests.

16 MR. ROBISON: Thank you.

17 MR. TAGGART: And, again, just when we talk about
18 rebuttal, we mean, like if I have a witness who had done a
19 report and has a report, an initial report and rebuttal
20 report, that witness will testify about both of those reports
21 at the same time and then be subjected to cross-examination
22 and then redirect and then questions of staff and then that
23 witness would be done.

24 HEARING OFFICER FAIRBANK: Yes, that's correct.

1 you know, certainly can't tell people how to go ahead and
2 manage their own cases, but coordination and communication
3 amongst the parties is certainly encouraged.

4 But at the same time, there are going to be a lot
5 more individuals intending to cross-examine a witness or an
6 expert at any given time.

7 So there's probably going to be, again, it's
8 we're trying to provide an opportunity for everybody to
9 have -- have an opportunity to do that -- to have -- to have
10 an opportunity to elicit and challenge the conclusions and
11 evidence relied upon by a particular witness if that's so
12 necessary for their positions and how they believe the State
13 Engineer should be evaluating the conclusions.

14 But it's not going to be a free for all, and so
15 we're going to be trying to balance that to the best of our
16 ability.

17 In terms of assigning the number of minutes per
18 each party, I just don't -- I think that's just unduly
19 impossible. It's not going to happen at that point in time.
20 So we're just going to have to work it out, and our -- our
21 role and responsibility is to go ahead and try to manage the
22 progress of the hearing to assure that the parties are all
23 given an opportunity, you know, a fair opportunity.

24 Yes, Mr. Flangas.

1 MR. FLANGAS: Alex Flangas, Nevada Cogeneration.
2 In that vein, trying to be as efficient as possible, and given
3 that there's going to be limited period of time for rebuttal,
4 ultimate rebuttal, I'm contemplating the idea of whether the
5 state would consider allowing cross-examination to be, for
6 example, if a particular period of time was allowed for Nevada
7 Cogeneration, whether my cross-examination could be by me or
8 by my expert, specifically.

9 Because, let's be candid, my expert may have
10 questions that they can phrase right then on the spot better
11 than I can phrase and I don't want to be sitting, consulting
12 with my expert then asking a question, then consulting with my
13 expert and asking a question and wasting time.

14 At the same time, we all know in a courtroom,
15 typically, you have one person that's allowed to
16 cross-examine, not two, and this is not a courtroom.

17 So I'm wondering if there's any thought given to
18 whether the cross-examination could literally be by experts of
19 experts which I see happen from the State quite often where
20 the State's expert is the one doing the cross examining, not
21 an attorney.

22 HEARING OFFICER FAIRBANK: Mr. Flangas, I don't
23 have an answer for that right off the top of my head because we
24 haven't contemplated that particular scenario, but something

1 we will certainly take under advisement and we can either
2 address when we have the scheduling order or address that at
3 the commencement of the proceedings on the 23rd.

4 MR. DONNELLY: This is Patrick Donnelly, Center
5 for Biological Diversity. I would echo that. I think that's
6 a really important thing I think for our expert to do
7 cross-examination. If we could hear that in the order and not
8 the day of the hearing, that would be very helpful.

9 HEARING OFFICER FAIRBANK: So, I'm going to get
10 to the timing, like the sequence of presentation of
11 participant reports a little bit later.

12 But I'm going to move to the hearing procedures
13 and kind of other administrative matters that might then help
14 inform some of the other sequence issues or the sequence
15 concerns, questions.

16 So, when the scheduling order setting the
17 September 23rd hearing is issued, just let everyone know the
18 scheduling order will come out the week of August 19th. So,
19 it will come out the week following the submission of rebuttal
20 reports.

21 And the scheduling order will include a list
22 identifying all of the documents and records and evidence that
23 the State Engineer will be taking administrative notice of for
24 the purpose of the Order 1303 hearing.

1 So attached to the scheduling order is going to
2 be an Exhibit and it's going to identify each and everyone of
3 the documents and records that are currently before the State
4 Engineer within the office of the State Engineer that he will
5 be taking administrative notice of in advance of the Order
6 1303 hearing.

7 So the State Engineer is going to request that
8 with the exception of reports and rebuttal reports that will
9 be listed, those will also be listed on that list of the
10 documents and evidence before the State Engineer that he is
11 taking administrative notice of, any documents and evidence
12 that is identified in that list not being reintroduced for the
13 purpose of this hearing.

14 So we would ask that the parties endeavor to the
15 extent possible to refer back to those particular documents as
16 the administrative record in this proceeding is already
17 extremely voluminous and so we don't need a whole lot more
18 redundancy of documents and records.

19 Additionally, to the extent that any party has,
20 any participant has any evidence that is not identified on
21 that list for inclusion for the State Engineer's consideration
22 in rendering his decisions in this particular matter, and that
23 any participant intends to rely upon or believes to be
24 relevant to the State Engineer's decision, we're asking that

1 the participant assure that such evidence is submitted prior
2 to the comment of the hearing on September 23rd.

3 So in short, what we're going to do is list out
4 everything that we believe is part of our administrative
5 record and what we're going to be taking administrative notice
6 of for purposes of this hearing.

7 And if there's something in there that you want
8 to refer to, please feel free to refer to it. If you need to
9 provide excerpts of it, that's fine as well. Certainly, some
10 of these things are going to be quite voluminous. Most of
11 these documents and records are available on our website.

12 But the other side if it, is if that's something
13 that's not listed and you think it's important for our
14 consideration, please get it in front of us before the
15 hearing, and you're going to have an opportunity to go ahead
16 and provide at that point in time.

17 Yes, Mr. Taggart.

18 MR. TAGGART: Thank you. The -- will those
19 documents on that list have document numbers, State Engineer
20 documents on those already and start the exhibit numbering
21 process at that point?

22 HEARING OFFICER FAIRBANK: We will have a -- we
23 will have them marked out, yes.

24 MR. TAGGART: Okay.

1 HEARING OFFICER FAIRBANK: We'll have them Bate
2 stamped and numbered out.
3 MR. TAGGART: Okay. And then will they be
4 available, I think it's important that they be made available,
5 and I don't want to burden your office more than it already
6 is, but you know, if it was put on a website and all, not only
7 is there the list, but then on a website someone could go in
8 and every one of those documents is there on the website, then
9 we don't have to serve everyone, or you don't have to serve
10 everyone.
11 Is that what you contemplate, or --
12 HEARING OFFICER FAIRBANK: We're hoping to
13 accomplish that. Again, it's a very voluminous record at this
14 point in time, and so hoping to get everything that ties in a
15 formatted manner.
16 I'll be completely candid with you, some it is a
17 bunch data spread sheets and we're having a hard time getting
18 those formatted into a mechanism that you can actually have
19 them in a readable format.
20 MR. TAGGART: Okay.
21 HEARING OFFICER FAIRBANK: So to the extent where
22 possible, we're trying to get everything into a digitized
23 format and make it available. So that's the intent that it
24 will be available prior to September 23rd.

1 witnesses and evidence. And so we're going to establish a
2 deadline for the parties to disclose their witnesses, the
3 anticipated testimony and to exchange any documents and
4 evidence and so -- and it's going to have to be shared amongst
5 all the parties.
6 MR. TAGGART: Okay. And can I just clarify one
7 thing, is that when we submit exhibits, they are intended to
8 be documents that support our expert reports. And will new
9 expert opinions and new expert reports are not authorized to
10 be submitted when exhibits are submitted?
11 HEARING OFFICER FAIRBANK: Correct.
12 MR. TAGGART: Okay.
13 HEARING OFFICER FAIRBANK: The expert reports,
14 those deadlines are established pursuant to the order and the
15 addendum to the order, or the amendment -- the amended order.
16 MR. TAGGART: All right.
17 HEARING OFFICER FAIRBANK: So, correct. New
18 expert reports or new rebuttal reports beyond those deadlines
19 will not be accepted.
20 The additional evidence is if there's supporting
21 documentation for those things, you know, those things that
22 are relevant to the point equally that you believe that the
23 State Engineer should take it into consideration.
24 But there -- the administrative record should be

1 Is it all going to be available when we issue the
2 scheduling order, probably not all of it because it's proving
3 to be quite the task.
4 So, we are endeavoring to do so, but it's going
5 to -- it may not all be complete by the time that the
6 scheduling order comes out.
7 But it will be -- it will be coming up and it be
8 will be part of our hearing under that news tab in LWRFS.
9 MR. TAGGART: For -- I'm just exploring how this
10 is going can work. Is it possible that you could make things
11 available here at your office if people wanted to come and
12 look at it if it was just digital.
13 HEARING OFFICER FAIRBANK: Um-hum.
14 MR. TAGGART: And had you a hard time, you know,
15 making it, replicating it for a PDF, then if it was available
16 here for people to come look at, that might be one way of
17 dealing with that.
18 And so if there's additional documents, then we
19 would provide those to your office and to who? I guess, from
20 a notice standpoint, how should we handle that?
21 HEARING OFFICER FAIRBANK: Right. So what we're
22 going to do, and that's down a little bit --
23 MR. TAGGART: Okay.
24 HEARING OFFICER FAIRBANK: -- disclosure of

1 relatively complete we believe, particularly with the
2 inclusion of the expert report.
3 But, somebody may have something out there that
4 they think is incredibly important for us to consider that's
5 not there, and so we want to make sure everybody is afforded
6 an opportunity to get that in front of you prior to the
7 commencement of the hearing so that the State Engineer can
8 consider that as part of his decision making process.
9 MR. ROBISON: Is there a definitive service list
10 of who would be served with whatever additional documents we
11 identify?
12 HEARING OFFICER FAIRBANK: It will be attached to
13 the scheduling order.
14 MR. ROBISON: Thank you.
15 HEARING OFFICER FAIRBANK: So the scheduling
16 order will establish that service list, and so then, just as
17 everybody understands is we also have for the purposes is we
18 have an email list which is really kind of a, more of an
19 informal notification list, but for the purpose of the
20 hearing, the scheduling order will have a service list
21 attached to it.
22 MR. FLANGAS: Service meaning mailing?
23 HEARING OFFICER FAIRBANK: Mailing, yes.
24 MR. ROBISON: Does email suffice?

Page 37

1 HEARING OFFICER FAIRBANK: Currently our
2 administrative regulations don't recognize electronic service,
3 however the parties are free to go ahead and -- I mean, so --
4 so mail is technically the appropriate form of service.
5 If it was a smaller, you know, a smaller pool of
6 participants, I think I would encourage people to go ahead and
7 come up with their own stipulation regarding e-Service, and
8 certainly if people want to endeavor to do that, I'm going to
9 leave that to you all.
10 But for the purposes of this hearing, our current
11 regulatory structure, it's good old fashioned United States
12 mail.
13 MR. ROBISON: Then the date for disclosure
14 becomes increasingly important.
15 HEARING OFFICER FAIRBANK: Correct.
16 MR. ROBISON: Thank you.
17 MR. TAGGART: Could we just ask the room if
18 people are willing to agree to e-Service?
19 HEARING OFFICER FAIRBANK: I guess I could go
20 ahead and ask it this way. Is there anybody who objects to
21 utilizing e-Service based upon the emails that we have been
22 using to communicate with parties?
23 MS. PELLEGRINO: Just the list on the order?
24 HEARING OFFICER FAIRBANK: Yes.

Page 38

1 THE COURT REPORTER: I don't know who spoke.
2 HEARING OFFICER FAIRBANK: Colby Pellegrino.
3 MS. PELLEGRINO: Colby Pellegrino.
4 HEARING OFFICER FAIRBANK: Well so you know, what
5 we'll do is on the scheduling order, we will also provide that
6 email list. And so the parties are free to exchange via email
7 having heard no objection to do so.
8 Mr. Flangas?
9 MR. FLANGAS: I just like to make sure that I get
10 added. I haven't been on that list and I don't know why. So,
11 that's -- I keep getting things from my expert. My expert's
12 on the list, but I am not.
13 HEARING OFFICER FAIRBANK: You will be added to
14 it now, Mr. Flangas.
15 MR. FLANGAS: Thank you very much. I appreciate
16 it.
17 MR. MOORE: Yeah, this is Andy Moore, City of
18 North Las Vegas. Could I get added too, because the
19 individual that is with the City that's on there is no longer
20 with the City.
21 HEARING OFFICER FAIRBANK: And if there's any
22 participants today that is not our service list, please feel
23 free to email us and we will make sure that you are added to
24 our service list and that's the best way of doing it.

Page 39

1 SPEAKER ON SPEAKER PHONE: The best contact,
2 ma'am?
3 HEARING OFFICER FAIRBANK: The best contact will
4 be, go ahead and do it to mfairbank, F as in Frank,
5 A-I-R-B-A-N-K @ water.nv.gov. And so that's my email address,
6 Micheline Fairbank with the Division of Water Resources.
7 So moving to that next question which is the
8 disclosure of the witnesses and evidence is indicated to be
9 relied on. So, obviously, we're going to have the expert
10 reports, those would have already been submitted.
11 I was contemplating two weeks prior to the
12 commencement of the hearing for the disclosure of witnesses
13 and any evidence.
14 Does that seem to be a reasonable period of time
15 for the participants?
16 MR. TAGGART: Again, Paul Taggart for SNWA. We
17 were hoping September 3rd which would three weeks in advance
18 which would give us more times to prepare for other sides'
19 cases.
20 HEARING OFFICER FAIRBANK: Does anybody have any
21 thought or feedback with regards to moving it to
22 September 3rd?
23 I'm certainly supportive of that if that's going
24 to help in terms of structuring the hearing to be more

Page 40

1 efficient and allow the parties to be more succinct and
2 focused in terms of their examination and cross-examination of
3 the witnesses.
4 MR. ROBISON: So, the scheduling order is coming
5 out approximately August 19th?
6 HEARING OFFICER FAIRBANK: It will come out some
7 time the week of the 19th.
8 MR. ROBISON: So that would give us three weeks
9 to determine what has to be added?
10 HEARING OFFICER FAIRBANK: Correct. Having --
11 I'm hearing no objection? Yes.
12 MR. MOORE: I mean, I just want to clarify that.
13 Again, Andy Moore. You looked at the September 3rd would give
14 you two weeks; right? If it's the 19th.
15 HEARING OFFICER FAIRBANK: No, you're correct,
16 that is, that's two weeks.
17 MR. ROBISON: Yep, two.
18 HEARING OFFICER FAIRBANK: Plus the time that you
19 got right now.
20 MS. PETERSON: This is Karen Peterson. How about
21 the end of that week? That's September 3rd.
22 HEARING OFFICER FAIRBANK: September 6th? I'm
23 fine with that. Okay. So we will set the date --
24 MR. TAGGART: We're fine with that as well.

Page 41

1 HEARING OFFICER FAIRBANK: So, September 6th will
2 be the deadline for the disclosure of witnesses, including
3 their anticipated testimony and any additional exhibits the
4 parties intend to submit for the State Engineer's
5 consideration beyond those identified within the
6 administrative record.
7 One other kind of witness issue I wanted to go
8 ahead and address with the parties. Is the State Engineer has
9 already qualified numerous individuals as experts before the
10 office in the State Engineer.
11 And in an effort to go ahead and eliminate a lot
12 of voir dire and qualification of witnesses which can take a
13 substantial amount of time, the State Engineer also intends to
14 go through the different -- as we're going through the expert
15 reports, we're looking at those individual experts.
16 And once we get the disclosures, any individual
17 who has already been qualified by the State Engineer as an
18 expert in the particular discipline in which they're being
19 offered to testify, we will take administrative notice that
20 they've been qualified as an expert.
21 We don't -- if we've already found that they've
22 been qualified to serve as an expert witness in that
23 particular discipline before our office and prior proceedings,
24 we're going to go ahead and allow that.

Page 42

1 Unless any party has a compelling reason as to
2 why we should expend the amount of time qualifying each and
3 every witness that has already been done so before our office.
4 And then if there's individuals who have been
5 identified as a witness, one of the things that I wanted to
6 kind of address with the parties this morning is potential
7 concept is to establish a date prior to the commencement of
8 the September 3rd hearing to just go ahead and run through
9 expert qualification and allow parties to go ahead.
10 And if we have an individual who is submitted a
11 report and it's going to be called or relied upon to testify
12 as an expert, and they're not already qualified before our
13 office in their discipline is to set a pre -- a pre date,
14 probably the week before and allow the parties to go ahead and
15 produce their witnesses for the purposes of qualifying.
16 And so that way then when we start the hearing on
17 September 23rd, we don't have to go through that process of
18 qualifying experts and voir dire and such.
19 It's a little bit of a different process, but
20 we're also trying to determine efficiency, and so just trying
21 to explore different ideas. Patrick?
22 MR. DONNELLY: Patrick Donnelly, Center for
23 Biological Diversity. Is there a statutory or regulatory
24 definition of expert?

Page 43

1 HEARING OFFICER FAIRBANK: Generally, we're going
2 to offer, we're going to go through the -- while the rules of
3 evidence in civil procedure don't strictly apply, that's what
4 we rely upon in terms of, you know, the standard -- the
5 standard roles for qualification of experts.
6 MR. DONNELLY: Is that NRS, or --
7 MR. ROBISON: NRS 48.
8 MR. DONNELLY: Thank you.
9 MR. ROBISON: Would the State Engineer consider a
10 date by which all parties exchange the CVs, statement of
11 qualifications for the experts to see which if any are going
12 to be subject to a challenge?
13 HEARING OFFICER FAIRBANK: We could set that for
14 September 6th as well.
15 MR. ROBISON: Thank you.
16 MR. TAGGART: Will that -- I don't -- I don't
17 disagree, necessarily. I'm just exploring this idea. Is we
18 could also in our witness statements, our witness list,
19 identify when, or if that individual has been qualified
20 previously by the State Engineer and in what discipline so
21 everyone knows.
22 HEARING OFFICER FAIRBANK: Um-hum.
23 MR. TAGGART: And then we know which ones are
24 not. And then we can all decide, okay, is this someone that

Page 44

1 we will challenge or not challenge. So that's, I think it's
2 just an add on to what Mr. Robinson is saying.
3 MR. ROBISON: I agree, but the CV has to be
4 disclosed so we know what the qualifications are.
5 MR. TAGGART: Sure. I would expect the CV would
6 be part of the exhibits.
7 MR. ROBISON: That was my request.
8 HEARING OFFICER FAIRBANK: Then we'll go ahead
9 and include that. And that way, then if, there's any
10 objection or concern with respect to the qualification, if an
11 individual has not been previously qualified before the State
12 Engineer, then do we want -- are the parties, participants, is
13 this an appetite for trying to go ahead and pre-qualify those
14 experts prior to the commencement of the hearing the 23rd?
15 MR. TAGGART: I think it's a great idea. I just
16 think there's some procedural, you know, issues, we got to let
17 you know whether we are going to make a challenge. Like we
18 have to have a time to decide whether we're going to make that
19 challenge. We have to alert you to that and then you have to
20 be able to schedule the time for it.
21 HEARING OFFICER FAIRBANK: So -- so, what I'm
22 thinking, is just looking, and if we schedule the time for
23 parties so within the scheduling order to present a challenge
24 to a particular expert being qualified in their discipline, if

Page 45

1 we set a deadline within the scheduling order for that.
2 And then also in the scheduling order establish a
3 date for that qualification hearing for any objected to
4 experts, and then we can always vacate that qualifying hearing
5 date if necessary.
6 So, let's go ahead and have objections to any
7 submitted or proffered expert. Objections to be submitted to
8 the State Engineer no later than the close of business on
9 September 13th.
10 And then let me double check, and then I just
11 want to see for location. And then 9:00 a.m., September 20th
12 which will be the Friday before the commencement of the
13 hearing, for a hearing on any challenged experts.
14 And that will be here at the Tahoe Hearing Room.
15 Yes?
16 MR. FAHMY: Peter Fahmy for the National Park
17 Service. Is it possible that experts could have been
18 qualified in other jurisdictions and other administrative or
19 judicial proceedings.
20 And I was wondering whether the State Engineer's
21 office would consider, given it's going to have the CVs and
22 this information contained in the expert witness reports,
23 could make a judgment at that time whether that he or she
24 believes that that expert is qualified and therefore dispense

Page 46

1 with the need for this challenge hearing.
2 HEARING OFFICER FAIRBANK: So, I think it's -- so
3 what I am a thinking is part of that September 6th exchange of
4 witnesses and identification of experts, as well as providing
5 in the scheduling order, we'll set this out is to identify the
6 qualifications and where those individuals have been
7 previously qualified as an expert, and then the parties can go
8 ahead and review that. And then I think if -- I'm hoping
9 people will be reasonable, but --
10 MR. TAGGART: I'll just offer that I think we
11 would all take that into consideration, but in the past, it
12 isn't an automatic you're qualified in the State Engineer's
13 office because you were qualified in the Federal District
14 Court of, you know, Eastern Illinois or something.
15 HEARING OFFICER FAIRBANK: Correct.
16 MR. TAGGART: So, I think that we would certainly
17 take that into account when looking at a CV if someone's been
18 qualified in three other jurisdictions on the same topic, that
19 would certainly go to the merit of whether we can challenge
20 them.
21 HEARING OFFICER FAIRBANK: And I -- because I
22 think we're going to an allow the parties to go ahead and
23 present their, proffer their experts and provide the
24 qualifications and demonstration that they should be qualified

Page 47

1 as an expert.
2 Certainly, I think the expectation of the parties
3 are reasonable, but I think we're going -- I'm going to keep
4 that hearing date and so that we can address those particular
5 concerns, because there maybe subjective basis for the people
6 to challenge the particular qualification of a particular
7 expert.
8 MR. ROBISON: Does the scheduling order include
9 the names of experts pre-qualified with the State Engineer?
10 HEARING OFFICER FAIRBANK: The scheduling order
11 will direct the parties as part of the exchange of witnesses
12 on September 6th to identify the name of every expert they
13 intend to call, provide the support for their qualifications,
14 where they have previously been qualified. If they've been
15 qualified before the State Engineer.
16 And to provide their CVs so that the parties can
17 then make a determination by that September 13th day as to
18 whether or not to challenge any of those individuals.
19 And if an individual has already been qualified
20 in that particular discipline before the State Engineer, then
21 those individuals will -- the State Engineer will recognize
22 those individuals as already being qualified as experts before
23 this office.
24 MR. ROBISON: Thank you.

Page 48

1 MS. PETERSON: This is Karen Peterson, sorry. Is
2 there any way we could have that hearing on the 19th? I have
3 a conflict on the 20th and so does Dylan Frehner.
4 MS. CAVIGLIA: And this is Justina Caviglia. I
5 have the same conflict as Ms. Peterson.
6 HEARING OFFICER FAIRBANK: Yes, we can do it on
7 the 19th. So the hearing the date will be moved from the 20th
8 of September to the 19th of September.
9 MS. GLASGOW: One last point. Karen Glasgow for
10 the Park Service. With respect to the 9/19 hearing, can we
11 participate by telephone? Can somebody participate by
12 telephone rather than in person?
13 HEARING OFFICER FAIRBANK: Yes. And, optimally,
14 I'm going to be optimistic that our whole new system with the
15 video-conferencing will be up and running by then. And there
16 might actually be an opportunity for you to participate via
17 video-conference from remote from your location.
18 So, but we'll allow telephonic appearances for
19 that hearing on the 19th. And we will keep everyone posted
20 for video capacity as well.
21 We should -- the new system is supposed to allow
22 us to be able to stream on line and people can actually tie in
23 and appear as long as they have at appropriate equipment and
24 their end through the webcast as well, so -- so we'll see.

1 Yes, fingers crossed. We're -- Water Resources is moving into
2 the 20th century.
3 MS. PETERSON: This is Karen Peterson. So with
4 the expert that is being challenged would be present in Carson
5 City, though?
6 HEARING OFFICER FAIRBANK: Yes.
7 MS. PETERSON: Okay.
8 HEARING OFFICER FAIRBANK: We would need that in
9 order for them to be able to examined, yes.
10 MS. PETERSON: Okay.
11 MR. TAGGART: Can I ask another clarifying
12 question about the witness list?
13 HEARING OFFICER FAIRBANK: Yes, Mr. Taggart.
14 MR. TAGGART: Based on everything you've been
15 about saying restricting this to the topics, and in the
16 interim order, my understanding is the witness list should
17 only have individuals who actually submitted a report. And so
18 I think it's -- it would be prudent to indicate whether that's
19 correct.
20 Otherwise, are we going -- is it possible we're
21 going to have witnesses who are going to offer expert opinions
22 who have not submitted a report at all?
23 HEARING OFFICER FAIRBANK: If they are being
24 proffered as an expert, they should have offered -- they

1 requirement that an individual be represented by an attorney.
2 So if a party or participant is representing
3 themselves, that's permitted within the -- before the office
4 of the State Engineer.
5 With respect -- like I said, we will address a
6 particular question about allowing experts cross-examine. I
7 -- that's something that I'm going to have to -- we're going
8 to have to take under advisement and decide how we want to
9 proceed with that particular question.
10 Yes?
11 MS. PELLEGRINO: I just -- as you can consider
12 that question, I don't necessarily agree with experts
13 cross-examining experts, but I -- I strongly feel it should
14 only be one person that's allowed to examine them, having been
15 through --
16 HEARING OFFICER FAIRBANK: I appreciate that.
17 MR. TAGGART: So, just so I'm clear about the
18 question I asked before, because I don't want to end up
19 getting into a big side show on whether someone is qualified
20 to testify.
21 But if we get witness lists and there's people on
22 those lists that are going to offer expert opinions, but they
23 don't have a report, we're going to object to them being able
24 to testify because we don't have a report.

1 should have had a report or rebuttal report submitted.
2 So, if they're going to be proffered as an
3 expert, they're going to be in relation to a report that has
4 been submitted.
5 I'm not going to opine as to whether or not
6 people may have non-expert individuals in who they intend to
7 call to testify as to testify or relate into other elements of
8 their reports.
9 But those would not be testifying as an expert
10 with respect to those opinions that have been submitted to the
11 office.
12 MR. DONNELLY: Patrick Donnelly, Center for
13 Biological Diversity. This is somewhat related to this and
14 also goes back to an earlier thing. The qualifications for
15 cross-examiners, we are questioning whether an expert would be
16 able to do that? Will, I mean, will I be able to do that as a
17 non-attorney?
18 HEARING OFFICER FAIRBANK: So, the -- you know,
19 in terms of appearance before the State Engineer, you're not
20 required to have an attorney. If you have an attorney who is
21 representing a participant or a party, then the attorney has
22 to go ahead and be either, you know, pro hoc admitted for our
23 office pursuant to Nevada Supreme Court rules, or be a
24 licensed attorney in the State of Nevada. But there's no

1 That's pretty elementary now. If someone wants
2 to come up and give that testimony, I think I'm hearing you
3 say that may be allowed, it may not, we will see. It still
4 has to be tied to the - by the inquiries that were listed in
5 the order?
6 HEARING OFFICER FAIRBANK: That is correct.
7 MR. TAGGART: Okay. And then one other question
8 about that. We're -- we're going to get rebuttal reports. We
9 anticipate those will be rebuttal reports. It won't be new
10 reports.
11 HEARING OFFICER FAIRBANK: Correct.
12 MR. TAGGART: It won't be individuals who didn't
13 file an initial report, but waited to see what everyone else's
14 initial reports were going to look like and then now they're
15 going to file their industry report.
16 So these rebuttal reports should be confined to
17 rebutting, pointing to a statement in an existing report and
18 addressing whether they agree or disagree with that statement.
19 As opposed to developing an entire new level of
20 methodology, or entire new level of opinion that we have not
21 had a chance to rebut and would not have a chance to rebut
22 until the hearing.
23 HEARING OFFICER FAIRBANK: Correct. That's the
24 intent. The rebuttal report, if people want to go ahead and

1 challenge the opinions or the data or the conclusions relied
2 upon by the parties who submitted initial reports, that's of
3 the purpose of the rebuttal reports is to go ahead and
4 challenge that.

5 You're absolutely correct, the intent for the
6 rebuttal reports is not to go ahead and have them be
7 independent reports with new conclusions.

8 MR. TAGGART: Thank you.

9 HEARING OFFICER FAIRBANK: So, and -- and, you
10 know, just to make it clear too for those parties who are
11 either submitting or contemplating submitting rebuttal
12 reports, that those reports really should be, you know,
13 substantive enough to stand on their own in the sense of being
14 -- having, you know, being tethered to data that they're
15 relying on that contradicts or undermines conclusions that
16 they believe other people have, you know, that they believe to
17 undermine or contradict conclusions and evidence relied upon
18 by other parties.

19 The reports, you know -- so the idea is that the
20 hearing is not an opportunity for people to go ahead and
21 provide the substantive detail to support the reports. The
22 reports should have enough substance and merit to them to
23 stand on their own.

24 And, again, that's why we say too, if a party has

1 HEARING OFFICER FAIRBANK: -- no --

2 MS. GLASGOW: -- or witnesses --

3 HEARING OFFICER FAIRBANK: -- it would not
4 preclude. So, just because somebody doesn't want to -- so,
5 you know, because this is, you know, it's kind of funny using
6 vernacular that doesn't necessarily fit this really well.

7 But just because a participant doesn't want to
8 put on a case-in-chief, doesn't preclude them if they
9 submitted reports, and they submitted -- it doesn't preclude
10 them from participating in any capacity if they don't want to
11 -- you know, we certainly encouraging efficiency to the extent
12 possible.

13 MS. GLASGOW: Thank you.

14 MS. PETERSON: I have a question.

15 HEARING OFFICER FAIRBANK: Yes.

16 MS. PETERSON: So what if there's somebody who
17 wants to cross-examine the Park Service and their conclusions
18 in their report, I think they have to have their witness
19 available for cross-examination.

20 They may not want to put on a direct case, but
21 they have to allow the parties an opportunity to cross-examine
22 them.

23 MR. FLANGAS: Good point.

24 HEARING OFFICER FAIRBANK: No, I think you're

1 submitted a report or a rebuttal report and they feel -- and
2 they don't believe that they need to go ahead and participate
3 in the hearing, we're happy to take -- we will take every
4 single document that is submitted to us.

5 These reports and rebuttal reports, they will be
6 taken under consideration by the State Engineer. That's --
7 we're not going to ignore participants' reports just because
8 they don't participate in the hearing.

9 It's just we're providing an opportunity for
10 people to provide some testimony and to point us in the
11 direction as to why, you know, what -- what they believe we
12 should be really focusing on within their particular
13 conclusions and opinions?

14 MS. GLASGOW: Question?

15 HEARING OFFICER FAIRBANK: Yes.

16 MS. GLASGOW: Karen Glasgow, Park Service. To
17 that point of testifying or offering an opinion up front on a
18 given day, like the Park Service has been given over to week
19 one a whole day.

20 If the Park Service chooses not to make a
21 presentation because for -- they want to stand on what they've
22 already written, will that preclude them, however, from
23 participating in cross-examination of other people's
24 presentations --

1 right. I think you're absolutely right. If somebody's going
2 to -- I think that's fair that they would have to make -- I
3 think we would have to make -- if they're going to
4 participate, they would have to make their witness available
5 or their expert available.

6 MS. PETERSON: If they want you to consider their
7 report, yes.

8 HEARING OFFICER FAIRBANK: No. No. I don't know
9 that it -- if somebody submitted a report to us, we're going
10 to take that under advisement whether or not they participate.

11 If you want -- if you believe a participant has
12 submitted a report, and that -- then that's your opportunity
13 to have your rebuttal reports to go ahead and challenge the
14 evidence and the data relied upon by somebody, because I mean,
15 the idea -- this is an opportunity for people to go ahead and
16 present their evidence and also challenge conclusions that are
17 present by the parties.

18 And you don't necessarily have to cross-examine
19 that particular participant's expert in order to challenge the
20 conclusions. You can do that through your own expert as well.

21 MR. FLANGAS: Excuse me. Doesn't the State
22 Engineer have an administrative rule that says, if the witness
23 doesn't show up, it will not be considered. I believe there's
24 a rule in your -- in your procedures that says that.

1 HEARING OFFICER FAIRBANK: I mean, we do have an
2 admit, but at the same time, we're also encouraging
3 efficiency, and the idea here is to allow people an
4 opportunity, and allow people to also challenge the
5 conclusions.

6 But at the same time, we have people that have
7 submitted, you know, quite, you know, somewhat limited
8 submissions to our office.

9 And to require those participants to go ahead
10 and, you know, I mean obviously the intent is people, if they
11 want us to take it seriously or if they have substantive types
12 of dialogue, I think there's an opportunity.

13 Mr. Fahmy?

14 MR. FAHMY: Yes. Peter Fahmy for the National
15 Park Service. I would question, you know, whether there's a
16 right to question an expert witness for the parties that
17 submitted these reports. I mean, that's what the rebuttal
18 report is for is to basically rebut whatever is contained in
19 the initial reports.

20 Now, there may be some validity in the fact that
21 you might want to be able to question what's contained in the
22 rebuttal report, but it -- that would be extremely limited, I
23 would think.

24 So, I don't think there is a fairness issue here

1 HEARING OFFICER FAIRBANK: Correct.

2 MR. HERRERA: Brad Herrera. Won't we know after
3 the witness lists are submitted who the parties are planning
4 to put on. At that time, if you see someone that you are
5 wanting to cross isn't on one of those lists you can let the
6 party know that?

7 HEARING OFFICER FAIRBANK: But what would the
8 resolution be?

9 MR. HERRERA: I think they would have to be
10 available for cross as we discussed earlier. But, at that
11 point, we would at least know who the parties are planning to
12 call and who they are not.

13 HEARING OFFICER FAIRBANK: Mr. Donnelly.

14 MR. DONNELLY: Patrick Donnelly. Speaking now as
15 a board member of the Great Basin Water Network, as an
16 organization with no budget and cannot proffer someone to
17 stand for testimony, however, they submitted a report, it
18 should be considered by the State Engineer.

19 There's a matter, I think, of equity there if the
20 report is disregarded.

21 HEARING OFFICER FAIRBANK: So let's go ahead and
22 take a short --

23 MR. TAGGART: Can I just add one thing. I think
24 that the question of whether or not cross-examine is required

1 with regards to not being able to examine that witness.

2 MS. PETERSON: I would disagree -- Karen. I
3 would disagree. I mean, you can't lob a grenade in there and
4 then not expect to ask questions about it. And so, I think if
5 they want -- I think they have to have their witness here for
6 cross-examination.

7 And maybe we can let people know in advance if
8 there's not going to be any cross-examination, but until we
9 see the rebuttal report.

10 HEARING OFFICER FAIRBANK: Ms. Glasgow.

11 MS. GLASGOW: To the point of -- and less in
12 these witness reports or witness lists, you're asking the
13 parties also to identify not just who they're just going to
14 bring, but every other witness of every other participant that
15 they might want to cross-examine, I don't have any idea of who
16 they want to talk to.

17 I mean, I might able to decide that this witness
18 or this expert or the not this other one, but that's leaving
19 everything to chance. Because what if I don't bring the one
20 that they're wanting to talk to, and I don't -- I mean, I --

21 If you're going to make a ruling that I have to
22 bring somebody that they want to talk to, then you at some
23 point have to decide tell me who that might be so that we have
24 some opportunity to do that.

1 before a report gets submitted, I don't honestly know the
2 answer what a Judge would say, but you get rid of that issue
3 all together if you just went with what Miss Peterson said.

4 And you just said, if you want -- if you the gone
5 to the meetings of the Public Utilities Commission, that's
6 exactly how they do it. You submit your report. Actually,
7 you submit written direct exam. And then you just have the
8 witness proffered for cross. And then there may not be any
9 cross questions, then you're done.

10 But, if you don't do that, I think you are
11 leaving open a question of is it sufficient to have rebuttal
12 opportunities -- rebuttal opportunities sufficient. I don't
13 think we really know the answer to that question.

14 So, the only thing I would offer is the safest
15 route is to go with the cross-exam to just avoid that
16 potential appealable issue.

17 HEARING OFFICER FAIRBANK: Let's go ahead and
18 take about a ten-minute break and we'll go ahead and take a
19 recess.

20 (Recess.)

21 HEARING OFFICER FAIRBANK: Okay. Let's go ahead
22 and get going. Back on the record. All right. So any
23 individual -- so, basically, how we're going to resolve the
24 concern about having an opportunity to cross-examine

Page 61

1 witnesses, and we agree that it is, you know, a full and fair
2 opportunity for people to have you know to challenge evidence
3 that's going to be relied upon by parties and submitted to the
4 State Engineer.
5 So the proffering party may submit that -- submit
6 their report without direct testimony of -- for any report,
7 however, any individual who offered an expert report submitted
8 to the State Engineer must be made available for
9 cross-examination.
10 So we're going to have those windows and we're
11 going to submit that and the scheduling order will establish
12 the time frames.
13 So -- so, we're going to have to go ahead and if
14 they've authored -- so, if they're authored and identified as
15 an author of a report or rebuttal report, they're going to
16 have to be made available for cross-examination.
17 MS. PETERSON: Thank you.
18 HEARING OFFICER FAIRBANK: Yes.
19 MS. GLASGOW: But what is made available mean?
20 Do you mean I have them sit here, or do you mean I have to
21 have somebody tell me, please bring that person, I want to
22 talk to them.
23 Karen Glasgow, NPS. Because, I, like him, we
24 just don't have money to have people sitting around on the

Page 62

1 chance that somebody wants to talk to them.
2 HEARING OFFICER FAIRBANK: So -- so, for the day
3 that you are scheduled, so if a party is scheduled and they
4 want to go ahead and submit their report without direct
5 testimony on that particular day, that particular author of
6 that expert report is going to have to be available.
7 So they don't have to sit here for the entire
8 period of time, but they're going to have to be available on
9 that particular day.
10 And so -- so, just kind of jumping ahead a little
11 bit in some of the procedure and scheduling. The idea is
12 we're going to have be having on going communications and
13 ongoing dialogs at the beginning of the day and end of day,
14 what's going on tomorrow.
15 So if, for example, you're up for the next -- the
16 following day. The prior day we're going to have people
17 planning on cross-examining and perhaps at that point in time
18 somebody's going to say no, nobody in tends to cross-examine
19 that particular individual and so we can go ahead and resolve
20 those particular issues.
21 But at this point in time, we are going to have
22 to make -- if somebody submitted a report, they don't have to
23 submit -- they don't have to present for direct testimony, but
24 that individual does have to be available for

Page 63

1 cross-examination.
2 Yes?
3 MR. FAHMY: Peter Fahmy for the National Park
4 Service. When you say, "authored a report", which report are
5 you referring to precisely?
6 HEARING OFFICER FAIRBANK: If you submitted -- if
7 the initial report or a rebuttal report.
8 MR. FAHMY: Okay. So with regards to the --
9 oftentimes reports are not authored by one individual, they
10 are authored by a number of individuals. Do we have to make
11 all those individuals available?
12 HEARING OFFICER FAIRBANK: If they are identified
13 as the as the individual who is signing off on the report or
14 submitting the report, and I'll use for an example -- so for
15 example, City of North Las Vegas submitted their expert report
16 and it's identified Dwight Smith and Alexa Turrell as the
17 authors of the report.
18 So those are the individuals that the State
19 Engineer is expecting to be available for cross-examination if
20 the City of North Las Vegas did not intend to present those
21 individuals for direct examination on their behalf.
22 So that's -- so it's those individuals who have
23 submitted the reports to the State Engineer.
24 MR. DONNELLY: Patrick Donnelly, Center for

Page 64

1 Biological Diversity. On behalf of Great Basin Water Network,
2 I'm going to register an objection to this.
3 Order 1303 should have specified that witnesses
4 would be mandatory to be made available as a condition of
5 submitting a report.
6 Order 1303 did not specify that, and so just
7 registering an objection to that. And then, I guess, I have a
8 question. Could the same expert be here for two different
9 entities?
10 HEARING OFFICER FAIRBANK: If they're preparing
11 reports on behalf of two different entities, then yes, if they
12 submitted a report, then that's -- yes?
13 MR. MOORE: Andy Moore, City of North Las Vegas.
14 On the example you just read about the report that we
15 submitted, I mean, would they -- the City need to have both of
16 them present or just one?
17 HEARING OFFICER FAIRBANK: As they're the author,
18 I think they have to both be present to the extent that they
19 submitted they signed off on the report.
20 MR. TAGGART: And do all reports have to be
21 signed by an expert?
22 HEARING OFFICER FAIRBANK: Well --
23 MR. TAGGART: -- or --
24 HEARING OFFICER FAIRBANK: No. I mean, I'm not

1 going to go back, Paul -- Mr. Taggart, I'm not going to go
2 back and start going through all of these.
3 And so if the reports identify particular
4 individuals who submitted the reports. Whether or not there's
5 a signature on it, I'm not going to go back and have people
6 try to go back into different types of things.
7 So, if we have documents, we have reports that
8 were submitted as initial reports and they have identified
9 individuals as being authors, those are the individuals that
10 the State Engineer is considering to be the authors of those
11 reports and have to be available for cross-examination.
12 If they're not being presented by those
13 particular participants as the primary, you know, as they're
14 -- if they're not being produced for their own particular
15 interests in presenting testimony on behalf of their client.
16 All right. So, we're going to go ahead and move
17 on. All right. So, initially, earlier when I was talking
18 about the timing and the duration of the hearing and how the
19 State Engineer's evaluating or considering structuring this
20 particular hearing, we established kind of different -- a
21 different order.
22 Mr. Robison had asked whether or not that was
23 intended to kind of -- or if that was a preliminary kind of
24 listing of the planned order of the participants.

1 So I don't know if the National Park Service and
2 Fish and Wildlife Service believes that they can combine their
3 presentations into a single day.
4 I'm seeing shakes of the head, so I'm going to
5 take that as a no.
6 Yes?
7 MS. BALDWIN: Beth Baldwin, Moapa Band of
8 Paiutes. Our experts have expressed a preference not go
9 first. They would like to go later in the order.
10 MR. ROBISON: We'll go first. We'll trade.
11 HEARING OFFICER FAIRBANK: Okay.
12 MR. ROBISON: We'll trade up to Monday.
13 MS. BALDWIN: Thanks.
14 HEARING OFFICER FAIRBANK: All right.
15 MR. ROBISON: Thank you.
16 HEARING OFFICER FAIRBANK: All right. So -- so
17 that's essentially what we're going to do. Again, I'm going
18 to take under advisement the request by the Moapa Valley Water
19 District to have more time than a half day. How -- Mr.
20 Morrison, how long do you think you guys --
21 MR. MOORE: I think, looking at this proposed
22 order, I think we're comfortable with it, and I don't know
23 that we're going to need more than that half day. So I'll
24 withdraw to the extent it was an objection.

1 And so, again, to kind of go through that. We
2 had it listed out as the Moapa Band of Indians. Then the
3 National Park Service. The U.S. Fish and Wild Life Service.
4 Coyote Springs Investments. The Southern Nevada Water
5 Authority. Moapa Valley Water District. Then Vidler, Lincoln
6 County. The City of North Las Vegas. Centers for Biologic
7 Diversity. Dry Lake Water, and the other participants on
8 their report. Great Basin Water Network. Technichrome. And
9 then the rebuttal report submissions. So you will only submit
10 rebuttal reports.
11 Is there any -- anybody have any strong concern
12 with going with that order?
13 MR. DONNELLY: Patrick Donnelly, Center for
14 Biological Diversity. I would request since we have a half
15 day plus and Great Basin Water Network has a short amount of
16 time that we could combine that and be one date.
17 HEARING OFFICER FAIRBANK: Okay.
18 MR. DONNELLY: Thank you.
19 HEARING OFFICER FAIRBANK: Mr. Robison?
20 MR. ROBISON: Are the interests of the Park
21 Service and Wild Life so similar they can take one?
22 HEARING OFFICER FAIRBANK: They submitted
23 separate reports. I certainly would have to defer that to
24 them, but they've submitted reports as separate entities.

1 HEARING OFFICER FAIRBANK: Okay. Mr. Taggart,
2 with respect to Southern Nevada Water Authority, how much time
3 do you guys really think you're going to need based upon,
4 after the dialogue today?
5 MR. TAGGART: Still a day and a half. So we'll
6 take Mr. Morrison's half day.
7 MS. GLASGOW: Karen Glasgow
8 HEARING OFFICER FAIRBANK: Yes.
9 MS. GLASGOW: With the National Park Service. So
10 one of the questions -- one of the things that you indicated
11 was a desire that people listen to each other and decide that
12 some other person has asked that question and that information
13 is out there and thus decide they don't need to do that
14 themselves.
15 To that extent, would not the order benefit from
16 people who have similar things going, you know, who have
17 similar conclusions going one after the other to avoid, you
18 know, like if you ask -- if, say, the Park and Fish had the
19 same sort of attitudes and we were, day after day, or next to
20 each other, that would allow everyone who might have wanted to
21 ask questions of either or both to see oh, they already asked
22 those questions of the Park Service, we don't really have to
23 ask them of Fish and Wildlife Service.
24 HEARING OFFICER FAIRBANK: And that was part of

Page 69

Page 71

1 our rationale in how we organized the particular -- that was
2 part of the rationale in how we ordered the different
3 participants, and when I laid it out was -- that's why I had
4 National Park Service and Fish and Wild Life Service adjoining
5 days was so that -- with that in mind.

6 But then we're also trying to keep the full day,
7 those -- those participants and reports that we anticipate
8 that we're going to take a full day during the first week and
9 then those ones that would be -- have less of a time
10 commitment during the second.

11 MR. MOORE: Andy Moore, City of North Las Vegas.
12 Can I just make sure that -- I know -- I think it's going to
13 be early in that second week based on the scheduling
14 structure, but I just want to make sure that we don't get
15 assigned to October 4th of that week, because our expert is
16 not available, and I don't want to start opening it up to that
17 stuff, but I wanted to clarify that and put it on the record.

18 HEARING OFFICER FAIRBANK: No. Absolutely, we'll
19 accommodate that.

20 MR. MOORE: Thank you.

21 HEARING OFFICER FAIRBANK: All right. Yes, Mr.
22 Donnelly?

23 MR. DONNELLY: Patrick Donnelly on behalf of
24 Great Basin Water Network at the moment. I think I want to

1 particular field, he still can go ahead and if necessary, be
2 proffered for that purpose as the author of that particular
3 statement and position and he would be subject to
4 cross-examination based upon that.

5 MR. DONNELLY: Okay, thank you. Thanks.

6 HEARING OFFICER FAIRBANK: All right. So -- so,
7 we will -- so the week of August 16th -- the week of
8 August 19th, excuse me, we will go ahead and issue the
9 scheduling order.

10 So the order is going to be similarly, we're
11 going to swap Coyote Spring Investment with the Moapa Tribe.
12 So we're going to go ahead and swap that. We're going to then
13 get everyone scheduled out in that order that I've identified.

14 And if we're looking that we're probably going to have --

15 So for the rebuttal reports, it's probably going
16 to be extremely limited, but like I said, you know, in terms
17 of that time period because the rebuttal reports, if
18 individuals had only submitted a rebuttal report, we're only
19 offering the amount of time to allow individuals to basically
20 just kind of set forth, you know, to the extent necessary the
21 basis for what those opinions, but it's limited to that
22 rebuttal component.

23 And so we're going to go ahead and set that.

24 Like I said, once we get all the rebuttal reports in, while

Page 70

Page 72

1 get back into what qualifies as an expert?

2 Are we setting up a situation where the only way
3 you can participate in this is if you have a PHD level
4 hydrologist as representing you which is somewhat
5 exclusionary.

6 You know, for instance, for the water network,
7 right. The water network submitted a report that asserts a
8 position. It is backed up by many, many years of data over a
9 different proceeding.

10 The water network may or may not have funds or
11 ability to procure the expert who wrote those opinions years
12 and years ago for this.

13 So, otherwise, the -- for instance, the executive
14 director of the water network would be the one to appear since
15 apparently it's mandated that someone appear?

16 HEARING OFFICER FAIRBANK: So, since -- so, for
17 the purpose of Great Basin Water Network, Mr. Roerink was the
18 individual who submitted the report. If he's going to be
19 proffered as an expert, he has to go ahead and identify what
20 his qualifications are.

21 If his qualifications is he's an expert in
22 economics, I mean there's different types of experts. So, you
23 know -- or if he's being offered as the author of that
24 particular report, but not being offered as an expert in any

1 we're going to endeavor to have the hearing conclude on
2 October 4th, and we will not set City of North Las Vegas on
3 October 4th, just the parties anticipate that it may continue
4 on into the week of October 7th.

5 And so -- but we will endeavor to finish the
6 hearing as early in that week as possible. And, again, we're
7 going to go ahead and promote efficiency.

8 So, are there any other questions or procedural
9 questions with respect to the hearing or other matters that we
10 need to address this morning?

11 Yes, Mr. Taggart.

12 MR. TAGGART: Paul Taggart for SNWA. One is, is
13 this room big enough?

14 HEARING OFFICER FAIRBANK: So, I -- so, we will
15 probably have it at the legislative building. So just to be
16 completely candid with everyone, I wanted to see how full the
17 room was today.

18 Also knowing that we were going to have
19 video-conferencing capabilities and people would be able to
20 view the hearing if we held it in this room in September on
21 the internet. So not everybody has to be in the room at the
22 same time.

23 But based upon the participation today,
24 recognizing that not all of the experts and not all of the

1 individuals, people are going to want to accompany them are
2 here today, we're going to look to have it at probably the
3 legislative building.

4 Just so that everybody -- all the participants do
5 please recognize and know, when, if we do it, we're also
6 intending, regardless of where the hearing is held, and like I
7 said it will likely be at the legislative building.

8 It will also be broadcast to a location in
9 Southern Nevada. So that individuals who want to attend the
10 hearing and observe the hearing don't have to travel to Carson
11 City.

12 And that's also making it available to those
13 community members within the Low White River Flow System
14 affected basins to be able to participate without having to
15 travel to Carson City. So we'll be able to take public
16 comment from both the north and the south.

17 Yes?

18 MR. MORRISON: Greg Morrison, Moapa Valley Water
19 District. Just kind of a 10,000 foot question about how this
20 moves forward after we do the hearing on the questions from
21 Order 1303.

22 Obviously, the ultimate order that's going to
23 come down in the Lower White River Flow System is going to
24 involve more than just science, when the does the State

1 So that's kind of a loose time frame, I know it's
2 not very specific, but --

3 MR. MORRISON: That's okay. Confirming it's on
4 the radar.

5 HEARING OFFICER FAIRBANK: Yes. And we're -- we
6 recognize that there's a lot of different components in the
7 decisions that come out of this particular proceeding are
8 going to have significant effects in terms of how we go ahead
9 and proceed on the moving forward basis in terms of people's
10 viewpoints and what conclusions are made.

11 And so that -- and what impacts that may have on
12 stakeholders is certainly going to be, you know, something
13 that we want to -- we're cognitive of.

14 And so we're trying to be as timely as possible
15 with while still doing, you know, practicing good, scientific
16 analysis in relying on supported data to render ultimate
17 decisions.

18 MR. MORRISON: Great. Thanks.

19 HEARING OFFICER FAIRBANK: There was a question
20 in the back. Yes?

21 MR. MILLER: Luke Miller with the Office of the
22 Solister, Department of the Interior working under Fish and
23 Wildlife Service. I was looking at my notes trying to see if
24 I missed anything in relation to possibly honing down the

1 Engineer's office anticipate considering evidence that isn't
2 just scientific in nature?

3 HEARING OFFICER FAIRBANK: So, that will probably
4 follow once we get a decision rendered in this particular
5 proceeding. And then we have -- and then we will start moving
6 on until we get those threshold consequence answered, then we
7 can start moving on to some of those other --

8 MR. MORRISON: Sure.

9 HEARING OFFICER FAIRBANK: -- probably more
10 challenging issues that we have to grapple with.

11 MR. MORRISON: The reason why --

12 HEARING OFFICER FAIRBANK: What I will say is the
13 State Engineer, while we're not statutorily obligated in this
14 particular proceeding, the State Engineer is committed to
15 having a decision rendered in not more than 240 days.

16 Even though we don't have a statutory -- you
17 know, we are not statutory bound to that time frame, we're
18 going to go ahead and adopt that time frame. And certainly we
19 endeavor to get it done well in advance of that, but, again,
20 as I mentioned, we have a voluminous record.

21 There's a lot of testimony. We're going to have
22 to go back through all the evidence and testimony and reports
23 and have careful consideration of what ultimate decisions are
24 rendered.

1 issues that might be presented on a day if we're now being
2 required to bring forth a witness, even if we don't put on a
3 case in chief to bring some one forward.

4 I didn't pick up on anything here that would
5 indicate there's a focusing of what they might be obligated to
6 testify about on a limited day when I got to bring somebody
7 forward to say you got to deal with 70 pages of a technical
8 report and be ready to testify on all of it.

9 And like I say, did I miss anything? Is there a
10 winnowing of issues here to be presented?

11 HEARING OFFICER FAIRBANK: I mean, we haven't,
12 and I think it's -- I think experts need to be prepared to
13 testify on and defend their reports. If they've come up with
14 conclusions and they've relied upon scientific data, they need
15 to be go ahead and be prepared to defend those opinions and
16 show or testify as to why that data supports those
17 conclusions.

18 I don't know that there's really a feasible way
19 of narrowing the focus at this point in time.

20 I'm certainly open to suggestions and those are
21 things that we can address. And certainly, you know, in -- as
22 we prepare for the following day, at the conclusion of the day
23 that it's going to be perhaps there's an area that we can try
24 to focus on more. Unfortunately, I don't know if there's a

1 better way of doing that.
2 Are there any other questions regarding the
3 procedurals? Mr. Felling?
4 MR. FELLING: Rick Felling for NV Energy. I just
5 had a question about PowerPoint presentations or those giving
6 direct testimony.
7 If those are extracted right from their reports,
8 are they -- are they required to be presented ahead of time?
9 Or are they required to be in a separate exhibit?
10 HEARING OFFICER FAIRBANK: They would be in a
11 separate Exhibit. I think optimally they should be presented.
12 I mean, otherwise, it would just be -- I mean, I think if
13 it's -- if it's purely just a summarization of the -- of the
14 expert report in taking data or analyses or hydrographs or
15 other types of, you know, analysis out of those reports, it's
16 demonstrative, and so I don't know that it has to be submitted
17 ahead of time, but certainly would -- but if it's available,
18 that's always appreciated.
19 Yes, Mr. Fahmy?
20 MR. FAHMY: Peter Fahmy for National Park
21 Service. With regards to the case-in-chief or the direct,
22 that can be in a narrative form? Is that presentable?
23 HEARING OFFICER FAIRBANK: Yes.
24 MR. FAHMY: Very good.

1 With regards to proposed orders and those
2 different types of things, that's probably something that we
3 can address during the course of the hearing.
4 At this point in time, we haven't -- we haven't
5 decided to accept and take or to solicit proposed orders, but
6 that's something that we can certainly continue to consider.
7 And with regards to having a period of time,
8 we've been contemplating and talking about whether or not
9 they'll be a period of time for individuals, you know, for --
10 we'll probably have a window of time for additional public
11 comment to be submitted in written format for the hearing, but
12 we're to the going to take new evidence and arguments
13 following the conclusion of the hearing.
14 MR. ROBISON: We just want to cross-examine the
15 person who gives the opening.
16 HEARING OFFICER FAIRBANK: If they're identified
17 as a witness.
18 MR. TAGGART: That's not part of the rules.
19 HEARING OFFICER FAIRBANK: Are there any other --
20 any other questions or issues today? And anybody on the
21 phone, are there any other questions? All right.
22 Well, I thank everybody for their time and we
23 appreciate it and we'll get that scheduling order out. And if
24 we don't see everyone on the 20th -- or the 19th, excuse me,

1 MR. TAGGART: One other question is, can we use
2 our time that you give us as we want? Can we make an opening?
3 Can we make a closing if there's time available? I would
4 assume we can do that.
5 And the other question is whether you'll
6 entertain any type of written closings or written proposed
7 orders? Maybe we can decide that during the course of the
8 hearing, but have you put any thought into that?
9 HEARING OFFICER FAIRBANK: I think people are
10 free to go ahead and use their time as they see fit. I'm
11 not -- I don't know that we're necessarily going to
12 micromanage how individuals want to go ahead and put forth
13 their particular positions with respect to these order, the
14 Order 1303 viewpoint, you know, what we solicited for the
15 purposes of this hearing.
16 Again, I think we've tried to be fairly pointed
17 in how we want, you know, what we intend this hearing to
18 accomplish and what we're trying to derive out of the purpose
19 of this hearing.
20 I mean, so to that extent, we're not going to
21 micromanage how people use their time so long as just
22 recognizing if time is spent on something, it's an exchange
23 for other stuff that the State Engineer needs to take into
24 consideration.

1 if we don't see you all on the 19th, we'll see you all on the
2 23rd.
3 Thank you.
4 (Proceedings concluded at 10:53 a.m.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 STATE OF NEVADA }
2 CARSON CITY } ss.
3

4 I, MICHEL LOOMIS, a Certified Court Reporter, do
5 hereby certify;

6 That on the 8th of August, 2019, in Carson City,
7 Nevada, I was present and took stenotype notes of the hearing
8 held before the Nevada Department of Conservation and Natural
9 Resources, Division of Water in the within entitled matter,
10 and thereafter transcribed the same into typewriting as herein
11 appears;

12 That the foregoing transcript, consisting of
13 pages 1 through 80 hereof, is a full, true and correct
14 transcription of my stenotype notes of said hearing.

15

16 Dated at Carson City, Nevada, this 11th day of
17 August, 2019.

18

19

20

21

MICHEL LOOMIS, RPR
NV CCR #228

22

23

24

A				
				B
	35:24;37:2;41:6,19; 45:18;56:22	11:8	appearing (1)	23:17,19;35:9
	admit (1)	allegations (2)	4:17	authors (3)
	57:2	12:7,13	appetite (1)	63:17;65:9,10
ability (3)	admitted (1)	allocation (1)	44:13	automatic (1)
22:16;28:16;70:11	50:22	25:14	Applicant (1)	46:12
able (13)	adopt (1)	allow (14)	5:13	available (30)
16:24;44:20;48:22;	74:18	5:18;20:22;40:1;	apply (1)	12:24;13:7;15:10,12;
49:9;50:16,16;51:23;	advance (4)	41:24;42:9,14;46:22;	43:3	32:11;33:4,4,23,24;
57:21;58:1,17;72:19;	31:5;39:17;58:7;	48:18,21;55:21;57:3,4;	appreciate (6)	34:1,11,15;55:19;56:4,
73:14,15	74:19	68:20;71:19	19:7;23:22;25:6;	5;59:10;61:8,16,19;
absolute (1)	advisement (6)	allowed (5)	38:15;51:16;79:23	62:6,8,24;63:11,19;
20:15	5:19;24:23;30:1;	7:7;29:6,15;51:14;	appreciated (1)	64:4;65:11;69:16;
absolutely (3)	51:8;56:10;67:18	52:3	77:18	73:12;77:17;78:3
53:5;56:1;69:18	affected (1)	allowing (2)	appropriate (4)	avoid (4)
accept (2)	73:14	29:5;51:6	10:9,13;37:4;48:23	24:1,6;60:15;68:17
4:22;79:5	afford (1)	alluvial (1)	approximately (1)	aware (1)
accepted (2)	9:2	9:17	40:5	18:6
4:19;35:19	afforded (1)	always (3)	aquifer (5)	
accommodate (1)	36:5	20:5;45:4;77:18	9:9,9,10,11;13:5	
69:19	afternoon (1)	amended (1)	area (1)	
accompany (1)	5:24	35:15	76:23	
73:1	again (22)	amendment (1)	arguments (1)	back (10)
accomplish (3)	13:18;14:10,16;	35:15	79:12	31:15;50:14;60:22;
6:3;33:13;78:18	17:16;18:8;20:23,24;	amongst (3)	around (1)	65:1,2,5,6;70:1;74:22;
account (2)	22:18;23:1;24:12;	13:16;28:3;35:4	61:24	75:20
24:20;46:17	26:17;27:20;28:7;	amount (6)	aspect (1)	backed (1)
actively (1)	33:13;39:16;40:13;	16:10;27:12;41:13;	10:8	70:8
14:18	53:24;66:1;67:17;72:6;	42:2;66:15;71:19	asserts (1)	balance (4)
actual (1)	74:19;78:16	analyses (1)	70:7	16:8;20:21;22:3;
7:15	agenda (1)	77:14	assign (1)	28:15
actually (6)	14:2	analysis (6)	16:3	balancing (2)
5:24;33:18;48:16,22;	ago (1)	9:20;11:2,2;18:19;	assigned (4)	21:3;26:15
49:17;60:6	70:12	75:16;77:15	15:7;16:7;17:9;	Baldwin (3)
add (2)	agree (5)	analyze (1)	69:15	67:7,7,13
44:2;59:23	37:18;44:3;51:12;	8:1	assigning (1)	Band (3)
added (5)	52:18;61:1	Andy (4)	28:17	15:20;66:2;67:7
38:10,13,18,23;40:9	ahead (71)	38:17;40:13;64:13;	assume (1)	based (7)
addendum (1)	4:5,12,19;5:18,21;	69:11	78:4	13:3;37:21;49:14;
35:15	6:2;8:17,21,22;10:11;	annual (1)	assure (2)	68:3;69:13;71:4;72:23
additional (5)	13:14;16:11;17:17;	9:12	28:22;32:1	basically (3)
34:18;35:20;36:10;	18:10,21;19:3,8;24:5,	answered (1)	attached (3)	57:18;60:23;71:19
41:3;79:10	12,18,20;27:21;28:1,	74:6	31:1;36:12,21	basin (8)
Additionally (1)	21;32:15;37:3,6,20;	anticipate (8)	attend (1)	11:19;17:6;59:15;
31:19	39:4;41:8,11,24;42:8,9,	13:21;18:4;22:2;	73:9	64:1;66:8,15;69:24;
address (19)	14;44:8,13;45:6;46:8,	23:13;52:9;69:7;72:3;	attendance (1)	70:17
6:9,16;9:1;11:15,16;	22;50:22;52:24;53:3,6,	74:1	4:23	basins (2)
12:7;17:5;18:11;24:5;	20;54:2;56:13,15;57:9;	anticipated (4)	attitudes (1)	11:20;73:14
30:2,2;39:5;41:8;42:6;	59:21;60:17,18,21;	6:14;20:13;35:3;	68:19	basis (4)
47:4;51:5;72:10;76:21;	61:13;62:4,10,19;	41:3	attorney (6)	14:22;47:5;71:21;
79:3	65:16;70:19;71:1,8,12,	anticipates (1)	29:21;50:20,20,21,	75:9
addressed (5)	23;72:7;74:18;75:8;	11:14	24:51:1	Bate (1)
9:4;10:23;11:6;	76:15;77:8,17;78:10,	anticipating (2)	AUGUST (5)	33:1
12:14;18:17	12	14:6;22:24	4:1;30:18;40:5;71:7,	beat (1)
addressing (4)	A-I-R-B-A-N-K (1)	apparently (1)	8	24:7
11:10;12:13;15:18;	39:5	70:15	author (5)	become (1)
52:18	alert (1)	appealable (1)	61:15;62:5;64:17;	24:17
adequate (3)	44:19	60:16	70:23;71:2	becomes (1)
14:24;25:4;27:3	Alex (2)	appear (3)	authored (5)	37:14
adjoining (1)	21:11;29:1	48:23;70:14,15	61:14,14;63:4,9,10	beginning (1)
69:4	Alexa (1)	appearance (1)	Authority (5)	62:13
administrative (15)	63:16	50:19	15:22;18:1;22:19;	behalf (5)
6:12;8:12;30:13,23;	Alex's (1)	appearances (1)	66:5;68:2	63:21;64:1,11;65:15;
31:5,11,16;32:4,5;		48:18	authorized (3)	69:23
				believes (4)

25:23;31:23;45:24; 67:2	calendar (3) 4:19,20,22	79:6	coming (3) 11:15;34:7;40:4	6:24;7:1,18,19;8:3,8, 13,18;12:23;13:1,6,9, 10,14,16;14:12,15; 17:20,21;18:22;19:10; 27:24;28:10,13;53:1,7, 15,17;54:13;55:17; 56:16,20;57:5;68:17; 75:10;76:14,17
benefit (1) 68:15	call (3) 47:13;50:7;59:12	challenge (18) 28:10;43:12;44:1,1, 17,19,23;46:1,19;47:6, 18;53:1,4;56:13,16,19; 57:4;61:2	commence (2) 5:5;14:5	condition (1) 64:4
best (4) 28:15;38:24;39:1,3	called (1) 42:11	challenged (2) 45:13;49:4	commencement (7) 7:22;30:3;36:7; 39:12;42:7;44:14; 45:12	conducting (1) 4:12
Beth (1) 67:7	calling (1) 4:21	challenging (2) 19:4;74:10	comment (4) 7:7;32:2;73:16; 79:11	conference (4) 4:6,18;5:2;6:5
better (2) 29:10;77:1	can (46) 4:23;22:2;23:7,13; 25:10;29:10,11;30:1; 33:18;34:10;35:6;36:7; 41:12;43:24;45:4;46:7, 19;47:4,16;48:6,10,11, 22;49:11;51:11;56:20; 58:7;59:5,23;62:19; 66:21;67:2;69:12;70:3; 71:1;74:7;76:21,23; 77:22;78:1,2,3,4,7; 79:3,6	change (5) 22:9;52:21,21;58:19; 62:1	Commission (1) 60:5	confined (1) 52:16
beyond (4) 7:12;26:6;35:18; 41:5	chance (4) 18:14;29:9;33:16; 72:16	check (1) 45:10	commitment (1) 69:10	Confirming (1) 75:3
big (2) 51:19;72:13	capabilities (1) 72:19	checking (1) 27:2	committed (1) 74:14	conflict (4) 12:7,13;48:3,5
Biologic (2) 16:23;66:6	capabilities (1) 72:19	chief (2) 4:11;76:3	commonalities (1) 13:16	conflicting (1) 12:1
Biological (6) 27:2;30:5;42:23; 50:13;64:1;66:14	capability (1) 8:22	chooses (1) 54:20	communicate (1) 37:22	connected (2) 9:6;11:18
bit (10) 5:22;12:16;13:21,22; 23:22;25:7;30:11; 34:22;42:19;62:11	capacity (3) 17:17;48:20;55:10	Church (2) 21:21,21	communication (1) 28:2	consequence (1) 74:6
BLM (1) 22:9	capture (1) 9:15	cited (1) 13:7	communications (1) 62:12	consider (12) 6:19;7:13,24;8:20; 29:5;36:4,8;43:9; 45:21;51:11;56:6;79:6
board (1) 59:15	carbonate (1) 9:17	CITY (17) 4:1,14;16:22;22:6; 38:17,19,20;49:5; 63:15,20;64:13,15; 66:6;69:11;72:2;73:11, 15	community (3) 10:12;20:14;73:13	consideration (8) 31:21;32:14;35:23; 41:5;46:11;54:6;74:23; 78:24
both (7) 7:4;16:9;26:20; 64:15,18;68:21;73:16	careful (1) 74:23	civil (1) 43:3	Company (1) 21:19	considerations (1) 11:10
bound (1) 74:17	CARLSON (3) 21:22;22:4,4	clarification (1) 11:3	compelling (1) 42:1	considered (3) 11:13;56:23;59:18
boundary (2) 9:5;11:17	CARSON (5) 4:1,14;49:4;73:10,15	clarify (3) 35:6;40:12;69:17	complete (3) 5:23;34:5;36:1	considering (4) 15:23;65:10,19;74:1
Brad (1) 59:2	case (2) 55:20;76:3	clarifying (1) 49:11	completely (4) 18:13;25:14;33:16; 72:16	consulting (2) 29:11,12
break (2) 14:8;60:18	case-in-chief (2) 55:8;77:21	clear (3) 5:8;51:17;53:10	completion (1) 9:11	contact (2) 39:1,3
bring (7) 58:14,19,22;61:21; 76:2,3,6	cases (2) 28:2;39:19	client (2) 20:13;65:15	component (1) 71:22	contained (4) 8:9;45:22;57:18,21
Brinton (2) 22:8,8	CAVIGLIA (3) 21:9;48:4,4	close (1) 45:8	components (3) 9:3;10:17;75:6	contemplate (1) 33:11
broad (1) 15:18	Center (7) 16:23;27:1;30:4; 42:22;50:12;63:24; 66:13	closely (1) 22:5	comprehensive (3) 12:21;15:16,17	contemplated (1) 29:24
broadcast (1) 73:8	centers (2) 16:23;66:6	closing (1) 78:3	comprising (2) 9:7;11:18	contemplating (5) 19:19;29:4;39:11; 53:11;79:8
budget (1) 59:16	century (1) 49:2	closings (1) 78:6	concept (1) 42:7	continue (6) 25:1,4,15;26:5;72:3; 79:6
build (1) 25:10	certain (1) 19:9	Cogen (1) 21:13	concern (3) 44:10;60:24;66:11	contradict (1) 53:17
building (3) 72:15;73:3,7	certainly (21) 15:4,23;20:19;24:3; 28:1,3;30:1;32:9;37:8; 39:23;46:16,19;47:2; 55:11;66:23;74:18; 75:12;76:20,21;77:17;	Cogeneration (3) 21:12;29:1,7	concerned (1) 27:6	contradicts (1) 53:15
bunch (2) 5:7;33:17		cognitive (2) 27:22;75:13	concerns (3) 24:21;30:15;47:5	control (1) 23:2
burden (1) 33:5		Colby (2) 38:2,3	concise (2) 22:22;23:8	conversation (1)
business (1) 45:8		combine (2) 66:16;67:2	conclude (1) 72:1	
		comfortable (2) 20:16;67:22	concluded (1) 80:4	
			conclusion (3) 13:4;76:22;79:13	
			conclusions (37)	

C

20:20 coordination (1) 28:2 County (2) 16:22;66:6 course (2) 78:7;79:3 COURT (3) 38:1;46:14;50:23 courtroom (2) 29:14,16 courtrooms (1) 26:12 Coyote (3) 15:21;66:4;71:11 criticism (1) 7:1 cross (7) 23:15,17;29:20;59:5, 10;60:8,9 crossed (1) 49:1 cross-exam (1) 60:15 cross-examination (28) 16:2;17:11;19:4; 20:1;22:24;23:2,6,12; 24:2;26:9,21;27:7,12; 29:5,7,18;30:7;40:2; 54:23;55:19;58:6,8; 61:9,16;63:1,19;65:11; 71:4 cross-examine (13) 16:11;23:19;28:5; 29:16;51:6;55:17,21; 56:18;58:15;59:24; 60:24;62:18;79:14 cross-examiners (1) 50:15 cross-examining (3) 7:9;51:13;62:17 CSI (1) 16:16 current (1) 37:10 currently (2) 31:3;37:1 customarily (1) 26:11 CV (3) 44:3,5;46:17 CVs (3) 43:10;45:21;47:16	date (10) 37:13;40:23;42:7,13; 43:10;45:3,5;47:4; 48:7;66:16 day (48) 16:3,3,7,9,12,20,20, 21;17:9,10;20:17; 22:20,20;23:5,14; 25:11,21,23;26:5,5,13; 27:3,4;30:8;47:17; 54:18,19;62:2,5,9,13, 13,16,16;66:15;67:3, 19,23;68:5,6,19,19; 69:6,8;76:1,6,22,22 days (7) 15:7;16:1;17:1,3; 25:18;69:5;74:15 dead (1) 24:7 deadline (3) 35:2;41:2;45:1 deadlines (2) 35:14,18 deal (1) 76:7 dealing (1) 34:17 decide (9) 11:6;43:24;44:18; 51:8;58:17,23;68:11, 13;78:7 decided (3) 10:15;22:10;79:5 deciding (1) 12:10 decision (8) 11:15,15,21;21:22; 31:24;36:8;74:4,15 decisions (6) 10:22;12:4;31:22; 74:23;75:7,17 decreed (3) 9:18;12:8,12 defend (2) 76:13,15 defer (1) 66:23 definition (1) 42:24 definitive (1) 36:9 deliveries (1) 9:17 demonstration (1) 46:24 demonstrative (1) 77:16 Department (3) 19:24;22:8;75:22 derive (1) 78:18 desire (3) 11:9;14:21;68:11	detail (4) 8:16,23;9:1;53:21 determination (2) 12:14;47:17 determinations (4) 5:20;10:18,22;11:1 determine (4) 6:13;12:11;40:9; 42:20 determined (4) 10:15;11:21;19:16, 18 determining (2) 10:9,13 develop (1) 26:1 developed (1) 11:24 developing (1) 52:19 dialogs (1) 62:13 dialogue (4) 15:24;20:20;57:12; 68:4 differ (1) 13:1 different (18) 5:12;6:10;18:14,15, 16;41:14;42:19,21; 64:8,11;65:6,20,21; 69:2;70:9,22;75:6;79:2 difficult (2) 13:14;23:12 digital (1) 34:12 digitized (1) 33:22 dire (2) 41:12;42:18 direct (15) 8:10;9:3;14:13; 23:10,14;27:14;47:11; 55:20;60:7;61:6;62:4, 23;63:21;77:6,21 direction (5) 8:19;13:23;17:20; 21:2;54:11 director (1) 70:14 disagree (4) 43:17;52:18;58:2,3 discharge (1) 9:14 discipline (6) 41:18,23;42:13; 43:20;44:24;47:20 disclose (1) 35:2 disclosed (1) 44:4 disclosure (5) 34:24;37:13;39:8,12;	41:2 disclosures (2) 6:14;41:16 discuss (1) 6:10 discussed (1) 59:10 discussion (2) 15:5;19:18 dispense (1) 45:24 disregarded (1) 59:20 distill (1) 14:12 District (9) 16:21;20:10;22:14; 24:22;25:21;46:13; 66:5;67:19;73:19 diversion (1) 12:3 Diversity (8) 16:23;27:2;30:5; 42:23;50:13;64:1;66:7, 14 Division (3) 7:23;14:16;39:6 document (2) 32:19;54:4 documentation (1) 35:21 documents (15) 30:22;31:3,10,11,15, 18;32:11,19,20;33:8; 34:18;35:3,8;36:10; 65:7 done (6) 25:12;26:18,23;42:3; 60:9;74:19 DONNELLY (22) 27:1,1;30:4,4;42:22, 22;43:6,8;50:12,12; 59:13,14,14;63:24,24; 66:13,13,18;69:22,23, 23;71:5 double (1) 45:10 down (3) 34:22;73:23;75:24 drawn (2) 13:6;19:11 Dry (3) 17:5,5;66:7 due (1) 18:5 duplicative (1) 19:1 duration (1) 65:18 during (10) 6:3,15;11:13;19:12; 20:6;27:9;69:8,10; 78:7;79:3	Dwight (1) 63:16 Dylan (1) 48:3 E earlier (3) 50:14;59:10;65:17 early (2) 69:13;72:6 Eastern (1) 46:14 eat (1) 23:13 echo (1) 30:5 economics (1) 70:22 effect (1) 18:20 effects (2) 9:16;75:8 efficiency (4) 42:20;55:11;57:3; 72:7 efficient (3) 25:13;29:2;40:1 effort (2) 22:21;41:11 either (8) 7:4;8:6;18:22,22; 30:1;50:22;53:11; 68:21 electronic (1) 37:2 elementary (1) 52:1 elements (1) 50:7 elicit (2) 27:9;28:10 elicited (1) 24:3 eliminate (1) 41:11 else's (1) 52:13 email (7) 4:22;36:18,24;38:6, 6,23;39:5 emails (1) 37:21 encompass (1) 16:9 encompassed (1) 11:11 encompassing (2) 11:20;13:22 encourage (2) 23:24;37:6 encouraged (1) 28:3
---	--	---	---	---

encouraging (3) 27:21;55:11;57:2	35:14;65:20	expectation (3) 8:4;14:11;47:2	FAIRBANK (133) 4:4,5,9;9:22;10:3; 11:4;16:6,14,18;17:12, 14,16,23;18:3;19:17, 22;20:4,19;21:6,10,13, 20,24;22:7,12;23:21; 25:16;26:14,24;27:11, 16,18,20;29:22;30:9; 32:22;33:1,12,21; 34:13,21,24;35:11,13, 17;36:12,15,23;37:1, 15,19,24;38:2,4,13,21; 39:3,6,20;40:6,10,15, 18,22;41:1;43:1,13,22; 44:8,21;46:2,15,21; 47:10;48:6,13;49:6,8, 13,23;50:18;51:16; 52:6,11,23;53:9;54:15; 55:1,3,15,24;56:8; 57:1;58:10;59:1,7,13, 21;60:17,21;61:18; 62:2;63:6,12;64:10,17, 22,24;66:17,19,22; 67:11,14,16;68:1,8,24; 69:18,21;70:16;71:6; 72:14;74:3,9,12;75:5, 19;76:11;77:10,23; 78:9;79:16,19	fingers (1) 49:1
end (5) 14:9;40:21;48:24; 51:18;62:13	evaluating (2) 28:13;65:19	expectations (1) 6:7		finish (1) 72:5
endeavor (5) 31:14;37:8;72:1,5; 74:19	even (3) 23:14;74:16;76:2	expecting (1) 63:19		first (9) 15:6,19,24;17:10; 18:20;25:11;67:9,10; 69:8
endeavoring (2) 24:24;34:4	everybody (12) 4:18;8:15;13:21; 15:10;22:3;24:6;28:8; 36:5,17;72:21;73:4; 79:22	expend (1) 42:2		Fish (7) 15:21;66:3;67:2; 68:18,23;69:4;75:22
Energy (2) 21:7;77:4	everyone (12) 18:14;30:17;31:2; 33:9,10;43:21;48:19; 52:13;68:20;71:13; 72:16;79:24	experience (2) 14:17;23:13		fit (2) 55:6;78:10
engage (1) 10:12	evidence (34) 6:14;7:8,12,17,18; 8:1,8,12,13;13:9; 16:10;17:18,21;18:22; 19:4;28:11;30:22; 31:10,11,20;32:1;35:1, 4,20;39:8,13;43:3; 53:17;56:14,16;61:2; 74:1,22;79:12	expert (54) 28:6;29:8,9,12,13, 20;30:6;35:8,9,9,13,18; 36:2;38:11;39:9;41:14, 18,20,22;42:9,12,24; 44:24;45:7,22,24;46:7; 47:1,7,12;49:4,21,24; 50:3,9,15;51:22;56:5, 19,20;57:16;58:18; 61:7;62:6;63:15;64:8, 21;69:15;70:1,11,19, 21,24;77:14		five (3) 15:6,19,24
engaged (1) 14:18	exactly (1) 60:6	expertise (1) 14:17		FLANGAS (15) 9:21,23;11:3;21:12; 28:24;29:1,1,22;36:22; 38:8,9,14,15;55:23; 56:21
Engineer (45) 5:18;6:20;7:13,21, 23;8:11,24;11:14,21; 14:21;22:17;28:13; 30:23;31:4,4,7,10; 32:19;35:23;36:7;41:8, 10,13,17;43:9,20; 44:12;45:8;47:9,15,20, 21;50:19;51:4;54:6; 56:22;59:18;61:4,8; 63:19,23;65:10;74:13, 14;78:23	exam (1) 60:7	experts (22) 29:18,19;41:9,15; 42:18;43:5,11;44:14; 45:4,13,17;46:4,23; 47:9,22;51:6,12,13; 67:8;70:22;72:24; 76:12		Flatley (1) 4:11
Engineer's (13) 5:3;6:7;8:4,12;9:20; 15:5;31:21,24;41:4; 45:20;46:12;65:19; 74:1	examination (3) 27:14;40:2;63:21	expert's (1) 38:11	fairly (1) 78:16	Flow (11) 4:7;5:16;9:7,10,13, 15;10:10;11:18,24; 73:13,23
enough (5) 23:5,6;53:13,22; 72:13	examine (3) 8:22;51:14;58:1	explain (1) 6:24	fairness (1) 57:24	focus (2) 76:19,24
entertain (1) 78:6	examined (1) 49:9	explore (1) 42:21	far (1) 20:11	focused (3) 8:22;20:24;40:2
entire (5) 20:15;23:14;52:19, 20;62:7	examining (1) 29:20	exploring (2) 34:9;43:17	fashioned (1) 37:11	focusing (2) 54:12;76:5
entirely (1) 22:10	example (5) 29:6;62:15;63:14,15; 64:14	expressed (1) 67:8	feasible (1) 76:18	follow (4) 11:8;23:22,23;74:4
entities (3) 64:9,11;66:24	exception (1) 31:8	extend (3) 6:1;24:18;25:5	Federal (1) 46:13	following (8) 11:16,22;12:20;25:5; 30:19;62:16;76:22; 79:13
entity (1) 17:13	excerpts (1) 32:9	extent (13) 11:9;18:12,20;27:22; 31:15,19;33:21;55:11; 64:18;67:24;68:15; 71:20;78:20	feedback (3) 25:6;26:1;39:21	foot (1) 73:19
equal (1) 16:10	exchange (6) 35:3;38:6;43:10; 46:3;47:11;78:22	extracted (1) 77:7	feel (4) 32:8;38:22;51:13; 54:1	form (2) 37:4;77:22
equally (1) 35:22	exclusionary (1) 70:5	extremely (3) 31:17;57:22;71:16	feels (1) 25:21	format (4) 5:12;33:19,23;79:11
equipment (1) 48:23	Excuse (4) 20:9;56:21;71:8; 79:24		Felling (3) 77:3,4,4	formatted (2) 33:15,18
equity (2) 27:6;59:19	executive (1) 70:13		field (2) 5:8;71:1	forth (5) 5:16;26:3;71:20; 76:2;78:12
e-Service (3) 37:7,18,21	exhaustive (1) 13:19	F	file (2) 52:13,15	forward (4) 73:20;75:9;76:3,7
essentially (2) 20:15;67:17	Exhibit (4) 31:2;32:20;77:9,11	fact (1) 57:20	filed (2) 6:15,23	found (1) 41:21
establish (5) 35:1;36:16;42:7; 45:2;61:11	exhibits (4) 35:7,10;41:3;44:6	FAHMY (12) 45:16,16;57:13,14, 14;63:3,3,8;77:19,20, 20,24	finally (1) 17:4	four (1) 10:16
established (2)	existing (1) 52:17	fair (3) 28:23;56:2;61:1	find (1) 25:13	frame (4) 24:10;74:17,18;75:1
	expect (2) 44:5;58:4		findings (4) 8:9;11:1;13:15;19:2	frames (1) 61:12
			fine (3) 32:9;40:23,24	framework (5) 12:4,17,22;13:21; 22:15
				Frank (1)

39:4 free (6) 28:14;32:8;37:3; 38:6,23;78:10 Frehner (1) 48:3 frequently (1) 26:11 Friday (2) 18:6;45:12 front (3) 32:14;36:6;54:17 full (6) 16:21;24:11;61:1; 69:6,8;72:16 funds (1) 70:10 funnel (1) 18:20 funny (1) 55:5 further (1) 5:19 future (6) 10:21;11:10,14,15; 12:4,15	70:17;75:18 Greg (2) 20:9;73:18 grenade (1) 58:3 groundwater (3) 9:6,12;12:7 guess (3) 34:19;37:19;64:7 guys (2) 67:20;68:3	20;54:3,8,15;55:1,3,15, 24;56:8;57:1;58:10; 59:1,7,13,21;60:17,21; 61:18;62:2;63:6,12; 64:10,17,22,24;65:18, 20;66:17,19,22;67:11, 14,16;68:1,8,24;69:18, 21;70:16;71:6;72:1,6, 9,14,20;73:6,10,10,20; 74:3,9,12;75:5,19; 76:11;77:10,23;78:8,9, 15,17,19;79:3,11,13, 16,19 hearings (2) 5:12;20:6 heart (1) 20:15 held (3) 14:6;72:20;73:6 help (3) 24:10;30:13;39:24 helpful (1) 30:8 HERRERA (3) 59:2,2,9 Hi (1) 19:23 high (1) 8:18 highlight (3) 9:3;17:19;20:24 hit (1) 8:17 hoc (1) 50:22 holders (1) 10:13 honestly (1) 60:1 honesty (1) 24:14 honing (1) 75:24 hoping (5) 24:9;33:12,14;39:17; 46:8 horse (1) 24:7 hour (4) 5:23;6:1;14:7;23:11 hundred (1) 20:16 hydrographs (1) 77:14 hydrologically (2) 9:6;11:17 hydrologist (2) 27:3;70:4 hydrology (2) 9:24;10:1	idea (15) 7:20;8:17;17:16; 18:13,18;20:23;27:11; 29:4;43:17;44:15; 53:19;56:15;57:3; 58:15;62:11 ideas (1) 42:21 identification (1) 46:4 identified (11) 11:11;31:12,20;41:5; 42:5;61:14;63:12,16; 65:8;71:13;79:16 identify (8) 31:2;36:11;43:19; 46:5;47:12;58:13;65:3; 70:19 identifying (2) 8:8;30:22 ignore (1) 54:7 Illinois (1) 46:14 imagining (1) 23:9 impact (1) 12:12 impacts (1) 75:11 important (6) 8:19;30:6;32:13; 33:4;36:4;37:14 impossible (1) 28:19 incentive (1) 26:9 include (5) 16:12,15;30:21;44:9; 47:8 included (1) 9:19 includes (1) 17:10 including (4) 7:18;8:1;9:13;41:2 inclusion (3) 15:1;31:21;36:2 increasingly (1) 37:14 incredibly (1) 36:4 independent (1) 53:7 independently (1) 13:10 Indians (2) 15:20;66:2 indicate (3) 26:4;49:18;76:5 indicated (2) 39:8;68:10 individual (15)	38:19;41:15,16; 42:10;43:19;44:11; 47:19;51:1;60:23;61:7; 62:19,24;63:9,13; 70:18 individuals (26) 4:17;7:6;28:5;41:9; 42:4;46:6;47:18,21,22; 49:17;50:6;52:12; 63:10,11,18,21,22; 65:4,9,9;71:18,19;73:1, 9;78:12;79:9 industry (1) 52:15 inform (2) 10:21;30:14 informal (1) 36:19 information (7) 7:18;8:11;9:8;14:14; 24:4;45:22;68:12 initial (11) 15:8;18:9;20:11; 21:16;26:19;52:13,14; 53:2;57:19;63:7;65:8 initially (1) 65:17 inquiries (1) 52:4 instance (2) 70:6,13 intend (6) 11:9;41:4;47:13; 50:6;63:20;78:17 intended (5) 8:14;24:4,17;35:7; 65:23 intending (4) 6:3;13:23;28:5;73:6 intends (2) 31:23;41:13 intent (6) 8:20;22:17;33:23; 52:24;53:5;57:10 intention (1) 8:5 interests (3) 26:15;65:15;66:20 interim (1) 49:16 Interior (3) 19:24;22:9;75:22 internet (1) 72:21 interplays (2) 10:24,24 interpretations (2) 13:3;19:2 into (19) 10:24;14:12;25:1,5, 15;33:18,22;35:23; 46:11,17;49:1;50:7; 51:19;65:6;67:3;70:1;
G	H	I		
general (2) 13:18;19:19 Generally (1) 43:1 geographic (2) 9:5;11:17 Georgia (1) 17:6 gets (3) 23:1;26:13;60:1 given (8) 23:13;28:6,23;29:2, 17;45:21;54:18,18 gives (1) 79:15 giving (1) 77:5 GLASGOW (17) 19:23,23;20:8;48:9, 9;54:14,16,16;55:2,13; 58:10,11;61:19,23; 68:7,7,9 goals (1) 6:7 goes (2) 24:7;50:14 Good (5) 4:4;37:11;55:23; 75:15;77:24 grapple (1) 74:10 Great (9) 17:6;44:15;59:15; 64:1;66:8,15;69:24;	half (17) 16:20,20;17:3;22:20; 23:5,11,14;25:21; 26:13;27:3,4,8;66:14; 67:19,23;68:5,6 handle (1) 34:20 happen (2) 28:19;29:19 happy (1) 54:3 hard (2) 33:17;34:14 head (1) 67:4 Headwater (1) 9:10 hear (1) 30:7 heard (1) 38:7 HEARING (224) 4:4,6,7,10,11,12;5:1, 5;6:4,6,8,9,13,15,18, 18;7:23;8:5,14,24; 9:22;10:3;11:4,5,16, 22;12:6,9,11;13:22; 14:3,5,6,8,11,20,23; 15:4,6;16:6,14,18; 17:12,14,16,23;18:3; 19:17,22;20:4,19;21:6, 10,13,20,24;22:7,12, 17;23:21;24:17,18; 25:1,5,16;26:5,14,24; 27:11,16,18,20;28:22; 29:22;30:8,9,12,17,24; 31:6,13;32:2,6,15,22; 33:1,12,21;34:8,13,21, 24;35:11,13,17;36:7, 12,15,20,23;37:1,10, 15,19,24;38:2,4,13,21; 39:3,12,20,24;40:6,10, 11,15,18,22;41:1;42:8, 16;43:1,13,22;44:8,14, 21;45:3,4,13,13,14; 46:1,2,15,21;47:4,10; 48:2,6,7,10,13,19;49:6, 8,13,23;50:18;51:16; 52:2,6,11,22,23;53:9,			

72:4;78:8,23 Investment (1) 71:11 Investments (2) 15:22;66:4 invite (2) 4:19,22 invites (1) 4:20 involve (1) 73:24 Irrigation (1) 21:18 issue (6) 34:1;41:7;57:24; 60:2,16;71:8 issued (2) 25:17;30:17 issues (18) 5:20;10:5;11:5,6,11, 16;12:3;15:19;18:16, 16;22:16;30:14;44:16; 62:20;74:10;76:1,10; 79:20 issuing (1) 5:6 item (1) 14:1	22:12,14;30:13;36:18; 41:7;42:6;55:5;62:10; 65:20,23,23;66:1; 71:20;73:19;75:1 KING (2) 21:18,18 knowing (2) 25:8;72:18 knows (1) 43:21	9:24 Lincoln (2) 16:22;66:5 line (2) 24:4;48:22 list (23) 12:21;13:19;30:21; 31:9,12,21;32:3,19; 33:7;36:9,16,18,19,20; 37:23;38:6,10,12,22, 24;43:18;49:12,16 listed (6) 18:2;31:9,9;32:13; 52:4;66:2 listen (1) 68:11 listing (1) 65:24 lists (5) 51:21,22;58:12;59:3, 5 literally (1) 29:18 little (11) 5:22;12:16;13:21,22; 16:20;21:4;23:22; 30:11;34:22;42:19; 62:10 lob (1) 58:3 location (4) 9:14;45:11;48:17; 73:8 logics (1) 5:7 long (5) 5:11;9:12;48:23; 67:20;78:21 longer (1) 38:19 look (5) 27:10;34:12,16; 52:14;73:2 looked (1) 40:13 looking (14) 12:17,20,23;13:16, 19;15:3;20:11;24:9; 41:15;44:22;46:17; 67:21;71:14;75:23 loose (1) 75:1 lot (9) 18:15,22,24;27:9; 28:4;31:17;41:11; 74:21;75:6 Low (1) 73:13 Lower (8) 4:7;5:15;9:7,13; 10:10;11:18,24;73:23 Luke (1) 75:21	lunch (2) 6:1;14:8 LWRFS (5) 12:3,5,8;15:13;34:8 M ma'am (1) 39:2 mail (2) 37:4,12 mailing (2) 36:22,23 maintain (1) 24:10 major (3) 17:10;19:15;26:12 making (6) 5:19;12:4;13:13; 34:15;36:8;73:12 manage (3) 23:1;28:2,21 management (3) 10:10,14;12:4 mandated (1) 70:15 mandatory (1) 64:4 manner (1) 33:15 many (5) 23:17,17;25:8;70:8,8 map (1) 6:2 marked (1) 32:23 matter (6) 10:1,4;11:7;20:15; 31:22;59:19 matters (9) 6:13;9:4,18,23;10:1, 14;11:12;30:13;72:9 may (16) 11:23;25:13;29:9; 34:5;36:3;50:6;52:3,3; 55:20;57:20;60:8;61:5; 70:10,10;72:3;75:11 maybe (6) 9:13;23:10,11;47:5; 58:7;78:7 mean (25) 20:5;22:13;23:1,8; 26:18;37:3;40:12; 50:16;56:14;57:1,10, 17;58:3,17,20;61:19, 20,20;64:15,24;70:22; 76:11;77:12,12;78:20 meaning (1) 36:22 mechanism (1) 33:18 meeting (1) 6:3	meetings (1) 60:5 Melissa (1) 4:10 member (1) 59:15 members (1) 73:13 mentioned (2) 14:4;74:20 merit (2) 46:19;53:22 methodology (1) 52:20 mfairbank (1) 39:4 Micheline (3) 4:5,9;39:6 micromanage (2) 78:12,21 might (10) 30:13;34:16;48:16; 57:21;58:15,17,23; 68:20;76:1,5 MILLER (2) 75:21,21 mind (1) 69:5 minute (1) 14:7 minutes (4) 23:9,10,15;28:17 Miss (2) 60:3;76:9 missed (1) 75:24 Moapa (11) 15:20;16:21;22:13; 24:22;25:20;66:2,5; 67:7,18;71:11;73:18 moment (1) 69:24 Monday (1) 67:12 money (1) 61:24 monitoring (1) 22:5 MOORE (10) 38:17,17;40:12,13; 64:13,13;67:21;69:11, 11,20 more (27) 11:1;14:24;15:16,17, 17,18;16:19,20;17:1; 18:19,19;20:14;22:19; 27:5;28:5;31:17;33:5; 36:18;39:18,24;40:1; 67:19,23;73:24;74:9, 15;76:24 morning (8) 4:4;5:23;6:4,4;14:2; 15:5;42:6;72:10
J joining (1) 22:9 Judge (1) 60:2 judgment (1) 45:23 judicial (1) 45:19 jumping (1) 62:10 jurisdictions (2) 45:18;46:18 Justina (2) 21:10;48:4	L laid (1) 69:3 Lake (3) 17:5,5;66:7 lane (1) 13:23 larger (1) 10:18 Las (9) 16:22;22:6;38:18; 63:15,20;64:13;66:6; 69:11;72:2 last (2) 5:4;48:9 later (4) 10:20;30:11;45:8; 67:9 LDS (1) 21:21 leading (1) 19:12 least (3) 18:7;19:8;59:11 leave (2) 4:16;37:9 leaving (2) 58:18;60:11 legislative (3) 72:15;73:3,7 length (2) 6:9;14:2 less (3) 27:12;58:11;69:9 level (3) 52:19,20;70:3 licensed (1) 50:24 Life (3) 66:3,21;69:4 likelihood (1) 22:5 likely (1) 73:7 limitations (2) 12:2;26:12 limited (12) 5:22;7:16;8:7,21; 11:5;14:11;29:3;57:7, 22;71:16,21;76:6 limiting (1)			
K Karen (9) 19:23;40:20;48:1,9; 49:3;54:16;58:2;61:23; 68:7 Kathryn (1) 22:8 keep (7) 8:21;20:23;24:12; 38:11;47:3;48:19;69:6 Kent (2) 16:16;19:13 kind (25) 5:11;6:17;11:8; 12:16,21;13:20;14:1; 18:18;19:18;21:6;				

MORRISON (10) 20:9,9;21:5;67:20; 73:18,18;74:8,11;75:3, 18 Morrison's (1) 68:6 most (6) 4:18;5:12;7:17;9:4; 19:11;32:10 move (4) 16:24;18:14;30:12; 65:16 moved (1) 48:7 movement (2) 9:16;12:2 moves (1) 73:20 moving (7) 14:1;39:7,21;49:1; 74:5,7;75:9 much (4) 20:13;23:1;38:15; 68:2 Muddy (7) 9:9,15,15,18;12:8; 20:9;21:18 multiple (1) 11:20 multi-tiered (1) 10:9 must (2) 11:6;61:8	78:23 Network (11) 17:7;59:15;64:1; 66:8,15;69:24;70:6,7, 10,14,17 NEVADA (13) 4:1;15:22;18:1; 21:12,13;22:19;29:1,6; 50:23,24;66:4;68:2; 73:9 new (12) 13:3;35:8,9,17,18; 48:14,21;52:9,19,20; 53:7;79:12 news (2) 15:12;34:8 next (10) 14:1;16:18;18:5; 23:7,11,11;25:15;39:7; 62:15;68:19 nobody (1) 62:18 non-attorney (1) 50:17 non-expert (1) 50:6 noon (1) 5:23 North (9) 16:22;38:18;63:15, 20;64:13;66:6;69:11; 72:2;73:16 noted (2) 4:23;5:11 notes (1) 75:23 notice (6) 30:23;31:5,11;32:5; 34:20;41:19 notification (1) 36:19 NPS (1) 61:23 NRS (2) 43:6,7 number (3) 22:1;28:17;63:10 numbered (1) 33:2 numbering (1) 32:20 numbers (1) 32:19 numerous (1) 41:9 NV (2) 21:7;77:4	51:23 objected (1) 45:3 objection (6) 38:7;40:11;44:10; 64:2,7;67:24 objections (2) 45:6,7 objects (1) 37:20 obligated (2) 74:13;76:5 observe (1) 73:10 observed (1) 13:4 obtained (1) 9:8 obviously (8) 5:7;18:5;23:24; 24:10;25:7;39:9;57:10; 73:22 occupied (1) 5:24 occur (2) 10:21;16:2 o'clock (1) 14:7 October (6) 14:9;25:1;69:15; 72:2,3,4 off (3) 29:23;63:13;64:19 offer (5) 43:2;46:10;49:21; 51:22;60:14 offered (5) 41:19;49:24;61:7; 70:23,24 offering (4) 7:16;23:3;54:17; 71:19 office (31) 5:3;6:8;8:20;10:11; 12:17,20;13:2,12; 14:13,19;15:12;20:2,4; 23:24;31:4;33:5;34:11, 19;41:10,23;42:3,13; 45:21;46:13;47:23; 50:11,23;51:3;57:8; 74:1;75:21 OFFICER (131) 4:4,10;9:22;10:3; 11:4;16:6,14,18;17:12, 14,16,23;18:3;19:17, 22;20:4,19;21:6,10,13, 20,24;22:7,12;23:21; 25:16;26:14,24;27:11, 16,18,20;29:22;30:9; 32:22;33:1,12,21; 34:13,21,24;35:11,13, 17;36:12,15,23;37:1, 15,19,24;38:2,4,13,21;	39:3,20;40:6,10,15,18, 22;41:1;43:1,13,22; 44:8,21;46:2,15,21; 47:10;48:6,13;49:6,8, 13,23;50:18;51:16; 52:6,11,23;53:9;54:15; 55:1,3,15,24;56:8; 57:1;58:10;59:1,7,13, 21;60:17,21;61:18; 62:2;63:6,12;64:10,17, 22,24;66:17,19,22; 67:11,14,16;68:1,8,24; 69:18,21;70:16;71:6; 72:14;74:3,9,12;75:5, 19;76:11;77:10,23; 78:9;79:16,19 often (1) 29:19 oftentimes (1) 63:9 old (1) 37:11 once (4) 24:18;41:16;71:24; 74:4 one (37) 16:1,3,7,9,12;17:9; 23:14;24:3,9;25:11; 26:15;29:15,20;33:8; 34:16;35:6;41:7;42:5; 48:9;51:14;52:7;54:19; 58:18,19;59:5,23;63:9; 64:16;66:16,21;68:10, 10,17;70:14;72:12; 76:3;78:1 ones (3) 15:18;43:23;69:9 ongoing (1) 62:13 only (10) 20:3;23:14;33:6; 49:17;51:14;60:14; 66:9;70:2;71:18,18 onto (1) 14:1 open (2) 60:11;76:20 opening (3) 69:16;78:2;79:15 operate (1) 13:24 operating (1) 4:9 opine (1) 50:5 opinion (2) 52:20;54:17 opinions (20) 7:14;8:2;14:13;15:1, 2;18:11,12;19:1,5; 21:1;27:24;35:9;49:21; 50:10;51:22;53:1; 54:13;70:11;71:21;	76:15 opportunities (4) 19:3;25:4;60:12,12 opportunity (29) 5:14,16;6:22,23;8:7; 9:2;17:19;18:21;20:22; 24:16;25:4;28:8,9,10, 23,23;32:15;36:6; 48:16;53:20;54:9; 55:21;56:12,15;57:4, 12;58:24;60:24;61:2 opposed (1) 52:19 optimally (3) 17:2;48:13;77:11 optimistic (1) 48:14 Order (72) 4:7;5:2,5,6,9;6:6,13, 19,21;9:4,8;10:11,17, 21;11:16;13:4,22; 19:14,16,19;24:19; 25:3,17,17;26:3,4;30:2, 7,16,18,21,24;31:1,5; 34:2,6;35:14,15,15; 36:13,16,20;37:23; 38:5;40:4;44:23;45:1, 2;46:5;47:8,10;49:9, 16;52:5;56:19;61:11; 64:3,6;65:21,24;66:12; 67:9,22;68:15;71:9,10, 13;73:21,22;78:13,14; 79:23 ordered (1) 69:2 orders (3) 78:7;79:1,5 organization (1) 59:16 organized (1) 69:1 Otherwise (3) 49:20;70:13;77:12 out (27) 5:7;11:15;18:18; 19:12;20:21;21:4; 25:13,18;28:20;30:18, 19;32:3,23;33:2;34:6; 36:3;40:5,6;46:5;66:2; 68:13;69:3;71:13;75:7; 77:15;78:18;79:23 outlined (5) 5:9;11:5;14:10; 22:15,17 outside (1) 23:2 over (4) 6:5,12;54:18;70:8 overlap (1) 26:8 overview (1) 13:18 own (6)
N				
name (1) 47:12 names (1) 47:9 narrative (1) 77:22 narrowing (1) 76:19 National (10) 15:20;19:24;45:16; 57:14;63:3;66:3;67:1; 68:9;69:4;77:20 nature (1) 74:2 necessarily (6) 5:13;43:17;51:12; 55:6;56:18;78:11 necessary (8) 18:12;25:3;26:5,6; 28:12;45:5;71:1,20 need (17) 5:7;16:19;22:19,20; 23:4;31:17;32:8;46:1; 49:8;54:2;64:15;67:23; 68:3,13;72:10;76:12, 14 needs (1)	O o0o- (1) 4:2 object (1)			

28:2;37:7;53:13,23; 56:20;65:14	12:17;14:11;16:1,3,7; 18:2,7,15;19:7,10,16; 20:22;21:15;22:14; 23:17,18;24:16,22; 25:20;27:15,17,18,21, 23;28:3,22;31:14;35:2, 5;37:3,22;38:6;40:1; 41:4,8;42:6,9,14; 43:10;44:12,23;46:7, 22;47:2,11,16;53:2,10, 18;55:21;56:17;57:16; 58:13;59:3,11;61:3; 72:3	17:11;29:15;48:12; 51:14;61:21;68:12; 79:15 perspectives (1) 27:23 Peter (4) 45:16;57:14;63:3; 77:20 PETERSON (15) 40:20,20;48:1,1,5; 49:3,3,7,10;55:14,16; 56:6;58:2;60:3;61:17 PHD (1) 70:3 phone (3) 4:18;39:1;79:21 phrase (2) 29:10,11 pick (1) 76:4 planned (1) 65:24 planning (3) 59:3,11;62:17 player (1) 26:13 playing (1) 5:8 please (7) 4:22;16:5;32:8,14; 38:22;61:21;73:5 plus (3) 27:4;40:18;66:15 pm (1) 14:7 point (29) 8:18,18;12:10,15; 14:5;15:5;17:20;18:4; 6:19;20:21;1,23;23:19; 28:19;32:16,21;33:14; 35:22;48:9;54:10,17; 55:23;58:11,23;59:11; 62:17,21;76:19;79:4 pointed (1) 78:16 pointing (1) 52:17 points (5) 8:18;9:3;12:2;21:1; 27:9 policy (5) 10:18,21,23,24; 11:10 pool (1) 37:5 position (2) 70:8;71:3 positions (5) 6:24;7:1;13:1;28:12; 78:13 possible (10) 23:8;29:2;31:15; 33:22;34:10;45:17;	49:20;55:12;72:6; 75:14 possibly (1) 75:24 posted (1) 48:19 potential (3) 22:24;42:6;60:16 PowerPoint (1) 77:5 practicing (1) 75:15 pre (2) 42:13,13 precisely (1) 63:5 preclude (4) 54:22;55:4,8,9 preference (1) 67:8 prehearing (2) 4:6;5:2 preliminary (1) 65:23 prepare (2) 39:18;76:22 prepared (2) 76:12,15 preparing (2) 8:2;64:10 pre-qualified (1) 47:9 pre-qualify (1) 44:13 present (15) 4:14;5:16;14:24; 18:10;19:8;22:16; 44:23;46:23;49:4; 56:16,17;62:23;63:20; 64:16,18 presentable (1) 77:22 presentation (8) 6:10;14:13;16:9; 19:14;23:6,9;30:10; 54:21 presentations (4) 22:21;54:24;67:3; 77:5 presented (8) 7:1;17:11;18:23; 65:12;76:1,10;77:8,11 presenting (2) 7:8;65:15 pretty (1) 52:1 previously (5) 13:2;43:20;44:11; 46:7;47:14 primary (1) 65:13 prior (11) 5:6;7:22;14:20;32:1;	33:24;36:6;39:11; 41:23;42:7;44:14; 62:16 pro (1) 50:22 probably (16) 16:19;17:1;18:6; 27:4,8;28:7;34:2; 42:14;71:14,15;72:15; 73:2;74:3,9;79:2,10 procedural (2) 44:16;72:8 procedurals (1) 77:3 procedure (2) 43:3;62:11 procedures (3) 6:12;30:12;56:24 proceed (2) 51:9;75:9 proceeding (8) 4:6;5:10;10:19; 31:16;70:9;74:5,14; 75:7 proceedings (7) 10:20;11:13;19:12; 30:3;41:23;45:19;80:4 process (8) 10:9;27:7,9,12; 32:21;36:8;42:17,19 processes (1) 18:15 procure (1) 70:11 produce (1) 42:15 produced (1) 65:14 proffer (3) 7:15;46:23;59:16 proffered (6) 45:7;49:24;50:2; 60:8;70:19;71:2 proffering (1) 61:5 progress (1) 28:22 Projects (1) 16:17 promote (1) 72:7 properly (1) 27:10 proposed (4) 67:21;78:6;79:1,5 proposing (1) 15:6 Protestant (1) 5:13 protested (1) 5:12 provide (19) 6:17;7:7;8:7,13;12:3,
------------------------------------	--	--	---	--

16;13:20;24:15;25:3; 28:8;32:9,16;34:19; 38:5;46:23;47:13,16; 53:21;54:10	29:19;32:10;34:3; 57:7	recovery (1) 9:10	rendered (3) 74:4,15,24	require (2) 7:11;57:9
provides (1) 26:9	R	redirect (1) 26:22	rendering (5) 8:2,2;13:10;19:9; 31:22	required (5) 50:20;59:24;76:2; 77:8,9
providing (2) 46:4;54:9	radar (1) 75:4	redundancy (3) 24:2,6;31:18	repeat (1) 16:4	requirement (1) 51:1
proving (1) 34:2	raised (1) 24:21	refer (3) 31:15;32:8,8	replicating (1) 34:15	reserve (1) 20:5
prudent (1) 49:18	rather (1) 48:12	referring (1) 63:5	report (81) 6:21;7:4,4,4,5,6,11, 11:8;6:10;17:14;19; 17:7,10;18:9;19:15; 20:3,14;21:8,14,16,16, 19;26:2,19,19,19,20; 36:2;42:11;49:17,22; 50:1,1,3;51:23,24; 52:13,15,17,24;54:1,1; 55:18;56:7,9,12;57:18, 22;58:9;59:17,20;60:1, 6;61:6,6,7,15,15;62:4, 6,22;63:4,4,7,7,13,14, 15,17;64:5,12,14,19; 66:8,9;70:7,18,24; 71:18;76:8;77:14	resolution (1) 59:8
public (5) 5:4;7:7;60:5;73:15; 79:10	rationale (2) 69:1,2	regarding (2) 37:7;77:2	REPORTER (1) 38:1	resolve (3) 12:6;60:23;62:19
pumped (1) 9:13	read (1) 64:14	regardless (2) 7:14;73:6	reporting (2) 10:8;19:15	resolving (1) 12:13
pumping (2) 9:14;12:7	readable (1) 33:19	regards (7) 23:23;39:21;58:1; 63:8;77:21;79:1,7	reports (101) 4:8;5:2,5,17,17;6:19, 23,23;7:2,12,13,21,22; 8:1,3,6,9,16;9:19; 11:12;12:18;14:12,17, 18,22;15:8,11,13,15, 16,17;16:1;17:17;18:2, 4,5,7,8,19;19:6;20:11; 23:18;24:15,19;25:8; 26:20;30:11,20;31:8,8; 35:8,9,13,18,18;39:10; 41:15;45:22;50:8;52:8, 9,10,14,16;53:2,3,6,7, 12,12,19,21,22;54:5,5, 7;55:9;56:13;57:17,19; 58:12;63:9,23;64:11, 20;65:3,4,7,8,11;66:10, 23,24;69:7;71:15,17, 24;74:22;76:13;77:7, 15	Resources (4) 7:24;14:16;39:6; 49:1
purely (1) 77:13	ready (1) 76:8	register (1) 64:2	responsibility (1) 28:21	respect (9) 5:20;20:1;44:10; 48:10;50:10;51:5;68:2; 72:9;78:13
purpose (21) 6:5,6,18,18,20;7:8; 8:10;9:2;11:4;12:6,9, 11;14:10;22:17;30:24; 31:13;36:19;53:3; 70:17;71:2;78:18	really (16) 5:14;8:10,20;10:7; 11:1,17;19:23;12;30;6; 36:18;53:12;54:12; 55:6;60:13;68:3,22; 76:18	registering (1) 64:7	restating (1) 19:1	respond (2) 6:24;15:1
purposes (7) 4:10;25:22;32:6; 36:17;37:10;42:15; 78:15	reason (2) 42:1;74:11	regulations (1) 37:2	restricted (1) 26:11	response (2) 6:21;12:18
pursuant (3) 6:19;35:14;50:23	reasonable (5) 20:22;24:16;39:14; 46:9;47:3	regulatory (2) 37:11;42:23	restricting (1) 49:15	responsibility (1) 28:21
put (11) 4:19;23:5,7;33:6; 55:8,20;59:4;69:17; 76:2;78:8,12	rebut (3) 52:21,21;57:18	rehash (1) 14:22	restrictions (1) 12:2	review (4) 7:24;14:17;17:17; 46:8
Q	rebuttal (61) 5:17;6:23;7:2,4,5,11; 8:6;15:1,2;16:13,15; 17:7;18:4,5,7,8,11,16; 19:6;20:3,14;21:8,14, 16,19;24:15,19;25:8; 26:8,18,19;29:3,4; 30:19;31:8;35:18;50:1; 52:8,9,16,24;53:3,6,11; 54:1,5;56:13;57:17,22; 58:9;60:11,12;61:15; 63:7;66:9,10;71:15,17, 18,22,24	reintroduced (1) 31:12	reviewed (1) 7:22	reviewing (3) 12:18;14:18;15:15
qualification (6) 41:12;42:9;43:5; 44:10;45:3;47:6	reasons (1) 52:17	relate (1) 50:7	Republic (1) 17:6	Rick (1) 77:4
qualifications (8) 43:11;44:4;46:6,24; 47:13;50:14;70:20,21	received (1) 12:18	related (2) 19:15;50:13	request (4) 31:7;44:7;66:14; 67:18	road (1)
qualified (21) 7:24;41:9,17,20,22; 42:12;43:19;44:11,24; 45:18,24;46:7,12,13, 18,24;47:14,15,19,22; 51:19	recess (2) 60:19,20	relates (1) 9:10		
qualifies (1) 70:1	recognize (4) 37:2;47:21;73:5; 75:6	relating (2) 6:13;7:17		
qualifying (4) 42:2,15,18;45:4	recognizing (3) 24:24;72:24;78:22	relation (2) 50:3;75:24		
quantity (2) 9:12;11:23	record (12) 4:24;8:12;17:24; 22:4;31:16;32:5;33:13; 35:24;41:6;60:22; 69:17;74:20	relationships (1) 9:14		
quick (1) 6:2	records (4) 30:22;31:3,18;32:11	relatively (2) 8:21;36:1		
quickly (1) 25:13		relegated (1) 20:17		
quite (4)		relevant (9) 8:11;9:20,24;10:1,1, 4,4;31:24;35:22		
		relied (13) 6:15;8:1;13:10; 17:18;19:9;28:11;39:9; 42:11;53:1,17;56:14; 61:3;76:14		
		rely (2) 31:23;43:4		
		relying (3) 13:13;53:15;75:16		
		remaining (1) 17:4		
		remote (1) 48:17		
		render (1) 75:16		

6:2 Robinson (1) 44:2 ROBISON (38) 16:4,12,16,16;17:8,9, 13,15;19:14,21;26:7,8, 16;27:15,17,19;36:9, 14,24;37:13,16;40:4,8, 17;43:7,9,15;44:3,7; 47:8,24;65:22;66:19, 20;67:10,12,15;79:14 Roerink (1) 70:17 role (1) 28:21 roles (1) 43:5 room (7) 5:24;37:17;45:14; 72:13,17,20,21 route (1) 60:15 rule (2) 56:22,24 rules (3) 43:2;50:23;79:18 ruling (1) 58:21 run (1) 42:8 running (1) 48:15	73:24 scientific (4) 11:2;74:2;75:15; 76:14 second (5) 11:4;20:17;25:1; 69:10,13 section (1) 4:11 seeing (1) 67:4 seem (1) 39:14 send (1) 4:22 senior (2) 9:17;12:1 sense (2) 15:9;53:13 separate (4) 66:23,24;77:9,11 September (23) 5:6;14:5,20;30:17; 32:2;33:24;39:17,22; 40:13,21,22;41:1;42:8, 17;43:14;45:9,11;46:3; 47:12,17;48:8,8;72:20 sequence (4) 6:10;30:10,14,14 sequencing (1) 26:1 seriously (1) 57:11 serve (3) 33:9,9;41:22 served (1) 36:10 Service (32) 15:20,21;19:24; 22:10;36:9,16,20,22; 37:2,4;38:22,24;45:17; 48:10;54:16,18,20; 55:17;57:15;63:4;66:3, 3,21;67:1,2;68:9,22,23; 69:4,4;75:23;77:21 Services (1) 17:6 SESSION (1) 4:1 set (13) 5:1;14:8,23;25:17; 26:3;40:23;42:13; 43:13;45:1,46:5;71:20, 23;72:2 setting (3) 24:23;30:16;70:2 Sev (1) 22:4 shakes (1) 67:4 shared (1) 35:4 sheet (3)	4:13,15,20 sheets (1) 33:17 short (3) 32:3;59:22;66:15 show (3) 51:19;56:23;76:16 side (2) 32:12;51:19 sides' (1) 39:18 signature (1) 65:5 signed (3) 4:15;64:19,21 significant (2) 9:4;75:8 sign-in (3) 4:13,15,20 signing (1) 63:13 similar (6) 27:23,23,24;66:21; 68:16,17 similarly (1) 71:10 single (2) 54:4;67:3 singular (1) 11:19 sit (2) 61:20;62:7 sitting (2) 29:11;61:24 situation (1) 70:2 six-week (1) 24:17 smaller (2) 37:5,5 Smith (1) 63:16 SNWA (5) 24:21,22;25:23; 39:16;72:12 solicit (1) 79:5 solicitation (4) 6:22;9:5;11:12; 12:19 solicited (5) 4:8;5:3;6:19;10:17; 78:14 Solister (1) 75:22 somebody (11) 36:3;48:11;55:4,16; 56:9,14;58:22;61:21; 62:1,22;76:6 somebody's (2) 56:1;62:18 someone (7) 33:7;43:24;51:19;	52:1;59:4,16;70:15 someone's (1) 46:17 somewhat (3) 50:13;57:7;70:4 Sorry (3) 16:4;27:17;48:1 sort (1) 68:19 south (1) 73:16 Southern (6) 15:22;18:1;22:19; 66:4;68:2;73:9 SPEAKER (2) 39:1,1 Speaking (1) 59:14 specific (1) 75:2 specifically (2) 11:11;29:8 specified (1) 64:3 specify (1) 64:6 spend (2) 11:9;18:24 spent (1) 78:22 spoke (1) 38:1 spoken (2) 5:4;10:7 spot (1) 29:10 spread (1) 33:17 Spring (3) 9:10;15:21;71:11 Springs (2) 9:15;66:4 staff (5) 7:21,23;8:11;9:3; 26:22 stakeholders (3) 5:15;7:3;75:12 stamped (1) 33:2 stand (4) 53:13,23;54:21; 59:17 standard (2) 43:4,5 standpoint (1) 34:20 start (8) 10:11;25:15;32:20; 42:16;65:2;69:16;74:5, 7 started (2) 4:6;5:21 starting (1)	18:18 State (62) 5:3,18,22;6:7,20; 7:13,21,23;8:4,10,12, 24;9:20;11:14,21; 14:21;15:5;22:16; 28:12;29:5,19;30:23; 31:3,4,7,10,21,24; 32:19;35:23;36:7;41:4, 8,10,13,17;43:9,20; 44:11;45:8,20;46:12; 47:9,15,20,21;50:19, 24;51:4;54:6;56:21; 59:18;61:4,8;63:18,23; 65:10,19;73:24;74:13, 14;78:23 statement (4) 43:10;52:17,18;71:3 statements (1) 43:18 States (2) 15:21;37:11 State's (1) 29:20 status (1) 20:17 statutorily (1) 74:13 statutory (3) 42:23;74:16,17 Steve (2) 21:17,18 still (7) 18:3;22:10;24:14; 52:3;68:5;71:1;75:15 stipulation (1) 37:7 strategy (2) 10:10,14 stream (1) 48:22 strictly (1) 43:3 strong (1) 66:11 strongly (1) 51:13 structure (5) 15:4;20:10;27:6; 37:11;69:14 structured (2) 15:6;27:10 structuring (2) 39:24;65:19 stuff (2) 69:17;78:23 sub (1) 8:16 subject (3) 27:14;43:12;71:3 subjected (1) 26:21 subjective (1)
S				
safest (1) 60:14 salient (6) 7:17;8:8;14:13; 17:20;21:1,1 same (14) 19:1,1,2;26:13,21; 28:4;29:14;46:18;48:5; 57:2,6;64:8;68:19; 72:22 saying (3) 24:7;44:2;49:15 scenario (1) 29:24 schedule (5) 24:24;25:13;26:3; 44:20,22 scheduled (3) 62:3,3;71:13 scheduling (30) 5:6,9;14:4;24:19; 25:17,17;26:4;30:2,16, 18,21;31:1;34:2,6; 36:13,15,20;38:5;40:4; 44:23;45:1,2;46:5; 47:8,10;61:11;62:11; 69:13;71:9;79:23 science (1)				

47:5 submission (1) 30:19 submissions (3) 17:7;57:8;66:9 submit (13) 7:6;8:8;21:15;35:7; 41:4;60:6;7;61:5,5,11; 62:4,23;66:9 submitted (61) 5:17,18;6:21;7:4,10, 14,21;8:6;14:17,19,20; 15:7,11;18:2,9;20:12; 23:18;24:15;25:9;32:1; 35:10,10;39:10;42:10; 45:7,7;49:17,22;50:1,4, 10;53:2;54:1,4;55:9,9; 56:9,12;57:7,17;59:3, 17;60:1;61:3,7;62:22; 63:6,15,23;64:12,15, 19;65:4,8;66:22,24; 70:7,18;71:18;77:16; 79:11 submitting (10) 18:7;20:13;21:7,14, 16,19;53:11,11;63:14; 64:5 subsequent (1) 9:9 substance (2) 20:11;53:22 substantial (4) 15:8,17;20:14;41:13 substantiate (1) 13:15 substantive (7) 8:19;10:18;18:19,19; 53:13,21;57:11 succinct (3) 14:12;26:10;40:1 suffice (1) 36:24 sufficient (3) 17:5;60:11,12 sufficiently (1) 13:7 suggestions (1) 76:20 summarization (1) 77:13 summary (1) 6:17 support (4) 8:13;35:8;47:13; 53:21 supported (5) 12:23;13:7;18:23; 19:10;75:16 supporting (3) 7:19;14:14;35:20 supportive (1) 39:23 supports (2)	17:21;76:16 supposed (1) 48:21 Supreme (1) 50:23 sure (12) 4:15,23;5:8;20:16; 23:5;36:5;38:9,23; 44:5;69:12,14;74:8 surface (1) 9:6 sustainability (1) 12:12 sustainably (1) 11:23 swap (2) 71:11,12 System (12) 4:7;5:16;9:7,13; 10:10;11:18,19,24; 48:14,21;73:13,23 systems (1) 9:6 <div style="text-align: center;">T</div> tab (3) 15:12,13;34:8 TAGGART (47) 17:22,24,24;22:18, 18;23:23;25:10;26:17; 32:17,18,24;33:3,20; 34:9,14,23;35:6,12,16; 37:17;39:16,16;40:24; 43:16,23;44:5,15; 46:10,16;49:11,13,14; 51:17;52:7,12;53:8; 59:23;64:20,23;65:1; 68:1,5;72:11,12,12; 78:1;79:18 Tahoe (1) 45:14 talk (10) 10:6;21:3,3;25:19; 26:17;58:16,20,22; 61:22;62:1 talking (3) 25:15;65:17;79:8 task (1) 34:3 technical (1) 76:7 technically (1) 37:4 Technichrome (2) 17:7;66:8 telephone (2) 48:11,12 telephonic (1) 48:18 tends (1) 62:18 ten-minute (1)	60:18 term (1) 9:12 terms (13) 10:9;13:13;22:16; 24:11,23;28:17;39:24; 40:2;43:4;50:19;71:16; 75:8,9 test (4) 9:9,9,11;13:5 testify (11) 26:20;41:19;42:11; 50:7,7;51:20,24;76:6,8, 13,16 testifying (2) 50:9;54:17 testimony (16) 7:8,15,17;8:7;35:3; 41:3;52:2;54:10;59:17; 61:6;62:5,23;65:15; 74:21,22;77:6 tethered (1) 53:14 Thanks (3) 67:13;71:5;75:18 therefore (2) 23:18;45:24 thinking (3) 15:3;44:22;46:3 though (2) 49:5;74:16 thought (3) 29:17;39:21;78:8 three (6) 17:1;18:7;22:23; 39:17;40:8;46:18 threshold (4) 10:8,14;11:7;74:6 THURSDAY (1) 4:1 thus (1) 68:13 tie (1) 48:22 tied (1) 52:4 ties (1) 33:14 timely (1) 75:14 times (2) 25:18;39:18 timing (4) 6:9;14:2;30:10; 65:18 today (8) 4:16;25:19;38:22; 68:4;72:17,23;73:2; 79:20 today's (1) 4:10 together (1) 60:3 tomorrow (1) 62:14 top (1) 29:23 topic (1) 46:18 topics (1) 49:15 totally (1) 22:21 trade (2) 67:10,12 transparency (1) 24:11 travel (2) 73:10,15 Tribe (1) 71:11 tried (1) 78:16 truncated (2) 18:9;20:17 try (5) 22:2;25:19;28:21; 65:6;76:23 trying (19) 8:21;16:7,8;17:2; 20:21;22:1;24:12,12; 28:8,15;29:2;33:22; 42:20,20;44:13;69:6; 75:14,23;78:18 Turrell (1) 63:16 two (10) 14:8,23;17:2;29:16; 39:11;40:14,16,17; 64:8,11 two-week (2) 20:21;24:13 type (2) 25:7;78:6 types (5) 57:11;65:6;70:22; 77:15;79:2 typically (1) 29:15 <div style="text-align: center;">U</div> ultimate (4) 29:4;73:22;74:23; 75:16 ultimately (1) 11:21 Um-hum (3) 17:14;34:13;43:22 uncertainty (1) 25:8 under (10) 5:19;15:12;24:23; 30:1;34:8;51:8;54:6; 56:10;67:18;75:22 undermine (1)	53:17 undermines (1) 53:15 understands (1) 36:17 unduly (4) 22:15;25:21,24; 28:18 Unfortunately (1) 76:24 United (2) 15:21;37:11 Unless (1) 42:1 up (20) 11:8;19:12;23:2,13, 22,23;34:7;37:7;48:15; 51:18;52:2;54:17; 56:23;62:15;67:12; 69:16;70:2,8;76:4,13 upon (20) 6:15;8:1;13:4,10,13; 17:18;19:9;28:11; 31:23;37:21;42:11; 43:4;53:2,17;56:14; 61:3;68:3;71:4;72:23; 76:14 use (4) 63:14;78:1,10,21 using (2) 37:22;55:5 Utilities (1) 60:5 utilizing (1) 37:21 <div style="text-align: center;">V</div> vacate (1) 45:4 validity (1) 57:20 Valley (9) 16:21;20:10;21:18; 22:13;24:22;25:20; 66:5;67:18;73:18 variation (1) 15:9 variety (1) 15:18 various (1) 13:16 Vegas (9) 16:22;22:6;38:18; 63:15,20;64:13;66:6; 69:11;72:2 vein (1) 29:2 verifiable (1) 13:11 vernacular (1) 55:6 via (3)
---	---	--	---

4:20;38:6;48:16 video (1) 48:20 video-conference (1) 48:17 video-conferencing (2) 48:15;72:19 Vidler (2) 16:22;66:5 view (3) 18:1;23:4;72:20 viewpoint (1) 78:14 viewpoints (1) 75:10 views (1) 6:20 voir (2) 41:12;42:18 voluminous (4) 31:17;32:10;33:13; 74:20	what's (2) 57:21;62:14 White (8) 4:7;5:15;9:7,13; 11:18,24;73:13,23 whole (3) 31:17;48:14;54:19 Wild (3) 66:3,21;69:4 Wildlife (4) 15:21;67:2;68:23; 75:23 willing (1) 37:18 window (3) 20:21;22:2;79:10 windows (1) 61:10 winnowing (1) 76:10 withdraw (1) 67:24 within (19) 7:23;8:3,12;11:11, 24;12:3,4,8;15:14; 17:2;20:21;24:13;31:4; 41:5;44:23;45:1;51:3; 54:12;73:13 without (4) 11:24;61:6;62:4; 73:14 witness (36) 19:8;23:7,10,11,14; 24:5;26:18,20,23; 27:13;28:5,11;41:7,22; 42:3,5;43:18,18;45:22; 49:12,16;51:21;55:18; 56:4,22;57:16;58:1,5, 12,12,14,17;59:3;60:8; 76:2;79:17 witnesses (21) 6:14;7:15;16:2,10; 20:7;22:23;24:2;35:1, 2;39:8,12;40:3;41:2, 12;42:15;46:4;47:11; 49:21;55:2;61:1;64:3 wondering (2) 29:17;45:20 work (3) 5:7;28:20;34:10 working (5) 10:12,12;24:1;25:14; 75:22 workshop (1) 5:4 writers (2) 20:3,3 written (5) 54:22;60:7;78:6,6; 79:11 wrote (1) 70:11		14:9;69:15;72:2,3
W		Y	5
	years (3) 70:8,11,12 Yep (1) 40:17		5 (1) 14:7
	1		6
	10 (1) 23:16 10,000 (1) 73:19 10:53 (1) 80:4 1169 (2) 9:8;13:5 12 (1) 23:16 1303 (17) 4:7;5:2,5;6:6,13,19, 21;9:4;10:17;11:16; 13:22;30:24;31:6;64:3, 6;73:21;78:14 13th (2) 45:9;47:17 16th (1) 71:7 19th (11) 30:18;40:5,7,14; 48:2,7,8,19;71:8; 79:24;80:1	6th (5) 40:22;41:1;43:14; 46:3;47:12	
			7
			70 (1) 76:7 7th (2) 25:2;72:4
			8
			8 (1) 4:1 8:30 (1) 14:7 8th (1) 25:2
			9
			9/'19 (1) 48:10 9:00 (1) 45:11
	2		
	2019 (2) 4:1;14:5 20th (5) 45:11;48:3,7;49:2; 79:24 23rd (10) 5:6;14:5,20;30:3,17; 32:2;33:24;42:17; 44:14;80:2 240 (1) 74:15		
	3		
	30 (1) 14:7 3rd (5) 39:17,22;40:13,21; 42:8		
	4		
	45 (3) 23:9,10,15 48 (1) 43:7 4th (4)		