

Case No. 84739

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Nov 08 2022 04:38 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

ADAM SULLIVAN, P.E., NEVADA  
STATE ENGINEER, et al.

Appellants,

vs.

LINCOLN COUNTY WATER  
DISTRICT, et al.

**JOINT APPENDIX**

**VOLUME 2 OF 49**

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

#1309

ORDER

**DELINEATING THE LOWER WHITE RIVER FLOW SYSTEM HYDROGRAPHIC BASIN WITH THE KANE SPRINGS VALLEY BASIN (206), COYOTE SPRING VALLEY BASIN (210), A PORTION OF BLACK MOUNTAINS AREA BASIN (215), GARNET VALLEY BASIN (216), HIDDEN VALLEY BASIN (217), CALIFORNIA WASH BASIN (218), AND MUDDY RIVER SPRINGS AREA (AKA UPPER MOAPA VALLEY) BASIN (219) ESTABLISHED AS SUB-BASINS, ESTABLISHING A MAXIMUM ALLOWABLE PUMPING IN THE LOWER WHITE RIVER FLOW SYSTEM WITHIN CLARK AND LINCOLN COUNTIES, NEVADA, AND RESCINDING INTERIM ORDER 1303**

Table of Contents

I.	Background of the Administration of the Lower White River Flow System Basins .....	1
II.	Interim Order 1303 .....	10
III.	Public Comment .....	41
IV.	Authority and Necessity .....	42
V.	Endangered Species Act .....	43
VI.	Geographic Boundary of the LWRFS .....	46
VII.	Aquifer Recovery Since Completion of the Order 1169 Aquifer Test .....	55
VIII.	Long-term Annual Quantity of Water That Can Be Pumped .....	57
IX.	Movement of Water Rights .....	63
X.	Order .....	65

**I. BACKGROUND OF THE ADMINISTRATION OF THE LOWER WHITE RIVER FLOW SYSTEM BASINS**

WHEREAS, the State Engineer has actively managed and regulated the Coyote Spring Valley Hydrographic Basin (Coyote Spring Valley), Basin 210, since August 21, 1985; the Black Mountains Area Hydrographic Basin (Black Mountains Area), Basin 215, since November 22, 1989; the Garnet Valley Hydrographic Basin (Garnet Valley), Basin 216, since April 24, 1990; the Hidden Valley Hydrographic Basin (Hidden Valley), Basin 217, since April 24, 1990; the California Wash Hydrographic Basin (California Wash), Basin 218, since April 24, 1990; and the

Muddy River Springs Area Hydrographic Basin (Muddy River Springs Area), Basin 219, since July 14, 1971.<sup>1</sup>

**WHEREAS**, in 1984, the United States Department of Interior, Geological Survey (USGS), Water Services Division, proposed a ten-year investigation into carbonate-rock aquifers that underlay approximately 50,000 square miles of eastern and southern Nevada.<sup>2</sup> In 1985, a program for the study and testing of the carbonate-rock aquifer system of eastern and southern Nevada was authorized by the Nevada Legislature. In 1989, a report was published by the USGS summarizing the first phase of the study.<sup>3</sup> Included in the summary was a determination that:

Large-scale development (sustained withdrawals) of water from the carbonate-rock aquifers would result in water-level declines and cause the depletion of large quantities of stored water. Ultimately, these declines would cause reductions in the flow of warm-water springs that discharge from the regional aquifers. Storage in other nearby aquifers also might be depleted, and water levels in those other aquifers could decline. In contrast, isolated smaller ground-water developments, or developments that withdraw ground water for only a short time, may result in water-level declines and springflow reductions of manageable or acceptable magnitude.

Confidence in predictions of the effects of development, however, is low; and it will remain low until observations of the initial hydrologic results of development are analyzed. A strategy of staging developments gradually and adequately monitoring the resulting hydrologic conditions would provide information that eventually could be used to improve confidence in the predictions.<sup>4</sup>

---

<sup>1</sup> See NSE Ex. 9, *Order 905*, Hearing on Interim Order 1303, official records of the Division of Water Resources. See NSE Ex. 8, *Order 1018*, Hearing on Interim Order 1303, official records of the Division of Water Resources. See NSE Ex. 5, *Order 1025*, Hearing on Interim Order 1303, official records of the Division of Water Resources. See NSE Ex. 6, *Order 1024*, Hearing on Interim Order 1303, official records of the Division of Water Resources. See NSE Ex. 4, *Order 1026*, Hearing on Interim Order 1303, official records of the Division of Water Resources. See NSE Ex. 7, *Order 1023*, Hearing on Interim Order 1303, official records of the Division of Water Resources; NSE Ex. 11, *Order 392*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>2</sup> Memorandum dated August 3, 1984, from Terry Katzer, Nevada Office Chief, Water Resources Division, United States Department of Interior Geological Survey, Carson City, Nevada to Members of the Carbonate Terrane Study.

<sup>3</sup> Michael D. Dettinger, *Distribution of Carbonate-Rock Aquifers in Southern Nevada and the Potential for their Development, Summary of Findings, 1985-1988*, Summary Report No. 1, U.S. Geological Survey, Department of Interior and Desert Research Institute, University of Nevada System, 1989, p. Forward. See also NSE Ex. 3, *Order 1169*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>4</sup> *Id.*, p. 2.

**WHEREAS**, beginning in 1989 and through the early 2000s, numerous groundwater applications were filed in Coyote Spring Valley, Black Mountains Area, Garnet Valley, Hidden Valley, California Wash, and Muddy River Springs Area Hydrographic Basins seeking to appropriate more than 300,000 acre-feet annually (afa) of groundwater from the carbonate-rock aquifer underlying these basins.<sup>5</sup> The State Engineer held a hearing on July 12-20, 23-24, and August 31, 2001, for pending Applications 54055–54059, filed by Las Vegas Valley Water District (LVVWD) to appropriate 27,510 afa of water in Coyote Spring Valley.<sup>6</sup> The State Engineer conducted a hearing on Coyote Springs Investments LLC (CSI) Applications 63272–63276 on August 20-24, 27-28, 2001.<sup>7</sup>

**WHEREAS**, following the conclusions of these hearings, the State Engineer issued Order 1169 on March 8, 2002, requiring all pending applications in Coyote Spring Valley, Black Mountains Area, Garnet Valley, Hidden Valley, Muddy River Springs Area, and Lower Moapa Valley Hydrographic Basin (Basin 220), be held in abeyance pending an aquifer test of the carbonate-rock aquifer system to better determine whether the pending applications and future appropriations could be developed from the carbonate-rock aquifer.<sup>8</sup>

**WHEREAS**, in Order 1169, the State Engineer found that he did not believe that it was prudent to issue additional water rights to be pumped from the carbonate-rock aquifer until a significant portion of the then existing water rights were pumped for a substantial period of time to determine whether the pumping of those water rights would have a detrimental impact on existing water rights or the environment.<sup>9</sup>

**WHEREAS**, Order 1169 required that at least 50%, or 8,050 afa, of the water rights then currently permitted in Coyote Spring Valley be pumped for at least two consecutive years.<sup>10</sup> On April 18, 2002, the State Engineer added the California Wash to the Order 1169 aquifer test basins.<sup>11</sup>

---

<sup>5</sup> See NSE Exs. 14–20, *Ruling 6254–Ruling 6260*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>6</sup> See NSE Ex. 14.

<sup>7</sup> *Id.*

<sup>8</sup> See NSE Ex. 3.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> See State Engineer's Ruling 5115, dated April 18, 2002, official records of the Division of Water Resources.

**WHEREAS**, subsequent to the issuance of Order 1169, the United States Fish and Wildlife Service (USFWS) expressed concern that current groundwater pumping coupled with additional groundwater withdrawals in Coyote Spring Valley and California Wash may cause reduction of spring flow to the Warm Springs area, tributary thermal springs in the upper Muddy River, which serves as critical habitat to the Moapa dace (*Moapa corciacea*), an endemic fish species federally listed as endangered in 1967.<sup>12</sup> Due to these concerns, on April 20, 2006, the Southern Nevada Water Authority (SNWA), USFWS, CSI, the Moapa Band of Paiute Indians (MBOP) and the Moapa Valley Water District (MVWD) entered into a Memorandum of Agreement (MOA).<sup>13</sup>

**WHEREAS**, the MOA stated that all the parties shared “a common interest in the conservation and recovery of the Moapa dace and its habitat.” The MOA established certain protections to the Moapa dace, including protocols relating to pumping from the regional carbonate-rock aquifer that may adversely impact spring flow to the dace habitat in the Warm Springs area. Specifically, the MOA identified conservation measures, which included protections for minimum instream flows in the Warm Springs area with trigger levels set at 3.2 cubic feet per second (cfs) at the Warm Springs West gage requiring initial action by the MOA parties, and the most stringent action required at a flow rate of 2.7 cfs.<sup>14</sup>

**WHEREAS**, the MBOP raised concerns that pumping 8,050 afa from the Coyote Spring Valley as part of the aquifer test would adversely impact the water resources at the Warm Springs area, and consequently the Moapa dace, and that the impacts would persist such that protective measures established in the MOA would be inadequate to protect the dace.<sup>15</sup> As a result, the Order 1169 study participants, which included the LVVWD, SNWA, CSI, Nevada Power Company,<sup>16</sup> MVWD, Dry Lake Water Company, LLC, Republic Environmental Technologies, Inc. (Republic),

---

<sup>12</sup> USFWS, *Fish and Aquatic Conservation - Moapa dace*, <https://bit.ly/moapadace> (last accessed June 3, 2020). See also SNWA Ex. 8, p. 1-1.

<sup>13</sup> See NSE Ex. 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*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>14</sup> *Id.*

<sup>15</sup> See May 26, 2010, letter from Darren Daboda, Chairperson, Moapa Band of Paiutes, to Jason King, Nevada State Engineer, official records of the Division of Water Resources.

<sup>16</sup> Nevada Power Company, following the merger with Sierra Pacific Power Company and Sierra Pacific Resources subsequently began doing business as NV Energy. See, e.g., NV Energy, *Company History*, <https://bit.ly/NVEhistory> (last accessed April 20, 2020).

Chemical Lime Company, Nevada Cogeneration Associates, and the MBOP, or their successors, agreed that even if the minimum 8,050 afa was not pumped, sufficient information would be obtained to inform future decisions relating to the study basins.<sup>17</sup>

**WHEREAS**, on November 15, 2010, the Order 1169 aquifer test began, whereby the study participants began reporting to the Nevada Division of Water Resources (Division) on a quarterly basis the amounts of water pumped from wells in the carbonate-rock and alluvial aquifers during the pendency of the aquifer test.

**WHEREAS**, on December 21, 2012, the State Engineer issued Order 1169A declaring the completion of the Order 1169 aquifer test to be December 31, 2012, after a period of 25½ months. The State Engineer provided the study participants the opportunity to file reports with the Division until June 28, 2013, to present information gained from the aquifer test in order to estimate water to support applications in the Order 1169 study basins.<sup>18</sup>

**WHEREAS**, during the Order 1169 aquifer test, an average of 5,290 acre-feet per year (afy) was pumped from carbonate-rock aquifer wells in Coyote Spring Valley, and a cumulative reported total of 14,535 afy of water was pumped throughout the Order 1169 study basins. Of this total, approximately 3,840 afy was pumped from the Muddy River Springs Area alluvial aquifer with the balance pumped from the carbonate-rock aquifer.<sup>19</sup>

**WHEREAS**, during the aquifer test, pumpage was measured and reported from 30 other wells in the Coyote Spring Valley, Muddy River Springs Area, Garnet Valley, California Wash, Black Mountains Area, and Lower Meadow Valley Wash Hydrographic Basin (Lower Meadow Valley Wash). Stream diversions from the Muddy River were reported, and measurements of the natural discharge of the Muddy River and from the Warm Springs area springs were collected daily. Water-level data were collected from a total of 79 monitoring and pumping wells within the Order 1169 study basins. All of the data collected during the aquifer test were made available to each of the study participants and the public.<sup>20</sup>

---

<sup>17</sup> See July 1, 2010, letter from Jason King, Nevada State Engineer, to Order 1169 Study Participants, official records of the Division of Water Resources.

<sup>18</sup> See NSE Ex. 2, *Order 1169A*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>19</sup> See, e.g., NSE Ex. 1, Appendix B.

<sup>20</sup> See Division, *Water Use and Availability – Order 1169*, <https://bit.ly/Order1169>

**WHEREAS**, during the Order 1169 aquifer test, the resulting water-level decline encompassed 1,100 square miles and extended from southern Kane Springs Valley, northern Coyote Spring Valley through the Muddy River Springs Area, Hidden Valley, Garnet Valley, California Wash, and the northwestern portion of the Black Mountains Area.<sup>21</sup> The water-level decline was estimated to be 1 to 1.6 feet throughout this area with minor drawdowns of 0.5 foot or less in the northern portion of Coyote Spring Valley north of the Kane Springs Wash fault zone.<sup>22</sup>

**WHEREAS**, results of the two-year aquifer test demonstrated that pumping 5,290 afa from the carbonate-rock aquifer in Coyote Spring Valley, in addition to the other carbonate-rock aquifer pumping in Garnet Valley, Muddy River Springs Area, California Wash and the northwest portion of the Black Mountains Area, caused sharp declines in groundwater levels and flows in the Pederson and Pederson East springs, two springs considered to be sentinel springs for the overall condition of the Muddy River due to being higher in altitude than other Muddy River source springs, and therefore are proportionally more affected by a decline in groundwater level in the carbonate-rock aquifer.<sup>23</sup> The Pederson spring flow decreased from 0.22 cfs to 0.08 cfs and the Pederson East spring flow decreased from 0.12 cfs to 0.08 cfs. Additional headwater springs at lower altitude, the Baldwin and Jones springs, declined approximately 4% in spring flow during the test.<sup>24</sup> All of the headwater springs contribute to the decreed and fully-appropriated Muddy River and are the predominant source of water that supplies the habitat of the endangered Moapa dace.

**WHEREAS**, Order 1169A provided the study participants an opportunity to submit reports addressing three specific questions presented by the State Engineer: (1) what information was obtained from the study/pumping test; (2) what were the impacts of pumping under the pumping test; and, (3) what is the availability of additional water resources to support the pending applications. SNWA, USFWS, National Park Service (NPS) and Bureau of Land Management

---

<sup>21</sup> USFWS Ex. 5, *Report in Response to Order 1303*, Hearing on Interim Order 1303, official records of the Division of Water Resources, pp. 21, 67. *See, e.g.*, NSE Ex. 14. *See also* NSE Ex. 256, *Federal Bureaus Order 1169A Report*, Hearing on Interim Order 1303, official records of the Division of Water Resources. There was no groundwater pumping in Hidden Valley, but effects were still observed in the Hidden Valley monitor well.

<sup>22</sup> *See, e.g.*, NSE Ex. 14. *See also* NSE Ex. 256.

<sup>23</sup> *See* NSE Ex. No. 236.

<sup>24</sup> NSE Ex. 256, pp. 43–46, 50–51. *See also*, USGS, *Water Data for Nevada*, <https://bit.ly/nvwater>.

(BLM), MBOP, MVWD, CSI, Great Basin Water Network (GBWN) and Center for Biological Diversity (CBD) submitted either reports or letters.

**WHEREAS**, in its report, SNWA addressed water levels throughout the Order 1169 basins. SNWA acknowledged that hydrologic connectivity supported the potential need for redistribution of existing pumping, and indirectly acknowledged the limitation on availability of water to satisfy the pending applications.<sup>25</sup> SNWA further acknowledged declines to spring flow in the Pederson and Pederson East springs as a result of the aquifer test, but characterized the decline in spring flow at the Warm Springs West location as minimal. SNWA further correlated the declining trends as associated with climate but opined that Muddy River flow did not decline as a result of the aquifer test and carbonate-rock aquifer pumping; rather, impact to Muddy River flows were due to alluvial aquifer pumping.<sup>26</sup>

**WHEREAS**, CSI, through a letter, agreed with SNWA's report and asserted that additional water resources could be developed within the Coyote Spring Valley north of the Kane Springs Fault, which supported granting new appropriations of water.<sup>27</sup>

**WHEREAS**, the United States Department of Interior Bureaus (USFWS, NPS and BLM) concluded that the aquifer test provided sufficient data to determine the effects of the aquifer drawdown as well as identify drawdown throughout the region and was sufficient to project future pumping effects on spring flow. Based upon their analysis, the Department of Interior Bureaus concluded that water-level declines due to the aquifer test encompassed 1,100 square miles throughout the Order 1169 study basins. Additionally, the Department of Interior Bureaus' analysis found a direct correlation between the aquifer test pumping and flow declines at Pederson, Plummer and Apcar units and Baldwin Spring, all springs critical to the Moapa dace habitat, and asserted that pumping at the Order 1169 rate at well MX-5 in Coyote Spring Valley could result in both of the high-altitude Pederson and Pederson East springs going dry in 3 years or less.<sup>28</sup>

---

<sup>25</sup> See NSE Ex. 245, *Southern Nevada Water Authority Order 1169 Report*, Hearing on Interim Order 1303, official records of the Division of Water Resources, pp. 23–25.

<sup>26</sup> *Id.*

<sup>27</sup> NSE Ex. 247, *Coyote Springs Investments, LLC Order 1169 Report*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>28</sup> See, e.g., NSE Ex. 14, pp.15–18. See also NSE Ex. 256.

**WHEREAS**, the Department of Interior Bureaus further found that the groundwater withdrawals that occurred in Coyote Spring Valley during the Order 1169 aquifer test represented approximately one-third of the then existing water rights within Coyote Spring Valley, concluding that even one-third of the existing water rights could not be developed without adversely impacting spring flow to the headwaters of the Muddy River and habitat for the Moapa dace.<sup>29</sup> Ultimately, the Department of Interior Bureaus concluded that there was insufficient water available for the pending applications, and that the area that was subject to the Order 1169 aquifer test behaved as one connected aquifer and pumping in one basin would have similar effects on the whole aquifer.<sup>30</sup>

**WHEREAS**, MBOP's report disagreed with the magnitude of drawdown resulting from the Order 1169 aquifer test, but ultimately concluded carbonate-rock aquifer pumping in Coyote Spring Valley and the Muddy River Springs Area would have a one-to-one impact on Muddy River flows.<sup>31</sup> MBOP opined to the existence of a southern flow field, which included California Wash, Hidden Valley, Garnet Valley, and the northwest portion of the Black Mountains Area, that could be developed without depleting spring flows. MBOP also argued that changes in the groundwater levels were directly tied to water level declines in Lake Mead.<sup>32</sup>

**WHEREAS**, MVWD's report was limited to water levels and flows within the Muddy River Springs Area. In its report, MVWD acknowledged the groundwater level declines resulting from the aquifer test, including decreased spring flow at the Pederson springs, Warm Springs West gage and Baldwin Spring, but not at Jones Spring or Muddy Spring.<sup>33</sup> Ultimately, MVWD concluded that additional water was available in the Lower Moapa Valley, as that aquifer did not appear hydrologically connected to the regional carbonate-rock aquifer.

**WHEREAS**, GBWN presented a report that recognized the decline in the groundwater levels in Coyote Spring Valley and discharge to the Muddy River Springs Area resulting from the

---

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> See NSE Ex. 252, *Moapa Band of Paiute Indians Order 1169 Report*, Hearing on Interim Order 1303, official records of the Division of Water Resources, p. 25.

<sup>32</sup> *Id.*

<sup>33</sup> NSE Ex. 250, *Moapa Valley Water District Basin 220 Well Site Analysis*, Hearing on Interim Order 1303, official records of the Division of Water Resources; NSE Ex. 251, *Moapa Valley Water District Evaluation of MX-5 Pumping Test on Springs and Wells in the Muddy Springs Area*, dated June 24, 2013, Hearing on Interim Order 1303, official records of the Division of Water Resources.

aquifer test.<sup>34</sup> However, GBWN believed that the aquifer test failed to provide sufficient data to determine water availability throughout the other study basins. GBWN did assert that pumping of existing rights within all of the study basins would unacceptably decrease spring discharge.<sup>35</sup>

WHEREAS, CBD, relying on GBWN's technical report, opined that pumping existing water rights within the Order 1169 study basins would result in unacceptable decline in spring flow, ultimately threatening the Moapa dace and the habitat necessary for the species survival.<sup>36</sup>

WHEREAS, based upon the findings of the Order 1169 aquifer test, in denying the pending applications the State Engineer found: (1) that the information obtained from the Order 1169 aquifer test was sufficient to document the effects of pumping from the carbonate-rock aquifer on groundwater levels and spring flow and that the information could assist in forming opinions regarding future impacts of groundwater pumping and availability of groundwater in the study basins; (2) that the impacts of aquifer test pumping in Coyote Spring Valley was widespread throughout the Order 1169 aquifer test study basins and that the additional pumping in Coyote Spring Valley was a significant contributor to the decline in the springs that serve as the headwaters of the Muddy River and habitat for the Moapa dace; and, (3) that additional pumping from the then pending applications would result in significant regional water-level decline, and decreases in spring and Muddy River flows.<sup>37</sup>

WHEREAS, the basins that were included in the Order 1169 aquifer test were acknowledged to have a unique hydrologic connection and share the same supply of water.<sup>38</sup> The State Engineer further went on to find that the total annual supply to the basins could not be more than 50,000 acre-feet, that the perennial yield is much less than that because the Muddy River and the springs in the Warm Springs area utilize the same supply, and that the quantity and location of

---

<sup>34</sup> NSE Ex. 246, *Great Basin Water Network Order 1169 Report*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>35</sup> *Id.*

<sup>36</sup> NSE Ex. 248, *Center for Biological Diversity Order 1169 Report*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>37</sup> NSE Exs. 14–21. The study basins include Coyote Spring Valley, Garnet Valley, Hidden Valley, Muddy River Springs Area, California Wash, and that portion of the Black Mountains Area lying within the LWRFS was defined as those portions of Sections 29, 30, 31, 32, and 33, T.18S., R.64E., M.D.B.&M.; Section 13 and those portions of Sections 1, 11, 12, and 14, T.19S., R.63E., M.D.B.&M.; Sections 5, 7, 8, 16, 17, and 18 and those portions of Sections 4, 6, 9, 10, and 15, T.19S., R.64E., M.D.B.&M.

<sup>38</sup> *See, e.g.*, NSE Ex. 14, p. 24.

any groundwater that could be developed without conflicting with senior rights on the Muddy River and the springs was uncertain.<sup>39</sup>

## II. INTERIM ORDER 1303

**WHEREAS**, on January 11, 2019, the State Engineer issued Interim Order 1303 designating the Lower White River Flow System (LWRFS), a multi-basin area known to share a close hydrologic connection, as a joint administrative unit for purposes of administration of water rights. The Interim Order defined the LWRFS to consist of the Coyote Spring Valley, Muddy River Springs Area, California Wash, Hidden Valley, Garnet Valley, and the portion of the Black Mountains Area Hydrographic Basins as described in the Interim Order.<sup>40</sup> Pursuant to Interim Order 1303, all water rights within the LWRFS were to be administered based upon their respective dates of priority in relation to other rights within the regional groundwater unit.

**WHEREAS** Interim Order 1303 recognized the need for further analysis of the LWRFS because the pre-development discharge of 34,000 acre-feet of the Muddy River system plus the more than 38,000 acre-feet of existing groundwater appropriations within the LWRFS greatly exceed the total water budget, which was determined to be less than 50,000 acre-feet.<sup>41</sup> Stakeholders with interests in water right development within the LWRFS were invited to file a report with the Office of the State Engineer addressing four specific matters, generally summarized as: 1) The geographic boundary of the LWRFS, 2) aquifer recovery subsequent to the Order 1169 aquifer test, 3) the long-term annual quantity and location of groundwater that may be pumped from the LWRFS, and 4) the effect of movement of water rights between alluvial and carbonate wells within the LWRFS. Stakeholders were also invited to address any other matter believed to be relevant to the State Engineer's analysis.

**WHEREAS**, on May 13, 2019, the State Engineer amended Interim Order 1303 modifying the deadlines for the submission of reports and rebuttal reports by interested stakeholders. Reports

---

<sup>39</sup> *Id.*

<sup>40</sup> See NSE Ex. 1, *Order 1303 and Addendum to Interim Order 1303*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>41</sup> *Id.*, p. 7.

submitted by interested stakeholders were intended to aid in the fact-finding goals of the Division.<sup>42</sup>

**WHEREAS**, a public hearing was held in Carson City, Nevada between, September 23, 2019, and October 4, 2019. The purposes of this hearing were to afford stakeholder participants who submitted reports pursuant to the solicitation in Interim Order 1303 an opportunity to provide testimony on the scientific data analysis regarding the five topics within the Interim Order and to test the conclusions offered by other stakeholder participants.

**WHEREAS**, during the Interim Order 1303 hearing, testimony was provided by expert witnesses for the participants CSI, USFWS, NPS, MBOP, SNWA and LVVWD<sup>43</sup>, MVWD, Lincoln County Water District and Vidler Water Company (LC-V), City of North Las Vegas (CNLV), CBD, Georgia Pacific Corporation (Georgia Pacific) and Republic, Nevada Cogeneration Associates Nos. 1 and 2 (collectively "NCA"), Muddy Valley Irrigation Company (MVIC), Western Elite Environmental, Inc. and Bedroc Limited, LLC (collectively "Bedroc"), and NV Energy.

**WHEREAS**, following the conclusion of the Interim Order 1303 hearing, stakeholder participants were permitted to submit written closing statements no later than December 3, 2019. The specific area evaluated, data analyzed, and methodology used varied by participant. Generally, participants relied on spring and streamflow discharge, groundwater level measurements, geologic and geophysical information, pumping data, climate data, and interpretations of aquifer hydraulics. Methodologies applied ranged from conceptual observations to statistical analysis to numerical and analytical models; the level of complexity and uncertainty differing for each.

**WHEREAS**, each of the participants' conclusions with respect to the topics set forth in Interim Order 1303 are summarized as follows:

---

<sup>42</sup> *Id.*, pp. 16–17.

<sup>43</sup> SNWA is a regional water authority with seven water and wastewater agencies, one of which is LVVWD. References to SNWA include its member agency, LVVWD, which too retains water rights and interests within the LWRFS.

*Center for Biological Diversity*

The primary concern of the CBD was to ensure adequate habitat for the survival and recovery of the Moapa dace. CBD felt “that the Endangered Species Act is the primary limiting factor on the overall quantity of allowable pumping within the [LWRFS] and thus [...] geared [the] analysis toward that goal of protecting the dace.” The Moapa dace primarily resides in the springs and pools of the Muddy River; protecting those areas of habitat are of the utmost importance to CBD’s goal and have the collateral benefit of protecting the Muddy River decreed rights. Furthermore, CBD “believe[d] that withdrawals from the carbonate aquifer that cause a reduction in habitat quantity for the dace are a take under the Endangered Species Act and thus prohibited.”<sup>44</sup>

CBD urges that Kane Springs Valley Hydrographic Basin (Kane Springs Valley) be included and managed as part of the LWRFS; otherwise CBD did not dispute the boundary as presented in Interim Order 1303. The inclusion of Kane Springs Valley was based on a shallow hydraulic gradient between Coyote Spring Valley and Kane Springs Valley; propagation of water level decline into Kane Springs Valley during the Order 1169 aquifer test; and a finding that the carbonate-rock aquifer extends into Kane Springs Valley. In CBD’s opinion, adequate management of the LWRFS does not require that the administrative boundary include the White River Flow System north of Coyote Spring Valley.<sup>45</sup>

CBD identified a long-term, declining trend commencing in the 1990s in carbonate-rock aquifer water levels within the Muddy River Springs Area, which was accelerated by the Order 1169 aquifer test. Although CBD observed a partial, immediate recovery in the carbonate-rock aquifer water levels and spring flows, CBD finds that full recovery to pre-Order 1169 aquifer test conditions were never realized. Concurring with multiple other participants, CBD identified higher water levels in response to wet years despite the continued decline in the overall trend in the hydrographs. However, with regards to long-term drought, in their review of the Climate Division Data for southern Nevada, CBD saw no indication of a 20-year drought and disagreed with the conclusions and analysis presented by MBOP. Decreased spring flows in conjunction with

---

<sup>44</sup> See CBD Ex. 3, *CBD Order 1303 Report by Dr. Tom Myers*; 27 pp., Hearing on Interim Order 1303, official records of the Division of Water Resources, p. 1; Transcript 1504–1505.

<sup>45</sup> See CBD Ex. 3, pp. 1, 2, 12, 17, 19; See CBD Ex. 4, *CBD Order 1303 Rebuttal in Response to Stakeholder Reports by Dr. Tom Myers*; 30 pp., Hearing on Interim Order 1303, official records of the Division of Water Resources, pp. 17–21; Tr. 1516; 1520–1521; 1526–1527; 1538–1539; CSI Ex. 2, p. 38; LC-V Ex. 2, pp. 11–14.

increased carbonate-rock aquifer pumping, led the CBD to infer the dependency of spring flows on carbonate-rock aquifer water supply.<sup>46</sup>

Again, with emphasis on protecting spring flows, and thus the Moapa dace habitat, CBD did not support any pumping of the carbonate-rock aquifer. CBD's desired outcome would be to avoid decreases in spring flow in the Warm Springs area attributed to continued carbonate-rock aquifer pumping. CBD postulated that surface water rights on the Muddy River will be protected by limiting carbonate-rock aquifer pumping.

Alternatively, CBD speculated that some alluvial aquifer pumping, within the Muddy River Springs Area and Coyote Spring Valley, could be sustained without significantly impacting the Warm Springs area. A preliminary estimate of 4,000 afa of sustainable alluvial aquifer pumping was proposed, based on the existing pumping within the Muddy River Springs Area and considering pumping in the 1990s near 5,000 afa when alluvial aquifer water levels were stable.<sup>47</sup>

*Church of Jesus Christ of Latter-day Saints*

The Church of Jesus Christ of Latter-day Saints (the Church) chose not to directly participate in the hearing but joined the evidentiary submissions of CNLV.<sup>48</sup> In response to the directives set forth in Interim Order 1303 and considering the testimony provided, the Church requests the continued administration and management of the LWRFS as identified in Interim Order 1303, and to allow for change applications throughout the LWRFS basins that move pumping of groundwater further away from the Muddy River Springs Area and from the alluvial aquifer to the carbonate-rock aquifer. The Church further requests that the testimony and recommendation of Dwight Smith, PE, PG on behalf of CNLV be considered and adopted.<sup>49</sup>

---

<sup>46</sup> See CBD Ex. 3, pp. 1, 24; See CBD Ex. 4, p. 8–10, 21–25; Tr. 1508–1525; LC-V Ex. 2, p. 12, GP-REP Ex. 2, p. 3; CBD's expert suggest that the Palmer Drought Severity Index is more robust to evaluate for drought rather than using precipitation.

<sup>47</sup> See CBD Ex. 3, pp. 20–26; See CBD Ex. 4, p. 28–29; Tr. 1525-1528.

<sup>48</sup> See Letter from the Church, received August 15, 2019, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>49</sup> See *Closing Brief of the Church of Jesus Christ of Latter-Day Saints* (Church closing), Hearing on Interim Order 1303, official records of the Division of Water Resources.

*City of North Las Vegas*

In CNLV's report submissions and closing statement it addressed four questions set forth in Interim Order 1303.<sup>50</sup> CNLV generally urges for more analysis and study of the LWRFS before administrative decisions are made due to lack of agreement on fundamental interpretations of the water availability and basin connectivity. It was agreed to by CNLV that most of Garnet Valley and a small portion of the Black Mountains area were within the larger carbonate-rock aquifer underlying the LWRFS basins, but that there is uncertainty in the boundaries of Garnet Valley with California Wash and Las Vegas Valley Hydrographic Basin (Las Vegas Valley).<sup>51</sup> With respect to the recovery of the groundwater aquifer following the Order 1169 aquifer test, CNLV concluded that the record and evidence demonstrates a long-term declining trend in the groundwater level since the late 1990s and that pumping responses can propagate relatively quickly through the carbonate-rock aquifer and drawdown is directly related to the pumping.<sup>52</sup>

While CNLV did consider the long-term quantity of groundwater that may be developed without adversely impacting discharge to the Warm Springs area, its opinions were limited to the sustainability of pumping within Garnet Valley.<sup>53</sup> CNLV concluded that the safe yield concept should be applied to the management of pumping within the LWRFS and that pumping between 1,500 afa to 2,000 afa does not appear to be causing regional drawdown within the LWRFS carbonate-rock aquifer and that pumping this quantity of water may be sustainable within the APEX Industrial Park area of Garnet Valley.<sup>54</sup> Finally, CNLV asserted that movement of alluvial water rights from the Muddy River Springs Area along the Muddy River would reduce the capture

---

<sup>50</sup> See CNLV Ex. 5, *City of North Las Vegas Utilities Department: Interim Order 1303 Report Submittal from the City of North Las Vegas – July 2, 2019*, Hearing on Interim Order 1303, official records of the Division of Water Resources. See CNLV Ex. 6, *Rebuttal Document submitted on behalf of the City of North Las Vegas, to Interim Order 1303 Report Submittals of July 3, 2019 – Prepared by Interflow Hydrology – August 2019*, Hearing on Interim Order 1303, official records of the Division of Water Resources. See Tr. 1416–66, and *City of North Las Vegas' Closing Statement (CNLV Closing)*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>51</sup> See CNLV Ex. 5, pp. 2–3. See also CNLV Ex. 3, *Garnet Valley Groundwater Pumping Review for APEX Industrial Complex, City of North Las Vegas, Clark County, Nevada- Prepared by Interflow Hydrology, Inc.- July 2019*, pp. 7–8, 38.

<sup>52</sup> *Id.*, p. 3, Technical Memo, pp. 14–16.

<sup>53</sup> *Id.*, pp. 3–4.

<sup>54</sup> *Id.*, p. 4., Technical Memo, p. 45.

of Muddy River flow, move more senior water rights into Garnet Valley to support a secure water supply for the municipal uses within the APEX area, and would support overall objectives relating to the management of the LWRFS.<sup>55</sup> CNLV advocated that transferring water rights between alluvial aquifer and carbonate-rock aquifer should be considered on a case-by-case basis with consideration given as to location, duration, and magnitude of pumping.<sup>56</sup>

CNLV disagreed with certain conclusions of the NPS relating to the inclusion of the entirety of the Black Mountains Area within the LWRFS boundaries and had concerns relating to the reliability of the Tetra Tech model for future water resource management within the LWRFS.<sup>57</sup> CNLV further disagreed with stakeholder conclusions that movement of groundwater withdrawals from the alluvial aquifer along the Muddy River to the carbonate-rock aquifer in Garnet Valley will not alleviate the conflicts to Muddy River flow, rather concluding that there may be benefits for overall management of the LWRFS.<sup>58</sup> Further, CNLV disagreed with certain findings regarding water flow through the carbonate-rock aquifer, finding that it is likely that some groundwater can be pumped within Garnet Valley without capturing groundwater that would otherwise discharge to the Warm Springs area and the Muddy River.<sup>59</sup> Finally, in its rebuttal the CNLV joined other stakeholders in supporting the conclusion that there is a quantity of water that may be sustainably developed within the LWRFS and that use of carbonate-rock aquifer groundwater in Garnet Valley is critical to the short-term and long-term management and development of the APEX Industrial Complex.<sup>60</sup>

#### *Coyote Springs Investments*

In presenting its opinions and conclusions CSI's focus was primarily on climate as the foundation for groundwater elevation declines after the Order 1169 aquifer test, and additional geophysical research that provided evidence of a structural block isolating the west side of Coyote Spring Valley.

---

<sup>55</sup> *Id.*, Technical Memo, p. 48–49.

<sup>56</sup> *Id.*

<sup>57</sup> See CNLV Ex. 6, pp. 1–2.

<sup>58</sup> *Id.*, p. 2.

<sup>59</sup> *Id.*, pp. 2–3.

<sup>60</sup> *Id.*, p. 3.

CSI did a statistical analysis of climate data, and determined from the results that 1998, 2004, 2005, and 2010 were wetter than normal, with a drying trend from 2006 to 2017.<sup>61</sup> The Order 1169 aquifer test took place toward the end of an extended dry period when all water resources throughout the LWRFS were negatively affected.<sup>62</sup> Additionally, annual cyclical patterns of groundwater pumping should not be confused with long-term climate variability.<sup>63</sup>

CSI challenged the basic assumption that the LWRFS, as proposed in Interim Order 1303, is a homogenous unit.<sup>64</sup> CSI could not duplicate the results of the SeriesSEE, and its own Theis solution modeling concluded that a greater impact occurred from pumping at a well closer in proximity to Pederson Spring than pumping from a well further away, or the combined effect of both wells.<sup>65</sup> CSI also acknowledged that due to the fragmented nature of the LWRFS, the Theis solution is of limited utility.<sup>66</sup>

CSI presented geologic and geophysical information in support of the idea that the LWRFS administrative unit is a geophysically and hydrogeologically heterogeneous area, characterized by multiple flow paths defined by faults and structural elements that control the occurrence and movement of regional and local groundwater along the western side of Coyote Spring Valley, the eastern side of Coyote Spring Valley, and from Lower Meadow Valley Wash into the LWRFS.<sup>67</sup> CSI stated that the LWRFS does not include Kane Springs Valley.<sup>68</sup>

---

<sup>61</sup> CSI Ex. 1, *CSI July 3, 2019 Order 1303 Report*, Hearing on Interim Order 1303, official records of the Division of Water Resources, pp. 4–5; Tr. 53.

<sup>62</sup> CSI Ex. 1, p. 5.

<sup>63</sup> CSI Ex. 2, *CSI August 16, 2019 Rebuttal Report*, Hearing on Interim Order 1303, official records of the Division of Water Resources, pp. 2, 7.

<sup>64</sup> CSI Ex. 1, p. 7.

<sup>65</sup> CSI Ex. 1, p. 7; Tr. 131–132.

<sup>66</sup> Tr. 154.

<sup>67</sup> CSI Ex. 2, p. 2; *CSI Closing Statement* (CSI Closing), Hearing on Interim Order 1303, official records of the Division of Water Resources; CSI recommended including Lower Meadow Valley Wash in its Rebuttal report. See CSI Ex. 2, p. 12; Mr. Herrema said Lower Moapa Valley, but the report said Lower Meadow Valley 10:10.

<sup>68</sup> CSI Ex. 1, p. 15; the outflow from Kane Springs Valley is included in the water budget, but due to isolating geologic features, groundwater elevations in Kane Springs Valley are not impacted by pumping in the LWRFS, Tr. 135:7–137:3, 160:2–12.

CSI engaged a geophysicist to conduct a CSAMT survey at multiple points in the valley.<sup>69</sup> CSI's CSAMT study showed evidence of a prominent carbonate block bounded on either side by normal faults.<sup>70</sup> CIS asserts that the carbonate block isolates recharge from the zone west of the block, such that it eliminates or limits contribution of local recharge to the Warm Springs area.<sup>71</sup> Faulting has created a preferred path for groundwater flow "from the east side Coyote Spring Valley to the Muddy River Springs Area".<sup>72</sup>

CSI relied on a water budget as the best method to determine available water in the LWRFS, accounting for recharge and subsurface flow as well as climatic variations.<sup>73</sup> Comparing several models of recharge, CSI estimated recharge at 5,280 afa from the Sheep Range to the western side of Coyote Spring Valley.<sup>74</sup> CSI stated that 30,630 afa can be pumped from the LWRFS, but there would be impacts from pumping the water, and that the Coyote Spring Valley can sustain 5,280 afa of pumping from the western side without impact to the Warm Springs area or the Muddy River.<sup>75</sup>

As asserted by CSI, groundwater pumping from the carbonate-rock aquifer in the Muddy River Springs Area affects flow in the carbonate-rock aquifer to the alluvial aquifer, which then affects flow from the alluvial aquifer to the Muddy River.<sup>76</sup> CSI argues that effects are dependent on well location, geologic formations, hydraulic gradients, and elevation.<sup>77</sup> Transfers between carbonate and alluvial pumping should be made on a case-by-case basis, analyzing place of use, points of diversion, and quantity of groundwater.<sup>78</sup> Movement of water rights between alluvial wells and carbonate-rock aquifer wells will only serve to shift the timing and location of impacts and not the amount of the impact.<sup>79</sup>

---

<sup>69</sup> CSI Ex. 1, p. 25

<sup>70</sup> CSI Ex. 1, p. 25.

<sup>71</sup> CSI Ex. 1, p. 29; evidence of impermeability, Tr. 181.

<sup>72</sup> CSI Ex. 1, p. 29.

<sup>73</sup> CSI Closing.

<sup>74</sup> CSI Ex. 1, pp. 31-40.

<sup>75</sup> Tr. 221-223; CSI Closing, pp. 8-9.

<sup>76</sup> CSI Closing.

<sup>77</sup> CSI Closing, p. 19.

<sup>78</sup> CSI Closing.

<sup>79</sup> CSI Ex. 1, p. 58.

As a consequence of the heterogenous nature of the LWRFS, CSI recommended sustainable management of the LWRFS through the creation of "Management Areas" that recognize flow paths and their relative contributions to spring flow, surface flow, evapotranspiration, and sub-surface outflow.<sup>80</sup> For example, though pumping in the Muddy River Springs Area near the Warm Springs area would have a direct impact on available surface water resources, structural blocks and faults isolate the effect of groundwater pumping in other areas of the LWRFS.<sup>81</sup> Thus CSI does not recommend a blanket ban on carbonate-rock aquifer pumping, or a decrease in carbonate-rock aquifer pumping in exchange for alluvial aquifer pumping.

#### *Georgia Pacific and Republic*

Dry Lake Water, LLC, Georgia Pacific and Republic submitted initial and rebuttal responses to Interim Order 1303 and offered testimony during the hearing.<sup>82</sup> In their response, Georgia Pacific and Republic acknowledged impacts to groundwater elevations throughout the LWRFS, including wells in the Black Mountains Area and Garnet Valley, which does demonstrate a degree of hydraulic connectivity throughout the carbonate-rock aquifer. However, Georgia Pacific and Republic called for collection of more scientific evidence to further understand the LWRFS and its boundaries. Further, it was their opinion that climate, seasonal fluxes and pumping within Garnet Valley and the Black Mountains Area resulted in the groundwater declines observed during the Order 1169 aquifer test.<sup>83</sup> Ultimately, Georgia Pacific and Republic do not believe sufficient information exists to draw distinct conclusions as to the cause of the groundwater declines during the Order 1169 aquifer test and whether carbonate-rock aquifer pumping within

---

<sup>80</sup> CSI Closing.

<sup>81</sup> CSI Ex. 2, p. 17.

<sup>82</sup> The initial response was submitted on behalf of Dry Lake Water, LLC, Georgia Pacific, and Republic. See GP-REP Ex. 1, *Broadbent July 2, 2019 Initial Report*, Hearing on Interim Order 1303, official records of the Division of Water Resources. The rebuttal response was submitted on behalf of Dry Lake Water, LLC, Georgia Pacific Gypsum LLC, and Republic. See GP-REP Ex. 2, *Broadbent August 16, 2019 Rebuttal Report*, Hearing on Interim Order 1303, official records of the Division of Water Resources. However, the expert only appeared at the Hearing on Interim Order 1303 on behalf of Georgia Pacific and Republic. See Tr. 1588-91.

<sup>83</sup> See GP-REP Ex. 01, GP-REP Ex. 02, and *Closing Argument of Georgia Pacific Corporation and Republic Environmental Technologies, Inc.* (Closing GP-REP), Hearing on Interim Order 1303, official records of the Division of Water Resources.

the Garnet Valley and the Black Mountains Area has a measurable impact to spring flow in the Warm Springs area.<sup>84</sup>

#### *Great Basin Water Network*

GBWN elected to pose procedural suggestions relating to public involvement, availability of documents and data, transparency, and decision making, and did not submit a report with an independent analysis addressing the questions in Interim Order 1303.<sup>85</sup> GBWN advocates for sustainable management of the entirety of the White River Flow System as one unit based on the interconnected nature of all of the hydrologically connected basins, although no analysis to support which areas this would include was provided. GBWN relies on conclusory statements to establish the interconnected nature of the system as support for its position. Later, GBWN chose not to participate in the hearing nor submit a rebuttal report, closing arguments, or public comment.

#### *Lincoln County Water District and Vidler Water Company*

LC-V's participation in the LWRFS hearing was driven by their existing and pending groundwater rights in Kane Springs Valley, and an interest in excluding Kane Springs Valley from the LWRFS management area.<sup>86</sup> They disputed that Kane Springs Valley should be included within the LWRFS boundary based on their assertion of: prior decisions of the State Engineer that acknowledged the separate nature of the basin from the rest of the LWRFS, groundwater elevation comparisons, precipitation and recharge data, groundwater chemistry, and geophysical study results. In general, Kane Springs Valley should be managed based on its perennial yield, recognizing that there is groundwater flow to the LWRFS as there are from other basins into the LWRFS, but where they are excluded from the proposed management area.<sup>87</sup>

---

<sup>84</sup> See Closing GP-REP.

<sup>85</sup> *GBWN Report on Order 1303*, (GBWN Report), Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>86</sup> LC-V Ex. 1, *Lower White River Flow System Interim Order #1303 Report Focused on the Northern Boundary of the Proposed Administrative Unit, prepared by Lincoln County Water District and Vidler Water Company in Association with Zonge International Inc., dated July 3, 2019*, Hearing on Interim Order 1303, official records of the Division of Water Resources, p. 2-1.

<sup>87</sup> LC-V Ex. 2, *Rebuttal Submittal to Reports Submitted in Response to Interim Order #1303, dated August 16, 2019 and Attachments A, B, C, D and E containing the reports or technical memorandums of Greg Bushner, Peter Mock, Thomas Butler, Todd Umstot and Norman Carlson.*, Hearing on Interim Order 1303, official records of the Division of Water Resources, pp. 7, 14-15.

Various rulings of the State Engineer have previously addressed whether appropriation of groundwater from Kane Springs Valley would affect the Muddy River Springs Area.<sup>88</sup> LC-V states that these findings have not been challenged by any of the Order 1169 participants.<sup>89</sup> However, to the extent that SNWA relied on multiple linear regression models to establish groundwater flow from Kane Springs Valley to the LWRFS, LC-V do not agree.<sup>90</sup>

LC-V identified a distinct “break,” or local increase, in water levels in the regional hydraulic gradient between wells drilled in the LWRFS versus wells drilled in Kane Springs Valley and northern Coyote Spring Valley.<sup>91</sup> It attributed the break to geologic structures located throughout the carbonate-rock aquifer. Although wells within the LWRFS exhibit very consistent groundwater levels, indicative of high transmissivity values across the area, the gradient between well KPW-1 and down-basin wells is much steeper, implying an impediment to groundwater flow near the mouth of Kane Springs Valley.<sup>92</sup>

In a 2006 hearing for protested water rights applications, LC-V presented an analysis of the regional geochemistry data including stable isotopes, temperature, and carbon-14 data.<sup>93</sup> That analysis found that the groundwater pumped from Kane Springs Valley could not be identified in the source water for the Big Muddy Spring, nor other springs farther south and outside the boundaries of the LWRFS.<sup>94</sup> LC-V concluded that groundwater pumped from production well KPW-1 is on a different groundwater flow path from the springs, consistent with the differences in hydraulic gradients, groundwater levels, and geophysical data.<sup>95</sup> CSVM-4, a well located in Coyote Spring Valley, and KPW-1, in Kane Springs Valley, have similar temperatures compared to the other wells in the basin, and a lower percentage difference on other markers tracked throughout groundwater in the basin.<sup>96</sup> LC-V argues that the water from these wells is chemically

---

<sup>88</sup> LC-V Ex. 1, pp. 2-2 through 2-3, citing State Engineer’s Rulings 5712, 6254, 5712.

<sup>89</sup> LC-V Ex. 1, p. 2-3.

<sup>90</sup> Testimony generally at Tr. 1311–1318. “... simply having correlation is not proof of causation. Causation is neither proved nor evaluated in a regression analysis.” Tr. 1303.

<sup>91</sup> LC-V Ex. 1, p. 3-1.

<sup>92</sup> LC-V Ex. 1, pp. 1-1, 3-1 through 3-4. LC-V went on to conclude that local groundwater recharge occurs in Kane Springs Valley that does not flow to the LWRFS, and therefore there is available unappropriated water in the basin. LC-V Ex. 1, p. 3-5.

<sup>93</sup> LC-V Ex. 1, Appendix C, pp. 111–153.

<sup>94</sup> *Id.*, pp. 124–125.

<sup>95</sup> “Gradient alone does not mean flow.” Thomas Butler, witness on behalf of LC-V, Tr. 1281.

<sup>96</sup> Tr. 1281–1282; LC-V Ex. 1, pp. 3-7 through 3-11.

unique and does not appear in any other wells in the LWRFS.<sup>97</sup> LC-V concludes carbon isotope data also confirmed that the water from Kane Springs Valley does not appear in the Muddy River Springs area.<sup>98</sup>

LC-V engaged a geophysical company to perform a CSAMT survey across the boundary line between Kane Springs Valley and Coyote Spring Valley, and identified significant geologic structures in southern Kane Springs Valley and northern Coyote Spring Valley.<sup>99</sup> Several transect lines were conducted perpendicular to the axis of the Kane Springs Valley, and one was also conducted along the axis of the southern part of the basin.<sup>100</sup> Additional transects were run in Coyote Spring Valley.<sup>101</sup> The results of the geophysical data validated concealed faulting indicated on existing maps, and was ground-truthed with observations in the field.<sup>102</sup> Results indicated a previously unmapped fault at the mouth of Kane Springs Valley, which LC-V named the Northern Boundary LWRFS fault, with a potentially 2,500-foot offset of materials with different resistivities.<sup>103</sup> LC-V argues that the extensive faulting that occurs in southern Kane Springs Valley and northern Coyote Spring Valley form the basis for the exclusion of Kane Springs Valley from the LWRFS.<sup>104</sup>

LC-V gave no opinion on the long-term annual quantity of groundwater that could be pumped from the LWRFS.<sup>105</sup> LC-V attributes all reduction in flows of the Muddy River and its associated springs to carbonate-rock aquifer pumping within the Muddy River Springs Area, and finds no discernable effect from carbonate-rock aquifer pumping occurring in Coyote Springs

---

<sup>97</sup> Tr. 1284.

<sup>98</sup> Tr. 1286.

<sup>99</sup> LC-V Ex. 1, pp. 1-1, 4-1 through 4-10.

<sup>100</sup> LC-V Ex. 1, p. 4-3.

<sup>101</sup> LC-V Ex. 1, p. 4-3.

<sup>102</sup> LC-V Ex. 1, p. 4-8, Tr. 1322.

<sup>103</sup> Tr. 1271-1272; LC-V Ex. 1, p. 4-9.

<sup>104</sup> LC-V Ex. 1, p. 7-1 through 7-2; Tr. 1408. Questions from the National Park Service and the State Engineer inquired whether the areas of high resistivity in the CSAMT necessarily implied low transmissivity, low permeability of the rock. LC-V conceded that the resistivity information alone does not provide data about the hydraulic properties of either side of the resistive area, but when considered with all available information, LC-V concluded that the fault is likely an impediment to groundwater flow. Tr. 1327-1328, 1363-1364.

<sup>105</sup> LC-V Ex. 1, p. 5-2.

Valley.<sup>106</sup> As a result, LC-V finds that the efforts to protect the Warm Springs area must focus on groundwater pumping within the Muddy River Springs Area itself.<sup>107</sup>

*Moapa Band of Paiutes*

The MBOP participated in the administrative hearing due to their interest in the outcome of the proceedings and how it may affect their pending water right applications within California Wash. A regional approach, spanning a large aerial expanse, was taken by MBOP; the analysis and modeling efforts extended into central Nevada and Utah. MBOP stands apart from other participants with their interpretation of the data.<sup>108</sup> MBOP opposed management of the LWRFS as one basin and argues the scientific consensus is lacking amongst participants.<sup>109</sup> Regarding the interpretation of other participants, MBOP disagreed with the methodology and application of the 2013 USFWS SeriesSEE analysis and SNWA's multiple linear regression and requests repudiation of both.<sup>110</sup>

While not agreeing with the proposed boundaries of the LWRFS, MBOP did not provide a clear suggestion for which basins or portions therein should be included or excluded. MBOP suggested that pumping in California Wash has little to no impact on the Warm Springs area.<sup>111</sup> MBOP further suggested there are two capture zones, separated by a hydrodynamic and hydrochemical divide, which transects the Moapa River Indian Reservation area and results in south-flowing groundwater into the Las Vegas Valley through the LWRFS, bypassing the Muddy

---

<sup>106</sup> LC-V Ex. 1, p. 5-3.

<sup>107</sup> LC-V Ex. 1, p. 5-3.

<sup>108</sup> Tr. 772– 773; 839.

<sup>109</sup> See *Closing Statement by the Moapa Band of Paiute Indians for Order 1303 Hearing* (MBOP Closing), Hearing on Interim Order 1303, official records of the Division of Water Resources, pp. 1–2, 6.

<sup>110</sup> *Id.*, pp. 7–12, 15–16; See MBOP Ex. 3, *Johnson, C., and Mifflin, M. Rebuttal Report of the Moapa Band of Paiutes in Response to Stakeholder Technical Reports Filed under Order #1303: unpublished report and appendices, August 16, 2019. 27 p.*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>111</sup> See MBOP Ex. 2, *Johnson, C., and Mifflin, M. Water Level Decline in the LWRFS: Managing for Sustainable Groundwater Development. Initial Report of the Moapa Band of Paiutes in Response to Order #1303: unpublished report and appendices, July 3, 2019. 84 p.*, Hearing on Interim Order 1303, official records of the Division of Water Resources, pp. 2, 4, 14, 35; Tr. 819.

River Springs Area.<sup>112</sup> This hydrodynamic divide theory was not shared by SNWA, CBD, CSI, and NPS.<sup>113</sup>

Several participants agree that climate impacts were observed in the hydrographs, e.g., periods of wet and dry; however, MBOP interpreted the existing data to show that climate-driven decline, specifically drought, as the primary response observed in the long-term declining groundwater levels.<sup>114</sup> Thus, MBOP concluded that no reduction in pumping will restore high-elevation spring flows.<sup>115</sup> MBOP did not agree with other participants that decreasing groundwater levels and spring flows were attributed to increased carbonate-rock aquifer pumping beginning in the early 1990s.<sup>116</sup>

A quantity available for sustainable pumping was not proposed, but MBOP presumed more water is available in California Wash than previously thought.<sup>117</sup> A flux of approximately 40,000 cfs of south-flowing groundwater into the Las Vegas Valley, bypassing the Muddy River Springs Area, was postulated in the initial report as possible with the hydrodynamic divide; however, during the hearing this quantity was given a range of plus or minus an order of magnitude based on assumptions for calculations.<sup>118</sup>

MBOP acknowledged that the Muddy River is connected to the alluvial aquifer and thus pumping from the alluvial and carbonate-rock aquifers in the Muddy River Springs Area impact the Muddy River flows.<sup>119</sup> Therefore, to mitigate impacts to the Muddy River, MBOP proposed that alluvial aquifer pumping, specifically between Arrow Canyon and White Narrows, can be moved to the carbonate-rock aquifer in basins to the south, such as California Wash, with minimal anticipated impacts to the Muddy River flows, rather than moving alluvial aquifer pumping from the Muddy River Springs Area to the carbonate-rock aquifer in connected areas, where impacts

---

<sup>112</sup> See MBOP Ex. 2, pp. 2, 4, 12, 14, 20, 35, 55; Tr. 812; 845.

<sup>113</sup> SNWA Ex. 9, pp. 12–13; CBD Ex. 4, p. 15; CSI Ex. 2, p. 23; NPS Ex. 3, *National Park Service's Response to July 2019 Interim Order 1303 Reports, Waddell, August 16, 2019*, Hearing on Interim Order 1303, official records of the Division of Water Resources, p. 4.

<sup>114</sup> See MBOP Ex. 2, pp. 3, 26–32, 35; Tr. 764–771; 805.

<sup>115</sup> See MBOP Ex. 2, pp. 3, 35; Tr. 821–826.

<sup>116</sup> See MBOP Ex. 2, p. 29; Tr. 775, 838–840; 848.

<sup>117</sup> See MBOP Ex. 2, pp. 2, 20, 35.

<sup>118</sup> See MBOP Ex. 2, pp. 6, 19, 35; Tr. 850–851.

<sup>119</sup> See MBOP Ex. 2, pp. 23–24, 35; Tr. 836.

proportional to pumping may be expected.<sup>120</sup> Thus, MBOP proposed favoring temporary over permanent uses and transferring of rights between the carbonate-rock and alluvial aquifers on a case-by-case basis.<sup>121</sup>

#### *Moapa Valley Water District*

MVWD was created by the Nevada legislature in 1983, pursuant to NRS Chapter 477, to provide water service “vital to the economy and well-being of Moapa Valley.”<sup>122</sup> MVWD provides municipal water service to approximately 8,500 people with 3,250 metered service connections, including service to the MBOP.<sup>123</sup>

MVWD supported the inclusion of Kane Springs Valley within the LWRFS boundary.<sup>124</sup> Data indicated a direct connection between Kane Springs Valley and Coyote Spring Valley. This data included observations that the water level in KMW-1/KSM-1 decreased 0.5 foot over the duration of the Order 1169 aquifer test.<sup>125</sup> State Engineer’s rulings have concluded that geochemical evidence and groundwater gradient data indicate that groundwater flows from the Kane Springs Valley into Coyote Spring Valley, and MVWD supports LVVWD’s 2001 calculation of that quantity of water at approximately 6,000 afy.<sup>126</sup> MVWD performed its own calculations of the groundwater gradients from Kane Springs Valley at KMW-1 to EH-4, and concluded that the gradient was “an uninterrupted, continuous, exceptionally flat gradient,” unlike gradients commonly seen in the western U.S., especially in highly fractured areas.<sup>127</sup> MVWD also

---

<sup>120</sup> See MBOP Ex. 2, pp. 23, 35.

<sup>121</sup> See MBOP Closing.

<sup>122</sup> Tr. 1172.

<sup>123</sup> MVWD Ex. 3, *District July 1, 2019 Report in response to Interim Order 1303*, p.5, Hearing on Interim Order 1303, official records of the Division of Water Resources; MVWD Ex. 4, *District August 16, 2019 Rebuttal Report*, p. 1, Hearing on Interim Order 1303, official records of the Division of Water Resources. MVWD has 3,147 afa of water rights in Arrow Canyon. Tr. 1169–1170.

<sup>124</sup> MVWD Ex. 3, p. 1; Tr. 1175.

<sup>125</sup> MVWD Ex. 3, p. 1; MVWD Ex. 4, p. 2.

<sup>126</sup> MVWD Ex. 3, pp. 1–2, referring to State Engineer’s Ruling 5712 (*see*, NSE Ex. 12, *Ruling 5712*, Hearing on Interim Order 1303, official records of the Division of Water Resources) and MVWD Ex. 8, *Las Vegas Valley Water District, Water Resources and Ground-Water Modeling in the White River and Meadow Valley Flow Systems, Clark, Lincoln, Nye, and White Pine Counties, Nevada (2001)*, Hearing on Interim Order 1303, official records of the Division of Water Resources, p. 6-3.

<sup>127</sup> Tr. 1177–1178.

introduced evidence of a stipulation between LC-V and the USFWS that bases a reduction in pumping in Kane Springs Valley on a lowering of spring discharges in the Warm Springs area, and introduced a letter from SNWA to the State Engineer, as additional support that the participants to the Interim Order 1303 hearing have previously recognized Kane Springs Valley is part of the LWRFS.<sup>128</sup>

MVWD disagreed that a hydrologic barrier exists between Coyote Springs Valley and Kane Springs Valley.<sup>129</sup> Relying on a 2006 report prepared by another consultant, MVWD said the evidence indicated that the fault at the mouth of Kane Springs Valley was not an impediment to flow, and that there was no evidence of having encountered hydraulic barriers to groundwater flow during a seven-day aquifer test.<sup>130</sup> Additionally, the “highly transmissive fault zone” is continuous across the basin boundary between Kane Springs Valley and Coyote Spring Valley.<sup>131</sup> MVWD found further support for its position from evidence that KMW-1 showed drawdown during both the seven-day aquifer test on KPW-1, as well as from the Order 1169 aquifer test pumping that occurred from MX-5.<sup>132</sup> MVWD considered the water level data collected before, during and after the Order 1169 aquifer test, and Warm Springs area spring discharge to support its finding that the fault is not interrupting groundwater flow.<sup>133</sup> MVWD found it “questionable” that the first suggestion of a fault that impedes southward groundwater flow would be prepared by LC-V for this hearing.<sup>134</sup>

Although water levels and spring discharge did not recover to the levels measured before the Order 1169 aquifer test, MVWD believed that the LWRFS is at or near steady-state conditions

---

<sup>128</sup> Tr. 1195–1197.

<sup>129</sup> Tr. 1176–1177.

<sup>130</sup> Tr. 1181–1182. MVWD also quoted from the report that “the fracturing was so extensive that the fractured aquifer system really behaved as an equivalent porous media.” *Id.* MVWD later agreed that this would behave like a sandy aquifer. Tr. 1224.

<sup>131</sup> Tr. 1185.

<sup>132</sup> Tr. 1250.

<sup>133</sup> Tr. 1219.

<sup>134</sup> *Post-Hearing Brief of Moapa Valley Water District (MVWD Closing)*, Hearing on Interim Order 1303, official records of the Division of Water Resources, p. 5.

regarding aquifer recovery.<sup>135</sup> MVWD viewed this as being consistent with the State Engineer's statements in Interim Order 1303.<sup>136</sup>

Finally, MVWD did not provide a specific quantity of available water but did acknowledge that the "actual safe pumpage" is less than current pumping rates, and recognized a direct relationship between pumping from the carbonate-rock aquifer, spring and Muddy River flows, and alluvial aquifer pumping.<sup>137</sup> The timing and magnitude of carbonate-rock aquifer pumping effects on spring discharge is dependent on the volume of water pumped and the proximity of a pumping center to the springs; however, all cumulative carbonate-rock aquifer pumping in the seven interconnected basins will eventually cause depletions on the Warm Springs area springs.<sup>138</sup> Further, if carbonate rights are transferred to the alluvial aquifer there will be depletions to Muddy River flows and impacts to senior Muddy River water right owners.<sup>139</sup>

MVWD raised additional matters that they believed relevant to the analysis under Interim Order 1303. First, they stressed the importance of municipal water rights, and the necessity for a reasonably certain supply of water for future permanent uses without jeopardizing the economies of the communities that depend on the water supply, and to protect the health and safety of those who rely on the water supply.<sup>140</sup> To that end, MVWD requested that the State Engineer consider designating municipal use as the most protected and highest use of water, and to give MVWD the perpetual right to divert 6,791 afa of permitted and certificated rights from its carbonate-rock aquifer wells.<sup>141</sup> Second, MVWD stated that it had already satisfied its obligation to protect Moapa dace habitat and senior water rights when it dedicated 1cfs/724 afa, or approximately 25% of the MVWD current diversions, from its most senior water right, to the enhancement of the Moapa dace habitat.<sup>142</sup>

---

<sup>135</sup> Tr. 1198, MVWD Ex. 3, p. 4.

<sup>136</sup> Tr. 1199.

<sup>137</sup> Tr. 1199-1200; MVWD Closing, pp. 9-10.

<sup>138</sup> MVWD Ex. 3, p. 5.

<sup>139</sup> *Id.*

<sup>140</sup> MVWD Ex. 3, p. 5.

<sup>141</sup> MVWD Ex. 3, p. 6; Tr. 1203-1204; 6,791 afa constitutes an increase in the carbonate-rock aquifer pumping for MVWD. Tr. 1228.

<sup>142</sup> MVWD Ex. 3, pp. 6-7; Tr. 1202-1203.

*Muddy Valley Irrigation Company*

The MVIC is a non-profit Nevada corporation with the senior decreed water rights to the Muddy River, who provided testimony that SNWA is a majority shareholder while other participants such as CSI, LC-V, and MVWD are minority shareholders of the decreed rights.<sup>143</sup> MVIC concurred with SNWA's conclusions regarding aquifer recovery, long-term quantity of groundwater, and movement of water between the alluvial and the carbonate-rock aquifers.<sup>144</sup> Specifically, that any groundwater pumping, from both alluvial or carbonate-rock aquifers, within the Muddy River Springs Area impacts Muddy River flows, thus violating the Muddy River Decree.<sup>145</sup> MVIC did not dispute the geographic boundaries as identified in Interim Order 1303.<sup>146</sup> MVIC argued that the Muddy River and all of its sources are fully appropriated and emphasized the decreed seniority to groundwater rights, and further asserts that these surface water rights are protected by the Muddy River Decree and the prior appropriation doctrine.<sup>147</sup>

*United States Department of the Interior, National Park Service*

NPS submitted both an initial and rebuttal report in response to the Interim Order 1303 solicitation and presented testimony during the hearing.<sup>148</sup> Based upon NPS's evaluation of the evidence relating to the Order 1169 aquifer test, the use of an updated numerical groundwater flow model previously developed to predict conditions within the LWRFS, data compiled since the conclusion of the Order 1169 aquifer test, and review of other available data, NPS came to multiple conclusions relating to the delineation and management of the LWRFS. NPS advocates for the

---

<sup>143</sup> Tr. 1693–1696, 1705.

<sup>144</sup> MVIC Ex. 1, *MVIC Rebuttal Report dated August 15, 2019*, Hearing on Interim Order 1303, official records of the Division of Water Resources. MVIC identified sections from the SNWA report, but the references do not correspond with sections in SNWA's report. The State Engineer assumes that these section numbers correspond to page numbers of the SNWA report; *See also*, SNWA Ex. 7, *Burns, A., Drici, W., Collins, C., and Watrus, J., 2019, Assessment of Lower White River Flow System water resource conditions and aquifer response, Presentation to the Office of the Nevada State Engineer: Southern Nevada Water Authority, Las Vegas, Nevada*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>145</sup> MVIC Ex. 1, p. 5; Tr. 1698.

<sup>146</sup> *See* MVIC Ex. 1, p. 3; Tr. 1697–1968.

<sup>147</sup> *Muddy Valley Irrigation Company Post Hearing Closing Statement (MVIC Closing)*, Hearing on Interim Order 1303, official records of the Division of Water Resources; Tr. 1967, 1700–1708. *See also*, NSE Ex. 333, *Muddy River Decree*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>148</sup> *See* NPS Ex. 2, *Prediction of the Effects of Changing the Spatial Distribution of Pumping in the Lower White River Flow System*, Waddell, July 3, 2019; Tr. 494–597.

inclusion of the entirety of the Black Mountains Area within the geographic boundary of the LWRFS based upon its review of geologic conditions that facilitate flow from the southern portion of the LWRFS through the Muddy Mountains thrust sheet and discharging in Rogers Spring and Blue Point Spring.<sup>149</sup> Further supporting this opinion, NPS cites to spring chemistry and isotopic composition of the water discharging from Rogers Spring and Blue Point Spring and the hydraulic head conditions that NPS believes supports the flow of groundwater beneath the Muddy Mountains from the carbonate-rock aquifer to those springs.<sup>150</sup> NPS acknowledge that there is a weak hydraulic connection between Rogers Spring and Blue Point Spring to the LWRFS based upon the geologic conditions within the Muddy Mountains, but argues that the entirety of the Black Mountains Area should be included to allow for management of the regional carbonate-aquifer to protect against diminished discharge to those springs.<sup>151</sup>

In addition to advocating for the inclusion of the entirety of the Black Mountains Area, the NPS provided evidence and analysis to support its conclusion that Kane Springs Valley too should be included within the geographic boundary of the LWRFS.<sup>152</sup> Based upon a review of the hydrologic data, geology of the Kane Springs Valley and basin boundaries, Coyote Spring Valley, and data from the Order 1169 aquifer test, NPS concludes that there is a clearly established hydrological connection between Kane Springs Valley and the other LWRFS basins, including discharge to the Warm Springs area.<sup>153</sup> While NPS advocates for the inclusion of the entire Black Mountains Area and Kane Springs Valley, it did not find any evidence to support the inclusion of the Las Vegas Valley within the LWRFS based upon a similar review of the geology and hydrological data.<sup>154</sup>

In interpreting data since the conclusion of the Order 1169 aquifer test, NPS reviewed the available data, concluding that the decades long decline of groundwater levels is not attributable to climate, but rather that the groundwater pumping within the LWRFS is the contributing

---

<sup>149</sup> See NPS Ex. 2, p. 22. See also, Tr. 569–70; NPS, *Closing Statements Interim Order 1303 Hearing Testimony* (NPS Closing), Hearing on Interim Order 1303, official records of the Division of Water Resources, p. 2.

<sup>150</sup> NPS Ex. 2, p. 22; NPS Closing, pp. 2–4.

<sup>151</sup> *Id.*

<sup>152</sup> NPS Ex. 2, p. 22; NPS Ex. 3, pp. 5–11; Tr. 550–551; NPS Closing, pp. 4–5.

<sup>153</sup> NPS Ex. 2, p. 22; NPS Ex. 3, pp. 5–11; Tr. 550–551; NPS Closing, pp. 5–6.

<sup>154</sup> NPS Ex. 2, p. 22; Tr. 552–554.

factor.<sup>155</sup> NPS opined that if recent pumping withdrawals continued, the current declining trend would be accelerated, adversely impacting spring discharge in the Warm Springs area and Muddy River flow.<sup>156</sup> Further, NPS's review of the data lead to its conclusion that it will take many years, if not decades for the LWRFS carbonate-rock aquifer to reach equilibrium, particularly at the current groundwater pumping withdrawals and even longer if pumping withdrawals occurred at Order 1169 aquifer test levels.<sup>157</sup> However, NPS did not provide an opinion as what rate of groundwater withdrawals would be sustainable within the LWRFS.

Finally, NPS concluded that the movement of groundwater withdrawals from the alluvial aquifer within the Muddy River Springs Area to the carbonate-rock aquifer within the LWRFS would ultimately have little impact on capture of Muddy River flow. Specifically, NPS found that while there may be near-term benefits to the Warm Springs area and Muddy River flow, those benefits would eventually disappear, as the impact would only be delayed and not eliminated.<sup>158</sup>

*Nevada Cogeneration Associates*

NCA submitted a Rebuttal Report Pertaining to Interim Order 1303 and provided testimony at the Interim Order 1303 hearing.<sup>159</sup> NCA objected to the inclusion of certain non-profit organizations on the basis that those organizations were not stakeholders and did not have an interest to protect as the non-governmental organizations did not have water rights within the LWRFS basins effected by the proceedings.<sup>160</sup>

With respect to the geographic boundary of the LWRFS, in its Rebuttal Report, NCA is of the opinion that the northwestern portion of the Black Mountains Area, as identified by the State Engineer, should be within the LWRFS basins, but expressed its disagreement with other opinions advocating for the inclusion of the entire Black Mountains Area based upon NCA's analysis of the geology and groundwater elevations.<sup>161</sup> During the Interim Order 1303 hearing and in its Post-Hearing Brief, NCA's opinion shifted to advocate for the boundary of the LWRFS to be adjusted

---

<sup>155</sup> NPS Ex. 2, pp. 7, 22–23. *See also* NPS Closing, pp. 5–6.

<sup>156</sup> *Id.*

<sup>157</sup> *Id.*

<sup>158</sup> NPS Ex. 2, p. 23. *See also* NPS Closing, p. 6, and Tr. 593–594.

<sup>159</sup> NCA Ex. 1, *NCA Rebuttal Report Pertaining to Interim Order 1303 August 16, 2019*, Hearing on Interim Order 1303, official records of the Division of Water Resources; Tr. 1602–50.

<sup>160</sup> NCA Ex. 1, pp. 1, 23.

<sup>161</sup> *Id.*, pp. 2, 23.

to exclude its production wells in the Black Mountains Area; however, NCA did not alter its opinion regarding the remaining portion of the Black Mountains Area staying within the LWRFS.<sup>162</sup>

NCA further expressed that the Lower Meadow Valley Wash should not be included in the LWRFS boundaries based upon the fact that observed groundwater levels do not indicate a hydrologic response to carbonate-rock aquifer pumping and that insufficient data supports a finding of continuity between water level trends to support its inclusion in the LWRFS.<sup>163</sup> However, NCA advocated for the inclusion of the Kane Springs Valley within the LWRFS based upon its opinion that the groundwater data demonstrated hydrologic connectivity between Coyote Spring Valley and Kane Springs Valley, acknowledging that the data is slightly attenuated resulting from the Kane Springs fault.<sup>164</sup> Ultimately, NCA concluded that Kane Springs Valley is tributary to the Coyote Spring Valley and the other LWRFS basins, which justify its inclusion within the boundary of the LWRFS.<sup>165</sup>

Similarly, based upon the groundwater data from the northern portion of Coyote Spring Valley demonstrating similar water level responses as other wells throughout the LWRFS and pumping data demonstrating high hydrologic connectivity across all the LWRFS basins, NCA concluded that there was no basis to exclude the northern portion of Coyote Spring Valley.<sup>166</sup> Finally, NCA rejected a suggestion that the entirety of the White River Flow system, which extends into northeastern Nevada, be included within the management area.<sup>167</sup> Specifically, NCA concluded that the Pahranaagat Shear Zone creates a significant barrier to the northwestern portion of the LWRFS and that review of groundwater levels does not support a finding that groundwater level declines propagate into the northern reaches of the White River Flow System.<sup>168</sup> NCA concluded, advocating that proper management of the LWRFS is appropriate and sufficient for the

---

<sup>162</sup> *Post-hearing brief of Nevada Cogeneration Associates Nos. 1 and 2 pertaining to Amended Notice of Hearing Interim Order #1303 following the hearing conducted September 23, 2019, through October 4, 2019, before the Nevada State Engineer (NCA Closing), Hearing on Interim Order 1303, official records of the Division of Water Resources, pp. 2–10. See also Tr. 1619–22.*

<sup>163</sup> NCA Ex. 1 pp. 3–7, 23. *See also* NCA Closing, pp. 15–16.

<sup>164</sup> NCA Ex. 1, pp. 8–17, 23. *See also* NCA Closing, pp. 10–14, and Tr. 1629–44.

<sup>165</sup> NCA Ex. 1, pp. 11–16.

<sup>166</sup> *Id.*, pp. 17–18, 23.

<sup>167</sup> *Id.*, pp. 19, 24.

<sup>168</sup> *Id.*

purpose of managing discharge of groundwater to the Warm Springs area to support habitat for the Moapa dace and serve senior Muddy River decreed rights.<sup>169</sup>

In addressing the annual amount of groundwater that could be developed within the LWRFS without adversely impacting senior decreed rights on the Muddy River or Warm Springs area discharge supporting the habitat for the Moapa dace, NCA supported a target of 9,318 afa, a recent three-year average of annual pumping within the LWRFS,<sup>170</sup> as it did not believe there to be sufficient data to support either an increase or decrease from this amount.<sup>171</sup> However, in its post-hearing brief, NCA opined that if their production wells located within the northwestern portion of the Black Mountains Area were excluded from the LWRFS boundary, then the annual amount of water that could be sustainably developed was less than the 9,318 afa.<sup>172</sup>

Finally, NCA did not support movement of water rights from the Muddy River Springs Area alluvial aquifer to the carbonate-rock aquifer, as it was of the opinion that the movement of those rights would not mitigate impact to the Warm Springs area.<sup>173</sup> Rather, NCA concluded that movement of those rights would compound the impact of pumping from the carbonate-rock aquifer.<sup>174</sup> However, NCA did express some support for movement of senior alluvial water rights as a management tool to offset existing junior carbonate-rock aquifer pumping within the LWRFS.<sup>175</sup>

#### *NV Energy*

NV Energy submitted a rebuttal report outlining its responses to the five matters the State Engineer solicited in Interim Order 1303 and presented its opinions and conclusions during the Interim Order 1303 hearing.<sup>176</sup> In its rebuttal report, NV Energy opined that the geographic boundary of the LWRFS should be as established in Interim Order 1303.<sup>177</sup> NV Energy further

---

<sup>169</sup> *Id.*

<sup>170</sup> NCA Ex. 1, p. 19. *See, e.g.* Draft order of the State Engineer distributed to LWRFS stakeholders at the LWRFS Working Group meeting, September 19, 2018, official records of the Division of Water Resources.

<sup>171</sup> *Id.*, pp. 18, 24.

<sup>172</sup> NCA Closing, pp. 14–15.

<sup>173</sup> NCA Ex. 1, pp. 19–23, 24.

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*

<sup>176</sup> NVE Ex. 1, *NV Energy Rebuttal Report to State Engineer's Order 1303 Initial Reports by Respondents*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>177</sup> *Id.*, pp. 1–2.

opined that the existence of subsurface outflow from Kane Springs Valley into the LWRFS basins was insufficient to support its inclusion.<sup>178</sup>

NV Energy, in its rebuttal report, disagreed with MBOP's conclusion that the groundwater level declines observed during and after the Order 1169 aquifer test were primarily caused by drought. Rather, NV Energy agreed with SNWA's and MVWD's conclusions that the groundwater recovery occurred between 2–3 years following the conclusion of the aquifer test, but that continued pumping within the carbonate-rock aquifer has inhibited recovery to pre-Order 1169 aquifer test groundwater levels, and that at the current rate of carbonate-rock aquifer pumping the aquifer has nearly reached steady-state conditions and discharge to the Warm Springs area has reached equilibrium.<sup>179</sup>

NV Energy further agreed in its rebuttal report with MBOP's and CNLV's conclusions that some groundwater flowing within the carbonate-rock aquifer bypassed the Muddy River Springs Area, and ultimately the Muddy River. NV Energy also agreed that groundwater development within the southern boundary of the LWRFS would likely have less of an effect on discharge to the Warm Springs area and the river. NV Energy did not opine as to the quantity of water that bypassed the springs, but inferred that the current 7,000–8,000 afy of carbonate-rock aquifer pumping appeared to support the conclusion that steady-state conditions had been reached.<sup>180</sup> NV Energy also opined that movement of senior certificated alluvial water rights in the Muddy River Springs Area to carbonate-rock aquifer wells located in the southern portion of the LWRFS may be considered acceptable as Nevada law allows for the reasonable lowering of the groundwater table, and such movement would not necessarily result in a conflict to existing rights.<sup>181</sup> NV Energy further concluded that, contrary to the conclusions of MBOP, drought was not a significant cause for the groundwater level declines observed.<sup>182</sup> Finally, NV Energy concluded with suggestions that the State Engineer either: (1) combine the LWRFS basins into a single hydrographic basin and declare the new basin to be a Critical Management Area pursuant to NRS 534.037 and 534.110; or, (2) for the State Engineer to, under his authority in NRS 534.020 and

---

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*, pp. 2–7.

<sup>180</sup> NVE Ex. 1, p. 8.

<sup>181</sup> *Id.*, pp. 8–9; *Nevada Energy's Closing Statements* (NV Energy Closing), Hearing on Interim Order 1303, official records of the Division of Water Resources, pp. 4–5.

<sup>182</sup> *Id.*, pp. 9–12.

534.120, require the water right holders within the LWRFS to develop a conjunctive management plan.<sup>183</sup>

After considering all of the evidence and testimony presented at the Interim Order 1303 hearing, NV Energy ultimately altered its opinion and found compelling arguments to both support the inclusion of Kane Springs Valley in the LWRFS as well as its exclusion.<sup>184</sup> Ultimately, NV Energy changed its opinion with respect to the geographic boundary of the LWRFS and in its closing statement expressed support for the inclusion of Kane Springs Valley within the LWRFS boundary due to the connection with Coyote Spring Valley and thus the potential for impacts to LWRFS from pumping within Kane Springs Valley.<sup>185</sup> NV Energy proposes that the current pumping regime of 7,000 to 8,000 afy be maintained to evaluate the potential for steady-state conditions and the continued monitoring of the Warm Springs West gage and agrees that moving pumping further south may reduce impact to the Muddy River and springs. With regards to moving water between the alluvial and carbonate-rock aquifers, similar to others, NV Energy agrees with the evaluation of change applications on a case-by-case basis with demonstration that impacts are reduced or unchanged by the proposed point of diversion compared to the existing point of diversion. NV Energy supports an agreement that would include all water users within the LWRFS for the purposes of not exceeding stresses within system and protecting the Moapa dace.<sup>186</sup>

*Southern Nevada Water Authority and Las Vegas Valley Water District*

The SNWA and LVVWD submitted multiple reports in response to the Interim Order 1303 solicitation.<sup>187</sup> SNWA and LVVWD supported the boundary of the LWRFS as identified in Interim Order 1303, and argued that there was a general consensus of the participants regarding the

---

<sup>183</sup> *Id.*, p. 12.

<sup>184</sup> Tr. 1761–1762.

<sup>185</sup> NV Energy Closing, pp. 2–3.

<sup>186</sup> *Id.*, pp. 3–6.

<sup>187</sup> SNWA Ex. 7; SNWA Ex. 8, *Marshall, Z.L., and Williams, R.D., 2019, Assessment of Moapa dace and other groundwater-dependent special status species in the Lower White River Flow System, Presentation to the Office of the Nevada State Engineer: Southern Nevada Water Authority, Las Vegas, Nevada*, Hearing on Interim Order 1303, official records of the Division of Water Resources; SNWA Ex. 9, *Burns, A., Drici, W., and Marshall Z.L., 2019, Response to stakeholder reports submitted to the Nevada State Engineer with regards to Interim Order 1303, Presentation to the Office of the Nevada State Engineer: Southern Nevada Water Authority, Las Vegas, Nevada*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

boundaries based upon the hydraulic connectivity within the identified basins.<sup>188</sup> Further, SNWA and LVVWD argued against the exclusion of the northern and western portions of Coyote Spring Valley, that management of adjoining basins should be done in a manner recognizing an impact on pumping from those basins on water availability in the LWRFS basins, and that the Las Vegas Valley should be excluded from the LWRFS.<sup>189</sup>

With respect to the evaluation of the carbonate-rock aquifer recovery since the conclusion of the Order 1169 aquifer test, SNWA and LVVWD concluded that the aquifer has not returned to pre-Order 1169 levels, and that the evidence demonstrates a continued declining trend within the carbonate-rock aquifer as a result of continued groundwater pumping.<sup>190</sup> SNWA and LVVWD concluded that the current pumping continues to capture groundwater storage and that based upon the current rate of groundwater withdrawals, water levels within the carbonate-rock aquifer will continue to decline for the foreseeable future.<sup>191</sup> Further, SNWA and LVVWD rejected the premise that climate was a significant factor over groundwater withdrawals for the observed groundwater level decline.<sup>192</sup>

Based upon a review of the evidence, SNWA and LVVWD concluded that current rate of groundwater withdrawals were not sustainable without adversely impacting senior Muddy River water rights and Moapa dace habitat.<sup>193</sup> Based upon the analysis performed by SNWA and LVVWD, examining the discharge from the Muddy River Springs Area and groundwater production within the carbonate-rock aquifer within the LWRFS, SNWA and LVVWD concluded that any groundwater development within the carbonate-rock aquifer resulted in a one-to-one (1:1) ratio of capture of Muddy River flow, and that regardless of where that pumping occurred, it still resulted in a 1:1 ratio of capture, only that the period of time that the capture was realized was longer.<sup>194</sup> Ultimately, SNWA and LVVWD concluded that while any amount of pumping results

---

<sup>188</sup> SNWA Ex. 7, pp. 5-1 through 5-18, 8-1. *See also*, Tr. 953.

<sup>189</sup> *Closing Brief of Southern Nevada Water Authority and Las Vegas Valley Water District* (SNWA Closing), pp. 4-9, Hearing on Interim Order 1303, official records of the Division of Water Resources. *See also* SNWA Ex. 9 at sections 6, 7 and 12.

<sup>190</sup> SNWA Closing, pp. 9-12. *See also* SNWA Ex. 7, pp. 5-1 through 5-18, and SNWA Ex. 9, pp. 15-20.

<sup>191</sup> SNWA Closing, pp. 11-12. *See also* Tr. 932.

<sup>192</sup> SNWA Closing, pp. 12-14. *See also* SNWA Ex. 9, pp. 15-17.

<sup>193</sup> SNWA Ex. 7, pp. 6-3 through 6-4, 8-2 through 8-4.

<sup>194</sup> *Id.*, pp. 6-4 through 6-11, 8-2 through 8-4; SNWA Ex. 9, pp. 22-27.

in a conflict with senior decreed Muddy River rights, approximately 4,000 to 6,000 afa could be sustainably pumped from the aquifer.<sup>195</sup> In conjunction with SNWA and LVVWD's evaluation of the quantity of water that may be sustainably developed within the LWRFS, SNWA and LVVWD reviewed the interrelationship between discharge from the carbonate-rock aquifer underlying the LWRFS, groundwater pumping and the impact on the habitat and recovery of the Moapa dace.<sup>196</sup> SNWA and LVVWD ultimately concluded that the flow required to sustain the Moapa dace from adverse effects, including habitat loss and fish population declines was a minimum 3.2 cfs at the Warm Springs West gage.<sup>197</sup>

Finally, it was SNWA and LVVWD's opinion that movement of water rights from the Muddy River Springs Area alluvial aquifer to the carbonate-rock aquifer within the LWRFS may delay the capture of water serving senior decreed rights on the Muddy River, but that movement of water from the alluvial aquifer to the carbonate-rock aquifer would adversely impact the habitat of the Moapa dace.<sup>198</sup> Thus, SNWA and LVVWD concluded transfer of water rights from the Muddy River Springs Area alluvial aquifer to the LWRFS carbonate-rock aquifer would result in further depletion of flow to the Warm Springs area.<sup>199</sup>

#### *Technichrome*

Technichrome submitted a response and additional response to the Interim Order in July 2019 but did not participate in the hearing.<sup>200</sup> Technichrome stated that it had no objection to a "joint administrative basin" consisting of Coyote Spring Valley, Black Mountain Area, Garnet Valley, Hidden Valley, Muddy River Springs Area, and Lower Moapa Valley, expressed no comment regarding the inclusion of Kane Springs Valley, but questioned whether the entirety of the White River Flow System should be included in the State Engineer's analysis.<sup>201</sup> However,

---

<sup>195</sup> Tr. 921-22. *See also* SNWA Ex. 7, pp. 8-1 through 8-5; SNWA Ex. 9, p. 27.

<sup>196</sup> *See* SNWA Ex. 8.

<sup>197</sup> *Id.*, pp. 8-1 through 8-2. *See also* SNWA Closing, pp. 17-19.

<sup>198</sup> *See* SNWA Closing, pp. 19-20. *See also* SNWA Ex. 7, pp. 6-3 through 6-11, 8-4; SNWA Ex. 9, pp. 21-22.

<sup>199</sup> SNWA Closing, p. 20. *See also* Tr. 904-05.

<sup>200</sup> *Response to Interim Order #1303 Submitted [sic] by Technichrome* (Technichrome Response), Hearing on Interim Order 1303, official records of the Division of Water Resources, and *Additional Comments from Technichrome* (Technichrome Addendum), Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>201</sup> Technichrome Response, pp. 1-3.

Technichrome did note that it believed that combining all water rights into a single management structure reduced the State Engineer's ability to control groundwater withdrawals. Technichrome stated that it believed that the State Engineer should have the ability to control withdrawals in small areas to best manage the discharge to the Warm Springs area, and that more targeted control over the groundwater withdrawals would be more effective in managing the discharge.<sup>202</sup> Technichrome supported this opinion with some analysis of the results of the Order 1169 aquifer test and its opinion that pumping farther from the Warm Springs area had little to no impact on discharge to Pederson Spring.<sup>203</sup>

In Technichrome's additional comments, Technichrome addressed concerns regarding the injury that would result from a system-wide reduction of groundwater rights throughout the LWRFS.<sup>204</sup> Finally, Technichrome addressed concerns regarding reliance on the priority system, as utilization of the prior appropriation system would benefit senior irrigation uses over the junior industrial uses, and that removal of basin boundaries would remove limitations on movement of water rights between the existing hydrographic basins, which would disrupt junior uses in areas where senior rights may be moved.<sup>205</sup>

#### *U.S. Fish and Wildlife Service*

USFWS holds several water rights within the LWRFS and its mission is consistent with the scientific and management aspects of the LWRFS and the management area as established in Interim Order 1303.<sup>206</sup> USFWS opted to participate in the proceeding by submitting initial and rebuttal reports and providing testimony during the administrative hearing.<sup>207</sup> The approach of

---

<sup>202</sup> *Id.*

<sup>203</sup> *Id.*, and Technichrome Addendum.

<sup>204</sup> Technichrome Addendum.

<sup>205</sup> *Id.*

<sup>206</sup> The USFWS' mission is to work with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people. *See also*, USFWS, *About the U.S. Fish and Wildlife Service*, <https://bit.ly/aboutusfws> (last accessed June 4, 2020).

<sup>207</sup> USFWS Ex. 5, *Report in Response to Order 1303*, Hearing on Interim Order 1303, official records of the Division of Water Resources; USFWS Ex. 7, *Rebuttal to: Water Level Decline in the LWRFS: Managing for Sustainable Groundwater Development by Cady Johnson and Martin Mifflin [sic], Mifflin & Associates, Inc., submitted by the Moapa Band of Paiutes in accordance with Order 1303*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

USFWS was to review available data, develop a hydrogeologic conceptual model, and answer the specific questions posed in Interim Order 1303.

USFWS proposed that the boundary be based on geologic breaks rather than the surface drainage areas. The boundary would then encompass all Muddy River Springs Area, Hidden Valley, Garnet Valley, most of Coyote Spring Valley, most of California Wash, the northwest portion of the Black Mountains area, Kane Springs Valley, and most of Lower Meadow Valley Wash. The extent to which Kane Springs Valley and Lower Meadow Valley Wash are included would depend on the data from an aquifer test that has not yet been performed.<sup>208</sup>

Although, USFWS did not directly opine their view on recovery, their report discusses a conceptual model with insight into lag times and hydraulic connections, and how current conditions relate to sustainable pumping. An “undiminished state of decline” in water levels and spring flows indicated that the system was not in equilibrium at the end of the Order 1169 aquifer test. USFWS postulated there was generally good connectivity within the aquifer system with areas of higher and lower transmittivity. Trends in water levels and spring flows allude to the connection between high elevation springs and carbonate-rock aquifer pumping, with a time lag observed in the recovery of carbonate-rock aquifer water levels and spring flows following the cessation of the Order 1169 aquifer test. The exception is Big Muddy Spring where surface water level trends appeared to be unrelated to the carbonate-rock aquifer water levels.<sup>209</sup>

USFWS determined that the optimum method currently available to estimate the maximum allowable rate of pumping in the LWRFS is the average annual rate of pumping from 2015–2017.<sup>210</sup> USFWS considered the period from 2015 to 2017 because it found that the groundwater withdrawals, the discharge of the Muddy River Springs, and the flow of the Muddy River were all relatively constant; flow rates from Plummer, Pederson, Jones and Baldwin springs, though generally lower than before the Order 1169 aquifer test, were reasonably stable compared to earlier

---

<sup>208</sup> See USFWS Ex. 5, pp. 2, 28–36.

<sup>209</sup> USFWS Ex. 5, pp. 3, 32–33, 35, 37–45; Tr. 266–270, 273–281, 299–301, 433–435.

<sup>210</sup> USFWS Ex. 5, p. 3.

periods.<sup>211</sup> Using the pumpage inventories for this time period, USFWS estimated the sustainable groundwater withdrawals to be 9,318 afa.<sup>212</sup>

Even if total carbonate-rock and alluvial aquifer pumping is maintained at a “sustainable” overall level, USFWS did not support increased carbonated-rock aquifer pumping in exchange for reductions in alluvial aquifer pumping, nor did USFWS support increased alluvial aquifer pumping in exchange for reductions in carbonate-rock aquifer pumping. USFWS suggested that carbonate-rock aquifer pumping should not be moved closer to the springs or the river. Similarly, USFWS suggests that alluvial aquifer pumping in the vicinity of the river should not be moved closer to the river. USFWS opines that any movement of water nearer to the springs or the river is anticipated to decrease the lag time for observing responses from pumping and shorten the time to respond to unfavorable impacts.<sup>213</sup>

Moving forward with management of the LWRFS, USFWS supported the use of the triggers at the Warm Springs West gage, as established under the 2006 MOA. Continuing to use these Warm Springs West flows as a trigger for management will protect and provide habitat for the Moapa dace; a reduction in the flow translates to a reduction in habitat.<sup>214</sup>

USFWS did not deny that water levels were independent of a climate response signal. Using observed data for Nevada Climate Divisions, USFWS visually inspected hydrographs for climate signals. USFWS opined that response to wet periods are observed for wells in both the carbonate-rock and alluvial aquifers and springs that discharge from the carbonate-rock aquifer but stated that response to dry periods cannot be separated from the impacts of pumping. USFWS did not observe these same climate signals in the hydrographs for Jones and Baldwin Springs or the Big Muddy Spring. USFWS disagreed with the conclusion of the MBOP regarding long-term, regional drought, as well as the analytical methods.<sup>215</sup>

---

<sup>211</sup> USFWS Ex. 5, pp. 3, 37; Tr. 269–270, 433–435.

<sup>212</sup> USFWS Ex. 5, pp. 3, 36–38; Tr. 268–270.

<sup>213</sup> See USFWS Ex. 5, pp. 3–4, 38–39; Tr. 272–273.

<sup>214</sup> See USFWS Ex. 5, pp. 4, 39–45; Tr. 273–282; See also, NSE Ex. 256; NSE Ex. 244, 2006 Memorandum of Agreement Trigger Levels agreed to by the Southern Nevada Water Authority, Moapa Valley Water District, Coyotes Springs Investments LLC and Moapa Band of Paiute Indians, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>215</sup> See USFWS Ex. 5, pp. 24–28, 34–35; See USFWS Ex. 7, pp. 2–16; Tr. 258–260, 299–322, 429–432.

*Western Elite Environmental/Bedroc*

Bedroc is the land holding and water-right holding entity for Western Elite Environmental, Inc., a provider of construction and recyclable waste collection and disposal in Southern Nevada.<sup>216</sup> Bedroc submitted an undated rebuttal report signed by Derek Muaina, General Counsel, and a closing statement.<sup>217</sup> Bedroc presented Jay Dixon as its expert to give a presentation and to discuss the rebuttal report.<sup>218</sup> Mr. Dixon stated that he contributed to the report, and that he agreed with it, but he did not sign the report because he was working for another participant in the hearing (NCA).<sup>219</sup> Mr. Dixon did provide testimony consistent with the report, and adopted the findings of that report, and both the testimony and the report will be considered in this Order.<sup>220</sup>

Bedroc presented testimony and evidence that its source of groundwater is hydraulically disconnected from the regional carbonate aquifer of the LWRFS and that additional groundwater may be available for pumping in their part of Coyote Spring Valley. Bedroc also argued that its basin fill alluvial groundwater pumping should be managed outside of the proposed LWRFS joint administrative unit.<sup>221</sup>

To show the hydraulic disconnect, Bedroc presented geologic information demonstrating its unique location.<sup>222</sup> Bedroc showed that a confining shelf of sedimentary rock was noticeably absent in the vicinity of the Bedroc site where recharge from the Sheep Range rises toward the surface between two faults, which results in shallow groundwater that is subject to ET and capture from shallow groundwater wells at the Bedroc site.<sup>223</sup> Recharge from the Sheep Range was estimated to be 750 afy, an average of the high and low estimates of the maximum recharge

---

<sup>216</sup> Bedroc Ex. 2, *Interim Order 1303- Rebuttal Report- Prepared by Bedroc and Dixon Hydrologic, PLLC- August 2019*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>217</sup> Bedroc Ex. 2; *Western Elite Environmental Inc.'s and Bedroc Limited, LLC's Closing Statement (Bedroc Closing)*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>218</sup> See Tr. 1718–1719.

<sup>219</sup> Tr. 1719, 1741.

<sup>220</sup> Tr. 1718–1757, 1749–1750.

<sup>221</sup> Bedroc Closing, pp. 13–14. Bedroc offered summary responses to the first four questions posed by Order 1303 but did no independent analysis. See Bedroc Closing, p. 12.

<sup>222</sup> Bedroc Closing, p. 2.

<sup>223</sup> *Id.*; Tr. 1726–1733.

available.<sup>224</sup> SNWA challenged this calculation, pointing out that the estimated recharge could be as low as 130 acre-feet.<sup>225</sup>

Bedroc believes that it is capturing the recharge that would otherwise be lost to evapotranspiration.<sup>226</sup> Groundwater conditions at Bedroc's site show a rise in water levels between 2003 and 2006.<sup>227</sup> Bedroc attributed this rise in part to the installation of an unlined storage pond upgradient from the well, but also to the 2005 recharge event that was discussed by many participants to the proceeding.<sup>228</sup> Between 2006 and 2011, Bedroc showed that groundwater levels had been relatively stable even though pumping by Bedroc was fairly constant.<sup>229</sup> Bedroc showed photo evidence of evapotranspiration occurring around the Bedroc site, pointing to areas of white surface soils and green occurring in the photo as evidence of salt residue and phreatophytes, both occurring as a result of shallow groundwater evaporation.<sup>230</sup> The area is estimated to be about 2,200 acres, and the ET range is estimated to be 0.2 to 0.3 feet per year.<sup>231</sup> This results in an estimate of 400 to 600 afa of groundwater that potentially could be captured every year without pulling groundwater from storage.<sup>232</sup> If pumping in this area exceeded ET, water levels to the east of Bedroc would be dropping.<sup>233</sup>

Bedroc considered the alluvial system at its location to be a separate aquifer from the carbonate-rock aquifer in the LWRFS.<sup>234</sup> CBD in its report also supports this conclusion, suggesting that some groundwater can be withdrawn from the Coyote Spring Valley alluvial aquifer system because that system is disconnected from and not responsible for substantial recharge to the carbonate-rock aquifer.<sup>235</sup> SNWA testified similarly during the hearing.<sup>236</sup>

---

<sup>224</sup> Tr. 1724–1725, 1755.

<sup>225</sup> Tr. 1755.

<sup>226</sup> Bedroc Closing, pp. 5–9.

<sup>227</sup> Tr. 1735.

<sup>228</sup> *Id.*

<sup>229</sup> Tr. 1735–1736.

<sup>230</sup> Tr. 1734, 1738.

<sup>231</sup> Tr. 1739.

<sup>232</sup> Tr. 1739.

<sup>233</sup> Tr. 1739. *See also* Bedroc Closing, p. 8.

<sup>234</sup> Tr. 1746.

<sup>235</sup> Bedroc Ex. 2, p. 5.

<sup>236</sup> Tr. 1024.

Relying on a lack of connection between pumping at Bedroc and the carbonate-rock aquifer, Bedroc asserted that there is no likely impact to the Warm Springs area caused by Bedroc.<sup>237</sup> Bedroc compared groundwater elevations over time in two alluvial wells, CSV-3009M and CSV-7, and showed an upward trend in groundwater elevations.<sup>238</sup> But, when comparing groundwater elevations of two monitoring wells in different sources, CSV-7 in the alluvium and CSV-4 in the carbonate-rock aquifers, the carbonate-rock aquifer well elevations showed a decline during the Order 1169 aquifer test, but the alluvial well elevation rose during the same period and leveled off after the conclusion of the test.<sup>239</sup> Bedroc concluded that these data illustrate 1) the hydraulic disconnect between the local alluvial aquifer and carbonate-rock aquifer and 2) if historical alluvial pumping at Bedroc has not impacted water levels in nearby alluvial wells, then there is likely no impact to spring or streamflow in the Muddy River Springs Area.

Finally, Bedroc stated that managing all users in the region under the same system would arbitrarily impact users whose water neither comes from the regional carbonate-rock aquifer system nor impacts the springs of concern downstream.<sup>240</sup> It urged caution in allowing transfer of water rights between alluvial and carbonate-rock aquifers due to potential impacts on senior users that are using local recharge that may not sustain pumping from additional users.<sup>241</sup> Transfers of senior alluvial rights from the Muddy River Springs Area to the area near Bedroc should be considered on a case-by-case basis to protect Bedroc's senior water rights.<sup>242</sup>

### III. PUBLIC COMMENT

**WHEREAS**, following the conclusion of the Interim Order 1303 hearing, opportunity for public comment was offered, including the opportunity to submit written public comment, which was due to be submitted to the Division no later than December 3, 2019. Lincoln County Board of

---

<sup>237</sup> Bedroc Closing, p.11. *See also* SNWA testimony of Andrew Burns that pumping at Bedroc wells is not likely to impact the carbonate system or the Muddy River. Tr. 1024–1025.

<sup>238</sup> Bedroc Closing, p. 12. *See also* Tr. 1736–1737, 1752.

<sup>239</sup> Tr. 1737–1738.

<sup>240</sup> Bedroc Ex. 2, pp. 2–4.

<sup>241</sup> *Id.*, p. 6.

<sup>242</sup> Tr. 1740.

County Commissioners submitted written public comment in addition to the closing argument submitted by LC-V.<sup>243</sup>

#### IV. AUTHORITY AND NECESSITY

**WHEREAS**, NRS 533.024(1)(c) directs the State Engineer “to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water in Nevada.”

**WHEREAS**, in 2017 the Nevada Legislature added NRS 533.024(1)(e), declaring the policy of the State to “manage conjunctively the appropriation, use and administration of all waters of this State regardless of the source of the water.”

**WHEREAS**, NRS 534.020 provides that all waters of the State belong to the public and are subject to all existing rights.

**WHEREAS**, as demonstrated by the results of the Order 1169 aquifer test and in the data collected in the years since the conclusion of the aquifer test, the LWRFS exhibits a direct hydraulic connection that demonstrates that conjunctive management and joint administration of these groundwater basins is necessary and supported by the best available science.<sup>244</sup>

**WHEREAS**, the pre-development discharge of 34,000 acre-feet of the fully appropriated Muddy River system plus the more than 38,000 acre-feet of groundwater appropriations within the LWRFS greatly exceed the total water budget that may be developed without impairment of senior existing rights or proving detrimental to the public interest.

**WHEREAS**, the available groundwater supply within the LWRFS that can be continually pumped over the long-term is limited to the amount that may be developed without impairing existing senior rights, rights on the Muddy River or adversely affecting the public interest in

---

<sup>243</sup> See Board of County Commissioners, Lincoln County, Nevada, *Public Comment to Interim Order #1303 Hearing, Reports, and Evidence on the Lower White River Flow System*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>244</sup> See, e.g., NSE Ex. 245; NSE Ex. 248; NSE Ex. 256; NSE Ex. 252; NSE Ex. 282, *Federal Bureaus Order 1169 Report Selected References: Comparison of Simulated and Observed Effects of Pumping from MX-5 Using Data Collected to the Endo of the Order 1169 Test, and Prediction of the Rates of Recovery from the Test*, TetraTech, 2013, Hearing on Interim Order 1303, official records of the Division of Water Resources. See also, e.g., CBD Ex. 3; MVWD Exs. 3–4; MVIC Ex. 1; NCA Ex. 1, SNWA Exs. 7–9; USFWS Exs. 5–6; NPS Exs. 2–3.

protection of the endangered Moapa dace and the habitat necessary to support the management and recovery of the Moapa dace.

**WHEREAS**, pursuant to NRS 532.120, the State Engineer is empowered to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.

**WHEREAS**, pursuant to NRS 534.110(6) the State Engineer is directed to conduct investigations in groundwater basins where it appears that the average annual replenishment of the groundwater is insufficient to meet the needs of all water right holders, and if there is such a finding, the State Engineer may restrict withdrawals to conform to priority rights.

**WHEREAS**, within an area that has been designated by the State Engineer, as provided for in NRS Chapter 534, and specifically, NRS 534.120, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.<sup>245</sup>

**WHEREAS**, the State Engineer has the authority to hold a hearing to take evidence and the interpretation of the evidence with respect to its responsibility to manage Nevada's water resources and to allow willing participants to present evidence and testimony regarding the conclusions relating to the questions presented in Interim Order 1303. The State Engineer recognizes that the MBOP is a federally recognized tribe, and that its participation in the hearing was to facilitate the understanding of the interpretation of data with respect to the Interim Order 1303 solicitation.

## V. ENDANGERED SPECIES ACT

**WHEREAS**, the Endangered Species Act (ESA), 16 U.S.C. §1531 et seq. is a federal law designed to serve the purpose of identifying, conserving and ultimately recovering species declining toward extinction.<sup>246</sup> Specifically, while the ESA is primarily a conservation program, a critical element of the conservation component seeks to encourage cooperation and coordination

---

<sup>245</sup> See also NRS 534.030, NRS 534.110.

<sup>246</sup> 16 U.S.C. § 1531(a)-(b).

with state and local agencies.<sup>247</sup> The responsibility of enforcement and management under the ESA rests predominately with the federal government; however, the ultimate responsibility is shared.<sup>248</sup>

**WHEREAS**, the ESA makes it unlawful for any person to “take” an endangered species — or to attempt to commit, solicit another to commit, or cause to be committed, a taking.<sup>249</sup> The term “person” is broadly defined to include the State and its instrumentalities.<sup>250</sup> “Take” encompasses actions that “harass, harm” or otherwise disturb listed species, including indirect actions that result in a take.<sup>251</sup> For example, a state regulator is not exempted from the ESA for takings that occur as a result of a licensee’s regulated activity. States have been faced with the impediment of their administrative management actions being subservient to the ESA. For example, the Massachusetts Division of Marine Fisheries was subject to an injunction prohibiting it from issuing commercial fishing licenses because doing so would likely lead to the taking of an endangered species.<sup>252</sup> In *Strahan v. Coxe*, the court’s decision relied on reading two provisions of the ESA— the definition of the prohibited activity of a “taking” and the causation by a third party of a taking— “to apply to acts by third parties that allow or authorize acts that exact a taking and that, but for the permitting process, could not take place.”<sup>253</sup> Although Massachusetts was not the one directly causing the harm to the endangered species, the court upheld the injunction because “a governmental third party pursuant to whose authority an actor directly exacts a taking of an endangered species may be deemed to have violated the provisions of the ESA.”<sup>254</sup> At least three other circuits have held similarly.<sup>255</sup> In each case, “the regulatory entity purports to make lawful an activity that allegedly violates the ESA.”<sup>256</sup> Thus the action of granting the permit for the regulated activity has been considered an indirect cause of a prohibited taking under the ESA.

---

<sup>247</sup> 16 U.S.C. § 1531(c); 16 U.S.C. § 1536.

<sup>248</sup> 16 U.S.C.A. § 1536.

<sup>249</sup> 16 U.S.C.A. § 1538(g).

<sup>250</sup> 16 U.S.C.A. § 1532(13).

<sup>251</sup> 16 U.S.C.A. § 1532(19). The term “harm” is defined by regulation, 50 C.F.R. § 17.3 (1999).

<sup>252</sup> *Strahan v. Coxe*, 127 F.3d 155 (1st Cir.1997), *cert denied* 525 U.S. 830 (1998).

<sup>253</sup> *Id.*, p. 163.

<sup>254</sup> *Id.*

<sup>255</sup> See *Sierra Club v. Yeutter*, 926 F.2d 429 (5th Cir.1991); *Defenders of Wildlife v. EPA*, 882 F.2d 1294 (8th Cir. 1989); *Loggerhead Turtle v. County Council*, 148 F.3d 1231 (11th Cir.1998); *Palila v. Hawaii Dept. of Land & Natural Resources*, 852 F.2d 1106 (9th Cir.1988).

<sup>256</sup> *Loggerhead Turtle*, 148 F.3d at 1251.

**WHEREAS**, the use of water in Nevada is a regulated activity.<sup>257</sup> It is the responsibility of the State to manage the appropriation, use and administration of all waters of the state.<sup>258</sup> Based on *Strahan* and similar decisions, the act of issuing a permit to withdraw groundwater that reduces the flow of the springs that form the habitat of the Moapa dace and were to result in harm to the Moapa dace exposes the Division, the State Engineer and the State of Nevada to liability under the ESA.

**WHEREAS**, a USFWS biological opinion for the MOA found that the reduction in spring flow from the warm springs could impact the dace population in multiple ways. First, the USFWS found that declines in groundwater levels will reduce the flow to the Warm Springs area and allow for cooler groundwater seepage into streams. With reduced spring flow, Moapa dace habitat is reduced.<sup>259</sup> Additionally, USFWS determined that the reduced flows of warm water from the springs will also result in cooler water available throughout the dace habitat, reducing spawning habitat and resulting in a population decline.<sup>260</sup>

**WHEREAS**, based upon the testimony and evidence offered in response to Interim Order 1303, it is clear that it is necessary for spring flow measured at the Warm Springs West gage to flow at a minimum rate of 3.2 cfs in order to maintain habitat for the Moapa dace.<sup>261</sup> A reduction of flow below this rate may result in a decline in the dace population. This minimum flow rate is not necessarily sufficient to support the rehabilitation of the Moapa dace.<sup>262</sup>

---

<sup>257</sup> NRS 533.030; 533.325; 534.020.

<sup>258</sup> NRS 533.325; 533.024(1)(e); 534.020.

<sup>259</sup> USFWS Ex. 5, pp. 50–52.

<sup>260</sup> SNWA Ex. 8, pp. 6-2 through 6-3; SNWA Ex. 40, *Hatten, J.R., Batt, T.R., Scoppettone, G.G., and Dixon, C.J., 2013, An ecohydraulic model to identify and monitor Moapa dace habitat. PLoS ONE 8(2):e55551, doi:10.1371/journal.pone.0055551.*, Hearing on Interim Order 1303, official records of the Division of Water Resources; SNWA Ex. 41, *U.S. Fish and Wildlife Service, 2006a, Intra-service programmatic biological opinion for the proposed Muddy River Memorandum of Agreement regarding the groundwater withdrawal of 16,100 acre-feet per year from the regional carbonate aquifer in Coyote Spring Valley and California Wash basins, and establish conservation measures for the Moapa Dace, Clark County, Nevada. File No. 1-5-05 FW-536, January 30, 2006.*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>261</sup> Tr. 1127–1128.

<sup>262</sup> Tr. 401–402, 1147, 1157–1158.

**WHEREAS**, the ESA prohibits any loss of Moapa dace resulting from actions that would impair habitat necessary for its survival. Some groundwater users are signatories to an MOA that authorizes incidental take of the Moapa dace; however, the State Engineer and many other groundwater users are not covered by the terms of the MOA.<sup>263</sup> Not only would liability under the ESA for a “take” extend to groundwater users within the LWRFS, but would so extend to the State of Nevada through the Division as the government agency responsible for permitting water use.

**WHEREAS**, the State Engineer concludes that it is against the public interest to allow groundwater pumping from the LWRFS that will reduce spring flow in the Warm Springs area to a level that would impair habitat necessary for the survival of the Moapa dace and could result in take of the endangered species.

#### **VI. GEOGRAPHIC BOUNDARY OF THE LWRFS**

**WHEREAS**, the geographic boundary of the hydrologically connected groundwater and surface water systems comprising the LWRFS, as presented in Interim Order 1303, encompasses the area that includes Coyote Spring Valley, Muddy River Springs Area, California Wash, Hidden Valley, Garnet Valley and the northwest portion of the Black Mountains Area.<sup>264</sup> The rationale for incorporating these areas into a single administrative unit included the presence of a distinct regional carbonate-rock aquifer that underlies and uniquely connects these areas; the remarkably flat potentiometric surface observed within the area; the diagnostic groundwater level hydrographic pattern exhibited by monitoring wells distributed across the area; and the area-wide diagnostic water level response to pumping during the Order 1169 aquifer test. Each of these characteristics were previously identified and examined in the hydrological studies and subsequent hearing that followed the completion of the Order 1169 aquifer test. Indeed, these characteristics were the foundational basis for the State Engineer’s determination in Rulings 6254–6261 that the

---

<sup>263</sup> NSE Ex. 236; SNWA Ex. 8, pp. 5-1 through 5-8.

<sup>264</sup> See NSE Ex. 1, p. 6.

close hydrologic connection<sup>265</sup> and shared source and supply of water in the LWRFS required joint management.<sup>266</sup>

WHEREAS, evidence and testimony presented during the Interim Order 1303 hearing indicated a majority consensus among stakeholder participants that this originally defined area is appropriately combined into a single unit.<sup>267</sup> Evidence and testimony was also presented on whether to add adjacent basins, or parts of basins to the administrative unit; to modify boundaries within the existing administrative unit; or to eliminate the common administrative unit boundaries. The State Engineer has considered this evidence and testimony on the basis of a common set of criteria that are consistent with the original characteristics considered critical in demonstrating a close hydrologic connection requiring joint management in Rulings 6254–6261 and more specifically, include the following:

1) Water level observations whose spatial distribution indicates a relatively uniform or flat potentiometric surface are consistent with a close hydrologic connection.

---

<sup>265</sup> The State Engineer notes that the terminology “*hydrologic connection*” and “*hydraulic connection*” have been used by different parties sometimes interchangeably, and commonly with nearly the same meaning. The State Engineer considers a hydraulic connection to be intrinsically tied to the behavior and movement of water. With regard to aquifers, it may be thought of as the natural or induced movement of water through permeable geologic material. The degree of hydraulic connection can be considered a measure of the interconnection between locations as defined by a cause and effect change in potentiometric surface or a change in groundwater inflow or outflow that reflects characteristics of both the aquifer material and geometry, and groundwater behavior. It is commonly characterized by a response that is transmitted through the aquifer via changes in hydraulic head, i.e., groundwater levels. Hydrologic connections may include hydraulic connections but can also represent more complex system interactions that can encompass all parts of the water cycle, and in some cases may focus on flow paths, water budgets, geochemical interactions, etc. The State Engineer’s use of the term “*close hydrological connection*” is intended to encompass and include a direct hydraulic connection that is reflected in changes in groundwater levels in response to pumping or other fluxes into or out of the aquifer system within a matter of days, months, or years. The closeness, strength, or directness of the response is indicated by timing, with more distinct and more immediate responses being more “close”.

<sup>266</sup> See NSE Ex. 14, p. 12, 24.

<sup>267</sup> See Participant testimony from SNWA (Tr. 875–876), CNLV (Tr. 1418), and CSI (Tr. 95–96). Several other participants agreed, too, that the State Engineer’s delineation of the LWRFS as defined in Interim Order 1303 was acceptable. See also Bedroc Closing, p. 12, Church Closing, p. 1; Technichrome Response, p. 1. Other participants recommended larger areas be included within the LWRFS boundary. See Tr. 261–266 (USFWS), 1571–1572 (CBD), 1697–1698 (MVIC). See also NV Energy Closing, pp. 2–3; NPS Closing pp. 2–5.

2) Water level hydrographs that, in well-to-well comparisons, demonstrate a similar temporal pattern, irrespective of whether the pattern is caused by climate, pumping, or other dynamic is consistent with a close hydrologic connection.

3) Water level hydrographs that demonstrate an observable increase in drawdown that corresponds to an increase in pumping and an observable decrease in drawdown, or a recovery, that corresponds to a decrease in pumping, are consistent with a direct hydraulic connection and close hydrologic connection to the pumping location(s).

4) Water level observations that demonstrate a relatively steep hydraulic gradient are consistent with a poor hydraulic connection and a potential boundary.

5) Geological structures that have caused a juxtaposition of the carbonate-rock aquifer with low permeability bedrock are consistent with a boundary.

6) When hydrogeologic information indicate a close hydraulic connection (based on criteria 1-5), but limited, poor quality, or low resolution water level data obfuscate a determination of the extent of that connection, a boundary should be established such that it extends out to the nearest mapped feature that juxtaposes the carbonate-rock aquifer with low-permeability bedrock, or in the absence of that, to the basin boundary.

**WHEREAS**, some testimony was presented advocating to include additional areas to the LWRFS based principally on water budget considerations and/or common groundwater flow pathways.<sup>268</sup> Indeed, some participants advocate to include the entire White River Flow System, or other basins whose water may ultimately flow into or flow out of the system.<sup>269</sup> Other participants used, but did not rely on, water budget and groundwater flow path considerations to support their analysis. Like those participants, the State Engineer agrees that while water budget and groundwater flow path analysis are useful to demonstrate a hydrologic connection, additional information is required to demonstrate the relative strength of that connection. Thus, the State

---

<sup>268</sup> See e.g., CNLV Ex. 3, p. 33, Tr. 1430; NPS Closing, p. 2. See also Tr. 253–257; Sue Braumiller, *Interpretations of available Geologic and Hydrologic Data Leading to Responses to Questions Posed by the State Engineer in Order 1303 regarding Conjunctive Management of the Lower White River Flow System* (USFWS Braumiller presentation), slide 11, Item 6., bullet 1, official records of the Division of Water Resources; MBOP Ex. 2, p. 11.

<sup>269</sup> See e.g., GBWN Report, pp. 1–2.

Engineer recognizes that while any hydrologic connection, weak or strong, needs to be considered in any management approach, many of the connections advocated based principally on a water budget or flow path analysis, including those between nearby basins like Las Vegas Valley and Lower Meadow Valley Wash, are not demonstrated to provide for the uniquely close hydraulic connection that require joint management.

**WHEREAS**, in their closing statement, NPS proposes that all adjacent hydrographic areas to the original Interim Order 1303 administrative unit where a hydraulic interconnection exists, whether weak or strong, be included in the LWRFS.<sup>270</sup> It does so to alleviate the need for developing new management schemes for the excluded remnants and to provide for appropriate management approaches based on new information and improved understanding of differing degrees of hydraulic interconnection in various sub-basins. The State Engineer agrees with this logic, up to a point, and has applied these concepts to the extent practical as demonstrated in his criteria for determining the extent of the LWRFS. However, the State Engineer also finds that there must be reasonable and technically defensible limits to the geographic boundary. Otherwise, if management were to be based on the entire spectrum of weak to strong hydraulic interconnection, then exclusion of an area from the LWRFS would require absolute isolation from the LWRFS; every sub-basin would have its own management scheme based on some measure of its degree of connectedness; and proper joint management would be intractable.

**WHEREAS**, evidence and testimony was also presented by the NPS regarding the specific inclusion of the entirety of the Black Mountains Area in the LWRFS.<sup>271</sup> The State Engineer recognizes that there may be a hydrologic connection between the Black Mountains Area and upgradient basins that are sources of inflow, and that outflow from the LWRFS carbonate-rock aquifer may contribute to discharge from Rogers and Blue Point Springs. However, the State Engineer does not find that this supports inclusion of the entirety of the Black Mountains Area. This determination is made based on the lack of contiguity of the carbonate-rock aquifer into this

---

<sup>270</sup> NPS Closing, pp. 3–5.

<sup>271</sup> NPS Closing pp. 3–4. *See also* Tr.534, 555–569; Richard K. Waddell, Jr., *Testimony of Richard K. Waddell on behalf of the National Park Service*, presentation during hearing for Interim Order 1303 (NPS Presentation), slides 32–46, official records of the Division of Water Resources.

area,<sup>272</sup> the difference in observed water level elevations compared to those in adjacent carbonate-rock aquifer wells to the north and west,<sup>273</sup> and the absence of observed diagnostic hydrographic patterns and responses that define the uniquely close hydraulic connection that characterizes the LWRFS.<sup>274</sup>

**WHEREAS**, evidence and testimony presented by USFWS relied principally on SeriesSEE analysis of water level responses submitted by the Department of Interior Bureaus following the Order 1169 aquifer test to establish the general extent of the LWRFS. This was supported by the application of hydrogeology and principles of groundwater flow to define specific boundary limits to the LWRFS. It proposed that most of the Lower Meadow Valley Wash be considered for inclusion in the LWRFS based on the potential geologic continuity between carbonate rocks underlying the Lower Meadow Valley Wash and the carbonate-rock aquifer underlying Coyote Spring Valley, the Muddy River Springs Area, and California Wash.<sup>275</sup> Additionally, it asserted that the alluvial aquifer system in Lower Meadow Valley Wash contributes to and is connected to both the Muddy River and the alluvial aquifer system in California Wash. The State Engineer finds that while carbonate rocks may underlie the Lower Meadow Valley Wash and be contiguous with carbonate rocks to the south and west, data are lacking to characterize the potential hydraulic connection that may exist. Regarding the hydraulic connection between the Lower Meadow Valley Wash alluvial aquifer and the LWRFS, the State Engineer agrees with USFWS that a connection exists, but finds that any impacts related to water development in the Lower Meadow Valley Wash alluvial aquifer are localized, and unrelated to the carbonate-rock aquifer, and can be appropriately managed outside the LWRFS joint management process.

**WHEREAS**, NCA advocated for the exclusion of the portion of the Black Mountains Area from the LWRFS that contains their individual production wells. NCA premise this primarily on testimony and analysis performed by SNWA with respect to the impact of pumping from this area

---

<sup>272</sup> See CSI Ex. 14, Plate 2, Map and Plate 4, Cross section K-K', in Peter D. Rowley et. al., *Geology and Geophysics of White Pine and Lincoln Counties, Nevada and Adjacent Parts of Nevada and Utah: The Geologic Framework of Regional Groundwater Flow Systems*, Nevada Bureau of Mines and Geology Report 56.

<sup>273</sup> See, e.g., USFWS Ex. 5, p. 30.

<sup>274</sup> *Id.*, p. 17.

<sup>275</sup> *Id.*, pp. 19-24.

on discharge to the Warm Springs area.<sup>276</sup> It also used hydrogeologic and water level response information to conclude that strike-slip faulting and a weak statistical correlation between water levels at NCA well EBM-3 and EH-4 in the Warm Springs area support a boundary to the north of the NCA production wells. While the State Engineer finds logic in NCA's position, other testimony describing flaws in the SNWA analysis make for a compelling argument against relying on SNWA's statistically-based results.<sup>277</sup> The substantial similarity in observed water level elevation and water level response at EBM-3 compared to EH-4<sup>278</sup> and limitations in relying on poor resolution water level measurements for statistical or comparative analysis<sup>279</sup> requires a more inclusive approach that places the boundary to the south of the NCA production wells to a geological location that coincides with the projection of the Muddy Mountain Thrust. This more closely coincides with the measurable drop in water levels recognized to occur south of the NCA wells, between EBM-3 and BM-ONCO-1 and 2, that is indicative of a hydraulic barrier or zone of lower permeability.<sup>280</sup> It also better honors the State Engineer's criteria by acknowledging the uncertainty in the data while reflecting a recognized physical boundary in the carbonate-rock aquifer. Specifically, this shall be defined to include that portion of the Black Mountains Area lying within portions of Sections 29, 30, 31, 32, and 33, T.18S., R.64E., M.D.B.&M.; portions of Sections 1, 11, 12, 14, 22, 23, 27, 28, 33, and 34 and all of Sections 13, 24, 25, 26, 35, and 36, T.19S., R.63E., M.D.B.&M.; portions of Sections 4, 6, 9, 10, and 15 and all of Sections 5, 7, 8, 16, 17, 18, 19, 20, 21, 29, 30, and 31, T.19S., R.64E., M.D.B.&M.<sup>281</sup>

**WHEREAS**, numerous participants advocated to include Kane Springs Valley in the LWRFS basins.<sup>282</sup> Other participants advocated to exclude Kane Springs Valley.<sup>283</sup> Several expert witnesses recommended the exclusion of Kane Springs Valley based on their characterization of water level elevation data, temporal hydrographic response patterns, geochemistry, and/or the

---

<sup>276</sup> See, Tr. 1622, 1624; NCA Closing.

<sup>277</sup> See, e.g., Tr. 1467–1469 CNLV presentation, slides 21–23; Tr. 1784–1786; NV Energy presentation, slides 32–33.

<sup>278</sup> NCA Closing, p. 18, Figure 3.

<sup>279</sup> NCA Closing, p. 8.

<sup>280</sup> See e.g., USFWS Ex. 5.

<sup>281</sup> See map of the LWRFS Hydrographic Basin as defined by this Order, Attachment A.

<sup>282</sup> See, e.g., NV Energy Closing, p. 2; NCA Closing, p. 10–14; MVWD Closing, p. 2–8.

<sup>283</sup> See e.g., *Written Closing Statement of Lincoln County Water District and Vidler Water Company, Inc.* (LC-V Closing), Hearing on Interim Order 1303, official records of the Division of Water Resources, p. 3–6; CSI Closing, p. 2.

geophysically-inferred presence of structures that may act as flow barriers. Others recommended inclusion based on the same or similar set of information. Water level elevations observed near the southern edge of Kane Springs Valley are approximately 60 feet higher than those observed in the majority of carbonate-rock aquifer wells within the LWRFS to the south; consistent with a zone of lower permeability.<sup>284</sup> Some experts suggested that the hydrographic response pattern exhibited in wells located in the southern edge of Kane Springs Valley is different compared to that exhibited in wells in the LWRFS, being muted, lagged, obscured by climate response, or compromised by low-resolution data.<sup>285</sup> In this regard, the State Engineer recognizes these differences. However, he finds that the evidence and testimony supporting a similarity in hydrographic patterns and response as provided by expert witnesses, like that of the NPS, to be persuasive.<sup>286</sup> Namely, that while attenuated, the general hydrographic pattern observed in southern Kane Springs Valley reflects a response to Order 1169 pumping, consistent with a close hydraulic connection with the LWRFS. The State Engineer also finds that occurrence of the carbonate-rock aquifer in the southern Kane Springs Valley indicates that there is no known geologic feature at or near the southern Kane Springs Valley border that serves to juxtapose the carbonate-rock aquifer within the LWRFS with low permeability rocks in Kane Springs Valley.<sup>287</sup> He also finds that while geologic mapping<sup>288</sup> indicates that the carbonate-rock aquifer does not extend across the northern portion of the Kane Springs Valley, there is insufficient information available to determine whether the non-carbonate bedrock interpreted to underlie the northern part of the Kane Springs Valley represents low-permeability bedrock that would define a hydraulic boundary to the carbonate-rock aquifer.<sup>289</sup> After weighing all of the testimony and evidence relative to his criteria

---

<sup>284</sup> LC-V Closing, p. 7.

<sup>285</sup> See, e.g., LC-V Closing, pp. 5-6; LC-V Ex. 1, pp. 3-3-3-4; CSI Closing, pp. 5-6.

<sup>286</sup> See Tr. 524-55. See, e.g., NPS presentation, slides 23-27.

<sup>287</sup> Pursuant to the criteria requiring joint management of hydrographic basins and the sixth criteria establishing that the boundary should extend to the nearest mapped feature that juxtaposes the carbonate-rock aquifer with low-permeability bedrock, or where a mapped feature cannot be adequately identified, to the basin boundary, the State Engineer includes the entirety of Kane Springs Valley.

<sup>288</sup> See, e.g., NSE Ex. 12; Page, W.R., Dixon, G.L., Rowley, P.D., and Brickey, D.W., 2005, *Geologic Map of Parts of the Colorado, White River, and Death Valley Groundwater Flow Systems, Nevada, Utah, and Arizona*: Nevada Bureau of Mines and Geology Map 150, Plate plus text.

<sup>289</sup> See, e.g., SNWA Ex. 7, pp. 2-4, 2-5, 2-10, 2-11, and 4-1, that describe volcanic rocks as important aquifers, and calderas as both flow paths and barriers depending on structural controls

for inclusion into the LWRFS, the State Engineer finds that the available information requires that Kane Springs Valley be included within the geographic boundary of the LWRFS.

**WHEREAS**, limited evidence and testimony were provided by participants advocating to either include or exclude the northern portion of Coyote Spring Valley. The State Engineer finds that while information such as that provided by Bedroc is convincing and supports a finding that local, potentially discrete aquifers may exist in parts of the northern Coyote Springs Valley, his criteria for defining the LWRFS calls for the inclusion of the entirety of the basin in the LWRFS. However, the State Engineer also acknowledges that there may be circumstances, like in the northern Coyote Spring Valley, where case-by-case considerations for proper management are warranted.

**WHEREAS**, evidence and testimony from Georgia-Pacific and Republic, and MBOP advocated against creating a single LWRFS administrative unit. Their arguments were principally based on concerns that there was insufficient consensus on defining the LWRFS geographic boundaries and that there were inherent policy implications to establishing an LWRFS administrative unit. MBOP recommended continuing to collect data and focusing on areas of scientific consensus. Georgia-Pacific and Republic asserted that boundaries are premature without additional data and without a legally defensible policy and management tools in place. They expressed concern that creating an administrative unit at this time inherently directs policy without providing for due process. The State Engineer has considered these concerns and agrees that additional data and improved understanding of the hydrologic system is critical to the process. He also believes that the data currently available provide enough information to delineate LWRFS boundaries, and that an effective management scheme will provide for the flexibility to adjust boundaries based on additional information, retain the ability to address unique management issues on a sub-basin scale, and maintain partnership with water users who may be affected by management actions throughout the LWRFS.

---

to flow, citing Peter D. Rowley, and Dixon, G.L., 2011, *Geology and Geophysics of Spring, Cave, Dry Lake, and Delamar Valleys, White Pine and Lincoln Counties, and Adjacent Areas, Nevada and Utah: The Geologic Framework of Regional Flow Systems*,

**WHEREAS**, evidence and testimony support the delineation of a single hydrographic basin as originally defined by the State Engineer in Interim Order 1303, with the adjustment of the Black Mountain Area boundary and the addition of Kane Springs Valley. The State Engineer acknowledges that special circumstances will exist with regard to both internal and external management. Water development both inside and outside of the perimeter of the LWRFS will continue to be evaluated on the best available data and may become subject to or excluded from the constraints or regulations of the LWRFS.

**WHEREAS**, the geographic extent of the LWRFS is intended to represent the area that shares both a unique and close hydrologic connection and virtually all of the same source and supply of water, and therefore will benefit from joint and conjunctive management. In that light, the State Engineer recognizes that different areas, jointly considered for inclusion into the LWRFS, have been advocated both to be included and to be excluded by the different hearing participants based on different perspectives, different data subsets, and different criteria. For the Muddy River Springs Area, California Wash, Garnet Valley, Hidden Valley, Coyote Spring Valley, and a portion of the Black Mountain Area, there is a persuasive case previously laid out in Rulings 6254–6261, and the consensus amongst the participants support their inclusion in the LWRFS. For other sub-basins such as Kane Springs Valley and the area around the NCA production wells in the Black Mountain Area, there is persuasive evidence to support their inclusion or exclusion; however, the State Engineer’s criteria and available data mandate their inclusion. Their inclusion in the LWRFS provides the opportunity for conducting additional hydrologic studies in sub-basins such as these, to determine the degree to which water use would impact water resources in the LWRFS and to allow continued participation by holders of water rights in future management decisions. Thus, these sub-basins, and any other portions of the LWRFS that may benefit from additional hydrological study, can be managed more effectively and fairly within the LWRFS. For other basins whose inclusion was advocated, such as the northern portion of Las Vegas Valley and the Lower Meadow Valley Wash, the State Engineer finds that data do not exist to apply his criteria, and therefore they cannot be considered for inclusion into the LWRFS. These types of areas may require additional study and special consideration regarding the potential effects of water use in these areas on water resources within the LWRFS.

## VII. AQUIFER RECOVERY SINCE COMPLETION OF THE ORDER 1169 AQUIFER TEST

WHEREAS, during the Order 1169 aquifer test an average of 5,290 afa were pumped from the carbonate-rock aquifer wells in Coyote Spring Valley and a cumulative total of 14,535 afa were pumped throughout the Order 1169 study basins. A portion of this total, approximately 3,840 acre-feet per year, was pumped from the alluvial aquifer in the Muddy River Springs Area.<sup>290</sup> In the years since completion of the Order 1169 aquifer test, pumping from wells in the LWRFS has gradually declined.<sup>291</sup> Pumping in 2013-2014 averaged 12,635 afa; pumping in 2015-2017 averaged 9,318 afa.<sup>292</sup> Pumpage inventories for 2018 that were published after the completion of the hearing report a total of 8,300 afa.<sup>293</sup> Pumping from alluvial aquifer wells in the Muddy River Spring Area has consistently declined since closure of the Reid Gardner power plant beginning in 2014, while pumping from the carbonate-rock aquifer since the completion of the aquifer test has consistently ranged between approximately 7,000 and 8,000 afa.

WHEREAS, the information obtained from the Order 1169 aquifer test and in the years since the conclusion of the test demonstrates that while, following conclusion of the aquifer test, there was a recovery of groundwater levels, the carbonate-rock aquifer has not recovered to pre-Order 1169 test levels.<sup>294</sup> Evidence and testimony submitted during the 2019 hearing does not refute the conclusions made by the State Engineer in Rulings 6254–6261 regarding interpretations of the Order 1169 aquifer test results, which were based on observations and analysis by multiple technical experts. Groundwater level recovery reached completion approximately two to three years after the Order 1169 aquifer test pumping ended.<sup>295</sup>

---

<sup>290</sup> NSE Ex. 1, p. 4.

<sup>291</sup> See, e.g. NSE Ex. 50, *Pumpage Report Coyote Spring Valley 2017*; NSE Ex. 67, *Pumpage Report Black Mountains Area 2017*; NSE Ex. 84, *Pumpage Report Garnet Valley Area 2017*; NSE Ex. 86, *Pumpage Report California Wash Area 2017*; Ex. 88, *Pumpage Report Muddy River Springs Area 2017*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>292</sup> *Id.*

<sup>293</sup> *Id.*

<sup>294</sup> See, e.g., SNWA Ex. 7, pp. 5-17-5-18, 8-2; NPS Closing, p. 4; MVWD Closing, p. 8. See also Tr. 1807; NV Energy presentation, p. 11.

<sup>295</sup> SNWA Ex. 7, pp. 5-17-5-18; NVE Ex. 1, p. 2

**WHEREAS**, several participants testified about the effects of drought and climate on the recovery of groundwater levels and spring discharge after the Order 1169 aquifer test. Droughts, or periods of drier than normal conditions that last weeks, months, or years can lead to declines in groundwater levels.<sup>296</sup> The LWRFS is within National Oceanic and Atmospheric Administration's Nevada Climate Division 4 (Division 4). Precipitation records for Division 4 from 2006 to the 2019 season records indicate that 10 of those 14 seasons received lower than average precipitation.<sup>297</sup> Despite low precipitation, several participants submitted evidence that water levels continue to rise under current climate conditions in other areas with a relative lack of pumping that are tributary to the LWRFS, such as Dry Lake Valley, Delamar Valley, Garden Valley, Tule Desert, Dry Lake Valley, and other areas.<sup>298</sup> These rises have been attributed to efficient winter recharge that has occurred despite low cumulative precipitation.<sup>299</sup> Based on these observations, it was argued that the continued stress of pumping in the LWRFS carbonate-rock aquifer is limiting the recovery of water levels.<sup>300</sup> The State Engineer acknowledges that spring discharge is affected by both pumping and climate, and finds that groundwater levels remain a useful tool for monitoring the state of the aquifer system in the LWRFS regardless of the relative contribution of climate and drought to the measured groundwater levels. The State Engineer only has the authority to regulate pumping, not climate, in consideration of its potential to cause conflict or to be detrimental to the public interest and must do so regardless of the relative contributing effects of climate.

**WHEREAS**, evidence and testimony during the 2019 hearing was divided on whether water levels in the Warm Springs area and carbonate-rock aquifer indicate the system has reached or is approaching equilibrium,<sup>301</sup> or is still in a state of decline.<sup>302</sup> Hydrographs and evidence presented show that water levels at well EH-4 near the Warm Springs area have been relatively stable for several years following recovery from the Order 1169 aquifer test.<sup>303</sup> However, other

---

<sup>296</sup> See USGS, 1993, *Drought*, US Geological Survey Open File Report 93-642, accessible at <https://bit.ly/93-642>, (last accessed June 6, 2020).

<sup>297</sup> SNWA Ex. 7, pp. 4-1-4-4.

<sup>298</sup> Tr. 577, 304-307.

<sup>299</sup> NPS Ex. 3, Appendix A.

<sup>300</sup> See, e.g., SNWA Closing, p. 11. NPS Closing, p. 4. See also Tr. 642, 644-45, 1545.

<sup>301</sup> MVWD Closing, pp. 8-9. See also NV Energy Closing, p. 3; CNLV Closing, pp. 5-7.

<sup>302</sup> SNWA Closing, pp. 11-12. NPS Closing, pp. 4-5.

<sup>303</sup> SNWA Ex. 7, pp. 5-7.

carbonate-rock aquifer wells located further away from the Warm Springs area such as CSVM-1, TH-2, GV-1, and BM-DL-2 appear to have reached peak recovery from the Order 1169 aquifer test in 2015-2016 and have exhibited downward trends for the past several years.<sup>304</sup> The State Engineer agrees that water levels in the Warm Springs area may be approaching steady state with current pumping conditions. However, the trend is of insufficient duration to make this determination with absolute assurance and continued monitoring is necessary to determine if this trend continues or if water levels are continuing to decline slowly.

### VIII. LONG-TERM ANNUAL QUANTITY OF WATER THAT CAN BE PUMPED

**WHEREAS**, the evidence and testimony presented at the 2019 hearing did not result in a consensus among experts of the long-term annual quantity of groundwater that can be pumped. Recommendations range from zero to over 30,000 afa, though most experts agreed that the amount must be equal to or less than the current rate of pumping. There is a near consensus that the exact amount that can be continually pumped for the long-term cannot be absolutely determined with the data available and that to make that determination will require more monitoring of spring flows, water levels, and pumping amounts over time.

**WHEREAS**, evidence and testimony were presented arguing that the regional water budget demonstrates that far more groundwater is available for development within the LWRFS than is currently being pumped. CSI argues that the total amount of groundwater available for extraction from the LWRFS may be up to 30,630,<sup>305</sup> which is an estimate of the entirety of natural discharge from the system that occurs through groundwater evapotranspiration and subsurface groundwater outflow. Nearly all other experts disagreed that pumping to that extent could occur without causing harm to the Moapa dace or conflict with senior Muddy River decreed rights. The disagreement is not about the amount of the water budget, but rather the importance of the water budget in determining the amount of groundwater in the LWRFS that can continually be pumped,<sup>306</sup> not the amount of inflow and outflow to the system. In addition, availability of groundwater for pumping based on water budget should consider whether the same water is appropriated for use in upgradient and downgradient basins, and CSI did not account for this.

---

<sup>304</sup> *Id.*

<sup>305</sup> CSI Closing, p. 2.

<sup>306</sup> See e.g., SNWA Ex. 9, p. 24.; MVWD Ex. 3, p. 4; NPS Ex. 3, p. 23.

The State Engineer recognizes that the water budget is important to fully understand the hydrology of the regional flow system but also agrees with nearly all participants that the regional water budget is not the limiting measure to determine water available for development in the LWRFS. The potential for conflict with senior rights and impacts that are detrimental to the public interest in the LWRFS is controlled by aquifer hydraulics and the effect of pumping on discharge at the Warm Springs area rather than the regional water budget.

**WHEREAS**, evidence and testimony were presented arguing that the location of pumping within the LWRFS is an important variable in the determination of the amount that can be pumped. Participants representing groundwater users in Garnet Valley and the APEX area at the south end of the LWRFS testified that pumping within Garnet Valley does not have a discernable signal at wells near the Warm Springs area and that the hydraulic gradient from north-to-south within the LWRFS indicates that there is a component of groundwater flow in Garnet Valley that does not discharge to the Warm Springs area.<sup>307</sup> Several participants agreed that moving pumping to more distal locations within the LWRFS will lessen the effect of that pumping on spring flows. NV Energy testified that there would be a lesser effect because pumping areas around the periphery of the main carbonate-rock aquifer are less well-connected to the springs, and because of the likelihood that some amount of subsurface outflow occurs along and southern and southeastern boundary of the LWRFS and it is possible to capture some of that subsurface outflow without a drop-for-drop effect on discharge at the Warm Springs area.<sup>308</sup> Others drew the same conclusion based on their review of the data and characterization of a heterogeneous system<sup>309</sup> or on weak connectivity between peripheral locations and the Warm Springs area.<sup>310</sup>

CSI argues that more groundwater development can occur in the LWRFS because subsurface fault structures create compartmentalization and barriers to groundwater flow that reduce the effects of pumping on discharge at the Warm Springs area.<sup>311</sup> They rebut the contention by others that spring flow is affected homogeneously by pumping within the LWRFS.<sup>312</sup> CSI used geophysical data to map a north-south trending subsurface feature that bisects Coyote Spring

---

<sup>307</sup> See CNLV Ex. 3, pp. 45–47; GP-REP Ex. 1, pp. 2–3.

<sup>308</sup> NVE Ex. 1, pp. 8–9.

<sup>309</sup> See e.g. MBOP Ex. 2, p. 23; GP-REP Ex. 2, pp. 4–5. See also Technichrome Response.

<sup>310</sup> See e.g. NCA Closing, pp. 2–10; LC-V Closing, pp. 4–6; Bedroc Closing, pp. 9–11.

<sup>311</sup> CSI Closing, pp. 2–5.

<sup>312</sup> CSI Ex. 2, pp. 40–41.

Valley. They hypothesize that this structure is an impermeable flow barrier that creates an isolated groundwater flow path on the west side of Coyote Spring Valley from which pumping would capture recharge from the Sheep Range without spring flow depletion at the Warm Springs area.<sup>313</sup> MBOP also contends that the system is far too complex to characterize it as a homogeneous “bathtub” and that preferential flow paths within the region mean that pumping stress will greatly differ within the LWRFS depending on where the pumping occurs.<sup>314</sup> Rebuttals to MBOP and CSI contend that an emphasis on complexities in geologic structure is a distraction from the question at hand, and that the hydraulic data collected during and after the Order 1169 aquifer test clearly demonstrate close connectivity and disproves CSI’s hypothesis.<sup>315</sup>

The State Engineer finds that the data support the conclusion that pumping from locations within the LWRFS that are distal from the Warm Springs area can have a lesser impact on spring flow than pumping from locations more proximal to the springs. The LWRFS system has structural complexity and heterogeneity, and some areas have more immediate and more complete connection than others. For instance, the Order 1169 aquifer test demonstrated that pumping 5,290 afa from carbonate-rock aquifer wells in Coyote Spring Valley caused a sharp decline in discharge at the springs, but distributed pumping since the completion of the aquifer test in excess of 8,000 afa has correlated with a stabilization of spring discharge. The data collected during and after the Order 1169 aquifer test provide substantial evidence that groundwater levels throughout the LWRFS rise and fall in common response to the combined effects of climate and pumping stress, which controls discharge at the Warm Springs area.<sup>316</sup> The State Engineer finds that the best available data do not support the hypotheses that variable groundwater flow paths and heterogeneous subsurface geology are demonstrated to exist that create hydraulically isolated compartments or subareas within the LWRFS carbonate-rock aquifer from which pumping can occur without effect on the Warm Springs area. However, there remains some uncertainty as to the extent that distance and location relative to other capturable sources of discharge either delay, attenuate, or reduce capture from the springs.

---

<sup>313</sup> *Id.* See also CSI Ex. 1, pp. 31–40.

<sup>314</sup> MBOP Closing, p. 7.

<sup>315</sup> See e.g., SNWA Ex. 9, pp. 23–24.

<sup>316</sup> NSE Exs. 15–21.

WHEREAS, evidence and testimony were presented to argue that no amount of groundwater can be pumped from the carbonate-rock aquifer or from the LWRFS without conflicting with the Muddy River decree or causing harm to the Moapa dace habitat. This argument is predicated on the interpretation that lowering of groundwater level anywhere within the LWRFS, whether caused by climate or pumping, eventually has an effect on spring discharge, and that any reduction in spring discharge caused by pumping conflicts with senior decreed rights or harms the Moapa dace or both.<sup>317</sup> MVIC and SNWA agree that capturing discharge from the Warm Springs area springs and the Muddy River are a conflict with the Muddy River decree, which appropriates “all of the flow of the said stream, its sources of supply, headwaters and tributaries.”

The Muddy River Decree was finalized in 1920, decades before any significant amount of groundwater development within the Muddy River springs area or the LWRFS. The statement quoted above, or something similar to it, is a common conclusion in decrees to establish finality to the determination of relative priority of rights. By including this statement, the decreed right holders are afforded the assurance that no future claimants will interject a new priority right. However, it is also common on decreed systems for junior rights to be appropriated for floodwater or other excess flows, provided that no conflict occurs with the senior priorities. Similarly, groundwater development almost always exists in the tributary watersheds of decreed river systems, even though groundwater in a headwater or tributary basin is part of the same hydrologic system. There is no conflict as long as the senior water rights are served.

The State Engineer disagrees with SNWA and MVIC that the above quoted statement in the decree means that any amount of groundwater pumped within the headwaters that would reduce flow in the Muddy River conflicts with decreed rights. The State Engineer finds that capture or potential capture of the waters of a decreed system does not constitute a conflict with decreed right holders if the flow of the source is sufficient to serve decreed rights. Muddy River decreed rights were defined by acres irrigated and diversion rates for each user.<sup>318</sup> The sum of diversion rates greatly exceeds the full flow of the River, but all users are still served through a rotation schedule managed by the water master. The total amount of irrigated land in the decree is 5,614 acres.<sup>319</sup>

---

<sup>317</sup> See, e.g., CBD Ex. 3, p. 23; SNWA Ex. 7, p. 8-4; MVIC Ex. 1, p. 3.

<sup>318</sup> NSE Ex. 333.

<sup>319</sup> *Id.*

Flow in the Muddy River at the Moapa Gage has averaged approximately 30,600 afa since 2015,<sup>320</sup> which is less than the predevelopment baseflow of about 33,900.<sup>321</sup> If all decreed acres were planted with a high-water use crop like alfalfa, the net irrigation water requirement would be 28,300 afa, based on a consumptive use rate of 4.7 afa.<sup>322</sup> Conveyance loss due to infiltration is an additional consideration to serve all decreed users; however, this is limited in the Muddy River because the alluvial corridor is narrow and well defined so water stays within the shallow groundwater or discharges back to the river. The State Engineer finds that the current flow in the Muddy River is sufficient to serve all decreed rights in conformance with the Muddy River Decree, and that reductions in flow that have occurred because of groundwater pumping in the headwaters basins is not conflicting with Decreed rights.

**WHEREAS**, the majority of experts agree that there is an intermediate amount of pumping approximated by recent pumping rates that can continue to occur in the LWRFS and still protect the Moapa dace and not conflict with decreed rights. USFWS and NCA endorsed the use of average pumping over the years 2015-2017 (9,318 afa as reported by State Engineer pumpage inventories) as a supportable amount that can continue to be pumped, because the system appears to have somewhat stabilized.<sup>323</sup> CSI also endorsed this approach as an initial phase, though they suggested 11,400 afa, which was the average pumping reported by State Engineer inventories over the years 2010-2015 that included the period of the Order 1169 aquifer test.<sup>324</sup> CNLV makes a rough estimate that no more than 10,000 afa can be supported throughout the entire region, based on their professional judgment and review of the data.<sup>325</sup> NV Energy concludes that 7,000–8,000 afa can continue to be pumped, based on the amount of pumping in recent years from carbonate-rock aquifer wells and the observation that steady-state conditions in Warm Springs area spring

---

<sup>320</sup> NSE Ex. 211, *USGS 09416000 Muddy River Moapa 1914-2013*, Hearing on Interim Order 1303, official records of the Division of Water Resources.

<sup>321</sup> SNWA Ex. 7, p. 5-4.

<sup>322</sup> See, e.g., Huntington, J.L. and R. Allen, (2010), *Evapotranspiration and Net Irrigation Water Requirements for Nevada*, Nevada State Engineer's Office Publication, accessible at <https://bit.ly/etniwr>, (last accessed June 7, 2020), official records of the Division of Water Resources.

<sup>323</sup> USFWS Ex. 5, p. 3; NCA Ex. 1, p. 19.

<sup>324</sup> CSI Closing, p. 2.

<sup>325</sup> CNLV Ex. 3, p. 2.

flow are being reached.<sup>326</sup> SNWA estimates that only 4,000–6,000 afa of carbonate-rock aquifer pumping can continually occur within the LWRFS.<sup>327</sup>

**WHEREAS**, the State Engineer finds that the evidence and testimony projecting continual future decline in spring flow at the current rate of pumping is compelling but not certain. Several participants pointed out rising trends in groundwater levels at many locations in Southern Nevada, outside of the LWRFS, that are distant from pumping<sup>328</sup> even though total precipitation has been below average and since 2006 has been described as a drought.<sup>329</sup> This suggests that climate and recharge efficiency may have actually buffered the full effect of pumping on discharge at the Warm Springs area, and that the system could not support the current amount of groundwater pumping during an extended dry period with lesser recharge. In addition, slight declining trends that are observed in Garnet Valley monitoring wells are not evident in wells close to the Warm Springs area.<sup>330</sup> If drawdown in Garnet Valley has not yet propagated to the Muddy Springs area, then the resilience of the apparent steady state of spring flow is in doubt. Projections of continued future decline in spring discharge suggests that the current amount of pumping in the LWRFS is a maximum amount that may need to be reduced in the future if the stabilizing trend in spring discharge does not continue.

**WHEREAS**, there is an almost unanimous agreement among experts that data collection is needed to further refine with certainty the extent of groundwater development that can be continually pumped over the long term. The State Engineer finds that the current data are adequate to establish an approximate limit on the amount of pumping that can occur within the system, but that continued monitoring of pumping, water levels, and spring flow is essential to refine and validate this limit.

---

<sup>326</sup> NVE Ex. 1, p. 8.

<sup>327</sup> SNWA Ex. 7, p. 8-4.

<sup>328</sup> NPS Ex. 3, Appendix A. *See also* Tr. 304–307, 577.

<sup>329</sup> Tr. 1292–1300. *See, also* LC-V Ex. 11, *PowerPoint Presentation of Todd G. Umstot, entitled Drought and Groundwater*, Hearing on Interim Order 1303, official records of the Division of Water Resources, slides 3–10.

<sup>330</sup> CNLV Ex. 3, pp. 45–46.

**WHEREAS**, pumping from wells in the LWRFS has gradually declined since completion of the Order 1169 aquifer test and is approaching 8,000 afa. This coincides with the period of time when spring discharge may be approaching steady state. The State Engineer finds that the maximum amount of groundwater that can continue to be developed over the long term in the LWRFS is 8,000 afa. The best available data at this time indicate that continued groundwater pumping that consistently exceeds this amount will cause conditions that harm the Moapa dace and threaten to conflict with Muddy River decreed rights.

#### **IX. MOVEMENT OF WATER RIGHTS**

**WHEREAS**, the data and evidence are clear that location of pumping within the LWRFS relative to the Warm Springs area and the Muddy River can influence the relative impact to discharge to the Warm Springs area and/or senior decreed rights on the Muddy River. The transfer of groundwater pumping from the Muddy River Springs Area alluvial wells to carbonate-rock aquifer wells may change the timing of any impact to Muddy River flows and amplify the effect on discharge to the Warm Springs area, thus potentially adversely impacting habitat for the Moapa dace. And the transfer of groundwater withdrawals from the carbonate-rock aquifer into the Muddy River alluvial aquifer may reduce the impact to the Moapa dace habitat but increase the severity of impact to the senior decreed rights on the Muddy River. The State Engineer recognizes that the LWRFS is fundamentally defined by its uniquely close hydrologic interconnection and shared source and supply of water. However, the State Engineer also recognizes that there can be areas within the LWRFS that have a greater or lesser degree of hydraulic connection due to distance, local changes in aquifer properties, or proximity to other potential sources of capturable water.

**WHEREAS**, Rulings 6254–6261 acknowledge that one of the main goals of Order 1169 and the associated pumping test at well MX-5 was to observe the effects of increased pumping on groundwater levels and spring flows. Coyote Spring Valley carbonate-rock aquifer pumping during the Order 1169 aquifer test was the largest localized carbonate-rock aquifer pumping in the LWRFS. In addition, concurrent carbonate-rock aquifer and alluvial aquifer pumping in Garnet Valley, Muddy River Springs Area, California Wash, and the northwest portion of the Black Mountains Area occurred during the test period. Rulings 6254–6261 described the data and analysis used to determine that additional pumping at the MX-5 well contributed significantly to decreases in high elevation springs (Pederson Springs) and other springs that are the sources to the

Muddy River. Evidence and reports provided under Interim Order 1303 do not challenge the findings in Rulings 6254–6261 that pumping impacts were witnessed. There is a strong consensus among participants that pumping during the Order 1169 aquifer test along with concurrent pumping caused drawdowns of water levels throughout the LWRFS.<sup>331</sup> However, the effects of pumping from different locations within the LWRFS on discharge at the Warm Springs area is not homogeneous.<sup>332</sup> The State Engineer finds that movement of water rights that are relatively distal from the Warm Springs area into carbonate-rock aquifer wells that have a closer hydraulic connection to the Warm Springs area is not favorable.

**WHEREAS**, evidence and testimony provided by participants during the Interim Order 1303 hearing provides a strong consensus that alluvial aquifer pumping in the Muddy River Springs Area affects Muddy River discharge.<sup>333</sup> There is also strong evidence that carbonate-rock aquifer pumping throughout the LWRFS affects spring flow but can also be dependent on proximity of pumping to springs.<sup>334</sup> No participant is a proponent of moving additional water rights closer to the headwaters of the Muddy River within the Muddy River Springs Area, and most participants agree that carbonate-rock aquifer and alluvial aquifer pumping in the Muddy River Springs Area captures Muddy River flow. The State Engineer finds that any pumping within close proximity to the Muddy River could result in capture of the Muddy River. The State Engineer also finds that any movement of water rights into carbonate-rock aquifer and alluvial aquifer wells in the Muddy River Springs Area that may increase the impact to Muddy River decreed rights is disfavored.

**WHEREAS**, the Order 1169 aquifer test demonstrated that impacts from the test along with concurrent pumping was widespread within the LWRFS encompassing 1,100 square miles and supported the conclusion of a close hydrologic connection among the basins.<sup>335</sup> While the effects of movement of water rights between alluvial aquifer wells and carbonate-rock aquifer wells on deliveries of senior decreed rights to the Muddy River or impacts to the Moapa dace may not be uniform across the entirety of the LWRFS, the relative degree of hydrologic connectedness

---

<sup>331</sup> See SNWA Closing, pp. 10, 16; MVIC Closing, p. 6.

<sup>332</sup> See, e.g., SNWA Closing, p. 10.

<sup>333</sup> CNLV Closing, p. 8; Tr. 1456–1457, 1458. See also SNWA Closing, p. 16; MVWD Closing, p. 11; MVIC Closing, p. 6.

<sup>334</sup> CNLV Closing, pp. 8–10; Tr. 1457, 1458; NV Energy Closing, p. 4; MVIC Closing, p. 6.

<sup>335</sup> NSE Ex. 256. See also NSE Ex. 14, pp. 20–21; NSE Ex. 17, p. 19; SNWA Closing pp. 2, 3.

in the LWRFS will be the principle factor in determining the impact of movement of water rights. The State Engineer recognizes that there may be discrete, local aquifers within the LWRFS with an uncertain hydrologic connection to the Warm Springs area. Determining the effect of moving water rights into these areas may require additional scientific data and analysis. Applications to move water rights under scenarios not addressed in this Order will be evaluated on their individual merits to determine potential impact to existing senior rights, potential impact to the Warm Springs area and Moapa dace habitat, and impacts to the Muddy River.

## **X. ORDER**

**NOW THEREFORE**, the State Engineer orders:

1. The Lower White River Flow System consisting of the Kane Springs Valley, Coyote Spring Valley, Muddy River Springs Area, California Wash, Hidden Valley, Garnet Valley, and the northwest portion of the Black Mountains Area as described in this Order, is hereby delineated as a single hydrographic basin. The Kane Springs Valley, Coyote Spring Valley, Muddy River Springs Area, California Wash, Hidden Valley, Garnet Valley and the northwest portion of the Black Mountains Area are hereby established as sub-basins within the Lower White River Flow System Hydrographic Basin.
2. The maximum quantity of groundwater that may be pumped from the Lower White River Flow System Hydrographic Basin on an average annual basis without causing further declines in Warm Springs area spring flow and flow in the Muddy River cannot exceed 8,000 afa and may be less.
3. The maximum quantity of water that may be pumped from the Lower White River Flow System Hydrographic Basin may be reduced if it is determined that pumping will adversely impact the endangered Moapa dace.
4. All applications for the movement of existing groundwater rights among sub-basins of the Lower White River Flow System Hydrographic Basin will be processed in accordance with NRS 533.370.

5. The temporary moratorium on the submission of final subdivision or other submission concerning development and construction submitted to the State Engineer for review established under Interim Order 1303 is hereby terminated.
6. All other matters set forth in Interim Order 1303 that are not specifically addressed herein are hereby rescinded.



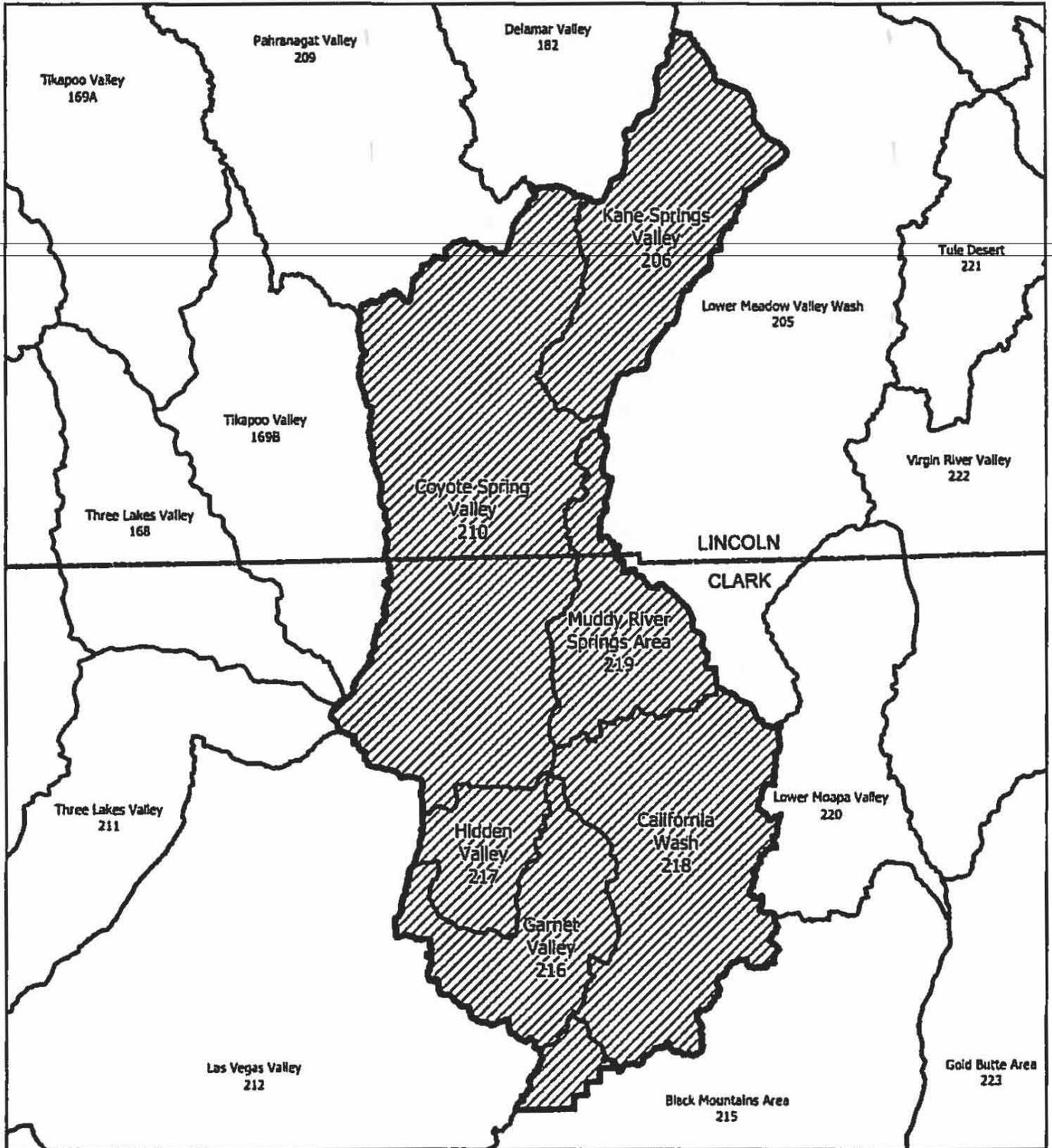
TIM WILSON, P.E.

State Engineer

Dated at Carson City, Nevada this

15th day of June, 2020.

# ATTACHMENT A

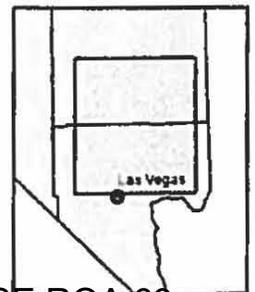


Location and Extent of LWRFS Hydrographic Basin,  
Clark and Lincoln Counties, Nevada

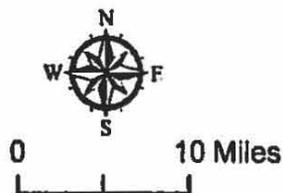
State of Nevada  
Department of Conservation and  
Natural Resources  
Office of the State Engineer  
Division of Water Resources

Tim Wilson PE  
State Engineer

June 2020



-  LWRFS Boundary
-  Hydrographic Basin Boundary
-  County Boundary



SE ROA 69

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

INTERIM ORDER

#1303

DESIGNATING THE ADMINISTRATION OF ALL WATER RIGHTS WITHIN COYOTE SPRING VALLEY HYDROGRAPHIC BASIN (210), A PORTION OF BLACK MOUNTAINS AREA BASIN (215), GARNET VALLEY BASIN (216), HIDDEN VALLEY BASIN (217), CALIFORNIA WASH BASIN (218), AND MUDDY RIVER SPRINGS AREA (AKA UPPER MOAPA VALLEY) BASIN (219) AS A JOINT ADMINISTRATIVE UNIT, HOLDING IN ABEYANCE APPLICATIONS TO CHANGE EXISTING GROUNDWATER RIGHTS, AND ESTABLISHING A TEMPORARY MORATORIUM ON THE REVIEW OF FINAL SUBDIVISION MAPS

I. PURPOSE

**WHEREAS**, the purpose of this Interim Order is to designate a multi-basin area known to share a close hydrologic connection as a joint administrative unit, which shall be known as the Lower White River Flow System (LWRFS).

**WHEREAS**, an adequate and predictable supply of groundwater within the LWRFS supports the health, safety and welfare of the area, and this Interim Order aims to protect existing senior rights and the public interest in an endangered species, recognize existing beneficial use, and limit development actions that are dependent on a supply of water that may not be available in the future.

**WHEREAS**, during the interim period that this Order is in effect, holders of existing rights and other interested parties are encouraged to submit reports to the Nevada Division of Water Resources (NDWR) analyzing the data available regarding sustainable groundwater development in the LWRFS, the geographic extent of the LWRFS, and considerations relating to groundwater pumping within the LWRFS and its effects on the fully decreed Muddy River. This collected and analyzed data is an essential step to optimize the beneficial use of the available water supply in the LWRFS.

**WHEREAS**, concurrent with this interim order, holders of existing rights and other interested parties are encouraged to participate in the public process to develop a conjunctive management plan.

SE ROA 70

**I. BASIN DESIGNATIONS PURSUANT TO NRS § 534.030**

**WHEREAS**, the Coyote Spring Valley Hydrographic Basin was designated pursuant to Nevada Revised Statute (NRS) § 534.030 by Order 905 dated August 21, 1985, which also declared municipal, power, industrial and domestic uses as preferred uses of the groundwater resource pursuant to NRS § 534.120.

**WHEREAS**, the Black Mountains Area Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1018 dated November 22, 1989, which also declared municipal, industrial, commercial and power generation purposes as preferred uses of the groundwater resource pursuant to NRS § 534.120, declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

**WHEREAS**, the Garnet Valley Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1025 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

**WHEREAS**, the California Wash Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1026 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

**WHEREAS**, the Hidden Valley Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1024 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

**WHEREAS**, the Muddy River Springs Area was partially designated pursuant to NRS § 534.030 by Order 392 dated July 14, 1971, and was fully designated by Order 1023 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

## **II. ORDERS 1169 AND 1169A**

**WHEREAS**, on March 8, 2002, the State Engineer issued Order 1169 holding in abeyance carbonate-rock aquifer system groundwater applications either pending or to be filed in Coyote Spring Valley (Basin 210), Black Mountains Area (Basin 215), Garnet Valley (Basin 216), Hidden Valley (Basin 217), Muddy River Springs Area (Basin 219), and Lower Moapa Valley (Basin 220) and ordering an aquifer test of the carbonate-rock aquifer system, which was not well understood, to determine whether additional appropriations could be developed from the carbonate-rock aquifer system. The Order required that at least 50%, or 8,050 acre-feet annually (afa), of the water rights then currently permitted in Coyote Spring Valley be pumped for at least two consecutive years.

**WHEREAS**, on April 18, 2002, in Ruling 5115, the State Engineer added the California Wash (Basin 218) to the Order 1169 aquifer test basins.

**WHEREAS**, prior to the Order 1169 aquifer test beginning, there were significant concerns that pumping 8,050 afa from the Coyote Spring Valley as part of the aquifer test would adversely impact the water resources at the Muddy River Springs, and consequently the Muddy River. Ultimately, the Order 1169 study participants agreed that even if the minimum 8,050 afa was not pumped, sufficient information would be obtained to inform future decisions relating to the study basins.

**WHEREAS**, on November 15, 2010, the Order 1169 aquifer test began, whereby the study participants began reporting to NDWR on a quarterly basis the amounts of water being pumped from wells in the carbonate and alluvial aquifer during the pendency of the aquifer test.

**WHEREAS**, on December 21, 2012, the State Engineer issued Order 1169A declaring the completion of the aquifer test to be December 31, 2012, after a period of 25½ months. The

State Engineer provided the study participants the opportunity to file reports with NDWR until June 28, 2013, addressing the information gained from the aquifer test and the water available to support applications in the aquifer test basins.

**WHEREAS**, during the Order 1169 aquifer test, an average of 5,290 acre-feet per year was pumped from carbonate wells in Coyote Spring Valley, and a cumulative total of approximately 14,535 acre-feet per year of water was pumped throughout the LWRFS. Of this total, approximately 3,840 acre-feet per year was pumped from the Muddy River Springs Area alluvial aquifer.<sup>1</sup>

**WHEREAS**, during the aquifer test, pumpage was measured and reported from 30 other wells in the Muddy River Springs Area, Garnet Valley, California Wash, Black Mountains Area, and Lower Meadow Valley Wash. Stream diversions from the Muddy River were reported, and measurements of the natural discharge of the Muddy River and several of the Muddy River's headwater springs were collected daily. Water-level data were collected from a total of 79 monitoring and pumping wells within the LWRFS. All of the data collected during the aquifer test was made available to each of the study participants and the public.

**WHEREAS**, during the Order 1169 aquifer test, the resulting water-level decline encompassed 1,100 square miles and extended from northern Coyote Spring Valley through the Muddy River Springs Area, Hidden Valley, Garnet Valley, California Wash, and the northwestern part of the Black Mountains Area.<sup>2,3</sup> The water-level decline was estimated to be 1 to 1.6 feet in this area with minor drawdowns of 0.5 feet or less in the northern part of Coyote Spring Valley north of the Kane Springs Wash fault zone.

**WHEREAS**, results of the two-year test demonstrated that pumping 5,290 acre-feet annually from the carbonate aquifer in Coyote Spring Valley, in addition to the other carbonate pumping in Garnet Valley, Muddy River Springs Area, California Wash and the northwest part

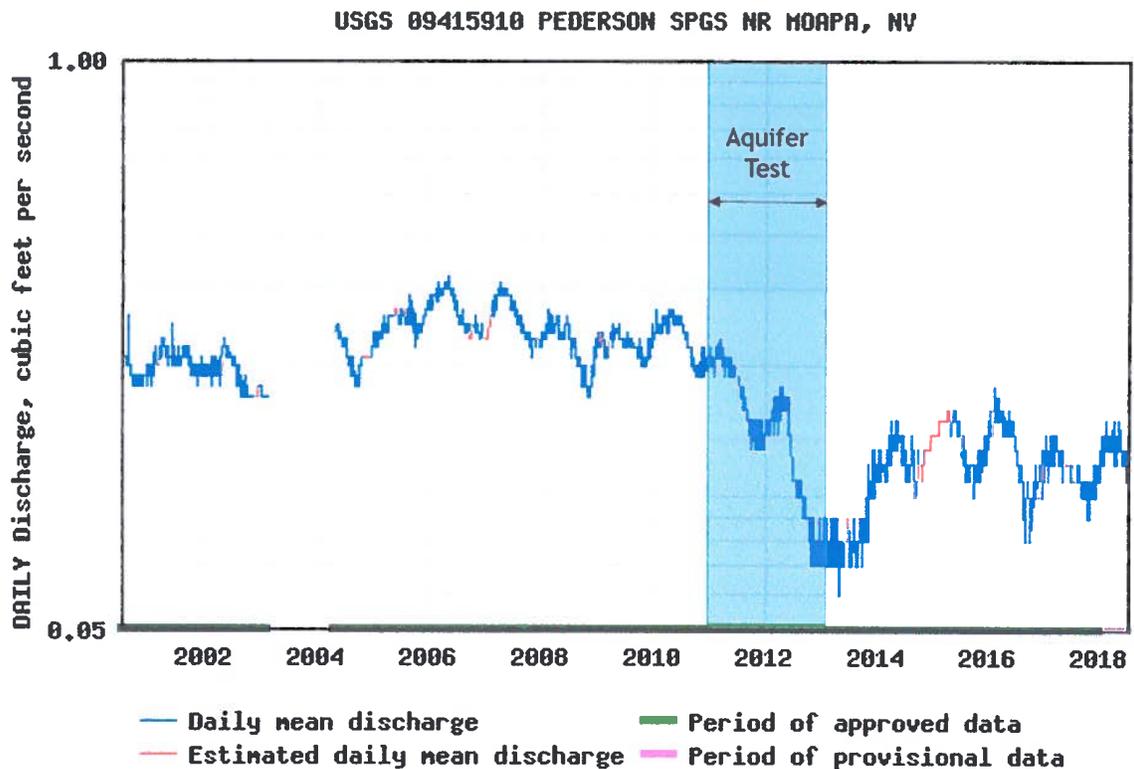
---

<sup>1</sup> See, e.g., Ruling 6254, p. 17; Appendix B.

<sup>2</sup> See, e.g., Ruling 6254. See also U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, June 28, 2013, official records in the Office of the State Engineer.

<sup>3</sup> There was no groundwater pumping in Hidden Valley but effects were still observed in the Hidden Valley monitor well.

of the Black Mountains Area, caused sharp declines in groundwater levels and flows in the Pederson and Pederson East springs. These two springs are considered to be sentinel springs for the overall condition of the Muddy River because they are at a higher altitude than other Muddy River source springs, and therefore are proportionally more affected by a decline in groundwater level in the carbonate aquifer.<sup>4</sup> The Pederson spring flow decreased from 0.22 cubic feet per second (cfs) to 0.08 cfs and the Pederson East spring flow decreased from 0.12 cfs to 0.08 cfs. The following hydrograph at Pederson spring illustrates the decline in discharge during the aquifer test and also demonstrates that in the five years since the end of the aquifer test, spring flow has not recovered to pre-test flow rates.



<sup>4</sup> See the 2006 Memorandum of Agreement among the Southern Nevada Water Authority, United States Fish and Wildlife Service, Coyote Springs Investments, Moapa Band of Paiutes, and the Moapa Valley Water District.

Additional headwater springs at lower altitude, the Baldwin and Jones springs, declined approximately 4% during the test.<sup>5</sup> All of the headwater springs contribute to the decreed and fully appropriated Muddy River and are the predominant source of water that supplies the habitat of the endangered Moapa dace, a fish federally listed as an endangered species since 1967.

**WHEREAS**, based upon the analysis of the carbonate aquifer test, it was asserted that pumping at the Order 1169 rate at well MX-5 in Coyote Spring Valley could result in both of the high-altitude Pederson and Pederson East springs going dry in 3 years or less.<sup>6</sup>

**WHEREAS**, based upon the findings of the aquifer test, the carbonate aquifer underlying Coyote Spring Valley, Garnet Valley, Hidden Valley, Muddy River Springs Area, California Wash and the northwest part of the Black Mountains Area<sup>7</sup> (the LWRFS as depicted in Appendix A) was acknowledged to have a unique hydrologic connection and share the same supply of water.<sup>8</sup>

### **III. RULINGS 6254, 6255, 6256, 6257, 6258, 6259, 6260, AND 6261**

**WHEREAS**, on January 29, 2014, the State Engineer issued Ruling 6254 on pending applications of the Las Vegas Valley Water District (LVVWD) and Coyote Springs Investment, LLC (CSI) in the Coyote Spring Valley; Ruling 6255 on pending applications of Dry Lake Water, LLC (Dry Lake), and CSI in Coyote Spring Valley; Ruling 6256 on pending applications of Bonneville Nevada Corporation, Nevada Power Company (Nevada Power), Dry Lake, and the Southern Nevada Water Authority (SNWA) in the Garnet Valley; Ruling 6257 on pending applications of Nevada Power, Dry Lake, and SNWA in the Hidden Valley; Ruling 6258 on

---

<sup>5</sup> U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, pp. 43-46, 50-51, June 28, 2013, official records in the Office of the State Engineer. *See also*, <http://waterdata.usgs.gov/nv/nwis/>.

<sup>6</sup> *See, e.g.*, Ruling 6254. *See also* U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, p. 85, June 28, 2013, official records in the Office of the State Engineer.

<sup>7</sup> That portion of the Black Mountains Area lying within the Lower White River Flow System is defined as those portions of Sections 29, 30, 31, 32, and 33, T.18S., R.64E., M.D.B.&M.; Section 13 and those portions of Sections 1, 11, 12, and 14, T.19S., R.63E., M.D.B.&M.; Sections 5, 7, 8, 16, 17, and 18 and those portions of Sections 4, 6, 9, 10, and 15, T.19S., R.64E., M.D.B.&M.

<sup>8</sup> *See, e.g.*, State Engineer Ruling 6254, p. 24, official records in the Office of the State Engineer.

pending applications by LVVWD, Nevada Power, Dry Lake, and the Moapa Band of Paiute Indians in the California Wash; Ruling 6259 on pending applications by the Moapa Valley Water District in the Muddy River Springs Area; and Ruling 6260 on pending applications by Nevada Cogeneration Associates #1, Nevada Cogeneration Associates #2, and Dry Lake, in the Black Mountains Area, upholding in part the protests to said applications and denying the applications on the grounds that there was no unappropriated groundwater at the source of supply, the proposed use would conflict with existing rights, and the proposed use of the water would threaten to prove detrimental to the public interest because it would threaten the water resources upon which the endangered Moapa dace are dependent.

#### IV. LOWER WHITE RIVER FLOW SYSTEM

**WHEREAS**, the total long-term average water supply to the LWRFS, from subsurface groundwater inflow and local precipitation recharge, is not more than 50,000 acre-feet annually.<sup>9</sup>

**WHEREAS**, the Muddy River, a fully appropriated surface water source, has its headwaters in the Muddy River Springs Area and has the most senior rights in the LWRFS. Spring discharge in the Muddy River Springs Area is produced from the regional carbonate aquifer. Prior to groundwater development, the Muddy River flows at the Moapa gage were approximately 34,000 acre-feet annually.<sup>10</sup>

**WHEREAS**, the alluvial aquifer surrounding the Muddy River ultimately derives virtually all of its water supply from the carbonates, either through spring discharge that infiltrates into the alluvium or through subsurface hydraulic connectivity between the carbonate rocks and the alluvium.<sup>11</sup>

**WHEREAS**, the State Engineer has determined that pumping of groundwater within the LWRFS has a direct interrelationship with the flow of the decreed and fully appropriated Muddy River, which has the most-senior rights.<sup>12</sup>

---

<sup>9</sup> *Id.*

<sup>10</sup> United States Geological Survey Surface-Water Annual Statistics for the Nation, USGS 09416000 MUDDY RV NR MOAPA, NV, accessed at [https://waterdata.usgs.gov/nwis/annual/?search\\_site\\_no=09416000&agency\\_cd=USGS&referred\\_module=sw&format=sites\\_selection\\_links](https://waterdata.usgs.gov/nwis/annual/?search_site_no=09416000&agency_cd=USGS&referred_module=sw&format=sites_selection_links).

<sup>11</sup> *See, e.g.*, State Engineer Ruling 6254, p. 24, official records in the Office of the State Engineer.

<sup>12</sup> *Id.*

**WHEREAS**, since the conclusion of the Order 1169 aquifer test, the State Engineer has jointly managed the groundwater rights within LWRFS.

**WHEREAS**, the State Engineer, under the joint management of the LWRFS, has not distinguished pumping from wells in the Muddy River Springs Area alluvium from pumping carbonate wells within the LWRFS.

**WHEREAS**, within the LWRFS, there exist more than 38,000 acre-feet of groundwater appropriations. Groundwater pumping from 2007 forward is included in Appendix B and is significantly less than the total appropriations.

**WHEREAS**, groundwater levels within the LWRFS have been relatively flat in the five years since the end of the Order 1169 aquifer test, but groundwater levels have not recovered to pre-test levels.<sup>13</sup>

#### **IV. PUMPAGE INVENTORIES**

**WHEREAS**, annual groundwater pumpage inventories in the Coyote Spring Valley have been published by the State Engineer since 2005. In the years 2005 through 2017 pumping has ranged from 665 acre-feet to 5,606 acre-feet, averaging 2,605 acre-feet. The average pumping in Coyote Spring Valley, excluding the years 2011 and 2012 when the aquifer test was being conducted, is 2,068 acre-feet.<sup>14</sup>

**WHEREAS**, annual groundwater pumpage inventories in the Black Mountains Area have been published by the State Engineer since 2001. In the years 2001 through 2017 pumping in the northwest portion of the basin has ranged from 1,137 acre-feet to 1,591 acre-feet, with an average of 1,476 acre-feet.<sup>15</sup>

---

<sup>13</sup> See, e.g., *USGS water level data for Site 364650114432001 219 S13 E65 28BDBA1 USGS CSV-2*. [waterdata.usgs.gov/nwis](http://waterdata.usgs.gov/nwis).

<sup>14</sup> See, e.g., *Nevada Division of Water Resources, Coyote Spring Valley Hydrographic Basin 13-210 Groundwater Pumpage Inventory*, 2017.

<sup>15</sup> See, e.g., *Nevada Division of Water Resources, Black Mountains Area Hydrographic Basin 13-215 Groundwater Pumpage Inventory*, 2017.

**WHEREAS**, annual groundwater pumpage inventories in the Garnet Valley have been published by the State Engineer since 2001. In the years 2001 through 2017 pumping has ranged from 797 acre-feet to 2,181 acre-feet, averaging 1,358 acre-feet.<sup>16</sup>

**WHEREAS**, the State Engineer does not conduct annual groundwater pumpage inventories in the Hidden Valley basin because there is no groundwater pumping in the basin.

**WHEREAS**, annual groundwater pumpage inventories in the California Wash have been published by the State Engineer since 2016. In the years 2016 and 2017 pumping has ranged from 88 acre-feet to 252 acre-feet, averaging 170 acre-feet.<sup>17</sup> Groundwater pumpage data have been reported by water right holders since 2009.

**WHEREAS**, annual groundwater pumpage inventories in the Muddy River Springs Area have been published by the State Engineer since 2016. In the years 2016 and 2017 pumping has ranged from 3,553 acre-feet to 4,048 acre-feet, with an average of 3,801 acre-feet.<sup>18</sup> Groundwater pumpage data have been reported by water right holders since 1976.

**WHEREAS**, total groundwater pumpage in Coyote Spring Valley, Muddy River Springs Area (MRSA), California Wash, Hidden Valley, Garnet Valley, and the northwest portion of the Black Mountains Area in calendar years 2007 through 2017, ranged from 9,090 acre-feet to 14,766 acre-feet. Pumpage in years 2011-2012 during the aquifer test averaged 14,535 afa. Pumpage in years 2015 through 2017, when alluvial pumping in the MRSA was greatly reduced because of the Reid Gardner Generating Station closure, ranged from 9,090 afa to 9,637 afa.

#### V. AUTHORITY AND NECESSITY

**WHEREAS**, NRS § 533.024(1)(c) directs the State Engineer “to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water in Nevada.”

---

<sup>16</sup> See, e.g., *Nevada Division of Water Resources, Garnet Valley Hydrographic Basin 13-216 Groundwater Pumpage Inventory*, 2017.

<sup>17</sup> See, e.g., *Nevada Division of Water Resources, California Wash Hydrographic Basin 13-218 Groundwater Pumpage Inventory*, 2017.

<sup>18</sup> See, e.g., *Nevada Division of Water Resources, Muddy River Springs Area (AKA Upper Moapa Valley) Hydrographic Basin 13-219 Groundwater Pumpage Inventory*, 2017.

**WHEREAS**, NRS § 533.024(1)(e) was added in 2017 to declare the policy of the State to “manage conjunctively the appropriation, use and administration of all waters of this State regardless of the source of the water.”

**WHEREAS**, given that the State Engineer must use the best available science and manage conjunctively the water resources in the LWRFS, consideration of any development of long-term, permanent, uses that could ultimately be curtailed due to water availability will be examined with great caution.

**WHEREAS**, as demonstrated by the results of the aquifer test, Coyote Spring Valley, Muddy River Springs Area, Hidden Valley, Garnet Valley, California Wash, and the northwestern part of the Black Mountains Area have a direct hydraulic connection, and as a result must be administered as a joint administrative unit, including the administration of all water rights based upon the date of priority of such rights in relation to the priority of rights in the other basins.<sup>19</sup>

**WHEREAS**, the pre-development discharge of 34,000 acre-feet of the Muddy River system, which is fully appropriated, plus the more than 38,000 acre-feet of groundwater appropriations within the LWRFS greatly exceed the total water budget within the flow system.

**WHEREAS**, the results from the aquifer test, the data from groundwater level recovery and spring flow, and climate data indicate to the State Engineer that the quantity of water that may be pumped within the LWRFS without conflicting with senior rights on the Muddy River or adversely affecting the habitat of the Moapa dace is less than the quantity pumped during the aquifer test.

**WHEREAS**, the current amount of pumping corresponds to a period of time in which spring flows have remained relatively stable and have not demonstrated a continuing decline.

---

<sup>19</sup> See, e.g., Southern Nevada Water Authority, *Nevada State Engineer Order 1169 and 1169A Study Report*, June 2013; Tom Meyers, Ph.D., *Technical Memorandum Comments on Carbonate Order 1169 Pump Test Data and Groundwater Flow System in Coyote Springs and Muddy River Springs Valley, Nevada*, June 25, 2013; U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, June 28, 2013; Johnson and Mifflin, *Summary of Order 1169 Testing Impacts, per Order 1169A*, June 28, 2013; Tetra Tech, *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 Recovery from the Test*, June 10, 2013, official records in the Office of the State Engineer.

**WHEREAS**, the precise extent of the development of existing appropriations of groundwater within the LWRFS that may occur without conflicting with the senior rights of the fully decreed Muddy River has not been determined.

**WHEREAS**, recognizing that there exists a need for further analysis of the historic and ongoing groundwater pumping data, the relationship of groundwater pumping within the LWRFS to spring discharge and flow of the fully decreed Muddy River, the extent of impact of climate conditions on groundwater levels and spring discharge, and the ultimate determination of the sustainable yield of the LWRFS, the State Engineer finds that input by means of reports by the stakeholders in the interpretation of the data from the aquifer test and from the years since the conclusion of the aquifer test is important to fully inform the State Engineer prior to setting a limit on the quantity of groundwater that may be developed in the LWRFS or to developing a long-term Conjunctive Management Plan for the LWRFS and Muddy River.

**WHEREAS**, the State Engineer finds that it is necessary to carefully monitor the effects of groundwater development within the LWRFS under current conditions, toward the goal of collaboratively (with stakeholders) evaluating the amount of groundwater that may ultimately be developed within the LWRFS without conflicting with senior decreed rights on the Muddy River or adversely affecting the public interest in maintaining the habitat of the endangered Moapa dace. The evaluation process will include public meetings, meetings of a stakeholder representative working group, and coordination with the Hydrologic Review Team (HRT) developed under the 2006 Memorandum of Agreement among the Southern Nevada Water Authority, United States Fish and Wildlife Service, Coyote Springs Investments, Moapa Band of Paiutes, and the Moapa Valley Water District. The process will provide the opportunity for the stakeholders to engage in the development of a conjunctive management plan that will be informed by the determination of the total quantity of groundwater that may be developed within the LWRFS and that will facilitate the continued use of groundwater by junior priority groundwater rights holders whom have perfected their water rights while protecting the senior decreed rights on the Muddy River.

**WHEREAS**, recognizing that an amount less than the full quantity of the appropriated groundwater rights within the LWRFS may be developed in a manner that will provide for a reasonably certain supply of water for future permanent uses without jeopardizing the economies of the communities reliant on the water supply within the LWRFS, the health and safety of those

whom are either presently reliant the water, existing public interests, or those who may in the future become reliant on a reliable and sustainable source of supply, the State Engineer, with the following exception, finds that it is necessary to issue a temporary moratorium on the review and decision by the Division of Water Resources regarding any final subdivision map or other construction or development submission requiring a finding that adequate water is available to support the proposed development. During the pendency of this Interim Order, the State Engineer may review and grant approval of a subdivision or other submission if a showing of an adequate and sustainable supply of water to meet the anticipated life of the subdivision, other construction or development can be made to the State Engineer's satisfaction.

**WHEREAS**, through continued monitoring of the LWRFS during the effective period of this Interim Order, the State Engineer seeks to maintain recent groundwater pumping amounts, while providing time for the submission of additional scientific data and analysis regarding the total quantity of water that may be sustainably withdrawn from the LWRFS over the long-term without conflicting with senior Muddy River decreed rights or jeopardizing the communities, water users, or public interests identified above.

**WHEREAS**, the State Engineer is empowered to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.<sup>20</sup>

**WHEREAS**, within an area that has been designated by the State Engineer, as provided for in NRS Chapter 534, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.<sup>21</sup>

**WHEREAS**, the State Engineer finds that additional data relating to the impacts of groundwater pumping from the LWRFS coupled with the public process will allow his office to make a determination as to the appropriate long-term management of groundwater pumping that may occur in the LWRFS by existing holders of water rights without conflicting with existing senior decreed rights or adversely affecting the endangered Moapa dace.

---

<sup>20</sup> NRS § 532.120.

<sup>21</sup> *Id.*

## VI. ORDER

**NOW THEREFORE**, the State Engineer orders:

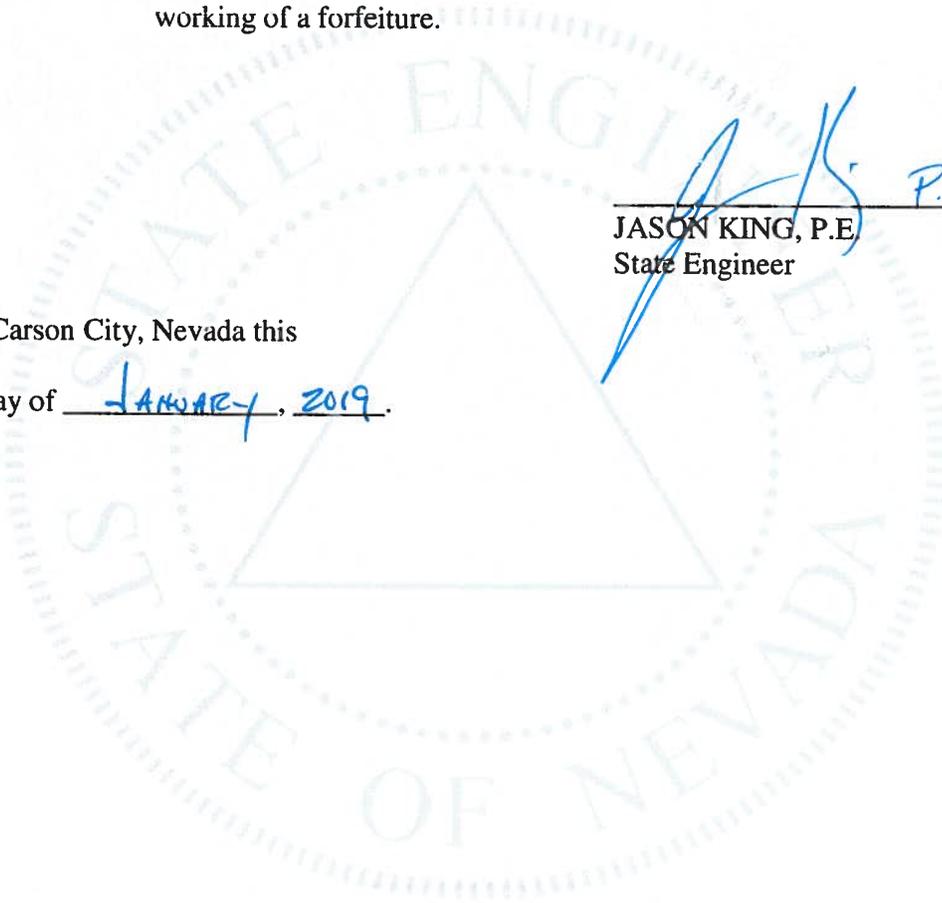
1. The Lower White River Flow System consisting of the Coyote Spring Valley, Muddy River Springs Area, California Wash, Hidden Valley, Garnet Valley, and the portion of the Black Mountains Area as described in this Order, is herewith designated as a joint administrative unit for purposes of administration of water rights. All water rights within the Lower White River Flow System will be administered based upon their respective date of priorities in relation to other rights within the regional groundwater unit.
2. Any stakeholder with interests that may be affected by water right development within the Lower White River Flow System may file a report in the Office of the State Engineer in Carson City, Nevada, no later than the close of business on Monday, June 3, 2019.<sup>22</sup> Reports filed with the Office of the State Engineer should address the following matters:
  - a. The geographic boundary of the hydrologically connected groundwater and surface water systems comprising the Lower White River Flow System;
  - b. The information obtained from the 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;

---

<sup>22</sup> For any stakeholder affected by the shut-down of the United States government beginning in December 2018, upon a request and showing of good cause to the satisfaction of the State Engineer, an extension of time may be granted to those affected parties.

- 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.
3. Any stakeholder with interests that may be affected by water right development within the Lower White River Flow System may file with the Office of the State Engineer no later than the close of business on Thursday July 18, 2019, a rebuttal to the Reports filed on June 3, 2019.
4. The State Engineer will schedule an administrative hearing within the month of September 2019 to take comment on the submitted reports.
5. During the pendency of this Interim Order:
  - a. Permanent applications to change existing groundwater rights shall be held in abeyance pending the submission of the reports as required by Paragraph 2 of this Order and as authorized by NRS §§ 532.165(1), 533.368 and 533.370(4)(d). Temporary applications to change existing groundwater rights will be processed pursuant to NRS § 533.345.
  - b. A temporary moratorium is issued regarding any final subdivision or other submission concerning development and construction submitted to the State Engineer for review, and such submissions shall be held in abeyance pending the conclusion of the public process to determine the total quantity of groundwater that may be developed within the Lower White River Flow System. The State Engineer may review and grant approval of a subdivision or other submission if a showing of an adequate and sustainable supply of water to meet the anticipated life of the subdivision, other construction or development can be made to the State Engineer's satisfaction.

- c. Holders of water rights who maintain their water rights in good standing by filing all required applications for extension of time in conformity with the requirements of NRS §§ 533.390, 533.395 and 533.410 may cite this order in support of their applications for extension of time.
- d. Holders of water rights who file all required applications for extension of time in conformity with the requirements of NRS § 534.090 may cite this order in support of their applications for extension of time to prevent the working of a forfeiture.



 P.E.  
\_\_\_\_\_  
JASON KING, P.E.  
State Engineer

Dated at Carson City, Nevada this

11<sup>TH</sup> day of JANUARY, 2019.

# Order 1303, Appendix A : LOWER WHITE RIVER FLOW SYSTEM

Coyote Spring Valley, Muddy River Springs Area, Hidden Valley, Garnet Valley, California Wash, and a portion of Black Mountains Area



Summer 2017 imagery from the National Agriculture Imagery Program

Nevada Division of Water Resources  
Office of the State Engineer  
Jason King, P.E. State Engineer

SE ROA 85

**Order 1303, APPENDIX B: Groundwater Pumping in the Lower White River Flow System, 2007–2017**

Basin No.	219				215		210	216	218	217	Total pumping in the LWRFs
Basin Name	Muddy River Springs Area				Black Mountains Area		Coyote Spring Valley	Garnet Valley	California Wash	Hidden Valley	
Year	Carbonate pumping (reported by MVWD)	Alluvial pumping (reported by NV Energy)	All other Alluvial Pumping <sup>1</sup>	Total Pumping in Basin 219 <sup>1</sup>	Carbonate pumping in the Northwest Portion of Basin 215	Total Pumping in Basin 215					
2007	2,079	4,744	253	7,076	1,585	1,732	3,147	1,412	27 <sup>2</sup>	0	<b>13,247</b>
2008	2,272	4,286	253	6,811	1,591	1,759	2,000	1,552	27 <sup>2</sup>	0	<b>11,981</b>
2009	2,034	4,092	253	6,379	1,137	1,159	1,792	1,427	21 <sup>3</sup>	0	<b>10,756</b>
2010	1,826	4,088	253	6,167	1,561	1,572	2,923	1,373	26 <sup>3</sup>	0	<b>12,050</b>
2011	1,837	4,212	253	6,302	1,398	1,409	5,606	1,427	33 <sup>3</sup>	0	<b>14,766</b>
2012	2,638	2,961	253	5,852	1,556	1,564	5,516	1,351	28 <sup>3</sup>	0	<b>14,303</b>
2013	2,496	3,963	253	6,712	1,585	1,776	3,407	1,484	66 <sup>3</sup>	0	<b>13,254</b>
2014	1,442	4,825	253	6,520	1,429	1,624	2,258	1,568	241 <sup>3</sup>	0	<b>12,016</b>
2015	2,396	1,249	253	3,898	1,448	1,708	2,064	1,520	460	0	<b>9,390</b>
2016	2,795	941	312	4,048	1,434	1,641	1,722	2,181	252	0	<b>9,637</b>
2017	2,824	535	194	3,553	1,507	1,634	1,961	1,981	88	0	<b>9,090</b>

The LWRFs includes basins 210, 216, 217, 218, 219 and the northwest portion of 215.

All values in this table are from State Engineer basin pumpage inventory reports except as noted in the footnotes below:

1. Alluvial Pumping not reported by NV Energy for years 2007–2015 estimated as the average of inventoried years 2016–2017.
2. Estimated as the average of groundwater pumping in years 2009–2012.
3. Reported to the State Engineer but not published in a basin inventory report.

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

**ADDENDUM TO INTERIM ORDER #1303**

**DESIGNATING THE ADMINISTRATION OF ALL WATER RIGHTS WITHIN  
COYOTE SPRING VALLEY HYDROGRAPHIC BASIN (210), A PORTION OF BLACK  
MOUNTAINS AREA (BASIN 215), GARNET VALLEY (BASIN 216), HIDDEN VALLEY  
(BASIN 217), CALIFORNIA WASH (BASIN 218), AND MUDDY RIVER SPRINGS  
AREA (AKA UPPER MOAPA VALLEY) (BASIN 219) AS A JOINT ADMINISTRATIVE  
UNIT, HOLDING IN ABEYANCE APPLICATIONS TO CHANGE EXISTING  
GROUNDWATER RIGHTS, AND ESTABLISHING A TEMPORARY MORATORIUM  
ON THE REVIEW OF FINAL SUBDIVISION MAPS**

**WHEREAS**, the purpose of this Addendum is to modify the schedule for the submission of reports and rebuttal reports of interested stakeholders analyzing the data available regarding sustainable groundwater development in the Lower White River Flow System (LWRFS), the geographic extent of the LWRFS, and considerations relating to the movement of groundwater pumping between the alluvial wells and carbonate wells and its effects on the fully decreed Muddy River.

**WHEREAS**, NRS § 533.024(1)(c) directs the State Engineer “to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water in Nevada.”

**WHEREAS**, NRS § 533.024(1)(e) was added in 2017 to declare the policy of the State to “manage conjunctively the appropriation, use and administration of all waters of this State regardless of the source of the water.”

**WHEREAS**, based upon the recognition that a need exists for further analysis of the groundwater pumping data, the relationship of groundwater pumping within the LWRFS to spring discharge and flow of the fully decreed Muddy River, the extent of impact of climate conditions on groundwater levels and spring discharge, and the ultimate determination of the sustainable yield of the LWRFS, and the interest in the stakeholders having sufficient time to prepare reports, the State Engineer finds that it is reasonable and appropriate to modify the schedule originally established in Interim Order 1303.

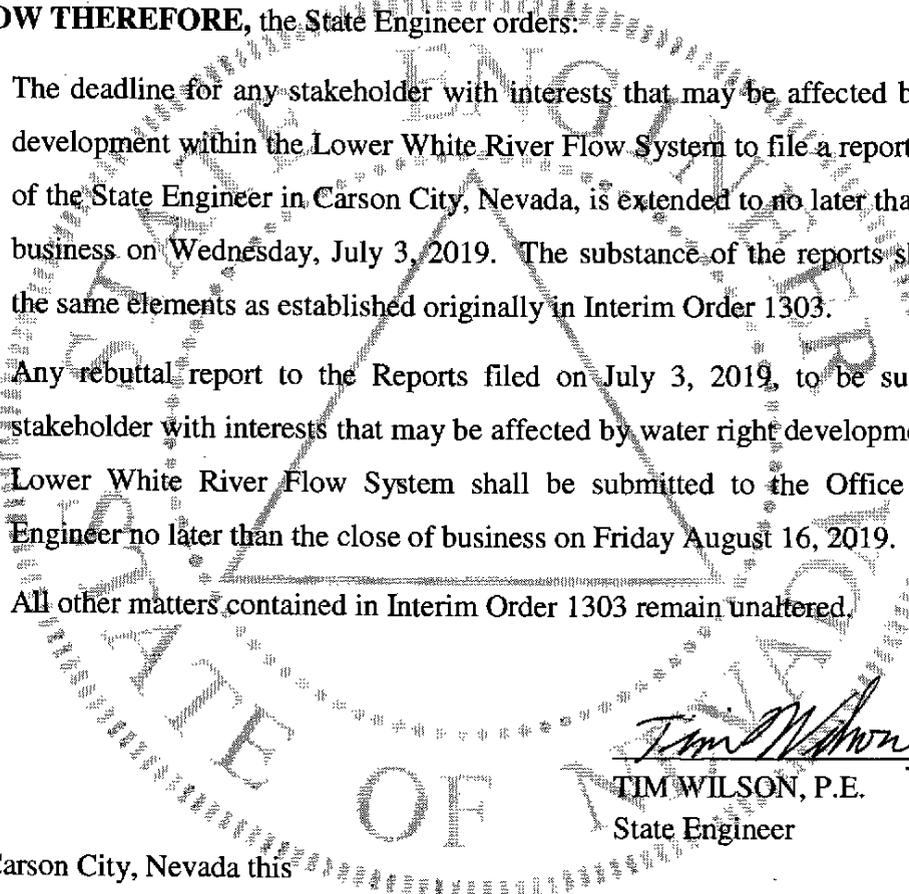
WHEREAS, the State Engineer is empowered to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.<sup>1</sup>

WHEREAS, within an area that has been designated by the State Engineer, as provided for in NRS Chapter 534, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.<sup>2</sup>

**ORDER**

NOW THEREFORE, the State Engineer orders:

1. The deadline for any stakeholder with interests that may be affected by water right development within the Lower White River Flow System to file a report in the Office of the State Engineer in Carson City, Nevada, is extended to no later than the close of business on Wednesday, July 3, 2019. The substance of the reports should include the same elements as established originally in Interim Order 1303.
2. Any rebuttal report to the Reports filed on July 3, 2019, to be submitted by a stakeholder with interests that may be affected by water right development within the Lower White River Flow System shall be submitted to the Office of the State Engineer no later than the close of business on Friday August 16, 2019.
3. All other matters contained in Interim Order 1303 remain unaltered.

  
*Tim Wilson, P.E.*  
TIM WILSON, P.E.  
State Engineer

Dated at Carson City, Nevada this  
13<sup>th</sup> day of May, 2019.

<sup>1</sup> NRS § 532.120.

<sup>2</sup> *Id.*



# United States Department of the Interior

RECEIVED

OFFICE OF THE SOLICITOR  
Pacific Southwest Region  
2800 Cottage Way  
Room E-1712  
Sacramento, California 95825-1890

2019 MAY -1 AM 11:09  
STATE ENGINEERS OFFICE

IN REPLY  
REFER TO:

April 26, 2019

Mr. Tim Wilson, Acting State Engineer  
Nevada Division of Water Resources  
Department of Conservation and Natural Resources  
901 S. Stewart St., Suite 2002  
Carson City, NV 89701

RE: Request for an Extension of Time to the Report and Rebuttal Submission Dates Pursuant to Order No. 1303

Dear Mr. Wilson:

On behalf of the U.S. Fish and Wildlife Service and the National Park Service (the Services), and pursuant to the provisions contained in footnote no. 22 of your January 11, 2019 Order No. 1303, I am writing to you to request an extension of time of the current June 3, 2019 deadline to submit Reports to your office, and a similar extension of time of the July 18, 2019 deadline to submit rebuttals to the Reports. The request is to extend the initial Report deadline to July 18, 2019 and the rebuttal report deadline to August 29, 2019.

In support of this request, I would note that the 35-day long shutdown of the federal government significantly disrupted the Services capacity to respond to the request for information in Order 1303. This disruption and the ongoing efforts to resume normal operations have substantially impeded the efforts of the Services to complete data analysis, including contracting for and completing groundwater modeling services as necessary, and to prepare and submit the comprehensive and cogent reports to address the matters deemed worthy of further investigation by your office in Order No. 1303 by the current deadlines.

If you or your staff have any questions or concerns regarding this request for extension, please contact me at your convenience. Thank you for your consideration of this request.

Sincerely,

Stephen R. Palmer  
Attorney for the U.S. Fish and Wildlife Service  
and the National Park Service

cc: via email

SE ROA 211

JA\_413

STEVE SISOLAK  
Governor

STATE OF NEVADA

BRADLEY CROWELL  
Director

TIM WILSON, P.E.  
Acting State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701-5250  
(775) 684-2800 • Fax (775) 684-2811  
<http://water.nv.gov>

May 2, 2019

Re: Request for extension of deadlines in State Engineer Interim Order 1303

Dear Stakeholder:

The Nevada Division of Water Resources is in receipt of a formal request from the U.S. Fish and Wildlife Service and National Park Service to extend the deadlines identified in State Engineer's Interim Order 1303. The request is to extend the Report submittal deadline from June 3, 2019, to July 18, 2019, and to extend the rebuttal deadline from July 18, 2019, until August 29, 2019. There is no request to extend the date of the hearing planned for September 2019. The reason for the request is the government shutdown in late 2018 and early 2019 that disrupted the Service's capacity to respond to the requested information in Interim Order 1303.

You are receiving this letter because you are identified as a water right holder or other interested party in the area that may be affected by the outcome of the Order. Please contact our office by May 8, 2019, if you have any objection or other comments on this request for extension. If no merit-based objection to this request is presented to the State Engineer, an extension of the deadline dates will be established by addendum to Interim Order 1303.

Sincerely,

A handwritten signature in blue ink that reads "Tim Wilson, P.E." in a cursive style.

Tim Wilson, P.E.  
Acting State Engineer

Attachment: *Letter from USFWS and NPS requesting extension of time*

SE ROA 212

JA\_414

**SERVICE**  
**Water Right Holders within the Lower White River Flow System**

3335Hillside, LLC  
3420 North Buffalo Drive  
Las Vegas, NV 89129

Dry Lake Water, LLC  
2470 St. Rose Pkwy., Ste. 107  
Henderson, NV 89074

Bedroc Limited, LLC  
2745 North Nellis Boulevard  
Las Vegas, NV 89115

Georgia Pacific Corporation  
P.O. Box 337350  
Las Vegas, NV 89033

Larry Brundy  
P.O. Box 136  
Moapa, NV 89025

Kelly Kolhoss  
P.O. Box 232  
Moapa, NV 89025

Casa De Warm Springs, LLC  
1000 North Green Valley Parkway,  
#440-350  
Henderson, NV 89074

Lake At Las Vegas Joint Venture, Inc.  
1600 Lake Las Vegas Parkway  
Henderson, NV 89011

Clark County  
500 S. Grand Central Pkwy.  
Las Vegas, NV 89155

Laker Plaza, Inc.  
7181 Noon Rd.  
Everson, WA 98247-9650

Clark County Commissioners  
500 S. Grand Central Pkwy., 6th Fl.  
Las Vegas, NV 89155-1111

Lincoln County Commissioners  
P.O. Box 90  
Pioche, NV 89043

Clark County  
Coyote Springs Water Resources GID  
1001 S. Valley View Blvd.  
Las Vegas, NV 89153

Church of Jesus Christ of the  
Latter Day Saints  
Area 4, 61 E. North Temple  
Salt Lake City, UT 84150-0001

Mary K. Cloud  
P.O. Box 31  
Moapa, NV 89025

Moapa Band of Paiute Indians  
P.O. Box 340  
Moapa, NV 89025

Coyote Springs Investment, LLC  
c/o Wingfield Nevada Group  
6600 N. Wingfield Pkwy.  
Sparks, NV 89436

Moapa Valley Water District  
P. O. Box 257  
Logandale, NV 89021

Don J. & Marsha L. Davis  
P.O. Box 400  
Moapa, NV 89025

State of Nevada Department of  
Transportation  
1263 S. Stewart Street  
Carson City, NV 89712

Re: Request for extension of deadlines in State Engineer Interim Order 1303  
May 2, 2019  
Page 3

Nevada Cogeneration Associates  
420 N. Nellis Blvd., #A3-117  
Las Vegas, NV 89110

S & R, Inc.  
808 Shetland Road  
Las Vegas, NV 89107

Nevada Cogeneration Associates #1  
420 N. Nellis Blvd. #A3-148  
Las Vegas, NV 89110

Southern Nevada Water Authority  
1001 South Valley View Blvd.,  
Mail Stop #485  
Las Vegas, NV 89153

Nevada Power Company,  
DBA NV Energy  
6226 West Sahara Avenue  
Las Vegas, NV 89146

Technichrome  
4709 Compass Bow Lane  
Las Vegas, NV 89130

State of Nevada, Dept. of Conservation and  
Natural Resources, Division of State Parks  
901 S. Stewart Street, Suite 5005  
Carson City, NV 89701

U.S. Fish and Wildlife Service  
1020 New River Parkway, Suite 305  
Fallon, NV 89406-2613

City of North Las Vegas  
2250 Las Vegas Blvd. North  
N. Las Vegas, NV 89030

William O'Donnell  
2780 S. Jones Blvd. Ste. 210  
Las Vegas, NV 89146

Pacific Coast Building Products, Inc.  
P.O. Box 364329  
Las Vegas, NV 89036

Mark D. Stock  
Global Hydrologic Services, Inc.  
561 Keystone Avenue, # 200  
Reno, NV 89503-4331

Republic Environmental Technologies, Inc.  
770 East Sahara Ave.  
Las Vegas, NV 89104

SE ROA 214

JA\_416



# United States Department of the Interior

OFFICE OF THE SOLICITOR  
Pacific Southwest Region  
2800 Cottage Way  
Room E-1712  
Sacramento, California 95825-1890

IN REPLY  
REFER TO:

April 26, 2019

Mr. Tim Wilson, Acting State Engineer  
Nevada Division of Water Resources  
Department of Conservation and Natural Resources  
901 S. Stewart St., Suite 2002  
Carson City, NV 89701

RE: Request for an Extension of Time to the Report and Rebuttal Submission Dates Pursuant to Order No. 1303

Dear Mr. Wilson:

On behalf of the U.S. Fish and Wildlife Service and the National Park Service (the Services), and pursuant to the provisions contained in footnote no. 22 of your January 11, 2019 Order No. 1303, I am writing to you to request an extension of time of the current June 3, 2019 deadline to submit Reports to your office, and a similar extension of time of the July 18, 2019 deadline to submit rebuttals to the Reports. The request is to extend the initial Report deadline to July 18, 2019 and the rebuttal report deadline to August 29, 2019.

In support of this request, I would note that the 35-day long shutdown of the federal government significantly disrupted the Services capacity to respond to the request for information in Order 1303. This disruption and the ongoing efforts to resume normal operations have substantially impeded the efforts of the Services to complete data analysis, including contracting for and completing groundwater modeling services as necessary, and to prepare and submit the comprehensive and cogent reports to address the matters deemed worthy of further investigation by your office in Order No. 1303 by the current deadlines.

If you or your staff have any questions or concerns regarding this request for extension, please contact me at your convenience. Thank you for your consideration of this request.

Sincerely,

Stephen R. Palmer  
Attorney for the U.S. Fish and Wildlife Service  
and the National Park Service

cc: via email

SE ROA 215



COYOTE  
SPRINGS

May 2, 2019

Via Electronic Mail

Tim Wilson, PE  
Acting State Engineer  
Department of Conservation and Natural Resources  
Division of Water Resources  
901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701-5250

Re: Interim Order 1301; U.S. Fish & Wildlife Service May 2, 2019 letter

Dear Mr. Wilson:

Thank you for the opportunity to comment on the letter submitted by the U.S. Fish & Wildlife Service and National Park Service requesting an extension of the timelines for submittal of reports and/or rebuttal reports to Interim Order 1303.

Coyote Springs Investment LLC has no objection to the above request provided that (i) the time extension is available equally to all stakeholders and (2) the intended hearing date in September 2019 is not extended or delayed.

Thank you for your consideration of this letter.

Sincerely,

Emilia K. Cargill  
Chief Operating Officer  
Senior Vice President & General Counsel

SE ROA 216

## Micheline Fairbank

---

**From:** Juanita Mordhorst  
**Sent:** Thursday, May 02, 2019 3:24 PM  
**To:** Adam Sullivan; Micheline Fairbank  
**Cc:** Allyson Aragon  
**Subject:** FW: Request for comments on extension of deadlines in State Engineer Interim Order 1303

Response from Rich Berley.

**Juanita Mordhorst**

Administrative Assistant III, Hearings & Adjudications Sections  
Department of Conservation and Natural Resources  
Nevada Division of Water Resources  
901 S. Stewart St., Suite 2002  
Carson City, NV 89701  
[jmordhorst@water.nv.gov](mailto:jmordhorst@water.nv.gov)  
(O) 775-684-2800 | (F) 775-684-2811



---

**From:** Rich Berley <rberley@ziontzchestnut.com>  
**Sent:** Thursday, May 02, 2019 2:43 PM  
**To:** Juanita Mordhorst <jmordhorst@water.nv.gov>  
**Cc:** Beth Baldwin <bbaldwin@ziontzchestnut.com>  
**Subject:** RE: Request for comments on extension of deadlines in State Engineer Interim Order 1303

Ms. Mordhorst –

We represent the Moapa Band of Paiutes (Tribe) in this matter. The Tribe does not object to the requested extension, with the understanding that the deadlines would be extended for all participants.

Thanks very much.

Richard Berley

---

**Richard M. Berley**  
Ziontz Chestnut  
2101 Fourth Avenue, Suite 1230  
Seattle, WA 98121  
206-448-1230/phone

206-448-0962/fax  
206-419-4889/cell

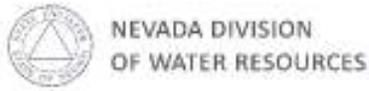
This email is intended for the person to whom it is addressed and may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, any dissemination, distribution or copying of this communication is prohibited. If you have received this in error, please notify us immediately.

---

**From:** Juanita Mordhorst <[jmordhorst@water.nv.gov](mailto:jmordhorst@water.nv.gov)>  
**Sent:** Thursday, May 2, 2019 1:22 PM  
**To:** Rich Berley <[rberley@ziontzchestnut.com](mailto:rberley@ziontzchestnut.com)>; 'devaulr@cityofnorthlasvegas.com' <[devaulr@cityofnorthlasvegas.com](mailto:devaulr@cityofnorthlasvegas.com)>; 'raymond.roessel@bia.gov' <[raymond.roessel@bia.gov](mailto:raymond.roessel@bia.gov)>; 'doug@nvfb.org' <[doug@nvfb.org](mailto:doug@nvfb.org)>  
**Subject:** Request for comments on extension of deadlines in State Engineer Interim Order 1303

On behalf of Tim Wilson, P.E., Acting State Engineer, please find attached Request for comments on extension of deadlines in State Engineer Interim Order 1303.

**Juanita Mordhorst**  
Administrative Assistant III, Hearings & Adjudications Sections  
Department of Conservation and Natural Resources  
Nevada Division of Water Resources  
901 S. Stewart St., Suite 2002  
Carson City, NV 89701  
[jmordhorst@water.nv.gov](mailto:jmordhorst@water.nv.gov)  
(O) 775-684-2800 | (F) 775-684-2811



## Micheline Fairbank

---

**From:** Juanita Mordhorst  
**Sent:** Thursday, May 09, 2019 11:14 AM  
**To:** Micheline Fairbank; Adam Sullivan  
**Subject:** FW: Request for comments on extension of deadlines in State Engineer Interim Order 1303

A response came to Ally and me.  
LWRFS

### Juanita Mordhorst

Administrative Assistant III, Hearings & Adjudications Sections  
Department of Conservation and Natural Resources  
Nevada Division of Water Resources  
901 S. Stewart St., Suite 2002  
Carson City, NV 89701  
[jmordhorst@water.nv.gov](mailto:jmordhorst@water.nv.gov)  
(O) 775-684-2800 | (F) 775-684-2811



NEVADA DIVISION  
OF WATER RESOURCES



Nevada Department of  
**CONSERVATION &  
NATURAL RESOURCES**  
Connect with us:   

---

**From:** Golden Welch <[golden@apexindustrialpark.com](mailto:golden@apexindustrialpark.com)>  
**Sent:** Thursday, May 09, 2019 11:04 AM  
**To:** Juanita Mordhorst <[jmordhorst@water.nv.gov](mailto:jmordhorst@water.nv.gov)>; Allyson Aragon <[aragon@water.nv.gov](mailto:aragon@water.nv.gov)>  
**Subject:** RE: Request for comments on extension of deadlines in State Engineer Interim Order 1303

Juanita:

Thank you. Dry Lake Water, LLC is in favor of the extension of deadlines.

Golden W. Welch  
Dry Lake Water, LLC  
2470 St. Rose Parkway, Suite 107  
Henderson, Nevada 89074  
702-324-4689

---

**From:** Juanita Mordhorst [<mailto:jmordhorst@water.nv.gov>]  
**Sent:** Thursday, May 2, 2019 11:16 AM  
**To:** 'Lindseyd@mvdsl.com'; 'rberley@ziontzchesnut.com'; 'Lisa@ldalv.com'; 'Dbrown@ldalv.com'; 'dluttrell@lcpdl.com'; 'Kevin\_Desroberts@fws.gov'; 'Coop@opd5.com'; 'david\_stone@fws.gov'; 'derekm@westernelite.com'; 'kimberley.jenkins@clarkcountynv.gov'; 'devaulr@cityofnorthlasvegs.com'; 'lroy@broadbentinc.com'; 'moapalewis@gmail.com'; 'rteague@republicservices.com'; 'dvosmer@republicservices.com'; 'kacqul@gmail.com'; 'greatsam@usfds.com'; 'craig.primas@sngrowers.com'; 'kingmont@charter.net'; 'christy.smith@fws.gov'; 'edna@comcast.net'; 'admin.mbop@moapabandofpaiutes.org'; 'marcjandjensen@gmail.com'; 'craig.wilkinson@pabcogypsum.com'; 'muddyvalley@mvdsl.com'; 'twtemt@hotmail.com'; 'glen\_knowles@fws.gov'; 'coopergs@ldschurch.org'; 'Howard.Forepaugh@nsgen.com'; 'lle@mvdsl.com'; 'kdhass@mvdsl.com';

'Chris.Benkman@nsgen.com'; 'dennis.barrett10@gmail.com'; 'joe@moapawater.com'; 'Rott@nvenergy.com'; 'raymand.roessel@bia.gov'; 'robert.dreyfus@gmail.com'; 'rhoerth@vidlerwater.com'; 'gbushner@vidlerwater.com'; 'dorothy@vidlerwater.com'; 'lon@moapawater.com'; 'lazars@gloretageo.com'; 'wpoulsen@lincolnnv.com'; 'hjjatt@gmail.com'; 'tommyers1872@gmail.com'; 'doug@nfb.org'; 'emilia.cargill@coyotesprings.com'; 'golden@apexindustrialpark.com'; 'Sarahpeterson@blm.gov'; 'lbenezet@yahoo.com'; 'greg.walch@lvvwd.com'; 'jim.watrus@snwa.com'; 'Jeff.white@ethosenergygroup.com'; 'wbhardy20@gmail.com'; 'dixonjm@gmail.com'; 'michael\_schwemm@fws.gov'; 'ircady@yahoo.com'; 'andrew.burns@snwa.com'; 'sc.anderson@snwa.com'; 'chair.mbop@moapabandofpaiutes.org'; 'Costa.tassiadamis@lhoist.com'; 'martinmifflin@yahoo.com'; 'mjohns@nvenergy.com'; 'reisterer@glorietageo.com'; 'gmorrison@parsonsbehle.com'; 'sixfeetfwr@gmail.com'; 'paul@legaltnt.com'; 'MBHoffice@earthlink.net'; 'muddyvalley@mvdsl.com'; 'luke.stewart@pabcogypsum.com'; 'sue\_braumiller@fws.gov'; 'LuckyDirt@icloud.com'; 'progress@mvdsl.com'; 'william.paff@rocklandcapital.com'; 'kbrown@vvh2o.com'; '8milelister@gmail.com'; 'gary\_karst@nps.gov'; 'fraakae@msn.com'; 'whitfam@mvdsl.com'; 'whitfam@mvdsl.com'; 'liamleavitt@hotmail.com'; 'alaskajulie12@gmail.com'; 'sc.anderson@lvvwd.com'; 'jeff.phillips@lasvegaspaving.com'; 'dan.peressini@lasvegaspaving.com'; 'vsandu@republicservices.com'; Bennie Vann; 'mmmiller@cox.net'; 'twtemt@hotmail.com'; 'bostajohn@gmail.com'; 'kurthlawoffice@gmail.com'; 'rozaki@opd5.com'; 'fan4philly@gmail.com'; 'onesharp1@gmail.com'; 'mjohns@nvenergy.com'; 'Timv@embargmoile.com'; 'craft@cityofnorthlasvegas.com'; 'stever@stetsonengineers.com'; 'barbnwalt325@gmail.com'; 'hartthethird@gmail.com'; 'johnhuston@yahoo.com'; 'jaucole@land-wake.com'; 'Terryb@clarkcounty.nv.gov'; 'golds@nevcoen.com'; 'Colby.pellegrino@snwa.com'; 'pdonnelly@biologicaldiversity.org'; 'lbelenky@biologicaldiversity.org'; 'rafelling@charter.net'; 'gbushner@vidlerwater.com'; 'muddyvalley@mvdsl.com'; 'trobison@mvdsl.com'; 'dwight.smith@interflowhydro.com'; 'lazarus@glorietageo.com'

**Cc:** Tim Wilson; Micheline Fairbank; Adam Sullivan; John Guillory; Christi Cooper; Bridget Bliss; Levi Kryder

**Subject:** Request for comments on extension of deadlines in State Engineer Interim Order 1303

On behalf of Tim Wilson, P.E., Acting State Engineer, please find attached Request for comments on extension of deadlines in State Engineer Interim Order 1303.

**Juanita Mordhorst**

Administrative Assistant III, Hearings & Adjudications Sections

Department of Conservation and Natural Resources

Nevada Division of Water Resources

901 S. Stewart St., Suite 2002

Carson City, NV 89701

[jmordhorst@water.nv.gov](mailto:jmordhorst@water.nv.gov)

(O) 775-684-2800 | (F) 775-684-2811



NEVADA DIVISION  
OF WATER RESOURCES



Nevada Department of  
**CONSERVATION &  
NATURAL RESOURCES**

Connect with us:   



Virus-free. [www.avast.com](http://www.avast.com)

## Micheline Fairbank

---

**From:** Patrick Donnelly <PDonnelly@biologicaldiversity.org>  
**Sent:** Monday, May 06, 2019 12:27 PM  
**To:** Tim Wilson; Micheline Fairbank; Adam Sullivan  
**Cc:** Lisa Belenky  
**Subject:** 1303 extension

Tim, Micheline, and Adam,

The Center for Biological Diversity supports an extension on the Order 1303 deadlines.

Best,  
-Patrick

Patrick Donnelly  
*Nevada State Director*  
**Center for Biological Diversity**  
pdonnelly@biologicaldiversity.org  
702.483.0449  
[@bitterwaterblue](#)

PAUL G. TAGGART  
SONIA E. TAGGART

**TAGGART & TAGGART, LTD.**

A PROFESSIONAL CORPORATION  
108 NORTH MINNESOTA STREET  
CARSON CITY, NEVADA 89703  
www.nvwaterlaw.com

DAVID H. RIGDON  
TIMOTHY D. O'CONNOR  
EVAN J. CHAMPA

May 8, 2019

RECEIVED  
2019 MAY - 9 PM 4:38  
STATE ENGINEER'S OFFICE

Tim Wilson, P.E.  
Acting State Engineer  
Division of Water Resources  
901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701

Re: Request for Extension of Deadlines in State Engineer Interim Order 1303

Mr. Wilson:

We are writing this letter in response to your May 2, 2019, letter regarding the U.S. Fish and Wildlife Service ("FWS") and National Park Service's ("NPS") request to extend the deadlines for reports set in Interim Order 1303. In that letter, you stated that FWS and NPS requested to extend the report submittal deadline from June 3, 2019, to July 18, 2019, and the rebuttal report deadline from July 18, 2019, to August 29, 2019. FWS and NPS did not request that the hearing date be continued.

The Southern Nevada Water Authority and the Las Vegas Valley Water District generally do not oppose FWS and NPS's suggested new deadlines regarding the report and rebuttal report submission deadlines. However, the State Engineer must maintain the integrity of the reports and fairness to all parties involved. An extension of time for FWS and NPS should only be granted if all hearing participants receive the same extension. If reports are made public when filed, and only some participants receive an extension, those participants filing reports at later deadlines are being given a distinct advantage. Those participants filing later reports have the opportunity to use their report as a quasi-rebuttal, and their rebuttal reports as sur-rebuttals. Thus, if any extensions are granted, they should be granted uniformly to all participants to assure fairness and equity.

Additionally, we would recommend the State Engineer consider a brief continuance of the hearing dates currently set for September 2019 if the extension requested by FWS and NPS is granted. All participants, as well as the State Engineer, will need time to review rebuttal reports. Also, the participants may find it necessary to file pre-hearing motions. If the deadline for reports and rebuttal reports are extended, the September 2019 scheduled hearing date may not afford adequate time for these pre-hearing preparations. As such, we recommend continuing the hearing to conclude no later than October 11, 2019, to match the requested extensions for the reports and rebuttal reports. In the event that the early October 2019 dates are not acceptable to all participants,

TELEPHONE (775) 882-9900 – FACSIMILE (775) 883-9900

SE ROA 222

Tim Wilson, P.E.  
Acting State Engineer  
Division of Water Resources  
May 8, 2019  
Page 2

SNWA requests moving the hearing to January. As your office is aware, other proceedings regarding the SNWA groundwater applications and your office's Ruling 6446 are scheduled for November.

Finally, we request the State Engineer schedule the dates and identify the format for the hearing as soon as possible. Due to the important and technical matters at issue we believe a full evidentiary hearing is necessary. And, because a significant number of SNWA staff may be involved in the hearing, reserving those dates as soon as possible will ease workflow and scheduling issues that will arise if the dates are not identified in a timely manner.

We appreciate your attention to this matter and look forward to your decision. Should you have any questions or concerns, please feel free to contact this office.

Sincerely,



Timothy D. O'Connor, Esq.  
TAGGART & TAGGART, LTD.

RECEIVED  
2019 MAY -8 PM 4:36  
STATE ENGINEER'S OFFICE



RECEIVED

July 26, 2019

2019 JUL 29 AM 11:44

STATE ENGINEERS OFFICE

Timothy Wilson, P. E.  
Nevada State Engineer  
Division of Water Resources  
Department of Conservation and Natural  
Resources  
901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701

Re: **Notice of Nevada Cogeneration Associates Nos. 1 and 2 of intent to participate in pre-hearing and hearing on LWRFS**

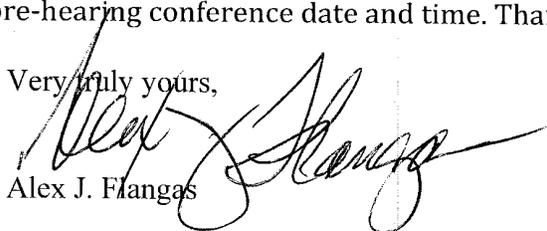
Dear Tim:

I am writing to provide notice that Nevada Cogeneration Associates Nos. 1 and 2 (collectively "NCA") desires to participate in any pre-hearing conference involving the Lower White River Flow System ("LWRFS") as well as the hearings that will be conducted involving the LWRFS, and by this letter I am requesting that I be provided notice of both the pre-hearing conference and the hearings on behalf of NCA. At the last public meeting where the pre-hearing conference date and the hearing date were discussed, NCA did not have a representative present; nonetheless, I am writing to confirm that we are clearly an interested party and definitely do want to participate in the process.

I had heard from others that the pre-hearing conference was tentatively set for August 8, 2019, in Carson City, and the hearings would begin on September 23, 2019, but the exact times and schedule had not yet been confirmed.

Your office may already have intended to notify NCA (perhaps Jay Dixon and/or Hugh Ricci), and if so, we appreciate that inclusion. This is a formal request to include my office in those notices and to continue to notify Messrs. Dixon and Ricci. I look forward to receiving the formal notice of the pre-hearing conference date and time. Thank you.

Very truly yours,

  
Alex J. Flangas

AJF  
Cc: Client  
Micheline Fairbank  
Adam Sullivan  
Melissa Flatley

36 Stewart Street • Reno, NV 89501 • O 775.788.1222 • M 775.219.9163 • F 775.403.1775

Alex@AlexFlangasLaw.com • AlexFlangasLaw.com

SE ROA 224

## Michelle Barnes

---

**From:** Patrick Donnelly <PDonnelly@biologicaldiversity.org>  
**Sent:** Sunday, August 18, 2019 7:59 AM  
**To:** Tim Wilson  
**Cc:** Micheline Fairbank; Adam Sullivan; Kyle Roerink  
**Subject:** GBWN not appearing at LWRFS hearing

Mr. Wilson,

As I've mentioned in the past, I'm a board member for the Great Basin Water Network. In that capacity I'm writing to inform you that the Network will not be offering a witness for testimony and rebuttal at the Lower White River Flow System hearings in September-October. You should feel free to skip including them in the scheduling order.

Best regards,  
-Patrick Donnelly

Patrick Donnelly  
*Nevada State Director*  
**Center for Biological Diversity**  
pdonnelly@biologicaldiversity.org  
702.483.0449  
[@bitterwaterblue](#)

RECEIVED

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

SEP 15 2019 PM 4:38

DESIGNATING THE ADMINISTRATION OF )  
ALL WATER RIGHTS WITHIN COYOTE )  
SPRING VALLEY HYDROGRAPHIC BASIN )  
(210), A PORTION OF BLACK MOUNTAINS )  
AREA BASIN (215), GARNET VALLEY BASIN )  
(216), HIDDEN VALLEY BASIN (217), )  
CALIFORNIA WASH BASIN (218), AND )  
MUDDY RIVER SPRINGS AREA (AKA UPPER )  
MOAPA VALLEY) BASIN (219) AS A JOINT )  
ADMINISTRATIVE UNIT, HOLDING IN )  
ABEYANCE APPLICATIONS TO CHANGE )  
EXISTING GROUNDWATER RIGHTS, AND )  
ESTABLISHING A TEMPORARY )  
MORATORIUM ON THE REVIEW OF FINAL )  
SUBDIVISION MAPS. /

STATE ENGINEER'S OFFICE

INTERIM Order #1303

**NEVADA ENERGY'S MOTION FOR EXTENSION OF TIME TO FILE REPLY  
COMMENTS PURSUANT TO NRCP (6)(b)(1)(B)(ii)**

Nevada Power Company d/b/a NV Energy ("Nevada Power") and Sierra Pacific Power Company d/b/a NV Energy ("Sierra" and together with Nevada Power, "NV Energy" or the "Companies") hereby files a Motion for Extension of Time to file its reply comments pursuant to NRCP 6(b)(1)(B)(ii). This motion is based upon the following Memorandum of Points and Authorities, and the Exhibit A, the Declaration of Justina A. Caviglia, Esq.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. BACKGROUND**

On Thursday, August 15, 2019, NV Energy hired TC's Courier Delivery Service ("TC's") to serve three documents in Carson City: one to the Public Utilities Commission, the second to the Bureau of Consumer Protection, the third being the Order 1303 Reply Report to the Nevada State Engineer. *See* Exhibit A, attachment 1. TC's picked up the three documents on or around 8:30 am. *Id.* Later that day or the next, TC's updated its Order history indicating that all three documents had been delivered on or around 10:30 am on August 15, 2019. *Id.*

On Monday, August 19, 2019, counsel for Southern Nevada Water Authority inquired into whether or not NV Energy had filed its reply comments, as they were not posted on the Nevada State Engineer's website. *Id.* Undersigned counsel, her Senior Legal Assistant Lori

Nevada Power Company  
and Sierra Pacific Power Company  
d/b/a NV Energy

1 Petersen, and NV Energy’s consultant Rick Felling began inquiring into the whereabouts of the  
2 report. *Id.* The waybill posted to TC’s website did not show a signature was obtained. *Id.* at  
3 attachment 2. NV Energy contacted TC’s and the recipients of the other two filings. The Public  
4 Utilities Commission and the Bureau of Consumer Affairs confirmed that they received their  
5 deliveries on Thursday, August 15. *Id.* TC’s claimed it delivered the package and claimed it  
6 had confirmed the delivery with the driver; however, the State Engineer’s office was unable to  
7 locate anything from NV Energy being filed either Thursday, August 15 or Friday, August 16.  
8 *Id.*

9 On or around 2:55pm, the State Engineer’s office informed undersigned counsel that the  
10 runner had delivered the report, not on Thursday as indicated in their tracking system but rather,  
11 on Monday, August 19, 2019 at 2:39 pm. *Id.* at attachment 3.

## 12 II. Argument

13 NV Energy is seeking leave of the State Engineer to have its reply comments filed and  
14 considered in the underlying procedure pursuant to NRCP 6(b)(1)(B)(ii). NRCP 6(b)(1)(B)(ii)  
15 provides “the court may, for good cause, extend time: (B)(ii) on motion made after the time has  
16 expired if the party failed to act because of excusable neglect.” The concept of “excusable  
17 neglect” “applies to instances where some external factor beyond a party’s control affects the  
18 party’s ability to act or respond as otherwise required. *See, e.g., Moseley v. Eighth Judicial Dist.*  
19 *Court*, 124 Nev. 654, 667–68, 188 P.3d 1136, 1145–46 (2008) (concluding that, under NRCP  
20 6(b)(2), excusable neglect may justify an enlargement of time to allow for substitution of a  
21 deceased party where the delay was caused by a lack of cooperation from the decedent’s family  
22 and attorney); *Stoecklein v. Johnson Elec., Inc.*, 109 Nev. 268, 273, 849 P.2d 305, 308 (1993)  
23 (affirming a district court’s finding of excusable neglect under NRCP 60(b)(1) where default  
24 judgment resulted from a lack of notice); *Yochum v. Davis*, 98 Nev. 484, 486–87, 653 P.2d 1215,  
25 1216–17 (1982) (reversing a district court’s order denying a motion to set aside a default  
26 judgment under NRCP 60(b)(1) where default resulted from a lack of procedural knowledge).”  
27 *Clark v. Coast Hotels & Casinos, Inc.*, No. 62603, 2014 WL 3784262, at 4 (Nev. July 30, 2014).

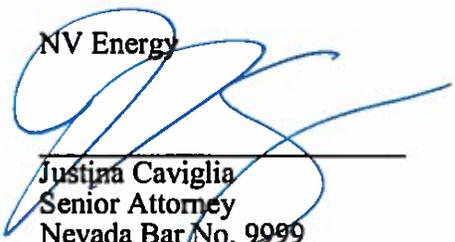
28

1 NV Energy is requesting an extension of time based upon excusable neglect as it relied  
2 on TC's delivery confirmation that it had timely served the State Engineer. TC's failure was  
3 beyond NV Energy's control. NV Energy acted in good faith and showed due diligence when it  
4 hired TC to deliver the reply comments one day prior to the August 16, 2019 deadline. NV  
5 Energy tracked its package and relied upon its hired courier's notification that it had delivered  
6 the reply comments to the Nevada State Engineer on August 15, 2019. NV Energy was unaware  
7 that's courier had failed to deliver the comments until counsel from SNWA contact undersigned  
8 counsel after the deadline had expired. The other parties in this matter will not suffer prejudice  
9 as the hearing for this matter is not set until September 23, 2019, which will grant them ample  
10 opportunity to review NV Energy's succinct report.

11 **III. Conclusion**

12 NV Energy requests leave of the State Engineer to grant its extension of time and accept  
13 its reply comments, which were filed on August 19, 2019.

14  
15 Respectfully submitted this 20<sup>th</sup> day of August, 2019.

16  
17 NV Energy  
18   
19 \_\_\_\_\_  
20 Justina Caviglia  
21 Senior Attorney  
22 Nevada Bar No. 9999  
23 6100 Neil Road  
24 Reno, Nevada 89511  
25 775-834-3551  
26 jcaviglia@nvenergy.com  
27  
28

# Exhibit A

SE ROA 229

JA\_431

**DECLARATION OF JUSTINA ALYCE CAVIGLIA, ESQ.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, Justina A. Caviglia, Esq., declare as follows

1. My name is Justina Alyce Caviglia, Esq. and I am employed by Nevada Power Company and Sierra Pacific Power Company d/b/a NV Energy as a Senior Regulatory Attorney. I am filing this declaration in support of NV Energy’s Motion for an Extension of Time

2. On or about 8 am on Thursday, August 15, 2019, I gave my Senior Legal Assistant Lori Petersen permission to send the Reply Comments to Interim Order 1303 to the Nevada State Engineer one day early, as the courier service NV Energy uses was commissioned to deliver two other packages that day to Carson City, Nevada.

3. On or about 8:30 am on Thursday, August 15, TC’s Courier Delivery Service picked up all three packages for delivery. See Attachment 1.

4. On or before Friday, August 16, when I had Ms. Petersen check the status of the delivery, TC’s Courier Delivery Service updated its tracking system and indicated that all three packages were delivered around 10:30 am on Thursday, August 15, 2019.

5. On Monday August 19, 2019, at approximately 10:12 am, I received a phone call from Southern Nevada Water Authority’s counsel Tim O’Connor asking if NV Energy filed reply comments, and if so, could I email him a copy. He indicated that NV Energy’s reply comments were not posted on the State Engineer’s website.

6. On or about 10:23 am, NV Energy’s consultant Rick Felling called me to tell me NV Energy’s comments were not posted and that he had contacted the State Engineer’s office who informed him that they did not receive any comments from NV Energy.

7. Ms. Petersen and I began contacting TC’s Courier Delivery Service as well as the recipients of the other two packages that TC was hired to deliver on August 15. The Bureau of Consumer Protection, a division of the Nevada Attorney General’s Office, and the Public Utilities Commission of Nevada were both able to confirm that they received their delivery from TC’s on Thursday, August 15. TC’s returned our calls around 1:00 pm and informed us that they confirmed with the driver that he had delivered the package on Thursday, August 15 and he

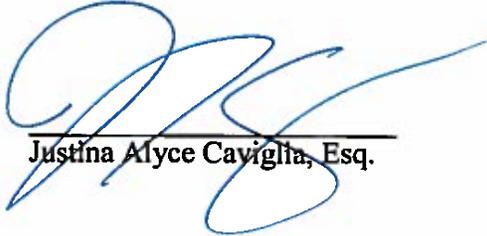
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

vividly remembers giving the package to a brunette in a building near the DMV, however, he had failed to obtain a signature. *See Attachment 2.*

8. On or about 2:55 pm on Monday, August 19, I received an email from Micheline Fairbank, J.D., Deputy Administrator with the Nevada Division of Water Resources informing me that the package had been delivered at 2:39 pm on Monday, August 19 by TC Courier Delivery Service. *See Attachment 3.*

9. As TC's Courier Delivery Service has been retained by NV Energy before I began employment with the companies in April 2019, and their delivery system has historically been accurate, I relied upon their assertion they had delivered NV Energy's Reply Comments to the Nevada State Engineer on August 15, 2019.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 20, 2019.



Justina Alyce Caviglia, Esq.

# Attachment 1

SE ROA 232

JA\_434

**Caviglia, Justina**

**From:** Petersen, Lori  
**Sent:** Monday, August 19, 2019 10:18 AM  
**To:** Caviglia, Justina  
**Subject:** Sent from Snipping Tool



775.291.2055

**Order History for NV ENERGY:**

Show Calendar >

August    v    15    v    2019    v   

Date:	Time:	Waybill #:	Pickup Ac:	Deliver To:	Status:	
8/15/19	8:33 AM	270919	NV ENERGY 6100 Neil Rd	Division of Water Resources, 901 S. Stewart Street, Ste. 2002	Order Delivered at: 8/15/19 10:28 AM	<a href="#">Print</a>
8/15/19	8:32 AM	270918	NV ENERGY 6100 Neil Rd	PUCN, 1150 East William St	Order Delivered at: 8/15/19 10:27 AM	<a href="#">Print</a>
8/15/19	8:30 AM	270916	NV ENERGY 6100 Neil Rd	Bureau of Consumer Protection, 100 North Carson Street	Order Delivered at: 8/15/19 10:27 AM	<a href="#">Print</a>

# Attachment 2

SE ROA 234

JA\_436

**Caviglia, Justina**

**From:** Petersen, Lori  
**Sent:** Monday, August 19, 2019 10:19 AM  
**To:** Caviglia, Justina  
**Subject:** Sent from Snipping Tool

**Tracking Info:** **Status:** *Order Delivered at: 8/15/19 10:28 AM*  
**Ready Date:** 8/15/19  
**Ready Time:** 8:33 AM  
**Order Number:** 270919  
**Signature:**  
**Driver:** *tim*  
**Invoice Price:** \$0.00

**Pickup At:**  
Company: NV ENERGY  
Contact: Lon  
Street Address: 6100 Neil Rd  
Suite:  
City: Reno  
Zip Code: 89511  
State: NV  
Country: United States  
Phone: 775-834-4224

**Deliver To:**  
Company: Division of Water Resources  
Contact: Tim Wilson  
Street Address: 901 S. Stewart Street, Ste. 2002  
Suite:  
City: Carson  
Zip Code: NV  
State: NV  
Country: United States  
Phone:

**Details:**  
**Parcel Details:**  
# of Pieces: 1  
Total Weight (lbs.): 1  
Reference: Water Matter

**Service Type:** Same Day  
**Package Type:** Envelope  
**Round Trip:** No  
**Special Instructions:**

# Attachment 3

SE ROA 236

JA\_438

**Caviglia, Justina**

---

**From:** Micheline Fairbank <mfairbank@water.nv.gov>  
**Sent:** Monday, August 19, 2019 2:51 PM  
**To:** Caviglia, Justina  
**Cc:** Rick Felling; Adam Sullivan  
**Subject:** [INTERNET] RE: NV Energy response

**\*\* Remember SAIL when reading email \*\***

<b>Sender</b>	The sender of this email is mfairbank@water.nv.gov using a friendly name of Micheline Fairbank Are you expecting the message? Is this different from the message sender displayed above?
<b>Attachments</b>	Does this message contain attachments? Yes If yes, are you expecting them? image002.gif, image003.gif, image004.gif, Image005.jpg, image007.png, image009.gif, image011.png, image001.jpg, image012.jpg, image013.jpg
<b>Internet Tag</b>	Messages from the Internet should have [INTERNET] added to the subject.
<b>Links</b>	Does this message contain links? Yes Check links before clicking them or removing BLOCKED in the browser.
<b>Cybersecurity risk assessment: High</b>	

Good Afternoon Justina,

We just had the report delivered to our office this afternoon by your runner at 2:39 p.m.

Micheline

**Micheline N. Fairbank, J.D.**  
Deputy Administrator  
Nevada Division of Water Resources  
Department of Conservation and Natural Resources  
901 S. Stewart St., Suite 2002  
Carson City, NV 89701  
[Mfairbank@water.nv.gov](mailto:Mfairbank@water.nv.gov)  
(O) 775-684-2872 | (F) 775-684-2810



**From:** Caviglia, Justina <JCaviglia@nvenergy.com>  
**Sent:** Monday, August 19, 2019 10:37 AM  
**To:** Micheline Fairbank <mfairbank@water.nv.gov>  
**Subject:** NV Energy response

Micheline,

I believe Rick called. I am trying to track down what happened to NV Energy's report. Our courier shows that he delivered it (or claims to) on Thursday. Please let me know if you find it or have any questions, etc.

Thank you,

Justina A. Caviglia, Esq.  
Senior Attorney  
NVEnergy  
6100 Neil Rd.  
Reno, NV 89511  
Direct (775) 834-3551  
Cell (775)548-6542  
Fax (775) 834-4098  
[jcaviglia@nvenergy.com](mailto:jcaviglia@nvenergy.com)



*A vision for our energy future.*

[www.nvenergy.com](http://www.nvenergy.com)

**CONFIDENTIALITY NOTE:**

The information contained in this email message is legally privileged and confidential information intended only for the use of the individual or entity to whom it is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this message is strictly prohibited. If you have received this email in error, please immediately notify me by telephone, fax, or email and delete the message. Thank you.

\*\*\*\*\*  
NOTICE: The information contained in this electronic transmission is intended only for the use of the individual or entity named above. ANY DISTRIBUTION OR COPYING OF THIS MESSAGE IS PROHIBITED, except by the intended recipient(s). Attempts to intercept this message are in violation of 18 U.S.C. 2511(1) of the Electronic Communications Privacy Act, which subjects the interceptor to fines, imprisonment and/or civil damages. If you are not the intended recipient(s), please delete it and notify me.  
\*\*\*\*\*

# Exhibit B

SE ROA 239

JA\_441



August 16, 2019

Tim Wilson, P.E.  
Acting State Engineer  
Division of Water Resources  
901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701

RE: Interim Order 1303 Rebuttal Report

Dear Mr. Wilson:

Enclosed please find four copies of NV Energy's Rebuttal Report to State Engineer's Order 1303 Initial Reports by Respondents and the Curriculum Vitae of Richard A. Felling.

Should you have any questions regarding the contents of this report, please contact me at (775) 834-3551 or [jcaviglia@nvenergy.com](mailto:jcaviglia@nvenergy.com).

Regards

A handwritten signature in blue ink, appearing to read "JC", is written over the typed name and title.

Justina Caviglia  
Senior Attorney

# NV Energy Rebuttal Report to State Engineer's Order 1303 Initial Reports by Respondents

Richard A. Felling PG

August 16, 2019

NVEnergy offers the following rebuttal arguments to the five topics requested pursuant to State Engineer Order 1303.

**The geographic boundary of the hydrologically connected groundwater and surface water systems comprising the Lower White River Flow System.**

Contrary to the opinions of the Center for Biological Diversity (CBD), Lincoln-Vidler, Moapa Band of Paiutes (MBOP), Moapa Valley Water District (MVWD), City of North Las Vegas (CNLV), the Great Basin Water Network (GBWN), and the US Fish and Wildlife Service (USFWS), NV Energy believes the jointly-managed Lower White River Flow System (LWRFS) should consist of the five basins plus the northern portion of the Black Mountains Area as presently defined by the State Engineer. The reason for the current boundary is due to the fact recognized by most of the responding parties and the State Engineer that the basins share an extremely highly transmissive carbonate aquifer and water levels that move in lockstep throughout much of the area. It was demonstrated in the Order 1169 aquifer test that water development in one of the basins affects the remaining basins.

Submitted reports by the USFWS and the CBD argue for the inclusion of Kane Springs Valley into the LWRFS jointly managed area. Lincoln-Vidler and USFWS suggest adding the Lower Meadow Valley Wash to the LWRFS jointly managed area. Their arguments are similar. They are in agreement that subsurface water flows from the two basins into Coyote Spring Valley and the Muddy River Springs Area, respectively. That in itself is not sufficient for inclusion into the LWRFS jointly managed area. Those two basins have water levels that are significantly higher than the LWRFS carbonate aquifer and did not immediately respond during the Order 1169 aquifer test. If one were to add all basins whose groundwater flows into the LWRFS basins, then we would also need to add the entire White River Flow System as well as the Meadow Valley Flow System.

Most, if not all, of Nevada's Hydrographic basins have subsurface inflow or outflow to adjacent basins to some extent, but that does not mean joint management is warranted. The basins are best managed individually because the aquifers are separate and distinct, water budgets are easily distinguished between the basins, and management as individual hydrographic basins is straightforward and appropriate. The State Engineer should consider the water budgets of interconnected basins, but to require joint management at this late stage is unnecessary.

It also does not make sense to exclude from joint management those portions of the five plus basins whose groundwater levels differ from the central carbonate aquifer. If, for example, the northern portion of Coyote Spring Valley, as proposed by Lincoln-Vidler, or areas east of the Dry Lake Thrust in

## NV Energy Order 1303 Rebuttal Report

California Wash, as proposed by CNLV, were excluded from joint management, how would the excluded areas be managed? As new hydrographic basins? Those areas are not basins, but portions of mountain block, alluvial fan, or valley floor. What would be the perennial yield of those partial basins when their recharge is already included in the groundwater supply of the basin as a whole and the LWRFS? The area as defined is acceptable.

**The information obtained from the 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.**

NVEnergy does not agree that a significant portion of the water-level decline during and after the Order 1169 aquifer test was due to drought, as argued by MBOP. We agree with Southern Nevada Water Authority (SNWA) and MVWD that recovery was complete approximately two to three years after completion of the test. Full recovery to pre-test levels did not occur, and could not occur, because water levels regionally were still declining due to existing pumping as noted by SNWA. Contrary to the arguments made by SNWA and MBOP, NVEnergy argues that there is significant data to support the conclusion that the system is approaching steady state in the Muddy River Springs Area (MRSA) and other locations, and that water levels, spring flow, and the Muddy River are nearly equilibrated with the current carbonate pumping rate of 7,000 to 8,000 acre-feet annually.

The following hydrographs rebut their arguments, and display carbonate water levels at EH-4, located in the MRSA, Muddy River at Moapa gage flow, and carbonate pumpage. Figure 1 shows water levels in EH-4 and carbonate pumpage. The linear segments sketched and described on the hydrographs are self-explanatory. Note that since the recovery from the Order 1169 test, the hydrograph is nearly flat, indicating steady state conditions are almost present. Careful examination of the hydrograph since the middle of 2016 indicates that the water levels are no longer declining, and are perhaps even rising.

NV Energy Order 1303 Rebuttal Report

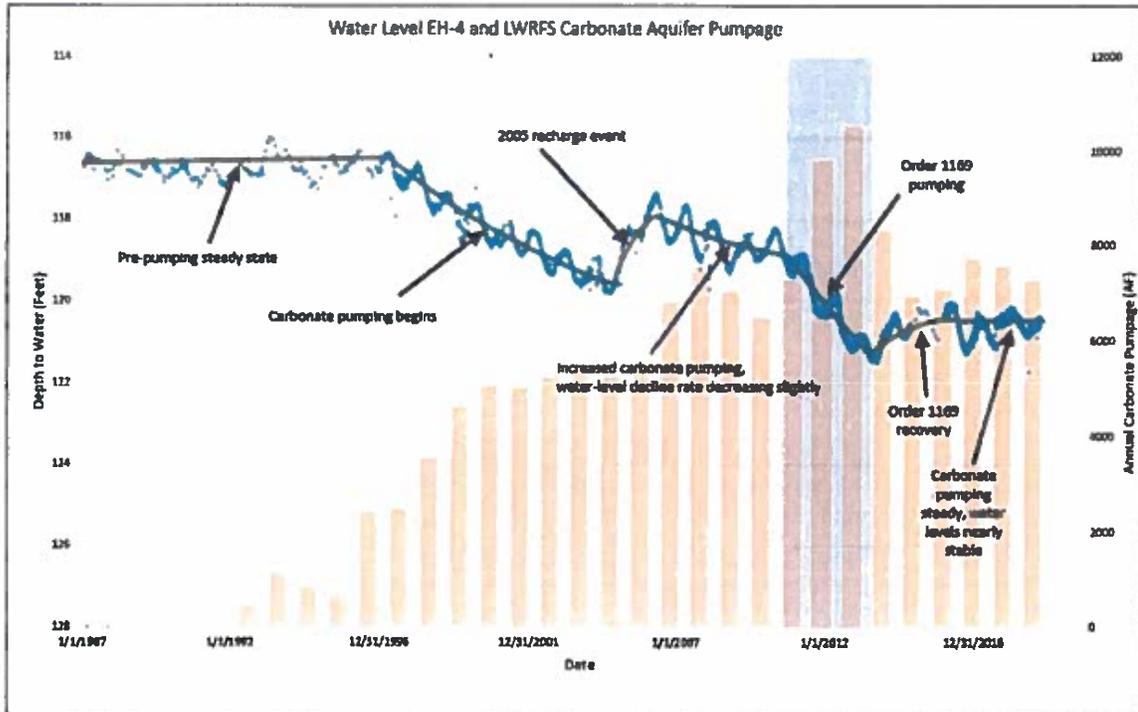


Figure 1. EH-4B hydrograph, annual carbonate aquifer pumpage in the LWRFS, and linear trend segments corresponding the various hydrologic stresses on the carbonate aquifer since 1987. Annual carbonate pumping from SNWA initial report, Table D-1. Water levels from State Engineer’s website.

Figure 2 shows monthly flow at the Warm Springs West gage along with carbonate pumpage. The linear segments sketched on Figure 1 are unchanged and overlain on the Figure 2 hydrograph. The fit is not perfect, but is quite close. This comparison supports the findings of SNWA and the USFWS that spring flows are a direct function of groundwater levels.

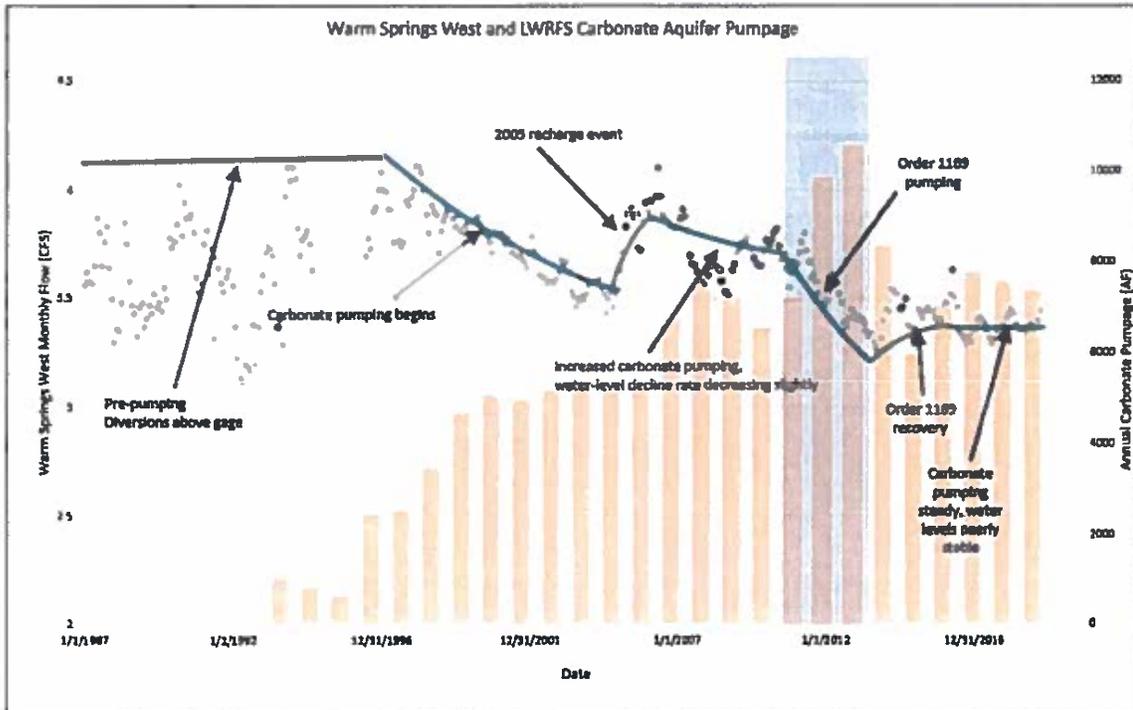


Figure 2. Monthly flow at Warm Springs West (grey dots) and annual carbonate pumpage in the LWRFS. The trendline segments from Figure 1 shown here for comparison purposes. Warm Springs West flow data from USGS website.

Figure 3 is a reconstructed hydrograph, displaying the segments of the hydrograph drafted in Figure 1, portraying their location as if they were not affected by the short-term stresses of the 2005 recharge event or the Order 1169 aquifer test. The declining portions of the hydrograph were simply copied and moved lower to indicate what the hydrograph might look like in the absence of those two stresses. In Figure 3 the hydrograph has not quite reached steady state, but is close. NV Energy argues that this clear and empirical analysis rebuts those arguments by SNWA and MBOP that continued pumping at existing rates and locations will result in a significant and continued reduction in water levels and flows in the MRSA. Instead, future pumping at current rates and locations will result in minimal future water-level decline in the MRSA or significant decrease in the flow of Warm Springs West or the Muddy River.

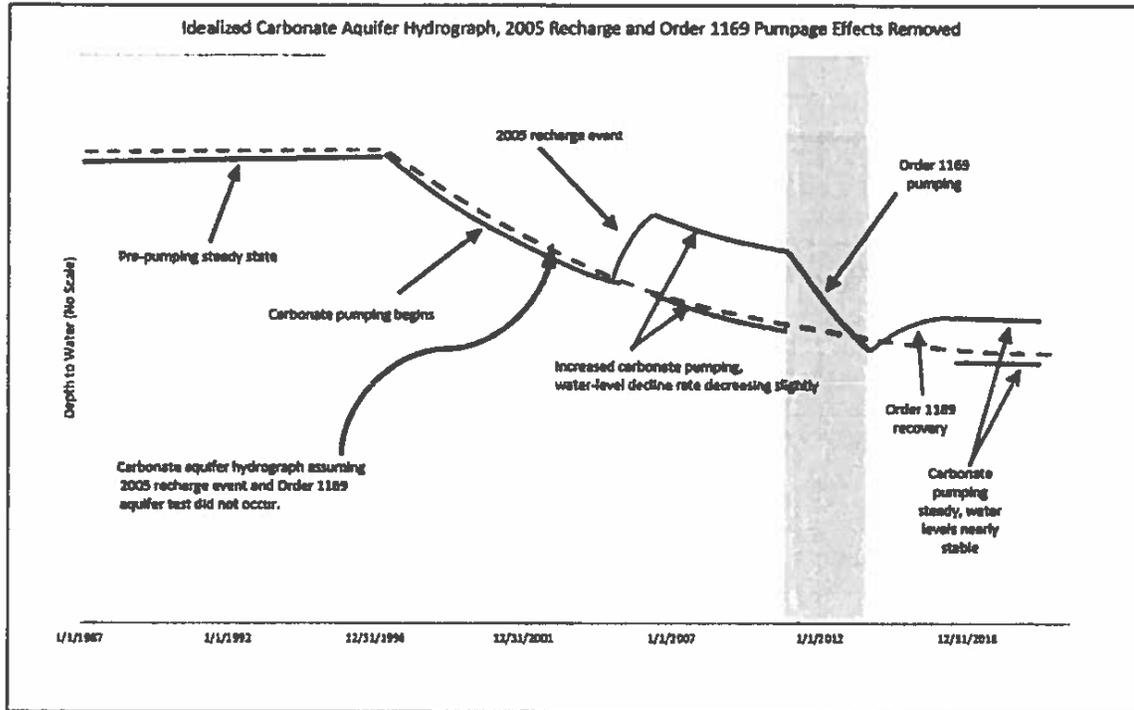
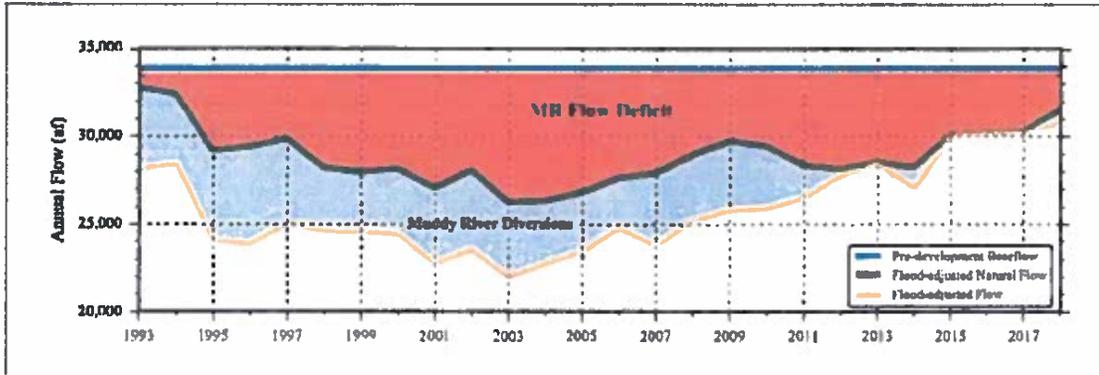


Figure 3. Hypothetical hydrograph of carbonate water levels and Warm Springs West flow (dashed blue line) in the absence of the 2005 recharge event and the Order 1169 aquifer test. Note the hydrograph is approaching steady state, contrary to the arguments of SNWA and MBOP.

SNWA's Figure 5-3 from their June report (Figure 4) shows that natural flows of the Muddy River at Moapa have increased since the Order 1169 pumping stress. The flow deficit since maximum recovery from the Order 1169 aquifer test in mid-2015 (per SNWA) is on the order of 2,300 to 3,750 afy, and is decreasing. The recovery of the Muddy River flow at Moapa further rebuts arguments for continued or increasing decline in the flow of the Muddy River, and supports the argument that the hydrologic system is reaching steady state under the present pumping regime.



**Figure 5-3  
MR Flow Deficit (1993 - 2018)**

Figure 4. Figure 5-3 from SNWA, June 2019 Assessment of Lower White River Flow System Water Resource Conditions and Aquifer Response report, submitted to the Nevada State Engineer pursuant to Order 1303.

Other areas in the LWRFS show a continuing decline in water levels as noted by several of the parties, but water levels also appear to levelling off in locations more distant from the center of the current pumping stress. Figure 5 shows the hydrograph for EH-4 in the Muddy River Springs Area and BM DL-2 at the southern end of the LWRFS in the Black Mountains Area. The total head tracks very closely through the end of the Order 1169 test, but diverge just a bit after the test pumping stopped. MBOP argues that drought alone could be responsible for 0.18 ft/yr of decline in the Apex area. It should be noted that pumping in the Apex area has increased in recent years, and could easily be responsible for the divergence.

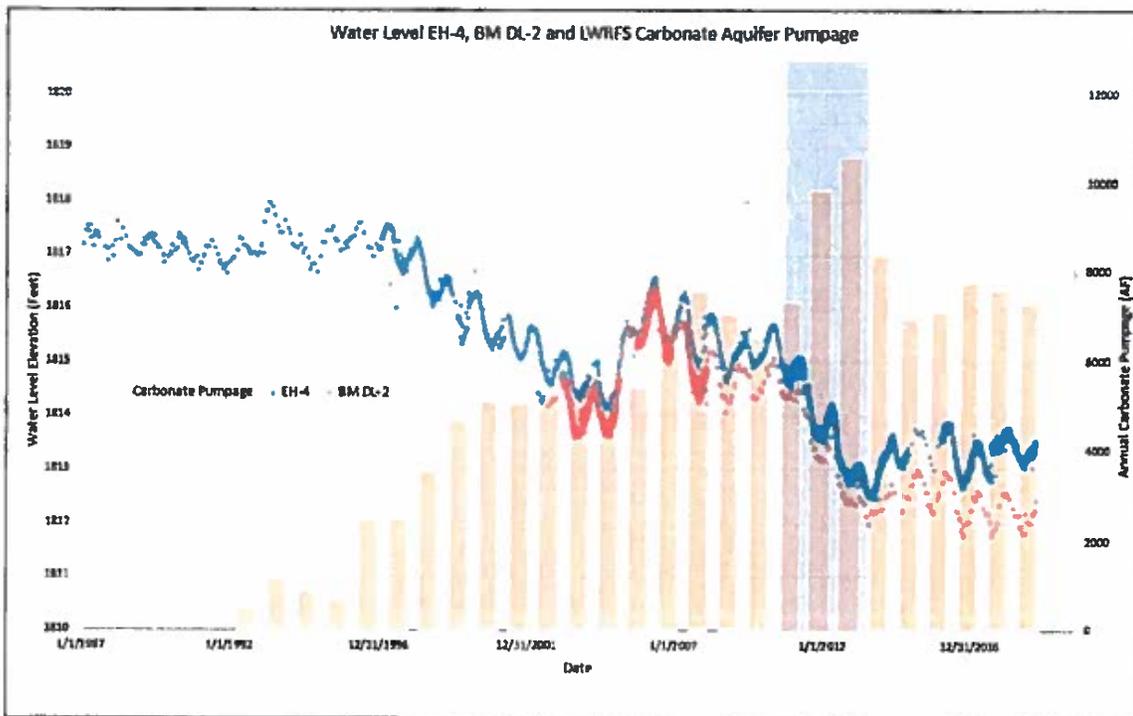


Figure 5. Hydrographs of EH-4 and BM DL-2 showing divergence since the end of Order 1169 pumping. Water-level data from NDWR website, pumping data from SNWA Table D-1.

**The long-term annual quantity of groundwater that may be pumped from the LWRFS, including the relationships between the location of pumping on discharge of the Muddy River Springs and the capture of Muddy River flow.**

Each of the parties appears to believe that they can pump their water rights without impacting the springs or the flow of the Muddy River, that is, it is always the other party's fault. In this case, NV Energy both agrees with and disagrees with the arguments of many of the parties. NV Energy does not rebut the arguments of SNWA and USFWS that it is likely that all pumping in the LWRFS, and perhaps Kane Spring Valley and Lower Meadow Valley Wash, will ultimately impact the springs and the Muddy River. It is simply a matter of how much of an impairment and when will it occur. As discussed above, it is likely that the majority of impact for much of the pumping has already occurred.

## NV Energy Order 1303 Rebuttal Report

in the 2011 State Engineer hearing on pending applications for groundwater in Delamar, Dry Lake and Cave Valleys, SNWA presented evidence and expert testimony in support of subsurface flow that bypassed the Muddy River and springs, flowing in the subsurface south from the Muddy River Springs Area to California Wash. The groundwater then exited the LWRFS somewhere along the southern or southeastern perimeter of the area. This amount was estimated to be 9,900 afy. The State Engineer accepted this evidence and expert testimony in Rulings 6254 through 6261. The source of that water was groundwater recharge distributed among all of the upgradient basins, including those basins in which SNWA had applications to appropriate groundwater. SNWA now argues that probably all of the groundwater in the LWRFS discharges to the Muddy River and springs, and that there is no bypass flow. NVEnergy disagrees.

Other respondents to Order 1303 information requests also believe that some amount of groundwater bypasses the Muddy River. The Moapa Band of Paiutes argue that perhaps up to 40,000 afy flows through Hidden and Garnet Valleys to the Las Vegas Valley. The City of North Las Vegas believes that there is some amount of subsurface discharge in the southeast portion of the LWRFS, but do not go so far as to estimate the amount. NV Energy agrees that there is some amount of groundwater that bypasses the Muddy River and springs. The amount is unclear, but SNWA argued in the 2011 hearing that the amount is 9,900 afy, and the State Engineer agreed. There is an approximately 40-mile perimeter east of California Wash and south of Garnet Valley and the Black Mountains Area where there is a potentiometric gradient to the east and south, away from the LWRFS. It seems impossible that the entire perimeter of the LWRFS is impermeable. Given the existing gradients, the thickness of the carbonate aquifer, and the length of the perimeter, it is possible that 10,000 afy could exit the LWRFS to the Las Vegas Valley or to the lower portions of the Black Mountains Area or Lake Mead.

The likelihood of subsurface flow bypassing the Muddy River and springs is important because that means that it is possible to capture groundwater discharge without causing a 1:1 depletion of the Muddy River or springs. The post-Order 1169 analyses discussed above show clear evidence that steady state conditions are being reached in the Muddy River Springs Area with 7,000 to 8,000 afy of carbonate pumping. The depletion of the Muddy River with this amount of pumping appears to be on the order of 2,300 to 3,750 afy, and is not increasing. Using these figures, impacts to the Muddy River appear to be on the order of 25% to 50% of the amount of groundwater pumped under the current pumping regime. NVEnergy agrees with respondents MBOP, North Las Vegas and others that groundwater pumping at locations further south, toward the southern boundary of the LWRFS, are likely to have less effect on the Muddy River and springs than pumping in Coyote Spring Valley or the Muddy River Springs Area.

### **The effects of movement of water rights between alluvial wells and carbonate wells on deliveries of senior decreed rights to the Muddy River.**

Respondents to Order 1303 generally agree that pumping from the alluvial aquifer in the Muddy River Springs Area impacts the Muddy River flows and deplete those flows on a near 1:1 ratio in a short period of time. SNWA also argues that carbonate pumping in the LWRFS will have a 1:1 effect on discharge from the springs and the Muddy River, but the time frame is longer for these effects to occur. NV Energy disagrees with SNWA that all pumping will ultimately deplete the Muddy River at a 1:1 ratio. As discussed above, water levels, spring flows, and the flow of the Muddy River at the Moapa gage have essentially stabilized under the current pumping regime. Depletion of the Muddy River at Moapa was 3,750 acre-feet in 2015, 3,598 acre-feet in 2016, 3,569 acre-feet in 2017, and decreased to about 2,300 acre-feet in 2018 (SNWA Fig 5-3 and Table 7-2), increases in flow that occurred during a time period that carbonate aquifer pumping was relatively stable. Furthermore, because there does appear to be

## NV Energy Order 1303 Rebuttal Report

groundwater underflow that bypasses the Muddy River and springs, some of that bypass flow could potentially be captured by pumping south of the Muddy River without impacting the river or springs.

Many of the parties that own water rights in California Wash and Garnet Valley argue that their pumping does not impact the Muddy River. That is likely true in part. However, many of the water rights in those areas have never been pumped. Nevada water law is based on two main tenants: prior appropriation and beneficial use. If the five plus basin area is managed as one, those parties with senior and certificated groundwater rights must be allowed the continued use of those rights over junior water rights that have never been put to beneficial use. That would be accomplished by changing some of these senior, certificated alluvial water rights to the carbonate aquifer in the southern LWRFS.

### **Any Other Matter believed to be relevant to the State Engineer's analysis.**

#### Drought

Drought is not a significant cause for decreased water levels and spring flows in the LWRFS. MBOP argues that discharge at Big Muddy Spring correlates to discharge of the Humboldt River at Pailsade, with a time lag of 12 to 22 years. It is not demonstrated by any scientific analysis that any water from the Humboldt River Basin contributes to the LWRFS, nor why any correlation between the two makes any sense. The preponderance of the water supply in the LWRFS is derived from groundwater recharge in NV Climate Division 3. Local recharge events in NV Climate Division 4, extreme southern Nevada, have been shown to almost immediately increase water levels and spring flows, as shown by SNWA. This occurred in 2005 and 2006 as a result of exceptional precipitation in 2005 (Figure 1 and Figure 6). The hydrograph of EH-4 in Figure 1 demonstrates that water levels are steady in the 10 years prior to significant carbonate pumping.

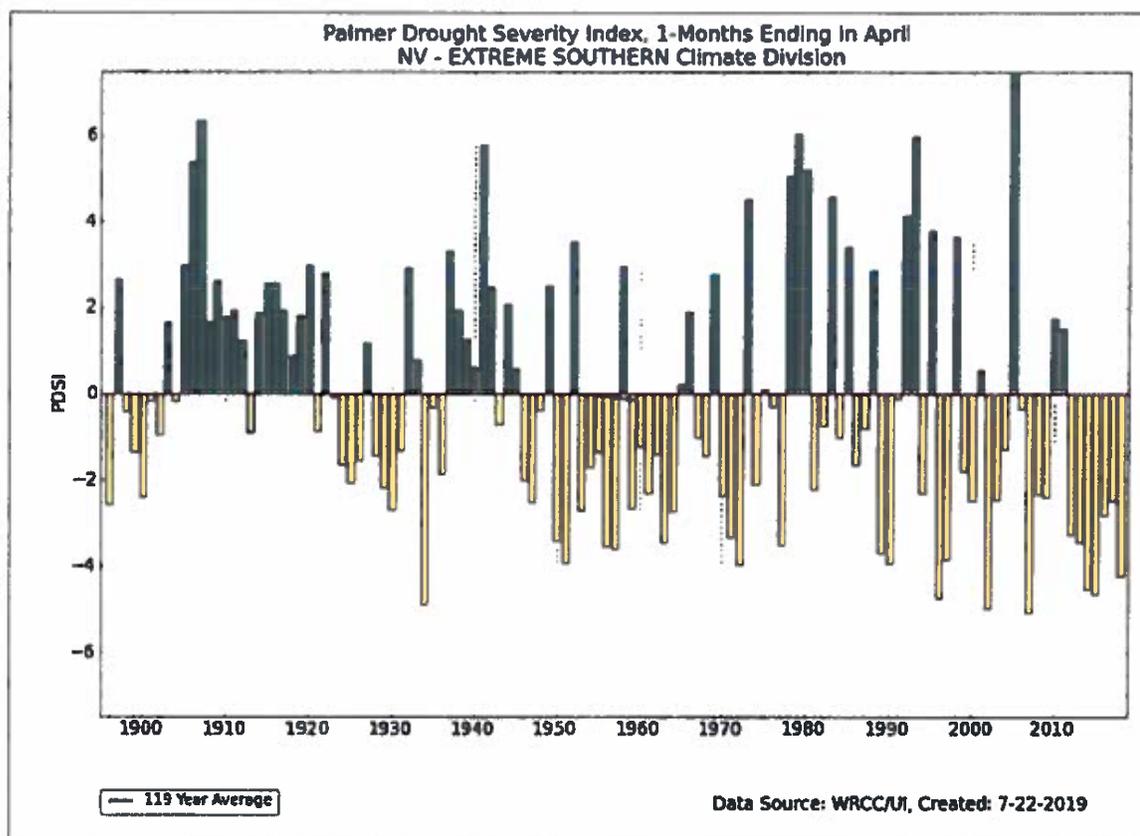


Figure 6. Palmer drought severity index, Extreme Southern Nevada, for 12-month periods ending in April. Note 2005 was extremely wet.

The subsurface flow into the LWRFS from upgradient basins is a function of the potentiometric gradient between Delamar Valley and Pahrnagat Valley and Coyote Spring Valley. As documented by several of the respondents, water levels decline approximately 900 feet across the Pahrnagat Shear Zone. The Delamar MX well (Figure 7), unaffected by groundwater pumping, shows steady or increasing water levels since 1982 even though there are significant drought periods in Climate Division 3 (Figure 8). SNWA monitor well 209-M1, east of Hiko and completed in carbonate, shows no change since its first measurements in 2008. These water levels in the source basins for the majority of the LWRFS groundwater supply show no evidence of drought. Perhaps the wells relied on by MBOP to demonstrate drought are in fact being affected by LWRFS pumping.

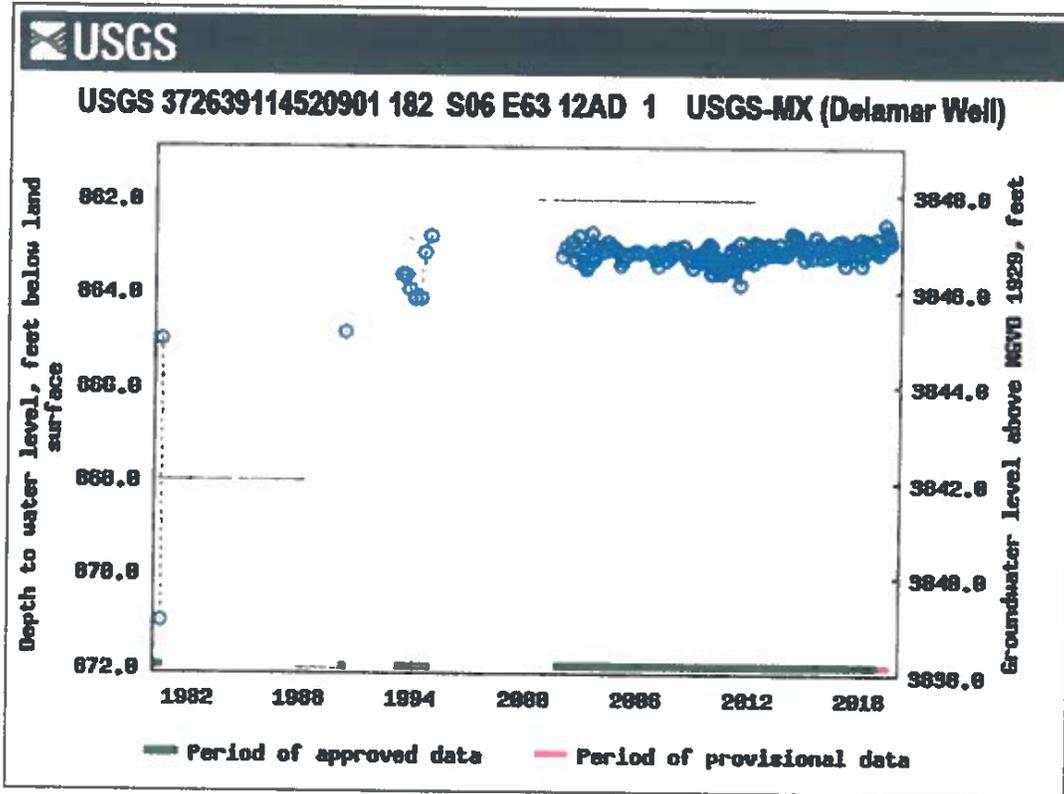


Figure 7. Hydrograph of USGS Delamar MX well. No evidence of drought or water-level decline.

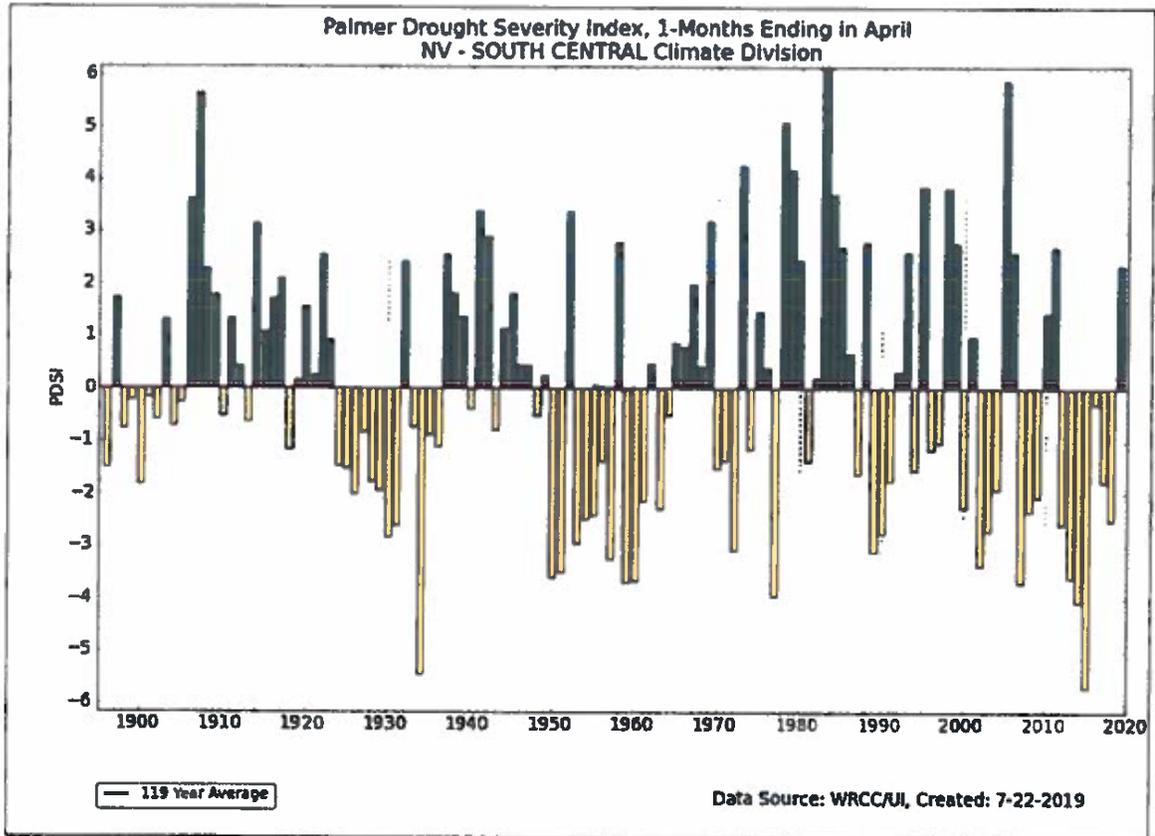


Figure 8. Palmer drought severity index for South Central Nevada climate division 3, the principal source of groundwater supply to the LWRFS.

Suggested actions for consideration in a later phase

It is highly unlikely that the water rights holders in the LWRFS can come to a voluntary agreement on a conjunctive management plan to manage surface water and groundwater in the LWRFS. Even assuming a majority could agree, those opposed would be under no obligation to abide by any such agreement. SNWA is claiming that groundwater use conflicts with their senior surface water rights, and is asking that all groundwater users mitigate their full water use on a 1:1 basis. A thorough analysis of the hydrologic data does not support this drop-for-drop depletion of Muddy River flow.

Two options are proposed. The first option would be for the State Engineer to officially combine the basins into a new hydrographic basin and to then declare the new basin a Critical Management Area pursuant to NRS 534.037 and 534.110. The water rights holders would then have 10 years to come up with a plan that would need approval by simple majority of water rights in the basin. The State Engineer would only approve the plan if it was equitable for all the parties.

The second option is for the State Engineer to take control of the process for creating a conjunctive management plan for the LWRFS. The State Engineer has authority to make rules for the administration of underground waters under NRS 534.020 and 534.120.

**RICHARD A. FELLING – Curriculum Vitae**  
rafelling@charter.net

**EDUCATION**

- M.S., Hydrogeology, University of Nevada, Reno. 2003
- M.S., Geology, University of Colorado, Boulder. 1985
- B.S., Chemistry, Southern Utah University, Cedar City, UT. 1977

**PROFESSIONAL EXPERIENCE**

2014 – 2018 Nevada Division of Water Resources, Carson City, NV  
Deputy Administrator

- Responsible for oversight of the Hydrology and GIS Section and the Division's Las Vegas Branch office.
- Drafted regulations for conjunctive management and a mitigation program for the Humboldt River Basin surface water and groundwater resources, the first such program of its kind in Nevada. Process included comprehensive hydrologic studies and models to quantify the water resource and the relationship between groundwater pumping and river flow and to determine potential conflicts between water rights. Studies are currently in progress. Regulations have been submitted to the Legislative Counsel Bureau for review.
- Initiated and directed a groundwater pumping curtailment program for the Walker River Basin to protect water supply due to a prolonged drought. Hydrologic support included a novel modeling forecast approach with variable curtailment requirements depending on future drought conditions.
- Represented the State Engineer in the development of a Groundwater Management Plan for the Diamond Valley Basin Critical Management Area, the first such designated basin in Nevada. The Plan is nearly complete and pending submittal to the State Engineer for approval.
- Drafted rulings on contentious and litigated water rights applications. Review and support for legal briefings before Nevada District and Supreme Courts and Federal District Courts. Provided expert testimony in State District Court hearings.
- Represented the division before public and private organizations with technical and legal presentations.

2007 – 2013 Nevada Division of Water Resources, Carson City, NV  
Chief, Hydrology Section

- Created and managed the Hydrology Section in the Division of Water Resources.
- Oversaw or personally completed all hydrologic reviews for pending water rights applications.
- Responsible for determination and confirmation of Nevada's Hydrographic Basin groundwater supply (Perennial Yield) assuring permanent reliable water resource for appropriation.
- Represented the State and the Division of Water Resources in numerous water negotiations, including an agreement to share groundwater resources between Nevada and Utah in Snake Valley, and settlement negotiations between the United States, California, Mineral County, NV, the Walker River Paiute Tribe, and the Walker River irrigation District.
- Generated grant funding and oversaw the development of a GIS-based Point of Diversion/Place of Use database, providing web-available water right information depicting the location of all valid water right permits in Nevada.

**RICHARD A. FELLING**

- Managed the development and publication of consumptive Use and Net Irrigation water Rights in Nevada, currently used to determine water use for all crops grown in the State and the amount of water available for water right manner of use changes.
- Managed all responsibilities of the Hydrology Section, including formal monitoring programs for mines, municipalities, and large water users, aquifer storage and recovery projects, all hydrologic monitoring, GIS programs, groundwater flow model review, and applicant hydrologic studies.

**2003 – 2007 Nevada Division of Water Resources, Carson City, NV**  
Hydrologist

- Nevada Division of Water Resources first dedicated staff hydrologist.
- Created the Division's water level database for all historical groundwater-level measurements collected by the State. Information is available on-line, making available complete historical data available for download or as hydrographs.
- Oversaw the development of Nevada stream and spring flow database, providing over 100 years of flow measurements available on the Division's web site.
- Represented the Division in numerous high-profile hearings on protested water right applications, drafted rulings, and provided technical support in litigated cases.

**2001 – 2003 Washoe County Department of Water Resources, Reno, NV**  
Hydrogeologist Intern

- Worked as a hydrology intern while attending graduate school as part of professional retooling.
- Completed a groundwater flow model for the South Truckee Meadows, predicting future conditions for a variety of pumping scenarios and an aquifer storage and recovery program.
- Published a report documenting groundwater conditions and historical changes in the South Truckee Meadows, Washoe County, NV.

**2002 – 2003 Nevada Geothermal Specialists, Reno, NV**

- Recommended acquisition of an undeveloped geothermal prospect and conducted initial exploration and modeling, resulting in a new geothermal discovery at Salt Wells, NV, which is currently in production

**1987 – 2000 Battle Mountain Gold Company, Reno, NV**  
Geologist, Project Geologist, Senior Geologist

- Gold exploration geologist in the Great Basin, South America and China, serving in increasing levels of responsibility and oversight.
- Supervised exploration and drilling programs in the discovery of the Phoenix gold deposit, a six million-ounce deposit which became the primary asset of the company.
- Created detailed three-dimensional computer models, which incorporated geologic data, mineralization, structure, and alteration, facilitating mine planning, site characterization, and permitting.
- Directed the exploration program at a newly acquired project in Peru, which utilized a diverse group of local professionals, contractors, and technicians to discover significant new gold resources.
- Instituted a systematic data management program on a new gold discovery in Argentina, resulting in improved data quality control, project organization, and resource assessment.

## RICHARD A. FELLING

- Coordinated with multidisciplinary teams on advanced-stage property acquisitions, providing professional geologic and economic evaluation and estimation of undiscovered mineral potential.
- Designed and implemented reclamation and remediation programs for exploration projects.
- Led an evaluation team in the People's Republic of China, resulting in the acquisition of a promising new mining opportunity.
- Managed initial-stage gold projects, including permitting, budgeting, geologic mapping and geochemical sampling programs, drilling and reclamation.
- Completed regional geologic mapping and soil-rock-stream sediment geochemical sampling programs.
- Utilized multi-element geochemical data to model element dispersion and geochemical zonation, focusing future exploration efforts.

### 1981 – 1987 Seasonal Exploration Geologist – Various Firms, Nevada and Colorado

- Surface and underground seasonal mineral exploration for various mining companies and the U.S. Geological Survey during and after graduate school.

### 1977 – 1980 NL Baroid and Drilling Mud Inc., Wyoming and Colorado Drilling Fluids Engineer

- Designed drilling fluid systems for oil exploration and production wells, which maintained bore hole stability and sample return while preventing aquifer contamination and blow-outs.

### 1975 – 1977 U.S. Geological Survey, Cedar City UT and Golden, CO Hydrologic Field Technician

- Completed surface water geochemical studies for site characterization in the early-stage Nuclear Waste Disposal program.
- Installed geothermal temperature gradient wells and performed down-hole electronic logging.
- Water-level monitoring and stream flow measurements.

## MEMBERSHIPS/REGISTRATIONS

Professional Geologist (California), registration number 7362  
Nevada Water Resources Association – Board of Directors 2004-2010  
National Ground Water Association

## PUBLICATIONS/PRESENTATIONS

Felling, Richard A., 2017. *Mine Dewatering in Nevada's Carbonate-Rock Aquifers: Modeling, Monitoring, and Management*, Nevada Water Resources Association annual conference, Reno, NV.

Felling, Richard A., 2017. *Humboldt River Basin Conflict Issues and Proposed Regulations*, Nevada CLE Water Law Workshop, Reno, NV.

Felling, Richard A., 2016. *Recent Drought-related Issues and Actions of the State Engineer's Office*, Nevada Water Resources Association annual conference, Las Vegas, NV.

**RICHARD A. FELLING**

Carroll, R. W., Pohl, G. M., Benedict, J., Felling, R., 2016. *Curtailing Agricultural Pumping in an Era of Extended Drought: Infusing Science and Legality into a Common Hydrologic Framework*, American Geophysical Union: San Francisco, CA, December 12, 2016-December 16, 2016.

Felling, Richard A., 2014. *Monitoring, Management and Mitigation Programs Administered by the Nevada Division of Water Resources*, Nevada Water Resources Association annual conference, Las Vegas, NV.

Felling, Richard A., 2014. *Water Availability in the Southern White River Flow System and results of the State Engineer's Order 1169 Aquifer Test*, Nevada Water Resources Association annual conference, Las Vegas, NV.

Felling, Richard A., 2003. *A Revised Transient-Calibrated Groundwater Flow Model for the South Truckee Meadows*, Washoe County, NV, Washoe County Department of Water Resources publication.

Felling, Richard A., 2002. *Groundwater Level Status, South Truckee Meadows*, Washoe County, NV, Washoe County Department of Water Resources publication.

Cary, J.C., Johnson, Todd, Nicholes, Jeff, Campo, Art, Felling, Rick, Slayton, Jim, Lappin, Steve, Mohn, Pat, Moss, Ken, Lane, Chuck, and Kennedy, Larry, 2000. *Geology, skarn alteration, and Au-Cu-Ag mineralization of the Phoenix Project, (Battle Mountain mining district), Lander County, Nevada*, in Cluer, J.K., Price, J.G., Struhsacker, E.M., Hardyman, R.F., and Morris, C.L., eds., *Geology and Ore Deposits 2000: The Great Basin and Beyond: Geological Society of Nevada Symposium Proceedings*, May 15-18, 2000, p. 1021-1045.

Felling, Richard A., 1985. *Geology and Mineralization of the Mount Evans Area*, Deer Lodge County, Montana, University of Colorado, Boulder MS Thesis.

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

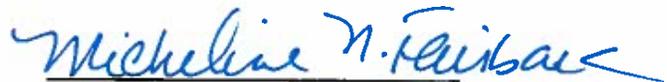
IN THE MATTER OF THE ADMINISTRATION )  
AND MANAGEMENT OF THE LOWER WHITE )  
RIVER FLOW SYSTEM WITHIN COYOTE )  
SPRING VALLEY HYDROGRAPHIC BASIN )  
(210), A PORTION OF BLACK MOUNTAINS )  
AREA HYDROGRAPHIC BASIN (215), GARNET )  
VALLEY HYDROGRAPHIC BASIN (216), )  
HIDDEN VALLEY HYDROGRAPHIC BASIN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

**ORDER**  
**GRANTING NEVADA ENERGY'S**  
**MOTION FOR EXTENSION OF**  
**TIME TO FILE REPLY**  
**COMMENTS**

This Matter, having come before the Nevada State Engineer on *Nevada Energy's Motion for Extension of Time to File Reply Comments Pursuant to NRCP 6(b)(1)(B)(ii)* for Nevada Energy to file a rebuttal report relating to the initial reports filed pursuant to Order 1303, and

It Appearing, that the Motion is brought based upon good cause and excusable neglect shown, it is hereby

ORDERED that *Nevada Energy's Motion for Extension of Time to File Reply Comments Pursuant to NRCP 6(b)(1)(B)(ii)* is hereby GRANTED.



MICHELINE N. FAIRBANK

Deputy Administrator

Dated this 21<sup>st</sup> day of

August, 2019.

SERVICE LIST

**Order Granting Nevada Energy's Motion for Extension of Time to File Reply  
Comments, In the Matter of the Administration and Management of the Lower White  
River Flow System.**

3335 Hillside, LLC  
3420 North Buffalo Drive  
Las Vegas, NV 89129

Don J. & Marsha L. Davis  
P.O. Box 400  
Moapa, NV 89025

Bedroc Limited, LLC  
2745 North Nellis Boulevard  
Las Vegas, NV 89115

Dry Lake Water, LLC  
2470 St. Rose Pkwy., Ste. 107  
Henderson, NV 89074

Larry Brundy  
P.O. Box 136  
Moapa, NV 89025

Georgia Pacific Corporation  
P.O. Box 337350  
Las Vegas, NV 89033

Casa De Warm Springs, LLC  
1000 North Green Valley Parkway, #440-  
350  
Henderson, NV 89074

Kelly Kolhoss  
P.O. Box 232  
Moapa, NV 89025

Clark County  
500 S. Grand Central Pkwy.  
Las Vegas, NV 89155

Lake At Las Vegas Joint Venture, Inc.  
1600 Lake Las Vegas Parkway  
Henderson, NV 89011

Clark County Commissioners  
500 S. Grand Central Pkwy., 6th Fl.  
Las Vegas, NV 89155-1111

Laker Plaza, Inc.  
7181 Noon Rd.  
Everson, WA 98247-9650

Clark County Coyote Springs Water  
Resources GID  
1001 S. Valley View Blvd.  
Las Vegas, NV 89153

Lincoln County Commissioners  
P.O. Box 90  
Pioche, NV 89043

Mary K. Cloud  
P.O. Box 31  
Moapa, NV 89025

Church of Jesus Christ of the Latter Day  
Saints  
Area 4, 61 E. North Temple  
Salt Lake City, UT 84150-0001

Coyote Springs Investment, LLC  
c/o Wingfield Nevada Group  
6600 N. Wingfield Pkwy.  
Sparks, NV 89436

Moapa Band of Paiute Indians  
P.O. Box 340  
Moapa, NV 89025

Re: Order Granting Nevada Energy's *Motion for Extension of Time to File Reply Comments*, In the Matter of the Administration and Management of the LWRFS

August 21, 2019

Page 3

Moapa Valley Water District  
P. O. Box 257  
Logandale, NV 89021

S & R, Inc.  
808 Shetland Road  
Las Vegas, NV 89107

State of Nevada Department of  
Transportation  
1263 S. Stewart Street  
Carson City, NV 89712

Southern Nevada Water Authority  
1001 South Valley View Blvd., Mail Stop  
#485  
Las Vegas, NV 89153

Nevada Cogeneration Associates  
420 N. Nellis Blvd., #A3-117  
Las Vegas, NV 89110

Technichrome  
4709 Compass Bow Lane  
Las Vegas, NV 89130

Nevada Cogeneration Associates #1  
420 N. Nellis Blvd., #A3-148  
Las Vegas, NV 89110

U.S. Fish and Wildlife Service  
1020 New River Parkway, Suite 305  
Fallon, NV 89406-2613

Nevada Power Company  
DBA NV Energy  
6226 West Sahara Avenue  
Las Vegas, NV 89146

William O'Donnell  
2780 S. Jones Blvd. Ste. 210  
Las Vegas, NV 89146

Division of State Parks  
State of Nevada, Dept. of Conservation and  
Natural Resources  
901 S. Stewart Street, Suite 5005  
Carson City, NV 89701

Mark D. Stock  
Global Hydrologic Services, Inc.  
561 Keystone Avenue, #200  
Reno, NV 89503-4331

City of North Las Vegas  
2250 Las Vegas Blvd. North  
N. Las Vegas, NV 89030

Scott Millington, General Manager  
Muddy Valley Irrigation Co.  
P.O. Box 665  
Overton, NV 89040

Pacific Coast Building Products, Inc.  
P.O. Box 364329  
Las Vegas, NV 89036

Sylvia Harrison  
McDonald Carano  
100 West Liberty St., Tenth Fl.  
Reno, NV 89501

Republic Environmental Technologies, Inc.  
770 East Sahara Ave.  
Las Vegas, NV 89104

E-mail:  
8milelister@gmail.com  
ablack@mcdonaldcarano.com

admin.mbop@moapabandofpaiutes.org  
alaskajulie12@gmail.com

SE ROA 259

JA\_461

Re: Order Granting Nevada Energy's *Motion for Extension of Time to File Reply Comments*, In the Matter of the Administration and Management of the LWRFS

August 21, 2019

Page 4

andrew.burns@snwa.com  
barbnwalt325@gmail.com  
bbaldwin@ziontchestnut.com  
bostajohn@gmail.com  
bvann@ndow.org  
chair.mbop@moapabandofpaiutes.org  
Chris.Benkman@nsgen.com  
Colby.pellegrino@snwa.com  
Coop@opd5.com  
coopergs@ldschurch.org  
counsel@water-law.com  
craig.primas@snvgrowers.com  
craig.wilkinson@pabcogypsum.com  
dan.peressini@lasvegaspaving.com  
david\_stone@fws.gov  
Dbrown@ldalv.com  
dennis.barrett10@gmail.com  
derekm@westernelite.com  
devaulr@cityofnorthlasvegas.com  
dixonjm@gmail.com  
dorothy@vidlerwater.com  
doug@nvfb.org  
dvosmer@republicservices.com  
dwight.smith@interflowhydro.com  
edna@comcast.net  
emilia.cargill@coyotesprings.com  
fan4philly@gmail.com  
gary\_karst@nps.gov  
gbushner@vidlerwater.com  
glen\_knowles@fws.gov  
gmorrison@parsonsbehle.com  
golden@apexindustrialpark.com  
golds@nevcogen.com  
greatsam@usfds.com  
greg.walch@lvvwd.com  
hartthethird@gmail.com  
Howard.Forepaugh@nsgen.com  
ircady@yahoo.com  
JCaviglia@nvenergy.com  
jeff.phillips@lasvegaspaving.com  
jim.watrus@snwa.com  
joe@moapawater.com  
kbrown@vvh2o.com  
Kevin\_Desroberts@fws.gov

kimberley.jenkins@clarkcountynv.gov  
kingmont@charter.net  
kpeterson@allisonmackenzie.com  
kurthlawoffice@gmail.com  
lazarus@glorietageo.com  
lbelenky@biologicaldiversity.org  
lbenezet@yahoo.com  
liamleavitt@hotmail.com  
Lindseyd@mvdsl.com  
Lisa@ldalv.com  
lle@mvdsl.com  
lon@moapawater.com  
lroy@broadbentinc.com  
LuckyDirt@icloud.com  
luke.miller@sol.doi.gov  
luke.stewart@pabcogypsum.com  
martinmifflin@yahoo.com  
MBHoffice@earthlink.net  
michael\_schwemm@fws.gov  
mjohns@nvenergy.com  
mmmiller@cox.net  
moapalewis@gmail.com  
muddyvalley@mvdsl.com  
onesharpl@gmail.com  
paul@legaltnt.com  
pdonnelly@biologicaldiversity.org  
progress@mvdsl.com  
rafelling@charter.net  
raymond.roessel@bia.gov  
rberley@ziontchestnut.com  
rhoerth@vidlerwater.com  
robert.dreyfus@gmail.com  
Rott@nvenergy.com  
rozaki@opd5.com  
rteague@republicservices.com  
Sarahpeterson@blm.gov  
SCarlson@kcnvlaw.com  
sc.anderson@lvvwd.com  
sc.anderson@snwa.com  
sharrison@mcdonaldcarano.com  
stever@stetsonengineers.com  
sue\_braumiller@fws.gov  
technichrome@jps.net  
tommyers1872@gmail.com

SE ROA 260

JA\_462

Re: Order Granting Nevada Energy's *Motion for Extension of Time to File Reply Comments*, In  
the Matter of the Administration and Management of the LWRFS

August 21, 2019

Page 5

trobison@mvdsl.com  
twtemt@hotmail.com  
veronica.rowan@sol.doi.gov  
vsandu@republicservices.com

whitfam@mvdsl.com  
william.paff@rocklandcapital.com  
wpoulsen@lincolnnv.com

cc: Division of Water Resources, E-mail

SE ROA 261

JA\_463

**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. )

**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.<sup>1</sup>

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

---

<sup>1</sup> 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.**

SE ROA 263

### 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:

<b>Date(s) and Time(s)</b>	<b>Participant</b>
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.	Moapa 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 23<sup>rd</sup> day of

August, 2019.

SE ROA 267

**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 <sup>1</sup>
NSE Ex. No. 13	Ruling 5987 <sup>1</sup>
NSE Ex. No. 14	Ruling 6254 <sup>1</sup>
NSE Ex. No. 15	Ruling 6255 <sup>1</sup>
NSE Ex. No. 16	Ruling 6256 <sup>1</sup>
NSE Ex. No. 17	Ruling 6257 <sup>1</sup>
NSE Ex. No. 18	Ruling 6258 <sup>1</sup>
NSE Ex. No. 19	Ruling 6259 <sup>1</sup>
NSE Ex. No. 20	Ruling 6260 <sup>1</sup>
NSE Ex. No. 21	Ruling 6261 <sup>1</sup>
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)

<sup>1</sup> 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 06CACCI 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 01ADB1 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, Moapa Valley Irrigation Company and Coyote Springs Investments LLC
NSE Ex. No. 242	April 2006 Surface Water Lease Between Moapa 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 Pahranaagat 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)

## CERTIFICATE OF SERVICE

I hereby certify that a copy of Notice of Hearing in the Matter of the Administration and Management of the Lower White River Flow System was served:

By E-mail, on August 23, 2019, on the following:

8milelister@gmail.com;  
ablack@mcdonaldcarano.com;  
admin.mbop@moapabandofpaiutes.org;  
alaskajulie12@gmail.com;  
andrew.burns@snwa.com;  
barbnwalt325@gmail.com;  
bbaldwin@ziontzechestnut.com;  
bostajohn@gmail.com;  
bvann@ndow.org;  
chair.mbop@moapabandofpaiutes.org;  
Chris.Benkman@nsgen.com;  
Colby.pellegrino@snwa.com;  
Coop@opd5.com;  
coopergs@ldschurch.org;  
counsel@water-law.com;  
craig.primas@sngrowers.com;  
craig.wilkinson@pabcogypsum.com;  
dan.peressini@lasvegaspaving.com;  
david\_stone@fws.gov;  
Dbrown@ldalv.com;  
dennis.barrett10@gmail.com;  
derekm@westernelite.com;  
devaulr@cityofnorthlasvegas.com;  
dfrehner@lincolncountynv.gov;  
dixonjm@gmail.com;  
dorothy@vidlerwater.com;  
doug@nvfb.org;  
dvossmmer@republicservices.com;  
dwight.smith@interflowhydro.com;  
edna@comcast.net;  
emilia.cargill@coyotesprings.com;  
fan4philly@gmail.com;  
gary\_karst@nps.gov;  
gbushner@vidlerwater.com;  
glen\_knowles@fws.gov;  
gmorrison@parsonsbehle.com;  
golden@apexindustrialpark.com;  
golds@nevcogen.com;  
greatsam@usfds.com;  
greg.walch@lvvwd.com;  
hartthethird@gmail.com;  
Howard.Forepaugh@nsgen.com;  
ircady@yahoo.com;  
info4gbwn@gmail.com;  
JCaviglia@nvenergy.com;  
jeff.phillips@lasvegaspaving.com;  
jim.watrus@snwa.com;  
joe@moapawater.com;  
Karen.glasgow@sol.doi.gov;  
kbrown@vvh2o.com;  
Kevin\_Desroberts@fws.gov;  
kimberley.jenkins@clarkcountynv.gov;  
kingmont@charter.net;  
kpeterson@allisonmackenzie.com;  
krobison@rssblaw.com;  
kurthlawoffice@gmail.com;  
lazarus@glorietageo.com;  
lbelenky@biologicaldiversity.org;  
lbenezet@yahoo.com;  
liamleavitt@hotmail.com;  
Lindseyd@mvdsl.com;  
Lisa@ldalv.com;  
lle@mvdsl.com;  
lon@moapawater.com;  
lroy@broadbentinc.com;  
LuckyDirt@icloud.com;  
luke.miller@sol.doi.gov;  
luke.stewart@pabcogypsum.com;  
martinmifflin@yahoo.com;  
MBHoffice@earthlink.net;  
michael\_schwemm@fws.gov;  
mjohns@nvenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;  
onesharp1@gmail.com;  
paul@legaltnt.com;

SE ROA 280

JA\_482

Certificate of Email Service

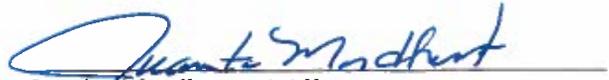
August 23, 2019

Page 2

pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontzchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;  
sharrison@mcdonaldcarano.com;  
stever@stetsonengineers.com;  
sue\_braumiller@fws.gov;  
technichrome@jps.net;  
tim@legaltnt.com;  
tommyers1872@gmail.com;  
trobison@mvdsl.com;  
twtemt@hotmail.com;  
veronica.rowan@sol.doi.gov;  
vsandu@republicservices.com;  
whitfam@mvdsl.com;  
william.paff@rocklandcapital.com;  
wpoulsen@lincolnnv.com

SE ROA 281

JA\_483



Juanita Mordhorst, AAll  
Division of Water Resources  
Hearings Section

cc: Division of Water Resources, E-mail  
Sam Monteleone, E-mail  
Thomas K. Gallagher, P.E., E-mail  
Capitol Reporters, E-mail



**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES**

901 South Stewart Street, Suite 2002  
Carson City, Nevada 89701-5250  
(775) 684-2800 • Fax (775) 684-2811  
<http://water.nv.gov>

August 26, 2019

Re: Amended Notice of Hearing regarding Order 1303

Please take notice that an Amended Notice of Hearing will be posted on the Division of Water Resources website (<http://www.water.nv.gov>), which corrects typographic errors on page 4 of the Notice of Hearing and page 7 of Exhibit A, which erroneously identified the "Moapa Valley Irrigation Company" rather than the "Muddy Valley Irrigation Company." All other matters within the Enclosed Notice of Hearing remain unchanged.

Sincerely,

A handwritten signature in blue ink that reads "Micheline N. Fairbank".

Micheline N. Fairbank  
Deputy Administrator

MNF/

**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.<sup>1</sup>

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

---

<sup>1</sup> 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:

<b>Date(s) and Time(s)</b>	<b>Participant</b>
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**

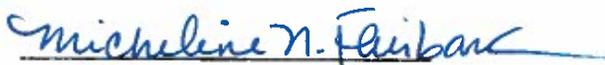
Pursuant to NRS 533.365(4), the technical rules of evidence do not apply to administrative hearings before the State Engineer.

#### **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 26<sup>th</sup> 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 <sup>1</sup>
NSE Ex. No. 13	Ruling 5987 <sup>1</sup>
NSE Ex. No. 14	Ruling 6254 <sup>1</sup>
NSE Ex. No. 15	Ruling 6255 <sup>1</sup>
NSE Ex. No. 16	Ruling 6256 <sup>1</sup>
NSE Ex. No. 17	Ruling 6257 <sup>1</sup>
NSE Ex. No. 18	Ruling 6258 <sup>1</sup>
NSE Ex. No. 19	Ruling 6259 <sup>1</sup>
NSE Ex. No. 20	Ruling 6260 <sup>1</sup>
NSE Ex. No. 21	Ruling 6261 <sup>1</sup>
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)

<sup>1</sup> 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 35CACCI Lower Meadow Valley Wash
NSE Ex. No. 106	Water Level Data 205 S14 E66 35DACCI 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 06CACCI 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 25CBCCI Coyote Spring Valley
NSE Ex. No. 111	Water Level Data 210 S11 E62 13BDDCI 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 29ADCCI Coyote Spring Valley
NSE Ex. No. 119	Water Level Data 210 S12 E63 29DABCI Coyote Spring Valley
NSE Ex. No. 120	Water Level Data 210 S13 E63 05ABCCI 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 11BACDI 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 15ACD1 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 Endo 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 Pahrnagat 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)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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). )

**INTERIM ORDER #1303**

**NOTICE OF APPEARANCE ON BEHALF OF  
COYOTE SPRINGS INVESTMENT, LLC**

PLEASE TAKE NOTICE that BRADLEY J. HERREMA, ESQ., of the law firm of  
BROWNSTEIN HYATT FARBER SCHRECK, KENT R. ROBISON, ESQ., of the law firm  
of ROBISON, SHARP, SULLIVAN & BRUST, and EMILIA K. CARGILL, ESQ. will  
represent Coyote Springs Investment, LLC in these proceedings and at the September  
23, 2019 hearing.

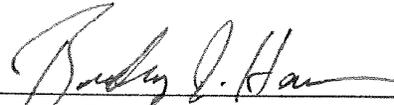
Dated this 27<sup>th</sup> of August, 2019.

  
\_\_\_\_\_  
KENT R. ROBISON, ESQ. – NSB #1167  
ROBISON, SHARP, SULLIVAN & BRUST  
71 Washington Street  
Reno, Nevada 89503  
TELEPHONE: (775) 329-3151  
Email: [krobison@rssblaw.com](mailto:krobison@rssblaw.com)  
*Attorneys for Coyote Springs Investment, LLC*

Robison, Sharp,  
Sullivan & Brust  
71 Washington St.  
Reno, NV 89503  
(775) 329-3151

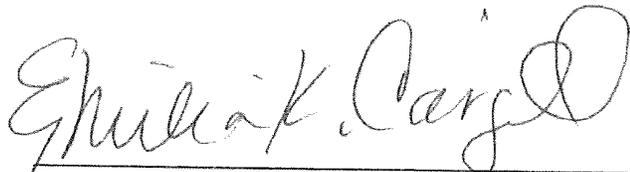
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated this 27<sup>th</sup> of August, 2019.



BRADLEY J. HERREMA, ESQ. – NSB #10368  
BROWNSTEIN HYATT FARBER SCHRECK  
100 N. City Parkway, Suite 1600  
Las Vegas, Nevada 89106  
TELEPHONE: (310) 500-4609  
Email: [bherrema@bhfs.com](mailto:bherrema@bhfs.com)  
*Attorneys for Coyote Springs Investment, LLC*

Dated this 27<sup>th</sup> of August, 2019.



EMILIA K. CARGILL, ESQ. – NSB #6493  
Chief Operating Officer  
Senior Vice President-General Counsel  
Coyote Springs Investments, LLC  
3100 State Route 168  
Coyote Springs, Nevada 89037  
TELEPHONE: (702) 422-1433  
Email: [emilia.cargill@coyotesprings.com](mailto:emilia.cargill@coyotesprings.com)  
*Attorneys for Coyote Springs Investment, LLC*

## CERTIFICATE OF SERVICE

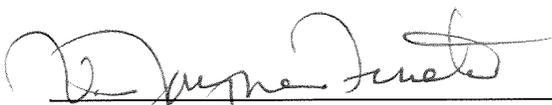
I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused a true copy of **NOTICE OF APPEARANCE ON BEHALF OF COYOTE SPRINGS INVESTMENT, LLC** to be served on all parties to this action by emailing an attached Adobe Acrobat PDF version of the document to the email addresses below:

8milelister@gmail.com;  
ablack@mcdonaldcarano.com  
admin.mbop@moapabandofpaiutes.org  
alaskajulie12@gmail.com;  
andrew.burns@snwa.com;  
barbnwalt325@gmail.com;  
bbaldwin@ziontchestnut.com;  
bostajohn@gmail.com;  
Bennie Vann <bvann@ndow.org>;  
chair.mbop@moapabandofpaiutes.org;  
Chris.Benkman@nsgen.com;  
Colby.pellegrino@snwa.com;  
Coop@opd5.com;  
coopergs@ldschurch.org;  
counsel@water-law.com;  
craig.primas@snvgrowers.com;  
craig.wilkinson@pabcogypsum.com;  
dan.peressini@lasvegaspaving.com;  
david\_stone@fws.gov;  
Dbrown@ldalv.com;  
dennis.barrett10@gmail.com;  
derekm@westernelite.com;  
devaulr@cityofnorthlasvegas.com;  
dfrehner@lincolncountynv.gov;  
dixonjm@gmail.com;  
dorothy@vidlerwater.com;  
doug@nvfb.org;  
dvosmer@republicservices.com;  
dwight.smith@interflowhydro.com;  
edna@comcast.net;  
emilia.cargill@coyotesprings.com;  
fan4philly@gmail.com;  
gary\_karst@nps.gov;  
gbushner@vidlerwater.com;  
glen\_knowles@fws.gov;  
gmorrison@parsonsbehle.com;  
golden@apexindustrialpark.com;  
golds@nevcogen.com;  
greatsam@usfds.com;  
greg.walch@lvvwd.com;  
hartthethird@gmail.com;  
Howard.Forepaugh@nsgen.com;  
ircady@yahoo.com;  
info4gbwn@gmail.com;  
JCaviglia@nvenergy.com;  
jeff.phillips@lasvegaspaving.com;

jim.watrus@snwa.com;  
joe@moapawater.com;  
Karen.glasgow@sol.doi.gov;  
kbrown@vvh2o.com;  
Kevin\_Desroberts@fws.gov;  
kimberley.jenkins@clarkcountynv.gov;  
kingmont@charter.net;  
kpeterson@allisonmackenzie.com;  
KRobison@rssblaw.com;  
kurthlawoffice@gmail.com;  
lazarus@glorietageo.com;  
lbelenky@biologicaldiversity.org;  
lbenezet@yahoo.com;  
liamleavitt@hotmail.com;  
Lindseyd@mvdsl.com;  
Lisa@ldalv.com;  
lle@mvdsl.com;  
lon@moapawater.com;  
roy@broadbentinc.com;  
LuckyDirt@icloud.com;  
luke.miller@sol.doi.gov;  
luke.stewart@pabcogypsum.com;  
martinmifflin@yahoo.com;  
MBHoffice@earthlink.net;  
michael\_schwemm@fws.gov;  
mjohns@nvenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;  
onesharp1@gmail.com;  
paul@legaltnt.com;  
pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;

1 sharrison@mcdonaldcarano.com;  
2 stever@stetsonengineers.com;  
3 sue\_braumiller@fws.gov;  
4 technichrome@jps.net;  
5 tim@legaltnt.com;  
6 tommyers1872@gmail.com;  
7 trobison@mvdsl.com;  
8 twtent@hotmail.com;  
9 veronica.rowan@sol.doi.gov;  
10 vsandu@republicservices.com;  
11 whitfam@mvdsl.com;  
12 william.paff@rocklandcapital.com;  
13 wpoulsen@lincolnnv.com  
14  
15 bherrema@bhfs.com  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated this 27<sup>th</sup> day of August, 2019.

  
\_\_\_\_\_  
V. JAYNE FERRETTO  
Employee of Robison, Sharp, Sullivan & Brust

RECEIVED

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA 2019 AUG 28 AM 10: 20

STATE ENGINEERS OFFICE

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).

INTERIM ORDER #1303

**COYOTE SPRINGS INVESTMENT, LLC'S REQUEST FOR RECONSIDERATION  
AND REVISION OF STATE ENGINEER'S NOTICE OF HEARING**

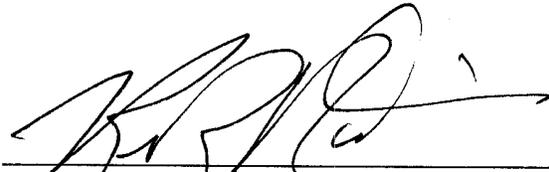
Coyote Springs Investment, LLC ("CSI") respectfully requests that the State Engineer reconsider and revise that portion of the August 23, 2019 Notice of Hearing that provides CSI a single seven-hour day for the presentation of its evidence and cross-examination of its witnesses. The Notice of Hearing gives the Southern Nevada Water Authority ("SNWA") nine hours for the presentation of its evidence and cross-examination of its witnesses and, at the August 8, 2019 pre-hearing conference, when SNWA suggested that it needed a day and a half to present its case (Hearing transcript, 22:18-23:20), CSI immediately responded by notifying all concerned that CSI should receive the same amount of time (Hearing transcript, 26:11-13). Neither the State Engineer nor any other participant objected to CSI's request.

There is no applicant or protestant in these proceedings and each party should be provided an equal opportunity to present its case. Accordingly, CSI requests that the State Engineer reconsider and revise the August 23, 2019 Notice of Hearing's

SE ROA 306

1 Sequence of Presentation of Evidence and Cross-Examination of Witnesses such that  
2 CSI be given as much time for its presentation as any other party is provided. CSI's  
3 preferred mechanism for addressing its concerns in this regard would be to increase its  
4 time for the presentation of its evidence and cross-examination of its witnesses to that  
5 amount provided to SNWA.

6 Dated this 26th of August, 2019.

7  
8  
9  
10 

11 KENT R. ROBISON, ESQ.  
12 ROBISON, SHARP, SULLIVAN & BRUST  
13 71 Washington Street  
14 Reno, Nevada 89503  
15 Email: [krobison@rssblaw.com](mailto:krobison@rssblaw.com)  
16 *Attorneys for Coyote Springs Investment, LLC*

17 **In Association With:**

18 BRADLEY J. HERREMA, ESQ.  
19 BROWNSTEIN HYATT FARBER SCHRECK  
20 100 N. City Parkway, Suite 1600  
21 Las Vegas, Nevada 89106  
22 Email: [bherrema@bhfs.com](mailto:bherrema@bhfs.com)

23 EMILIA K. CARGILL, ESQ.  
24 Chief Operating Officer  
25 Senior Vice President-General Counsel  
26 Coyote Springs Investments, LLC  
27 3100 State Route 168  
28 Coyote Springs, Nevada 89037  
Email: [emilia.cargill@coyotesprings.com](mailto:emilia.cargill@coyotesprings.com)

## CERTIFICATE OF SERVICE

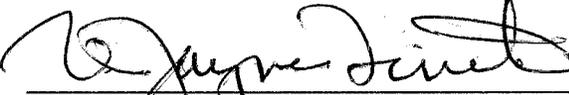
I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused a true copy of **COYOTE SPRINGS INVESTMENT, LLC'S REQUEST FOR RECONSIDERATION AND REVISION OF STATE ENGINEER'S NOTICE OF HEARING** to be served on all parties to this action by emailing an attached Adobe Acrobat PDF version of the document to the email addresses below:

8milelister@gmail.com;	jim.watrus@snwa.com;
ablack@mcdonaldcarano.com	joe@moapawater.com;
admin.mbop@moapabandofpaiutes.org	Karen.glasgow@sol.doi.gov;
alaskajulie12@gmail.com;	kbrown@vvh2o.com;
andrew.burns@snwa.com;	Kevin_Desroberts@fws.gov;
barbnwalt325@gmail.com;	kimberley.jenkins@clarkcountynv.gov;
bbaldwin@ziontzechestnut.com;	kingmont@charter.net;
bostajohn@gmail.com;	kpeterson@allisonmackenzie.com;
Bennie Vann <bvann@ndow.org>;	KRobison@rssblaw.com;
chair.mbop@moapabandofpaiutes.org;	kurthlawoffice@gmail.com;
Chris.Benkman@nsgen.com;	lazarus@glorietageo.com;
Colby.pellegrino@snwa.com;	lbelenky@biologicaldiversity.org;
Coop@opd5.com;	lbenezet@yahoo.com;
coopergs@ldschurch.org;	liamleavitt@hotmail.com;
counsel@water-law.com;	Lindseyd@mvdsl.com;
craig.primas@snvgrowers.com;	Lisa@ldalv.com;
craig.wilkinson@pabcogypsum.com;	lle@mvdsl.com;
dan.peressini@lasvegaspaving.com;	lon@moapawater.com;
david_stone@fws.gov;	lroy@broadbentinc.com;
Dbrown@ldalv.com;	LuckyDirt@icloud.com;
dennis.barrett10@gmail.com;	luke.miller@sol.doi.gov;
derekm@westernelite.com;	luke.stewart@pabcogypsum.com;
devaulr@cityofnorthlasvegas.com;	martinmifflin@yahoo.com;
dfrehner@lincolncountynv.gov;	MBHoffice@earthlink.net;
dixonjm@gmail.com;	michael_schwemm@fws.gov;
dorothy@vidlerwater.com;	mjohns@nvenergy.com;
doug@nvfb.org;	mmmiller@cox.net;
dvosmer@republicservices.com;	moapalewis@gmail.com;
dwight.smith@interflowhydro.com;	moorea@cityofnorthlasvegas.com;
edna@comcast.net;	muddyvalley@mvdsl.com;
emilia.cargill@coyotesprings.com;	onesharp1@gmail.com;
fan4philly@gmail.com;	paul@legaltnt.com;
gary_karst@nps.gov;	pdonnelly@biologicaldiversity.org;
gbushner@vidlerwater.com;	progress@mvdsl.com;
glen_knowles@fws.gov;	rafelling@charter.net;
gmorrison@parsonsbehle.com;	raymond.roessel@bia.gov;
golden@apexindustrialpark.com;	rberley@ziontzechestnut.com;
golds@nevcogen.com;	rhoerth@vidlerwater.com;
greatsam@usfds.com;	robert.dreyfus@gmail.com;
greg.walch@lvvwd.com;	Rott@nvenergy.com;
hartthethird@gmail.com;	rozaki@opd5.com;
Howard.Forepaugh@nsgen.com;	rteague@republicservices.com;
ircady@yahoo.com;	Sarahpeterson@blm.gov;
info4gbwn@gmail.com;	SCarlson@kcnvlaw.com;
JCaviglia@nvenergy.com;	sc.anderson@lvvwd.com;
jeff.phillips@lasvegaspaving.com;	sc.anderson@snwa.com;

1 sharrison@mcdonaldcarano.com;  
2 stever@stetsonengineers.com;  
3 sue\_braumiller@fws.gov;  
4 technichrome@jps.net;  
5 tim@legaltnt.com;  
6 tommyers1872@gmail.com;  
7 trobison@mvdsl.com;  
8 twtemt@hotmail.com;  
9 veronica.rowan@sol.doi.gov;  
10 vsandu@republicservices.com;  
11 whitfam@mvdsl.com;  
12 william.paff@rocklandcapital.com;  
13 wpoulsen@lincolnnv.com

14 bherrema@bhfs.com

15 Dated this 26th day of August, 2019.

16 

17 V. JAYNE PERRETTO

18 Employee of Robison, Sharp, Sullivan & Brust



1 DATED this 4<sup>th</sup> day of September, 2019.

2 ALLISON MacKENZIE, LTD.  
3 402 North Division Street  
4 Carson City, Nevada 89703  
5 Telephone: (775) 687-0202  
6 Email: [kpeterson@allisonmackenzie.com](mailto:kpeterson@allisonmackenzie.com)

7 BY:   
8 KAREN A. PETERSON, ESQ.  
9 Nevada State Bar No. 0366

10 Attorneys for LINCOLN COUNTY WATER  
11 DISTRICT and VIDLER WATER COMPANY, INC.

12 ALLISON MacKENZIE, LTD.  
13 402 North Division Street, P.O. Box 646, Carson City, NV 89702  
14 Telephone: (775) 687-0202 Fax: (775) 882-7918  
15 E-Mail Address: [law@allisonmackenzie.com](mailto:law@allisonmackenzie.com)  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of **ALLISON MacKENZIE, LTD.**, Attorneys at Law,  
and on this date, I caused the foregoing document to be served via electronic transmission as follows:

- [8milelister@gmail.com](mailto:8milelister@gmail.com)
- [ablack@mcdonaldcaraho.com](mailto:ablack@mcdonaldcaraho.com)
- [admin.mbop@moapabandofpaiutes.org](mailto:admin.mbop@moapabandofpaiutes.org)
- [alaskajulie12@gmail.com](mailto:alaskajulie12@gmail.com)
- [andrew.burns@snwa.com](mailto:andrew.burns@snwa.com)
- [barbnwalt325@gmail.com](mailto:barbnwalt325@gmail.com)
- [bbaldwin@ziontzchestnut.com](mailto:bbaldwin@ziontzchestnut.com)
- [bostajohn@gmail.com](mailto:bostajohn@gmail.com)
- [bvann@ndow.org](mailto:bvann@ndow.org)
- [chair.mbop@moapabandofpaiutes.org](mailto:chair.mbop@moapabandofpaiutes.org)
- [Chris.Benkman@nsgen.com](mailto:Chris.Benkman@nsgen.com)
- [Colby.pellegrino@snwa.com](mailto:Colby.pellegrino@snwa.com)
- [Coop@opd5.com](mailto:Coop@opd5.com)
- [coopergs@ldschurch.org](mailto:coopergs@ldschurch.org)
- [counsel@water-law.com](mailto:counsel@water-law.com)
- [craig.primas@snavgrowers.com](mailto:craig.primas@snavgrowers.com)
- [craig.wilkinson@pabcogypsum.com](mailto:craig.wilkinson@pabcogypsum.com)
- [dan.peressini@lasvegaspaving.com](mailto:dan.peressini@lasvegaspaving.com)
- [david\\_stone@fws.gov](mailto:david_stone@fws.gov)
- [Dbrown@ldalv.com](mailto:Dbrown@ldalv.com)
- [dennis.barrett10@gmail.com](mailto:dennis.barrett10@gmail.com)
- [derekm@westernelite.com](mailto:derekm@westernelite.com)
- [devaulr@cityofnorthlasvegas.com](mailto:devaulr@cityofnorthlasvegas.com)
- [dfrehner@lincolncountynv.gov](mailto:dfrehner@lincolncountynv.gov)
- [dixonjm@gmail.com](mailto:dixonjm@gmail.com)
- [dorothy@vidlerwater.com](mailto:dorothy@vidlerwater.com)
- [doug@nvfb.org](mailto:doug@nvfb.org)
- [dvosmer@republicservices.com](mailto:dvosmer@republicservices.com)
- [dwight.smith@interflowhydro.com](mailto:dwight.smith@interflowhydro.com)
- [edna@comcast.net](mailto:edna@comcast.net)
- [emilia.cargill@coyotesprings.com](mailto:emilia.cargill@coyotesprings.com)
- [EveryoneWaterResources@water.nv.gov](mailto:EveryoneWaterResources@water.nv.gov)
- [fan4philly@gmail.com](mailto:fan4philly@gmail.com)
- [gary\\_karst@nps.gov](mailto:gary_karst@nps.gov)
- [gbushner@vidlerwater.com](mailto:gbushner@vidlerwater.com)
- [glen\\_knowles@fws.gov](mailto:glen_knowles@fws.gov)
- [gmorrison@parsonsbehle.com](mailto:gmorrison@parsonsbehle.com)
- [golden@apexindustrialpark.com](mailto:golden@apexindustrialpark.com)
- [gold@nevcogen.com](mailto:gold@nevcogen.com)
- [greatsam@usfds.com](mailto:greatsam@usfds.com)
- [greg.walch@lvvwd.com](mailto:greg.walch@lvvwd.com)
- [hartthethird@gmail.com](mailto:hartthethird@gmail.com)
- [Howard.Forepaugh@nsgen.com](mailto:Howard.Forepaugh@nsgen.com)
- [ircady@yahoo.com](mailto:ircady@yahoo.com)
- [info4gbwn@gmail.com](mailto:info4gbwn@gmail.com)
- [JCaviglia@nvenergy.com](mailto:JCaviglia@nvenergy.com)
- [jeff.phillips@lasvegaspaving.com](mailto:jeff.phillips@lasvegaspaving.com)
- [jim.watrus@snwa.com](mailto:jim.watrus@snwa.com)
- [jmordhorst@water.nv.gov](mailto:jmordhorst@water.nv.gov)
- [joe@moapawater.com](mailto:joe@moapawater.com)

ALLISON MacKENZIE, LTD.  
402 North Division Street, P.O. Box 646, Carson City, NV 89702  
Telephone: (775) 687-0202 Fax: (775) 882-7918  
E-Mail Address: law@allisonmackenzie.com

ALLISON MacKENZIE, LTD.  
402 North Division Street, P.O. Box 646, Carson City, NV 89702  
Telephone: (775) 687-0202 Fax: (775) 882-7918  
E-Mail Address: law@allisonmackenzie.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Karen.glasgow@sol.doi.gov  
kbrown@vvh2o.com  
Kevin\_Desroberts@fws.gov  
kimberley.jenkins@clarkcountynv.gov  
kingmont@charter.net  
kpeterson@allisonmackenzie.com  
krobison@rsslblaw.com  
kurthlawoffice@gmail.com  
lazarus@glorietageo.com  
lbelenky@biologicaldiversity.org  
lbenezet@yahoo.com  
liamleavitt@hotmail.com  
Lindseyd@mvdsl.com  
Lisa@ldalv.com  
lle@mvdsl.com  
lon@moapawater.com  
lroy@broadbentinc.com  
LuckyDirt@icloud.com  
luke.miller@sol.doi.gov  
luke.stewart@pabcogypsum.com  
martinmifflin@yahoo.com  
MBHoffice@earthlink.net  
michael\_schwemm@fws.gov  
mjohns@nvenergy.com  
mmmiller@cox.net  
moapalewis@gmail.com  
moorea@cityofnorthlasvegas.com  
muddyvalley@mvdsl.com  
oldnevadanwater@gmail.com  
onesharp1@gmail.com  
paul@legaltnt.com  
pdonnelly@biologicaldiversity.org  
progress@mvdsl.com  
rafelling@charter.net  
raymond.roessel@bia.gov  
rberley@ziontchestnut.com  
rhoerth@vidlerwater.com  
robert.dreyfus@gmail.com  
Rott@nvenergy.com  
rozaki@opd5.com  
rteague@republicservices.com  
Sarahpeterson@blm.gov  
SCarlson@kcnvlaw.com  
sc.anderson@lvvwd.com  
sc.anderson@snwa.com  
sharrison@mcdonaldcarano.com  
stever@stetsonengineers.com  
sue\_braumiller@fws.gov  
technichrome@jps.net  
tim@legaltnt.com  
tomg@nevadawatersolutions.com  
tommyers1872@gmail.com  
trobison@mvdsl.com  
twtemt@hotmail.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

veronica.rowan@sol.doi.gov  
vsandu@republicservices.com  
whitfam@mvdsl.com  
william.paff@rocklandcapital.com  
wpoulsen@lincolnnv.com

DATED this 4<sup>th</sup> day of September, 2019.

  
NANCY FONTENOT

4833-3507-4210, v. 1

ALLISON MacKENZIE, LTD.  
402 North Division Street, P.O. Box 646, Carson City, NV 89702  
Telephone: (775) 687-0202 Fax: (775) 882-7918  
E-Mail Address: law@allisonmackenzie.com

## Micheline Fairbank

---

**From:** Micheline Fairbank  
**Sent:** Thursday, August 29, 2019 2:56 PM  
**To:** '8milelister@gmail.com'; 'ablack@mcdonaldcarano.com'; 'admin.mbop@moapabandofpaiutes.org'; 'aflangas@kcnvlaw.com'; 'alaskajulie12@gmail.com'; 'andrew.burns@snwa.com'; 'barbnwalt325@gmail.com'; 'bbaldwin@ziontzchestnut.com'; 'bherrema@bhfs.com'; 'bostajohn@gmail.com'; Bennie Vann; 'chair.mbop@moapabandofpaiutes.org'; 'Chris.Benkman@nsgen.com'; 'Colby.pellegrino@snwa.com'; 'Coop@opd5.com'; 'coopergs@ldschurch.org'; 'counsel@water-law.com'; 'craig.primas@snavgrows.com'; 'craig.wilkinson@pabcogypsum.com'; 'dan.peressini@lasvegaspaving.com'; 'david\_stone@fws.gov'; 'Dbrown@ldalv.com'; 'dennis.barrett10@gmail.com'; 'derekm@westernelite.com'; 'devaulr@cityofnorthlasvegas.com'; 'dfrehner@lincolncountynv.gov'; 'dixonjm@gmail.com'; 'dorothy@vidlerwater.com'; 'doug@nvfb.org'; 'dvossmmer@republicservices.com'; 'dwight.smith@interflowhydro.com'; 'edna@comcast.net'; 'emilia.cargill@coyotesprings.com'; 'fan4philly@gmail.com'; 'gary\_karst@nps.gov'; 'gbushner@vidlerwater.com'; 'glen\_knowles@fws.gov'; 'gmorrison@parsonsbehle.com'; 'golden@apexindustrialpark.com'; 'golds@nevcoegen.com'; 'greatsam@usfds.com'; 'greg.walch@lvvwd.com'; 'hartthethird@gmail.com'; 'Howard.Forepaugh@nsgen.com'; 'ircady@yahoo.com'; 'info4gbwn@gmail.com'; 'JCaviglia@nvenergy.com'; 'jeff.phillips@lasvegaspaving.com'; 'jim.watrus@snwa.com'; 'joe@moapawater.com'; 'Karen.glasgow@sol.doi.gov'; 'kbrown@vvh2o.com'; 'Kevin\_Desroberts@fws.gov'; 'kimberley.jenkins@clarkcountynv.gov'; 'kingmont@charter.net'; 'kpeterson@allisonmackenzie.com'; 'krobison@rssblaw.com'; 'kurthlawoffice@gmail.com'; 'lazarus@glorietageo.com'; 'lbelenky@biologicaldiversity.org'; 'lbenezet@yahoo.com'; 'liamleavitt@hotmail.com'; 'Lindseyd@mvdsl.com'; 'Lisa@ldalv.com'; 'lle@mvdsl.com'; 'lon@moapawater.com'; 'lroy@broadbentinc.com'; 'LuckyDirt@icloud.com'; 'luke.miller@sol.doi.gov'; 'luke.stewart@pabcogypsum.com'; 'martinmifflin@yahoo.com'; 'MBHoffice@earthlink.net'; 'michael\_schwemm@fws.gov'; 'mjohns@nvenergy.com'; 'mmmiller@cox.net'; 'moapalewis@gmail.com'; 'moorea@cityofnorthlasvegas.com'; 'muddyvalley@mvdsl.com'; 'onesharp1@gmail.com'; 'paul@legaltnt.com'; 'pdonnelly@biologicaldiversity.org'; 'progress@mvdsl.com'; 'rafelling@charter.net'; 'raymond.roessel@bia.gov'; 'rberley@ziontzchestnut.com'; 'rhoerth@vidlerwater.com'; 'robert.dreyfus@gmail.com'; 'Rott@nvenergy.com'; 'rozaki@opd5.com'; 'rteague@republicservices.com'; 'Sarahpeterson@blm.gov'; 'SCarlson@kcnvlaw.com'; 'sc.anderson@lvvwd.com'; 'sc.anderson@snwa.com'; 'sharrison@mcdonaldcarano.com'; 'stever@stetsonengineers.com'; 'sue\_braumiller@fws.gov'; 'technichrome@jps.net'; 'tim@legaltnt.com'; 'tommyers1872@gmail.com'; 'trobison@mvdsl.com'; 'twtemt@hotmail.com'; 'veronica.rowan@sol.doi.gov'; 'vsandu@republicservices.com'; 'whitfam@mvdsl.com'; 'william.paff@rocklandcapital.com'; 'wpoulsen@lincolnnv.com'  
**Cc:** Tim Wilson; Adam Sullivan; Melissa L. Flatley; Juanita Mordhorst  
**Subject:** Procedural Questions relating to Order 1303

All,

The State Engineer has received several questions relating to the coming hearing on the Order 1303 reports. In an effort to provide clarification to all parties with respect to these questions, we are providing the following questions and responses.

**1) Is it the State Engineer's position that all participants are obligated to introduce their respective reports as a form of written testimony; and, therefore, will also have to enter them as an exhibit during the hearing (i.e., should be listed on exhibit list due 9/6)?**

Yes. While the participants have submitted reports to the State Engineer in conformity with the deadlines set forth in the Addendum to Order 1303, each participant should identify their respective reports as an exhibit and the report should be included in the disclosures ordered to be served upon the State Engineer on September 6, 2019, in the Notice of Hearing.

**2) Is it the State Engineer's expectation that any material reference in an expert report that is not part of Exhibit A be introduced at the hearing to guarantee consideration by State Engineer?**

If a participant wishes the State Engineer to take notice and of referenced materials, those materials should be included in the September 6, 2019, disclosures. If a participant objects to an exhibit, such will be taken under the consideration of the State Engineer, and whether a foundation needs to be established during the hearing for that objected-to exhibit to permit the State Engineer to determine whether to admit the objected-to exhibit will be addressed at that time and on a case-by-case basis.

**3) Will the State Engineer permit a participant with multiple experts to be examined and cross-examined in a panel format as provided for in NAC 533.240(3)?**

Yes, consistent with NAC 533.240(3), the State Engineer will permit a participant with more than one expert to present its evidence and testimony in a panel format, and participants will be permitted through either their attorney or expert to cross examine the panel. The State Engineer believes that this will allow for a more efficient presentation of the salient points in which a participant wishes the State Engineer to consider and to take note of for the purpose of addressing the matters set forth in Order 1303.

**4) Will the State Engineer permit participants with multiple attorneys to allow examination and/or cross examination by more than one attorney if such attorney's examination is limited to an Order 1303 inquiry topic and is not redundant or duplicative?**

Yes, within reason. The State Engineer recognizes that participants who may have multiple attorneys appearing on their behalf may desire to divide the particular issues and examination. The State Engineer does not intend to micromanage how individual participants wish to present their opinions and evidence and desires to allow a full and fair opportunity for those participants to efficiently and succinctly present their positions. However, the State Engineer may limit examination or cross-examination within his discretion if it appears that the participation by multiple attorneys is disruptive, abusive, or otherwise not in keeping with the purpose and goals of the hearing. Further, the State Engineer will restrict redundant or duplicative questioning and expects that the participants and their attorneys limit the making of any objections to a single primary attorney.

**5) The Notice of Hearing does not clearly address the participants' use of PowerPoints, etc. as summaries/overviews for their direct presentations. Do these need to be produced as exhibits, or can participants treat them as demonstrative (not evidence to be introduced as**

**an exhibit) and just make copies available at the hearing for participants that wish to have one?**

As stated during the pre-hearing conference, PowerPoint presentations would be in a separate exhibit unless it is purely a summarization of the expert report taking data or analysis of hydrographs of other data and of the reports, then it may be used purely as a demonstrative exhibit. However, the State Engineer would appreciate an advance copy of any PowerPoint presentation in advance to the extent practicable. However, if a PowerPoint presentation is not submitted in advance as an exhibit, the participant should be prepared to bring copies of any presentation used as demonstrative evidence to assure all participants have a copy to review at the time of the hearing.

- 6) The Notice of Hearing does not specify that if a participant not use all of its allotted presentation time on direct, will cross-examination remain limited regardless of hours spent on direct (e.g., cross-exam for participants presenting during week 1 will not exceed 3.5 hours, no matter length of direct presentation)?**

The State Engineer endeavors to afford the participants a reasonable opportunity to examine and cross-examine a witness; however redundant or repetitive questioning will not be permitted. The State Engineer is not establishing specific limitations with respect to the distribution of time where a presenting participant does not use its full allotment of time and such matters will be addressed on a case-by-case basis as the State Engineer deems appropriate during the pendency of the proceeding.

- 7) The Notice of Hearing does not address whether a participant will have an opportunity for re-direct. To that end, should a participant reserve some of its direct time for re-direct, if warranted?**

As stated during the pre-hearing conference, a witness may be subject to direct examination, cross-examination, and re-direct examination and questions by the State Engineer and his staff. If a participant wishes to assure time is reserved for re-direct, the State Engineer would encourage the participant to specifically reserve time at the commencement of their examination of their witness(es).

- 8) There appears to be an error in documents identified by the State Engineer in Exhibit A to the Notice of Hearing, will the State Engineer substitute a corrected version, add additional exhibits to Exhibit A with the corrected version, or should the participant file a motion to have the document substituted?**

The documents included in Exhibit A to the Notice of Hearing are documents that are copies of documents within the official records of the Office of the State Engineer. As set forth in the Notice of Hearing, the documents which the State Engineer has identified as the administrative record before him in this matter is set out in Exhibit A, and as stated at the pre-hearing conference, if a participant believes a document is relevant and should be considered by the State Engineer and included in the record of these proceedings, the participant should include that document in the evidentiary disclosure due on September 6, 2019. If a participant believes a document identified in Exhibit A has a substantive or material error, the participant may address that error during the time allotted for the presentation of its opinions and evidence to the State Engineer.

Additionally, our office has received several inquiries regarding whether certain questions or clarifications should be brought by means of a motion, and the answer is no. The State Engineer is not inclined to invite motion practice in this matter, and as this matter is not an adversarial proceeding, the State Engineer is happy to respond to procedural inquiries and will endeavor to provide responses to all parties, as is occurring in this communication.

Finally, the State Engineer became aware of a clerical error in the Notice of Hearing where the Muddy Valley Irrigation Company was erroneously identified as the Moapa Valley Irrigation Company. The errors were corrected and an Amended Notice of Hearing was issued. No other matters were altered in the Amended Notice of Hearing.

Kindly,

Micheline

**Micheline N. Fairbank, J.D.**

Deputy Administrator

Nevada Division of Water Resources

Department of Conservation and Natural Resources

901 S. Stewart St., Suite 2002

Carson City, NV 89701

[Mfairbank@water.nv.gov](mailto:Mfairbank@water.nv.gov)

(O) 775-684-2872 | (F) 775-684-2810



NEVADA DIVISION  
OF WATER RESOURCES



Nevada Department of  
**CONSERVATION &  
NATURAL RESOURCES**

Connect with us:



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

RECEIVED  
2019 AUG 30 PM 3:11  
STATE ENGINEER OF THE STATE OF NEVADA

INTERIM ORDER #1303

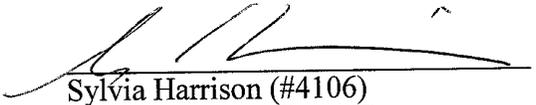
IN THE MATTER OF THE  
ADMINISTRATION AND MANAGEMENT  
OF THE LOWER WHITE RIVER FLOW  
SYSTEM WITHIN COYOTE SPRING  
VALLEY HYDROGRAPHIC BASIN (210),  
A PORTION OF BLACK MOUNTAINS  
AREA HYDROGRAPHIC BASIN (215),  
GARNET VALLEY HYDROGRAPHIC  
BASIN (216),  
HIDDEN VALLEY HYDROGRAPHIC  
BASIN (217),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

NOTICE OF APPEARANCE ON BEHALF OF GEORGIA PACIFIC CORPORATION

PLEASE TAKE NOTICE that SYLVIA HARRISON, ESQ. and SARAH FERGUSON,  
ESQ. of the law firm of McDONALD CARANO, LLP, will represent GEORIGA PACIFIC  
CORPORATION in these proceedings and at the hearing scheduled to commence September 23,  
2019.

DATED: August <sup>th</sup>30, 2019.

McDONALD CARANO LLP

  
Sylvia Harrison (#4106)  
Sarah Ferguson (#41515)

McDONALD CARANO LLP  
100 West Liberty Street, 10<sup>th</sup> Floor  
Reno, Nevada 89501  
(775) 788-2000  
sharrison@mcdonalddcarano.com

SE ROA 319

McDONALD CARANO  
100 WEST LIBERTY STREET, TENTH FLOOR • RENO, NEVADA 89501  
PHONE 775.788.2000 • FAX 775.788.2020

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD CARANO LLP, and that on August 20<sup>th</sup> 2019, I served the foregoing NOTICE OF APPEARANCE via direct email to the addresses indicated below:

8milelister@gmail.com;  
ablack@mcdonaldcarano.com  
admin.mbop@moapabandofpaiutes.org  
alaskajulie12@gmail.com;  
andrew.burns@snwa.com;  
barbnwalt325@gmail.com;  
bbaldwin@ziontchestnut.com;  
bostajohn@gmail.com;  
Bennie Vann <bvann@ndow.org>;  
chair.mbop@moapabandofpaiutes.org;  
Chris.Benkman@nsgen.com;  
Colby.pellegrino@snwa.com;  
Coop@opd5.com;  
coopergs@ldschurch.org;  
counsel@water-law.com;  
craig.primas@snvgrowers.com;  
craig.wilkinson@pabcogypsum.com;  
dan.peressini@lasvegaspaving.com;  
david\_stone@fws.gov;  
Dbrown@ldalv.com;  
dennis.barrett10@gmail.com;  
derekm@westernelite.com;  
devaulr@cityofnorthlasvegas.com;  
dfrehner@lincolncountynv.gov;  
dixonjm@gmail.com;  
dorothy@vidlerwater.com;  
doug@nvfb.org;  
dvossmer@republicservices.com;  
dwight.smith@interflowhydro.com;  
edna@comcast.net;  
emilia.cargill@coyotesprings.com;  
fan4philly@gmail.com;  
gary\_karst@nps.gov;  
gbushner@vidlerwater.com;  
glen\_knowles@fws.gov;  
gmorrison@parsonsbehle.com;  
golden@apexindustrialpark.com;  
golds@nevcogen.com;  
greatsam@usfds.com;  
greg.walch@lvvwd.com;  
hartthethird@gmail.com;  
Howard.Forepaugh@nsgen.com;  
ircady@yahoo.com;  
info4gbwn@gmail.com;  
JCaviglia@nvenergy.com;  
jeff.phillips@lasvegaspaving.com;  
stever@stetsonengineers.com;

jim.watrus@snwa.com;  
joe@moapawater.com;  
Karen.glasgow@sol.doi.gov;  
kbrown@vvh2o.com;  
Kevin\_Desroberts@fws.gov;  
kimberley.jenkins@clarkcountynv.gov;  
kingmont@charter.net;  
kpeterson@allisonmackenzie.com;  
KRobison@rssblaw.com;  
kurthlawoffice@gmail.com;  
lazarus@glorietageo.com;  
lbelenky@biologicaldiversity.org;  
lbenezet@yahoo.com;  
liamleavitt@hotmail.com;  
Lindseyd@mvdsl.com;  
Lisa@ldalv.com;  
lle@mvdsl.com;  
lon@moapawater.com;  
lroy@broadbentinc.com;  
LuckyDirt@icloud.com;  
luke.miller@sol.doi.gov;  
luke.stewart@pabcogypsum.com;  
martinmifflin@yahoo.com;  
MBHoffice@earthlink.net;  
michael\_schwemm@fws.gov;  
mjohns@nvenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;  
onesharp1@gmail.com;  
paul@legaltnt.com;  
pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;

**McDONALD CARANO**  
100 WEST LIBERTY STREET, TENTH FLOOR • RENO, NEVADA 89501  
PHONE 775.788.2000 • FAX 775.788.2020

1 sue\_braumiller@fws.gov;  
2 technichrome@jps.net;  
3 tim@legaltnt.com;  
4 tommyers1872@gmail.com;  
5 trobison@mvdsl.com;  
6 twtemt@hotmail.com;  
7 veronica.rowan@sol.doi.gov;  
8 vsandu@republicservices.com;  
9 whitfam@mvdsl.com;  
10 william.paff@rocklandcapital.com;  
11 wpoulsen@lincolnnv.com

  
An employee of McDonald Carano LLP

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

IN THE MATTER OF THE  
ADMINSTRATION 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  
HYDROGRAPHOC BASIN (218), AND  
MUDDY RIVER SPRINGS AREA (aka  
UPPER MOAPA VALLEY  
HYDROGRAPHOC BASIN (219).

**INTERIM ORDER #1303**

**MOTION TO ASSOCIATE COUNSEL**

GEORGIA PACIFIC CORPORATION (“Georgia Pacific”), by and through its undersigned counsel, hereby moves this Court for an Order permitting Paulina Williams, Esq., with the law firm of Baker Botts, L.L.P., located at 98 San Jacinto Blvd., Suite 1500, Austin, Texas 78701, to practice in Nevada pursuant to Supreme Court Rule 42. Supreme Court Rule 42(6) provides this Agency with discretion to allow attorneys in good standing in other jurisdictions to appear in Nevada proceedings *pro hac vice*. As demonstrated in the exhibits attached hereto, Paulina Williams is an attorney in good standing in the State of Texas and State of New York.

///  
///  
///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

This Motion is supported by the attached "Verified Application for Association of Counsel" (Exhibit A), "Certificate of Good Standing" from the State Bar of Texas and State Bar of New York (Exhibit B), the "State Bar of Nevada Statement" (Exhibit C) and a proposed Order granting this Motion (Exhibit D).

DATED: August 20<sup>th</sup>, 2019.

McDONALD CARANO LLP



Sylvia Harrison (#4106)  
Sarah Ferguson (#41515)  
McDONALD CARANO LLP  
100 West Liberty Street, 10<sup>th</sup> Floor  
Reno, Nevada 89501  
(775) 788-2000  
sharrison@mcdonaldcarano.com

**McDONALD CARANO**  
100 WEST LIBERTY STREET, TENTH FLOOR • RENO, NEVADA 89501  
PHONE 775.788.2000 • FAX 775.788.2020

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD CARANO LLP, and that on August 30<sup>th</sup>, 2019, I served the foregoing MOTION TO ASSOCIATE COUNSEL via direct email to the addresses indicated below:

8milelister@gmail.com;  
ablack@mcdonalddcarano.com  
admin.mbop@moapabandofpaiutes.org  
alaskajulie12@gmail.com;  
andrew.burns@snwa.com;  
barbnwalt325@gmail.com;  
bbaldwin@ziontzchestnut.com;  
bostajohn@gmail.com;  
Bennie Vann <bvann@ndow.org>;  
chair.mbop@moapabandofpaiutes.org;  
Chris.Benkman@nsgen.com;  
Colby.pellegrino@snwa.com;  
Coop@opd5.com;  
coopergs@ldschurch.org;  
counsel@water-law.com;  
craig.primas@snvgrowers.com;  
craig.wilkinson@pabcogypsum.com;  
dan.peressini@lasvegaspaving.com;  
david\_stone@fws.gov;  
Dbrown@ldalv.com;  
dennis.barrett10@gmail.com;  
derekm@westernelite.com;  
devaulr@cityofnorthlasvegas.com;  
dfrehner@lincolncountynv.gov;  
dixonjm@gmail.com;  
dorothy@vidlerwater.com;  
doug@nvfb.org;  
dvosmer@republicservices.com;  
dwight.smith@interflowhydro.com;  
edna@comcast.net;  
emilia.cargill@coyotesprings.com;  
fan4philly@gmail.com;  
gary\_karst@nps.gov;  
gbushner@vidlerwater.com;  
glen\_knowles@fws.gov;  
gmorrison@parsonsbehle.com;  
golden@apexindustrialpark.com;  
golds@nevcogen.com;  
greatsam@usfds.com;  
greg.walch@lvvwd.com;  
hartthethird@gmail.com;  
Howard.Forepaugh@nsgen.com;  
ircady@yahoo.com;  
info4gbwn@gmail.com;  
JCaviglia@nvenergy.com;  
jeff.phillips@lasvegaspaving.com;  
stever@stetsonengineers.com;

jim.watrus@snwa.com;  
joe@moapawater.com;  
Karen.glasgow@sol.doi.gov;  
kbrown@vvh2o.com;  
Kevin\_Desroberts@fws.gov;  
kimberley.jenkins@clarkcountynv.gov;  
kingmont@charter.net;  
kpeteron@allisonmackenzie.com;  
KRobison@rssblaw.com;  
kurthlawoffice@gmail.com;  
lazarus@glorietageo.com;  
lbelenky@biologicaldiversity.org;  
lbenezet@yahoo.com;  
liamleavitt@hotmail.com;  
Lindseyd@mvdsl.com;  
Lisa@ldalv.com;  
lle@mvdsl.com;  
lon@moapawater.com;  
lroy@broadbentinc.com;  
LuckyDirt@icloud.com;  
luke.miller@sol.doi.gov;  
luke.stewart@pabcogypsum.com;  
martinmifflin@yahoo.com;  
MBHoffice@earthlink.net;  
michael\_schwemm@fws.gov;  
mjohns@nvenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;  
onesharp1@gmail.com;  
paul@legaltnt.com;  
pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontzchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeteron@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

sue\_braumiller@fws.gov;  
technichrome@ips.net;  
tim@legaltnt.com;  
tommyers1872@gmail.com;  
trobison@mvdsl.com;  
twtemt@hotmail.com;  
veronica.rowan@sol.doi.gov;  
vsandu@republicservices.com;  
whitfam@mvdsl.com;  
william.paff@rocklandcapital.com;  
wpoulsen@lincolnnv.com

*Andrea J. Black*  
An employee of McDonald Carano LLP

# Exhibit A

# Exhibit A

SE ROA 326

VAPP

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) )

VERIFIED APPLICATION FOR ASSOCIATION  
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42

Paulina Antonia Williams, Petitioner, respectfully represents:  
First Middle Name Last

1. Petitioner resides at 1500 Spring Garden Road  
Street Address

Austin, Travis, Texas, 78746  
City County State Zip Code

( 512 ) 657.5216 (personal cell)  
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Baker Botts L.L.P.

with offices at 98 San Jacinto Boulevard, Suite 1500  
Street Address

Austin, Travis, Texas, 78701  
City County State Zip Code

( 512 ) 322.2543, paulina.williams@bakerbotts.com  
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by \_\_\_\_\_  
Georgia-Pacific LLC to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since November 7 of 2008, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of Texas where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

	<u>DATE ADMITTED</u>
<u>New York (4377156)</u>	<u>01/09/2006</u>
<u>Texas (24066295)</u>	<u>11/07/2008</u>
<u>Southern District of Texas (2200013)</u>	<u>2014</u>

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: No

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: No

---

---

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: No

---

---

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: No

---

---

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
None			

---

---

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

Sylvia		Harrison	4106
_____	_____	_____	_____
First Name	Middle Name	Last Name	NV Bar #

who has offices at McDonald Carano

Firm Name/Company

100 West Liberty Street, Tenth Floor	Reno	Washoe
_____	_____	_____
Street Address	City	County

89501	( 775 ) 788.2000
_____	_____
Zip Code	Phone Number

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME	MAILING ADDRESS
Exhibit A attached	
_____	_____
_____	_____
_____	_____
_____	_____

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Paulina Antonia Williams, do hereby swear/affirm under penalty of perjury that the assertions  
Print Petitioner Name  
of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained

therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
  - (B) I am not a resident of the State of Nevada;
  - (C) I am not regularly employed as a lawyer in the State of Nevada;
  - (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
  - (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
  - (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.
- 2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.





## EXHIBIT A

3335 Hillside, LLC  
3420 North Buffalo Drive  
Las Vegas, NV 89129

Mary K. Cloud  
P.O. Box 31  
Moapa, NV 89025

Bedroc Limited, LLC  
2745 North Nellis Boulevard  
Las Vegas, NV 89115

Coyote Springs Investment, LLC  
c/o Wingfield Nevada Group  
6600 N. Wingfield Pkwy.  
Sparks, NV 89436

Larry Brundy  
P.O. Box 136  
Moapa, NV 89025

Don J. & Marsha L. Davis  
P.O. Box 400  
Moapa, NV 89025

Casa De Warm Springs, LLC  
1000 North Green Valley Parkway, #440-350  
Henderson, NV 89074

Dry Lake Water, LLC  
2470 St. Rose Pkwy., Ste. 107  
Henderson, NV 89074

Clark County  
500 S. Grand Central Pkwy.  
Las Vegas, NV 89155

Georgia Pacific Corporation  
P.O. Box 337350  
Las Vegas, NV 89033

Clark County Commissioners  
500 S. Grand Central Pkwy., 6th Fl.  
Las Vegas, NV 89155-1111

Kelly Kolhoss  
P.O. Box 232  
Moapa, NV 89025

Clark County Coyote Springs Water  
Resources GID  
1001 S. Valley View Blvd.  
Las Vegas, NV 89153

Lake At Las Vegas Joint Venture, Inc.  
1600 Lake Las Vegas Parkway  
Henderson, NV 89011

Laker Plaza, Inc.  
7181 Noon Rd.  
Everson, WA 98247-9650

Nevada Cogeneration Associates #1  
420 N. Nellis Blvd., #A3-148  
Las Vegas, NV 89110

Lincoln County Commissioners  
P.O. Box 90  
Pioche, NV 89043

Nevada Power Company  
DBA NV Energy  
6226 West Sahara Avenue  
Las Vegas, NV 89146

Church of Jesus Christ of the  
Latter Day Saints  
Area 4, 61 E. North Temple  
Salt Lake City, UT 84150-0001

State of Nevada, Dept. of Conservation and  
Natural Resources  
Division of State Parks  
901 S. Stewart Street, Suite 5005  
Carson City, NV 89701

Moapa Band of Paiute Indians  
P.O. Box 340  
Moapa, NV 89025

City of North Las Vegas  
2250 Las Vegas Blvd. North  
N. Las Vegas, NV 89030

Moapa Valley Water District  
P. O. Box 257  
Logandale, NV 89021

Pacific Coast Building Products, Inc.  
P.O. Box 364329  
Las Vegas, NV 89036

State of Nevada Department of  
Transportation  
1263 S. Stewart Street  
Carson City, NV 89712

Republic Environmental Technologies, Inc.  
770 East Sahara Ave.  
Las Vegas, NV 89104

Nevada Cogeneration Associates  
420 N. Nellis Blvd., #A3-117  
Las Vegas, NV 89110

S & R, Inc.  
808 Shetland Road  
Las Vegas, NV 89107

**Southern Nevada Water Authority  
1001 South Valley View Blvd.,  
Mail Stop #485  
Las Vegas, NV 89153**

**Technichrome  
4709 Compass Bow Lane  
Las Vegas, NV 89130**

**U.S. Fish and Wildlife Service  
1020 New River Parkway, Suite 305  
Fallon, NV 89406-2613**

**William O'Donnell  
2780 S. Jones Blvd. Ste. 210  
Las Vegas, NV 89146**

**Global Hydrologic Services, Inc.  
Mark D. Stock  
561 Keystone Avenue, #200  
Reno, NV 89503-4331**

# Exhibit B

# Exhibit B

SE ROA 337

Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department

---

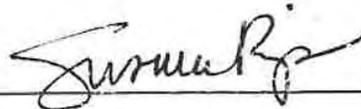
I, Susanna Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

**PAULINA ANTONIA WILLIAMS**

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on January 9, 2006, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have hereunto set my  
hand and affixed the seal of this court on

August 9, 2019



---

Clerk of the Court

8508

SE ROA 338

JA\_540

# STATE BAR OF TEXAS



*Office of the Chief Disciplinary Counsel*

August 08, 2019

Re: Ms. Paulina Antonia Olin Williams, State Bar Number 24066295

To Whom It May Concern:

This is to certify that Ms. Paulina Antonia Olin Williams was licensed to practice law in Texas on November 07, 2008, and is an active member in good standing with the State Bar of Texas. "Good standing" means that the attorney is current on payment of Bar dues; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension from the practice of law.

This certification expires 30 days from the date, unless sooner revoked or rendered invalid by operation of rule or law.

Sincerely,

A handwritten signature in black ink, appearing to read "Seana Willing". The signature is fluid and cursive.

Seana Willing  
Chief Disciplinary Counsel  
SW/aa



P.O. BOX 12487, CAPITOL STATION, AUSTIN, TEXAS 78711-2487, 512.427.1350; FAX: 512.427.4167

SE ROA 339

# Exhibit C

# Exhibit C

SE ROA 340

1 STAT

2  
3 **BEFORE THE OFFICE OF THE STATE ENGINEER**  
4 **STATE OF NEVADA**

5  
6  
7 In The Matter Of The Administration  
8 River Flow System Within Coyote  
9 and Management Of The Lower White  
Spring Valley Hydrographic Basin

10 \_\_\_\_\_ /  
11 **STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE**  
12 **42 (3) (b)**

13 THE STATE BAR OF NEVADA, in response to the application of  
14 Petitioner, submits the following statement pursuant to SCR42(3):

15 SCR42(6)**Discretion.** The granting or denial of a motion to associate  
16 counsel pursuant to this rule by the court is discretionary. The  
17 court, arbitrator, mediator, or administrative or governmental  
18 hearing officer may revoke the authority of the person permitted to  
appear under this rule. Absent special circumstances, repeated  
appearances by any person or firm of attorneys pursuant to this rule  
shall be cause for denial of the motion to associate such person.

19 (a) **Limitation.** It shall be presumed, absent special  
20 circumstances, and only upon showing of good cause, that  
21 more than 5 appearances by any attorney granted under  
this rule in a 3-year period is excessive use of this  
rule.

22 (b) **Burden on applicant.** The applicant shall have the  
23 burden to establish special circumstances and good cause  
24 for an appearance in excess of the limitation set forth  
25 in subsection 6(a) of this rule. The applicant shall set  
forth the special circumstances and good cause in an  
affidavit attached to the original verified application.

26 1. DATE OF APPLICATION: 8/26/2019

27 2. APPLYING ATTORNEY: Paulina Antonia Williams, Esq.

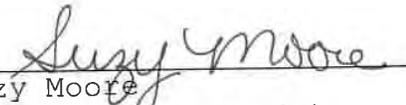
28 ///

1 3. FIRM NAME AND ADDRESS: Baker Botts, L.L.P., 98 San Jacinto  
2 Blvd., Suite 1500, Austin, TX 78701

3 4. NEVADA COUNSEL OF RECORD: Sylvia L Harrison, Esq., McDonald  
4 Carano Wilson LLP, 100 W. Liberty St., 10th Floor, P.O. Box  
5 2670, Reno, NV 89501-2670

6 5. There is no record of previous applications for appearance by  
7 petitioner within the past three (3) years.

8 DATED this August 26, 2019

9   
10 Suzy Moore  
11 Member Services Admin.  
12 Pro Hac Vice Processor  
13 STATE BAR OF NEVADA  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SE ROA 342

# Exhibit D

# Exhibit D

SE ROA 343

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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).

**INTERIM ORDER #1303**

**ORDER GRANTING MOTION TO ASSOCIATE COUNSEL**

Georgia Pacific Corporation, through its counsel of record, filed a Motion to Associate Counsel seeking an order permitting Paulina Williams, Esq. to practice in Nevada pursuant to Nevada Supreme Court Rule 42. The Motion was supported by Ms. Williams Verified Application for Association of Counsel, Certificate of Good Standing from the State Bar of Texas and the State Bar of New York, and the State Bar of Nevada's Statement Pursuant to Supreme Court Rule 42(3)(b). The Motion was served on all appearing parties and no objections were filed. Good cause appearing,

IT IS HEREBY ORDERED that the Motion is granted and Paulina Williams, Esq. is hereby admitted to practice before this Administrative Agency for purposes of this matter only.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2019.

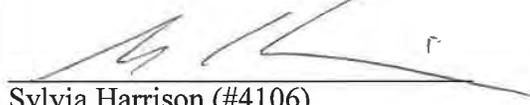
\_\_\_\_\_  
DEPUTY ADMINISTRATOR

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully submitted by:

MCDONALD CARANO LLP



Sylvia Harrison (#4106)  
Sarah Ferguson (#41515)  
MCDONALD CARANO LLP  
100 West Liberty Street, 10<sup>th</sup> Floor  
Reno, Nevada 89501  
(775) 788-2000  
sharrison@mcdonaldcarano.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

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

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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 )

Regarding Interim Order 1303  
and Hearing Beginning on  
September 23, 2019

23  
24  
25  
26  
27  
28

**Notice of Appearance of Counsel for The United States Department of the Interior  
Fish and Wildlife Service and National Park Service**

In accordance with Nevada Supreme Court Rule 43.1, which states:

Attorneys employed by or representing the United States Government, in matters before the courts of this state in which the United States has a direct interest, shall be permitted by the courts of this state to appear on behalf of the United States Government and to represent the interests thereof in any litigation in which the United States Government is interested.

Luke Miller, on behalf of The United States Department of the Interior ("DOI"), Fish and Wildlife Service ("FWS"); and Karen Glasgow, on behalf of DOI's National Park Service ("NPS"), enter this Notice of Appearance as DOI's attorneys of record and to provide notice that service and notification of matters in this proceeding be delivered to:

For FWS:

LUKE MILLER  
Office of the Regional Solicitor  
U.S. Department of the Interior  
2800 Cottage Way, Suite E-1712  
Sacramento, CA 95825  
Telephone: (916) 978-6133  
Telefax: (916) 978-5694  
[luke.miller@sol.doi.gov](mailto:luke.miller@sol.doi.gov)

1 For NPS:

2  
3 KAREN GLASGOW  
4 Office of the Regional Solicitor  
5 San Francisco Field Office  
6 U.S. Department of the Interior  
7 333 Bush Street, Suite 775  
8 San Francisco, CA 94104  
9 Telephone: (415) 296-3381  
10 Telefax: (415) 296-3371  
11 karen.glasgow@sol.doi.gov

12 All such service and notification should also continue to the FWS and NPS addressees on the  
13 current e-mail service list.

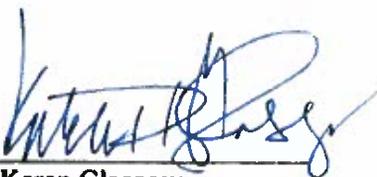
14 In support of this Notice of Appearance, and in accordance with Rule 43.2, affidavits are  
15 attached that set forth confirmation of the United States' interest in this proceeding and  
16 statements of representation.

17 Dated this 5<sup>th</sup> day of September, 2019.

18  
19 By:

20   
21 Luke Miller  
22 Assistant Regional Solicitor  
23 Office of the Regional Solicitor

24 By:

25   
26 Karen Glasgow  
27 Field Solicitor  
28 Office of the Regional Solicitor  
San Francisco Field Office

# **Attachment 1**

**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 )

Regarding Interim Order 1303  
and Hearing Beginning on  
September 23, 2019

**Affidavit in Support of Notice of Appearance of Counsel for  
The United States Department of the Interior Fish and Wildlife Service**

I, Luke Miller, am an attorney with the Department of the Interior's ("DOI") Office of the Solicitor, Pacific Southwest Region. I am licensed within the State of California, and have been since 2005 (Bar No. 238360). In this capacity, I represent various bureaus and agencies within DOI. The United States' Fish and Wildlife Service ("FWS") is one such agency.

The FWS has been engaged in water utilization issues surrounding what is now called the Lower White River Flow System ("LWRFS") in front of Nevada's Office of the State Engineer ("NSE"). In particular, the FWS has a continuing interest regarding the utilization of surface and subsurface water within the LWRFS that may impact springs in the Muddy River Springs area, including the Moapa Valley National Wildlife Refuge. FWS has engaged in the NSE's review and consideration of these issues by, most recently, submitting a substantive report on July 3, 2019, as requested by the Nevada State Engineer through its Interim Order 1303. The FWS also filed one rebuttal report on August 16, 2019. The NSE recently issued a Notice of Hearing on August 23, 2019, regarding a hearing scheduled to begin September 23, 2019, to hear testimony on all the reports that were filed in response to Order 1303. Through this Notice of Hearing, the NSE elected to apply Nevada Administrative Code ("NAC") 533.250 to require any party that supplied a report/rebuttal report to present the author(s) of such for cross-examination. Not

doing so risks an NSE discretionary action to disregard such report/rebuttal report. The FWS has a continuing interest to have its reports taken into consideration by the NSE, and currently plans to participate in the hearing beginning September 23.

Therefore, subject to the forgoing and in accordance with Nevada Supreme Court Rule 43.2, I submit this affidavit in support of my Notice of Appearance which is made in performance of my duties as a legal representative of the United States government's FWS.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct.

Executed in Sacramento, CA, on this 5<sup>th</sup> day of September, 2019.



---

Luke Miller  
Assistant Regional Solicitor  
Office of the Regional Solicitor  
U.S. Department of the Interior  
2800 Cottage Way, Suite E-1712  
Sacramento, CA 95825  
Telephone: (916) 978-6133  
Telefax: (916) 978-5694  
[luke.miller@sol.doi.gov](mailto:luke.miller@sol.doi.gov)

# **Attachment 2**

**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 )

Regarding Interim Order 1303  
and Hearing Beginning on  
September 23, 2019

**Affidavit in Support of Notice of Appearance of Counsel for  
The United States Department of the Interior Fish and Wildlife Service**

I, Karen Glasgow, am an attorney with the Department of the Interior’s (“DOI”) Office of the Solicitor, Pacific Southwest Region. I am licensed within the State of Texas, and have been since 1993 (Bar No. 00787547). In this capacity, I represent various bureaus and agencies within DOI. The United States’ National Park Service (“NPS”) is one such agency.

The NPS has been engaged in water utilization issues surrounding what is now called the Lower White River Flow System (“LWRFS”) in front of Nevada’s Office of the State Engineer (“NSE”). In particular, the NPS has a continuing interest regarding the utilization of surface and subsurface water within the LWRFS that may impact its water rights. NPS has engaged in the NSE’s review and consideration of these issues by, most recently, submitting a substantive report on July 3, 2019, as requested by the Nevada State Engineer through its Interim Order 1303. The NPS also filed one rebuttal report on August 16, 2019. The NSE recently issued a Notice of Hearing on August 23, 2019, regarding a hearing scheduled to begin September 23, 2019, to hear testimony on all the reports that were filed in response to Order 1303. Through this Notice of Hearing, the NSE elected to apply Nevada Administrative Code (“NAC”) 533.250 to require any party that supplied a report/rebuttal report to present the author(s) of such for cross-examination. Not doing so risks an NSE discretionary action to disregard such report/rebuttal report. The NPS

has a continuing interest to have its reports taken into consideration by the NSE, and currently plans to participate in the hearing beginning September 23.

Therefore, subject to the forgoing and in accordance with Nevada Supreme Court Rule 43.2, I submit this affidavit in support of my Notice of Appearance which is made in performance of my duties as a legal representative of the United States government's NPS.

I declare under penalty of perjury, under the laws of the United States, that the foregoing is true and correct.

Executed in San Francisco, CA, on this 5<sup>th</sup> day of September 2019.

A handwritten signature in blue ink, appearing to read "Karen D. Glasgow", is written over a horizontal line.

Karen D. Glasgow  
Field Solicitor  
Office of the Field Solicitor-SF Field Office  
U.S. Department of the Interior  
333 Bush Street, Suite 775  
San Francisco, CA 94104  
(415) 293-3381 (o)  
(415) 293-3371 (f)  
karen.glasgow@sol.doi.gov

**CERTIFICATE OF SERVICE**

RE: Interim Order 1303 Hearing Beginning on September 23, 2019

I, the undersigned, declare that:

I am a citizen of the United States, over the age of eighteen, and on September 5<sup>th</sup> 2019,

I served the foregoing

**Notice of Appearance of Counsel for The United States Department of the Interior  
Fish and Wildlife Service and National Park Service**

via e-mail and regular mail to:

State Engineer  
Nevada Division of Water Resources  
901 South Stewart Street, Suite 2002,  
Carson City, NV 89701

mfairbank@water.nv.gov

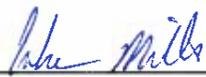
and via e-mail to the addresses indicated below:

- |                                    |                                   |
|------------------------------------|-----------------------------------|
| 8milelister@gmail.com;             | devaulr@cityofnorthlasvegas.com;  |
| ablack@mcdonalddcarano.com;        | dfrehner@lincolncountynv.gov;     |
| admin.mbop@moapabandofpaiutes.org; | dixonjm@gmail.com;                |
| alaskajulie12@gmail.com;           | dorothy@vidlerwater.com;          |
| andrew.burns@snwa.com;             | doug@nvfb.org;                    |
| barbnwalt325@gmail.com;            | dvossmer@republicservices.com;    |
| bbaldwin@ziontzchestnut.com;       | dwight.smith@interflowhydro.com;  |
| bostajohn@gmail.com;               | edna@comcast.net;                 |
| bvann@ndow.org;                    | emilia.cargill@coyotesprings.com; |
| chair.mbop@moapabandofpaiutes.org; | fan4philly@gmail.com;             |
| Chris.Benkman@nsgen.com;           | gary_karst@nps.gov;               |
| Colby.pellegrino@snwa.com;         | gbushner@vidlerwater.com;         |
| Coop@opd5.com;                     | glen_knowles@fws.gov;             |
| coopergs@ldschurch.org;            | gmorrison@parsonsbehle.com;       |
| counsel@water-law.com;             | golden@apexindustrialpark.com;    |
| craig.primas@snvgrowers.com;       | golds@nevcogen.com;               |
| craig.wilkinson@pabcoypsum.com;    | greatsam@usfds.com;               |
| dan.peressini@lasvegaspaving.com;  | greg.walch@lvvwd.com;             |
| david_stone@fws.gov;               | hartthethird@gmail.com;           |
| Dbrown@ldalv.com;                  | Howard.Forepaugh@nsgen.com;       |
| dennis.barrett10@gmail.com;        | ircady@yahoo.com;                 |
| derekm@westernelite.com;           | info4gbwn@gmail.com;              |

1 JCaviglia@nvenergy.com;  
2 jeff.phillips@lasvegaspaving.com;  
3 jim.watrus@snwa.com;  
4 joe@moapawater.com;  
5 Karen.glasgow@sol.doi.gov;  
6 kbrown@vvh2o.com;  
7 Kevin\_Desroberts@fws.gov;  
8 kimberley.jenkins@clarkcountynv.gov;  
9 kingmont@charter.net;  
10 kpeterson@allisonmackenzic.com;  
11 krobison@rssblaw.com;  
12 kurthlawoffice@gmail.com;  
13 lazarus@glorietageo.com;  
14 lbelenky@biologicaldiversity.org;  
15 lbenezet@yahoo.com;  
16 liamleavitt@hotmail.com;  
17 Lindseyd@mvdsl.com;  
18 Lisa@ldalv.com;  
19 lle@mvdsl.com;  
20 lon@moapawater.com;  
21 lroy@broadbentinc.com;  
22 LuckyDirt@icloud.com;  
23 luke.miller@sol.doi.gov;  
24 luke.stewart@pabcogypsum.com;  
25 martinmiffin@yahoo.com;  
26 MBHoffice@earthlink.net;  
27 michael\_schwemm@fws.gov;  
28 mjohns@nvenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;

onesharp1@gmail.com;  
paul@legaltnt.com;  
pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontzchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;  
sharrison@mcdonaldcarano.com;  
stever@stetsonengineers.com;  
sue\_braumiller@fws.gov;  
technichrome@jps.net;  
tim@legaltnt.com;  
tommyers1872@gmail.com;  
trobison@mvdsl.com;  
twtemt@hotmail.com;  
veronica.rowan@sol.doi.gov;  
vsandu@republicservices.com;  
whitfam@mvdsl.com;  
william.paff@rocklandcapital.com;  
wpoulsen@lincolnnv.com

21 I certify under penalty of perjury that the foregoing is true and correct. Executed on the  
22 5th day of September 2019.

24   
25 \_\_\_\_\_  
26 Luke Miller  
27 Assistant Regional Solicitor

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

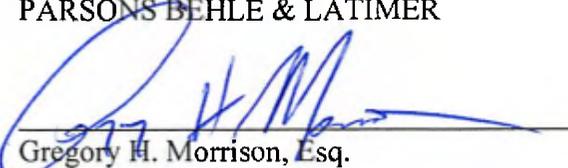
IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA

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)  
HYDRIGRAPHIC BASIN (219), LINCOLN AND  
CLARK COUNTIES, NEVADA.

**NOTICE OF APPEARANCE ON BEHALF OF**  
**MOAPA VALLEY WATER DISTRICT**

PLEASE TAKE NOTICE that GREGORY H. MORRISON, ESQ. of the law firm of  
PARSONS BEHLE & LATIMER will represent MOAPA VALLEY WATER DISTRICT in  
these proceedings and at the hearing scheduled to begin on September 23, 2019.

DATED: September 5, 2019.

PARSONS BEHLE & LATIMER  
  
\_\_\_\_\_  
Gregory H. Morrison, Esq.  
50 W. Liberty St., Suite 750  
Reno, NV 89501  
Telephone: 775.323.1601  
Email: gmorrison@parsonsbehle.com  
  
Attorneys for Moapa Valley Water District

**CERTIFICATE OF SERVICE**

I certify that I am an employee of Parsons Behle & Latimer and that on the 5th day of September, 2019, I caused a true and correct copy of the foregoing document to be delivered via email to the following:

- 8milelister@gmail.com;
- Admin.mbop@moapabandofpaiutes.org;
- andrew.bums@snwa.com;
- bbaldwin@ziontchestnut.com;
- bvann@ndow.org;
- Chris.Benkman@nsgen.com;
- Coop@opd5.com;
- counsel@water-law.com;
- craig.wilkinson@pabcogypsum.com;
- david\_stone@fws.gov;
- dennis.barrett10@gmail.com;
- devaulr@cityofnorthlasvegas.com;
- dixonjm@gmail.com;
- doug@nvfb.org;
- dwight.smith@interflowhydro.com;
- emilia.cargill@coyotesprings.com;
- gary\_karst@nps.gov;
- glen\_knowles@fws.gov;
- golds@nevcogen.com;
- greg.walch@lvvwd.com;
- Howard.Forepaugh@nsgen.com;
- info4gbwn@gmail.com;
- jeff.phillips@lasvegaspaving.com;
- joe@moapawater.com;
- kbrown@vvh2o.com;
- kimberley.jenkins@clarkcountynv.gov;
- kpeterson@allisonmackenzie.com;
- kurthlawoffice@gmail.com;
- lbelenky@biologicaldiversity.org;
- liamleavitt@hotmail.com;
- Lisa@ldalv.com;
- lon@moapawater.com;
- LuckyDirt@icloud.com;
- luke.stewart@pabcogypsum.com;
- MBHoffice@earthlink.net;
- mjohns@nvenergy.com;
- moapalewis@gmail.com;
- muddyvalley@mvdsl.com;
- paul@legaltnt.com;
- progress@mvdsl.com;
- ablack@mcdonaldcarano.com;
- alaskajulie12@gmail.com;
- barbnwalt325@gmail.com;
- bostajohn@gmail.com;
- chair.mbop@moapabandofpaiutes.org;
- Colby.pellegrino@snwa.com;
- coopergs@ldschurch.org;
- craig.primas@snvgrowers.com;
- dan.peressini@lasvegaspaving.com;
- Dbrown@ldalv.com;
- derekm@westernelite.com;
- dfrehner@lincolncountynv.gov;
- dorothy@vidlerwater.com;
- dvossmer@republicservices.com;
- edna@comcast.net;
- fan4philly@gmail.com;
- gbushner@vidlerwater.com;
- golden@apexindustrialpark.com;
- greatsam@usfds.com;
- hartthethird@gmail.com;
- iready@yahoo.com;
- JCaviglia@nvenergy.com;
- jim.watrus@snwa.com;
- Karen.glasgow@sol.doi.gov;
- Kevin\_Desroberts@fws.gov;
- kingmont@charter.net;
- KRobison@rssblaw.com;
- lazarus@glorietageo.com;
- lbenezet@yahoo.com;
- Lindseyd@mvdsl.com;
- lle@mvdsl.com;
- lroy@broadbentinc.com;
- luke.miller@sol.doi.gov;
- martinmifflin@yahoo.com;
- michael\_schweimm@fws.gov;
- mmmiller@cox.net;
- moorea@cityofnorthlasvegas.com;
- onesharpl@gmail.com;
- pdonnelly@biologicaldiversity.org;
- rafelling@charter.net;

1 raymond.roessel@bia.gov;  
2 rhoerth@vidlerwater.com;  
3 Rott@nvenergy.com;  
4 rteague@republicservices.com;  
5 SCarlson@kenvlaw.com;  
6 sc.anderson@snwa.com;  
7 stever@stetsonengineers.com;  
8 technichrome@jps.net;  
9 tommymyers1872@gmail.com;  
10 twtemt@hotmail.com;  
11 vsandu@republicservices.com;  
12 William.paff@rocklandcapital.com;  
13 mfairbank@water.nv.gov;

rberley@ziontzchestnut.com;  
robert.dreyfus@gmail.com;  
rozaki@opd5.com;  
Sarahpeterson@blm.gov;  
sc.anderson@lvvwd.com;  
sharrison@mcdonalddcarano.com;  
sue\_braumiller@fws.gov;  
tim@legaltnt.com;  
trobison@mvdsl.com;  
veronica.rowan@sol.doi.gov;  
whitfam@mvdsl.com;  
wpoulsen@lincolnnv.com;  
mflatley@water.nv.gov

  
Employee of Parsons Behle & Latimer

Nevada Power Company  
and Sierra Pacific Power Company  
d/b/a NV Energy

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

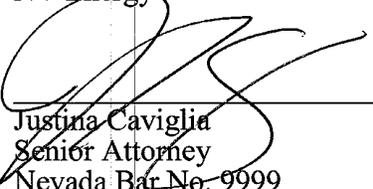
IN THE MATTER OF THE ADMINISTRATION )  
AND MANAGEMENT OF THE LOWER )  
WHITE RIVER FLOW SYSTEM WITHIN )  
COYOTE SPRING VALLEY HYDROGRAPHIC )  
BASIN (210), A PORTION OF BLACK )  
MOUNTAINS AREA HYDROGRAPHIC BASIN )  
(215), GARNET VALLEY HYDROGRAPHIC )  
BASIN (216), HIDDEN VALLEY )  
HYDROGRAPHIC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

INTERIM ORDER #1303

**NOTICE OF APPEARANCE ON BEHALF OF NV ENERGY**

Please take notice that JUSTINA A. Caviglia, Esq. will represent Nevada Power Company d/b/a NV Energy (“Nevada Power”) and Sierra Pacific Power Company d/b/a NV Energy (“Sierra” and together with Nevada Power, “NV Energy” or the “Companies”) in these proceedings and at the hearing scheduled to commence September 23, 2019.

Dated this 5<sup>th</sup> day of September, 2019.

NV Energy  
  
\_\_\_\_\_  
Justina Caviglia  
Senior Attorney  
Nevada Bar No. 9999  
6100 Neil Road  
Reno, Nevada 89511  
775-834-3551  
jcaviglia@nvenergy.com

RECEIVED  
2019 SEP -5 PM 2:39  
STATE ENGINEER'S OFFICE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of NV Energy, and that on September 5, 2019, I served the foregoing Notice of Appearance via direct email to the addresses indicated below:

- 8milelister@gmail.com ;
- ablack@mcdonaldcarano.com ;
- admin.mbop@moapabandofpaiutes.org ;
- alaskajulie12@gmail.com ;
- andrew.burns@snwa.com ;
- barbnwalt325@gmail.com ;
- bbaldwin@ziontzchestnut.com ;
- bostajohn@gmail.com ;
- bvann@ndow.org ;
- chair.mbop@moapabandofpaiutes.org ;
- Chris.Benkman@nsgen.com ;
- Colby.pellegrino@snwa.com ;
- Coop@opd5.com ;
- coopergs@ldschurch.org ;
- counsel@water-law.com ;
- craig.primas@sngrowers.com ;
- craig.wilkinson@pabcogypsum.com ;
- dan.peressini@lasvegaspaving.com ;
- david\_stone@fws.gov ;
- Dbrown@ldalv.com ;
- dennis.barrett10@gmail.com ;
- derekm@westernelite.com ;
- devaulr@cityofnorthlasvegas.com ;
- dfrehner@lincolncountynv.gov ;
- dixonjm@gmail.com ;
- dorothy@vidlerwater.com ;
- doug@nvfb.org ;
- dvosmer@republicservices.com ;
- dwight.smith@interflowhydro.com ;
- edna@comcast.net ;
- emilia.cargill@coyotesprings.com ;
- fan4philly@gmail.com ;
- gary\_karst@nps.gov ;
- gbushner@vidlerwater.com ;
- glen\_knowles@fws.gov ;
- gmorrison@parsonsbehle.com ;
- golden@apexindustrialpark.com ;
- golds@nevcogen.com ;
- greatsam@usfds.com ;
- greg.walch@lvvwd.com ;
- hartthethird@gmail.com ;
- Howard.Forepaugh@nsgen.com ;
- ircady@yahoo.com ;
- info4gbwn@gmail.com ;
- JCaviglia@nvenergy.com ;
- jeff.phillips@lasvegaspaving.com ;
- jim.watrus@snwa.com ;
- joe@moapawater.com ;
- Karen.glasgow@sol.doi.gov ;
- kbrown@vvh2o.com ;
- Kevin\_Desroberts@fws.gov ;
- kimberley.jenkins@clarkcountynv.gov ;
- kingmont@charter.net ;
- kpeterson@allisonmackenzie.com ;
- krobison@rssblaw.com ;
- kurthlawoffice@gmail.com ;
- lazarus@glorietageo.com ;
- lbelenky@biologicaldiversity.org ;
- lbenezet@yahoo.com ;
- liamleavitt@hotmail.com ;
- Lindseyd@mvdsl.com ;
- Lisa@ldalv.com ; lle@mvdsl.com ;
- lon@moapawater.com ;
- lroy@broadbentinc.com ;
- LuckyDirt@icloud.com ;
- luke.miller@sol.doi.gov ;
- luke.stewart@pabcogypsum.com ;
- martinmifflin@yahoo.com ;
- MBHoffice@earthlink.net ;
- michael\_schwemm@fws.gov
- MJohns@nvenergy.com ;
- mmmiller@cox.net ;
- moapalewis@gmail.com ;
- moorea@cityofnorthlasvegas.com ;
- muddyvalley@mvdsl.com ;
- onesharp1@gmail.com ;
- paul@legaltnt.com ;
- pdonnelly@biologicaldiversity.org ;
- progress@mvdsl.com ;
- rafelling@charter.net ;
- raymond.roessel@bia.gov ;
- rberley@ziontzchestnut.com ;
- rhoerth@vidlerwater.com ;
- robert.dreyfus@gmail.com ;
- ROtt@nvenergy.com;
- rozaki@opd5.com ;
- rteague@republicservices.com ;
- Sarahpeterson@blm.gov ;
- SCarlson@kcnvlaw.com ;
- sc.anderson@lvvwd.com ;
- sc.anderson@snwa.com ;
- sharrison@mcdonaldcarano.com ;
- stever@stetsonengineers.com ;
- sue\_braumiller@fws.gov ;

Nevada Power Company  
and Sierra Pacific Power Company  
d/b/a NV Energy

1 technichrome@jps.net ;  
2 tim@legaltnt.com ;  
3 tommyers1872@gmail.com ;  
4 trobison@mvdsl.com ;  
5 twtemt@hotmail.com ;  
6 veronica.rowan@sol.doi.gov ;

7 **Via US Mail:**

8 3335 Hillside, LLC  
9 3420 North Buffalo Drive  
10 Las Vegas, NV 89129

11 Bedroc Limited, LLC  
12 2745 North Nellis Boulevard  
13 Las Vegas, NV 89115

14 Larry Brundy  
15 P.O. Box 136  
16 Moapa, NV 89025

17 Casa De Warm Springs, LLC  
18 1000 North Green Valley Parkway  
19 #440-350  
20 Henderson, NV 89074

21 Clark County  
22 500 S. Grand Central Pkwy.  
23 Las Vegas, NV 89155

24 Clark County Commissioners  
25 500 S. Grand Central Pkwy., 6th Fl.  
26 Las Vegas, NV 89155-1111

27 Clark County Coyote Springs Water  
28 Resources GID  
1001 S. Valley View Blvd.  
Las Vegas, NV 89153

Mary K. Cloud  
P.O. Box 31  
Moapa, NV 89025

Coyote Springs Investment, LLC  
c/o Wingfield Nevada Group  
6600 N. Wingfield Pkwy.  
Sparks, NV 89436

Moapa Valley Water District  
P.O. Box 257  
Logandale, NV 89021

vsandu@republicservices.com ;  
whitfam@mvdsl.com ;  
william.paff@rocklandcapital.com ;  
wpoulsen@lincolnnv.com

Nevada Cogeneration Associates  
420 N. Nellis Blvd., #A3-1 17  
Las Vegas; NV 89110

Don J. & Marsha L. Davis  
P.O. Box 400  
Moapa. NV 89025

Dry Lake Water, LLC  
2470 St. Rose Pkwy., Ste.107  
Henderson, NV 89074

Georgia Pacific Corporation  
P.O. Box 337350  
Las Vegas, NV 89033

Kelly Kolhoss  
P.O. Box 232  
Moapa. NV 89025

Lake at Las Vegas Joint Venture, Inc.  
1600 Lake Las Vegas Parkway  
Henderson, NV 89011

Laker Plaza, Inc.  
7181 Noon Rd.  
Everson, WA 98247-9650

Lincoln County Commissioners  
P.O. Box 90  
Pioche, NV 89043

Church of Jesus Christ of the Latter Day  
Saints Area 4,  
61 E. North Temple  
Salt Lake City, UT 84150-0001

Moapa Band of Paiute Indians  
P.O. Box 340  
Moapa, NV 89025

S & R, Inc.  
808 Shetland Road  
Las Vegas, NV 89107

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Technichrome  
4709 Compass Bow Lane  
Las Vegas, NV 89130

State of Nevada Department of  
Transportation  
1263 S. Stewart Street  
Carson City, NV 89712

Nevada Cogeneration Associates #1 420  
N. Nellis Blvd. #A3-148  
Las Vegas, NV 89110

Division of State Parks  
State of Nevada, Dept. of Conservation  
and Natural Resources  
901 S. Stewart Street, Suite 5005  
Carson City, NV 89701

City of North Las Vegas  
2250 Las Vegas Blvd. North  
N. Las Vegas, NV 89030

Pacific Coast Building Products, Inc.  
P.O. Box 364329  
Las Vegas, NV 89036

Republic Environmental Technologies,  
Inc. 770 East Sahara Ave.  
Las Vegas, NV 89104

Southern Nevada Water Authority  
1001 South Valley View Blvd.  
Mail Stop #485  
Las Vegas, NV 89153

U.S. Fish and Wildlife Service  
1020 New River Parkway, Suite 305  
Fallon, NV 89406-2613

William O'Donnell  
2780 S. Jones Blvd. Ste. 210  
Las Vegas, NV 89146

Mark D. Stock  
Global Hydrologic Services, Inc.  
561 Keystone Avenue, #200  
Reno, NV 89503-4331

Scott Millington, General Manager  
Muddy Valley Irrigation Co.  
P.O. Box 665  
Overton, NV 89040

Sylvia Harrison McDonald Carano  
100 West Liberty St, Tenth Fl.  
Reno, NV 89501

  
Lori Petersen  
Senior Legal Administrative Assistant  
NV Energy

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

IN THE MATTER OF THE )  
ADMINISTRATION AND )  
MANAGEMENT OF THE LOV/ER ) Regarding Nevada State Engineer  
WHITE RIVER FLOW SYSTEM ) Interim Order 1303  
WITHIN COYOTE SPRING VALLEY )  
HYDROGRAPHIC BASIN (210), A )  
PORTION OF BLACK MOUNTAINS )  
AREA HYDROGRAPHIC BASIN (215), )  
GARNET VALLEY HYDROGRAPHIC ) **NOTICE OF APPEARANCE**  
BASIN (216), HIDDEN VALLEY )  
HYDROGRAPHIC BASIN (217), )  
CALIFORNIA WASH )  
HYDROGRAPHIC BASIN (218), AND )  
MUDDY RIVER SPRINGS AREA (AKA )  
UPPER MOAPA VALLEY) )  
HYDROGRAPHIC BASIN )  
(2t9), LINCOLN AND CLARK )  
COUNTIES, NEVADA )

NOTICE OF APPEARANCE FOR PATRICK DONNELLY  
LOWER WHITE RIVER FLOW SYSTEM ORDER 1303 PROCEEDING

SE ROA 363

1                                   **Notice of Appearance for Patrick Donnelly,**  
2                                   **an agent of the Center for Biological Diversity**

3  
4 In accordance with the rules set forth in the Lower White River Flow System Order 1303 Notice of  
5 Hearing dated August 23, 2019, Patrick Donnelly, an employee of the Center for Biological  
6 Diversity, enters this notice of appearance as the Center for Biological Diversity's agent of record  
7 for the above referenced matter. Agent Patrick Donnelly requests that service of pertinent documents  
8 be delivered, preferably in electronic format, to:

9  
10 Patrick Donnelly  
11 Center for Biological Diversity  
12 7345 S. Durango Dr.  
13 B-107, Box 217  
14 Las Vegas, NV 89113  
15 [pdonnelly@biologicaldiversity.org](mailto:pdonnelly@biologicaldiversity.org)

16  
17 Lisa Belenky  
18 Center for Biological Diversity  
19 1212 Broadway #800  
20 Oakland, CA 94612  
21 [lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)

22  
23 Dated this 6<sup>th</sup> day of September.

24   
25  
26

27 Patrick Donnelly  
28

RECEIVED

2019 SEP -6 AM 11: 37  
STATE ENGINEERS OFFICE

Therese A. Ure, NSB 10255  
Laura A. Schroeder, NSB 3595  
Schroeder Law Offices, P.C.  
10615 Double R Blvd., Ste. 100  
Reno, Nevada 89521  
PHONE (775) 786-8800; FAX (877) 600-4971  
counsel@water-law.com  
*Attorneys for City of North Las Vegas*

Affirmation: This document does  
not contain the social security  
number of any person.

**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  
THE 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

**NOTICE OF APPEARANCE OF  
COUNSEL FOR CITY OF NORTH  
LAS VEGAS**

**NOTICE**

PLEASE TAKE NOTICE that Therese A. Ure and Laura A. Schroeder, of Schroeder Law Offices, P.C., along with Deputy City Attorney Andrew Moore for City of North Las Vegas, hereby appear in the above referenced matter as counsel for City of North Las Vegas.

**Page 1 – NOTICE OF APPEARANCE OF COUNSEL FOR CITY OF NORTH LAS VEGAS**



Counsel, Schroeder Law Offices, P.C. and the City Attorney's Office for the City of North Las Vegas intend to participate in any proceeding related to the administration and management of the Lower White River Flow System ("LWRFS").

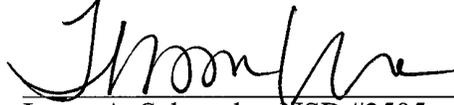
Counsel Schroeder Law Offices, P.C. requests that service of pleadings, notices and other correspondence relating to the above referenced matter be directed to:

Therese A. Ure  
Laura A. Schroeder  
Schroeder Law Offices, P.C.  
10615 Double R Blvd., Ste. 100  
Reno, Nevada 89521  
[counsel@water-law.com](mailto:counsel@water-law.com)

Andy Moore  
City Attorney's Office  
City of North Las Vegas  
2250 N. Las Vegas Blvd., Ste. 810  
North Las Vegas, NV 89030  
[moorea@cityofnorthvegas.com](mailto:moorea@cityofnorthvegas.com)

DATED this 5<sup>th</sup> day of September, 2019.

SCHROEDER LAW OFFICES, P.C.



Laura A. Schroeder, NSB #3595  
Therese A. Ure, NSB #10255  
Email: [counsel@water-law.com](mailto:counsel@water-law.com)  
10615 Double R Blvd., Ste. 100  
Reno, Nevada 89521 Phone: (775) 786-8800  
Fax: (877) 600-4971  
*Attorneys for City of North Las Vegas*



## CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2019, I caused a copy of the foregoing **NOTICE OF APPEARANCE OF COUNSEL FOR CITY OF NORTH LAS VEGAS** to be served on the following parties as outlined below:

### **VIA US MAIL from the State of Nevada:**

Nevada State Engineer  
Nevada Division of Water Resources  
901 South Stewart Street, Suite 2002  
Carson City, NV 89701

### **VIA ELECTRONIC DELIVERY:**

[8milelister@gmail.com](mailto:8milelister@gmail.com)  
[ablack@mcdonaldcarano.com](mailto:ablack@mcdonaldcarano.com)  
[admin.mbop@moapabandofpaiutes.org](mailto:admin.mbop@moapabandofpaiutes.org)  
[alaskajulie12@gmail.com](mailto:alaskajulie12@gmail.com)  
[andrew.burns@snwa.com](mailto:andrew.burns@snwa.com)  
[barbnwalt325@gmail.com](mailto:barbnwalt325@gmail.com)  
[bbaldwin@ziontzchestnut.com](mailto:bbaldwin@ziontzchestnut.com)  
[bostajohn@gmail.com](mailto:bostajohn@gmail.com)  
[bvann@ndow.org](mailto:bvann@ndow.org)  
[chair.mbop@moapabandofpaiutes.org](mailto:chair.mbop@moapabandofpaiutes.org)  
[Chris.Benkman@nsgen.com](mailto:Chris.Benkman@nsgen.com)  
[Colby.pellegrino@snwa.com](mailto:Colby.pellegrino@snwa.com)  
[Coop@opd5.com](mailto:Coop@opd5.com)  
[coopergs@ldschurch.org](mailto:coopergs@ldschurch.org)  
[craig.primas@snvgrowers.com](mailto:craig.primas@snvgrowers.com)  
[craig.wilkinson@pabcogypsum.com](mailto:craig.wilkinson@pabcogypsum.com)  
[dan.peressini@lasvegaspaving.com](mailto:dan.peressini@lasvegaspaving.com)  
[david\\_stone@fws.gov](mailto:david_stone@fws.gov)  
[Dbrown@ldalv.com](mailto:Dbrown@ldalv.com)  
[dennis.barrett10@gmail.com](mailto:dennis.barrett10@gmail.com)  
[derekm@westernelite.com](mailto:derekm@westernelite.com)  
[devaulr@cityofnorthlasvegas.com](mailto:devaulr@cityofnorthlasvegas.com)  
[dfrehner@lincolncountynv.gov](mailto:dfrehner@lincolncountynv.gov)  
[dixonjm@gmail.com](mailto:dixonjm@gmail.com)  
[dorothy@vidlerwater.com](mailto:dorothy@vidlerwater.com)  
[doug@nvfb.org](mailto:doug@nvfb.org)  
[dvossmer@republicservices.com](mailto:dvossmer@republicservices.com)  
[dwight.smith@interflowhydro.com](mailto:dwight.smith@interflowhydro.com)  
[edna@comcast.net](mailto:edna@comcast.net)  
[emilia.cargill@coyotesprings.com](mailto:emilia.cargill@coyotesprings.com)

[EveryoneWaterResources@water.nv.gov](mailto:EveryoneWaterResources@water.nv.gov)  
[fan4philly@gmail.com](mailto:fan4philly@gmail.com)  
[gary\\_karst@nps.gov](mailto:gary_karst@nps.gov)  
[gbushner@vidlerwater.com](mailto:gbushner@vidlerwater.com)  
[glen\\_knowles@fws.gov](mailto:glen_knowles@fws.gov)  
[garrison@parsonsbehle.com](mailto:garrison@parsonsbehle.com)  
[golden@apexindustrialpark.com](mailto:golden@apexindustrialpark.com)  
[golds@nevcogen.com](mailto:golds@nevcogen.com)  
[greatsam@usfds.com](mailto:greatsam@usfds.com)  
[greg.walch@lvvwd.com](mailto:greg.walch@lvvwd.com)  
[hartthethird@gmail.com](mailto:hartthethird@gmail.com)  
[Howard.Forepaugh@nsgen.com](mailto:Howard.Forepaugh@nsgen.com)  
[ircady@yahoo.com](mailto:ircady@yahoo.com)  
[info4gbwn@gmail.com](mailto:info4gbwn@gmail.com)  
[JCaviglia@nvenergy.com](mailto:JCaviglia@nvenergy.com)  
[Jeff.phillips@lasvegaspaving.com](mailto:Jeff.phillips@lasvegaspaving.com)  
[jim.watrus@snwa.com](mailto:jim.watrus@snwa.com)  
[jmordhorst@water.nv.gov](mailto:jmordhorst@water.nv.gov)  
[joe@moapawater.com](mailto:joe@moapawater.com)  
[Karen.glasgow@sol.doi.gov](mailto:Karen.glasgow@sol.doi.gov)  
[kbrown@vvh2o.com](mailto:kbrown@vvh2o.com)  
[Kevin\\_Desroberts@fws.gov](mailto:Kevin_Desroberts@fws.gov)  
[kimberley.jenkins@clarkcountynv.gov](mailto:kimberley.jenkins@clarkcountynv.gov)  
[kingmont@charter.net](mailto:kingmont@charter.net)  
[kpeterston@allisonmackenzie.com](mailto:kpeterston@allisonmackenzie.com)  
[krobison@rssblaw.com](mailto:krobison@rssblaw.com)  
[kurthlawoffice@gmail.com](mailto:kurthlawoffice@gmail.com)  
[lazarus@glorietageo.com](mailto:lazarus@glorietageo.com)  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)  
[lbenezet@yahoo.com](mailto:lbenezet@yahoo.com)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

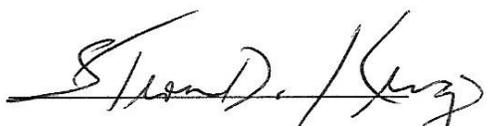
IN THE MATTER OF THE )  
ADMINISTRATION AND )  
MANAGEMENT OF THE LOWER )  
WHITE RIVER FLOW SYSTEM )  
WITHIN COYOTE SPRING )  
VALLEY HYDROGRAPHIC BASIN )  
(210), A PORTION OF BLACK )  
MOUNTAINS AREA )  
HYDROGRAPHIC BASIN (215), )  
GARNET VALLEY )  
HYDROGRAPHIC BASIN (216), )  
HIDDEN VALLEY )  
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. )

**INTERIM ORDER 1303**

**NOTICE OF APPEARANCE ON BEHALF OF  
MUDDY VALLEY IRRIGATION COMPANY**

Please take notice that Steven D. King, Esq., of the Law Office of  
Steven D. King, will represent Muddy Valley Irrigation Company, in these  
proceedings and at the September 23, 2019 hearing.

Dated this 6<sup>th</sup> of September, 2019.



Steven D. King, Esq.- NSB #4034  
227 River Road  
Dayton, Nevada 89403  
Telephone: (775) 427-5821  
EMAIL: kingmont@charter.net  
Attorney for Muddy Valley  
Irrigation Company

CERTIFICATE OF SERVICE

I certify that I, Steven D. King, on this date, caused a true copy of **NOTICE OF APPEARANCE ON BEHALF OF MUDDY VALLEY IRRIGATION COMPANY**, to be served on all parties to this action by emailing an attached copy of the document to the email addresses below:

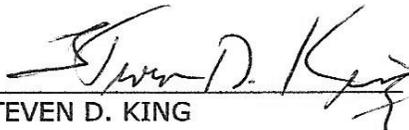
8milelister@gmail.com;  
ablack@mcdonaldcarano.com  
admin.mbop@moapabandofpaiutes.org  
alaskajulie12@gmail.com;  
andrew.burns@snwa.com;  
barbnwalt325@gmail.com;  
bbaldwin@ziontchestnut.com;  
bostajohn@gmail.com;  
Bennie Vann <bvann@ndow.org>;  
chair.mbop@moapabandofpaiutes.org;  
Chris.Benkman@nsgen.com;  
Colby.pellegrino@snwa.com;  
Coop@opd5.com;  
coopergs@ldschurch.org;  
counsel@water-law.com;  
craig.primas@sngrowers.com;  
craig.wilkinson@pabcogypsum.com;  
dan.peressini@lasvegaspaving.com;  
david\_stone@fws.gov;  
Dbrown@ldalv.com;  
dennis.barrett10@gmail.com;  
derekm@westernelite.com;  
devaulr@cityofnorthlasvegas.com;  
dfrehner@lincolncountynv.gov;  
dixonjm@gmail.com;  
dorothy@vidlerwater.com;  
doug@nvfb.org;  
dvossmer@republicservices.com;  
dwight.smith@interflowhydro.com;  
edna@comcast.net;  
emilia.cargill@coyotesprings.com;  
fan4philly@gmail.com;  
gary\_karst@nps.gov;  
gbushner@vidlerwater.com;  
glen\_kowles@fws.gov;  
gmorrison@parsonsbehle.com;  
golden@apexindustrialpark.com;  
golds@nevcogen.com;  
greatsam@usfds.com;  
greg.walch@lvvwd.com;  
hartthethird@gmail.com;  
Howard.Forepaugh@nsgen.com;  
ircady@yahoo.com;  
info4gbwn@gmail.com;  
JCaviglia@nvenergy.com;  
jeff.phillips@lasvegaspaving.com;

jim.watrus@snwa.com;  
joe@moapawater.com;  
Karen.glasgow@sol.doi.gov;  
kbrown@vvh2o.com;  
Kevin\_Desroberts@fws.gov;  
kimberley.jenkins@clarkcountynv.gov;  
kingmont@charter.net;  
kpeterson@allisonmackenzie.com;  
KRobison@rsslblaw.com;  
kurthlawoffice@gmail.com;  
lazarus@glorietageo.com;  
lbelenky@biologicaldiversity.org;  
lbenezet@yahoo.com;  
liamleavitt@hotmail.com;  
Lindseyd@mvdsl.com;  
Lisa@ldalv.com;  
lle@mvdsl.com;  
lon@moapawater.com;  
lroy@broadbentinc.com;  
LuckyDirt@icloud.com;  
luke.miller@sol.doi.gov;  
luke.stewart@pabcogypsum.com;  
martinmiffin@yahoo.com;  
MBHoffice@earthlink.net;  
michael\_schwemm@fws.gov;  
mjohns@nvenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;  
onesharp1@gmail.com;  
paul@legaltnt.com;  
pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

sharrison@mcdonaldcarano.com;  
stever@stetsonengineers.com;  
sue\_braumiller@fws.gov;  
technichrome@jps.net;  
tim@legaltnt.com;  
tommyers1872@gmail.com;  
trobison@mvdsl.com;  
twtemt@hotmail.com;  
veronica.rowan@sol.doi.gov;  
vsandu@republicservices.com;  
whitfam@mvdsl.com;  
william.paff@rocklandcapital.com;  
wpoulsen@lincolnnv.com  
  
bherrema@bhfs.com

Dated this 10th day of September, 2019.

  
STEVEN D. KING

# FAX

**Kaempfer Crowell**  
 50 West Liberty Street, Suite 700  
 Reno, NV 89501  
 Phone: (775) 852-3900  
 Fax: (775) 327-2011  
 E-Mail: info@kcnvlaw.com

**Date: 9/6/19**

**No. of Pages: 5**  
(Including cover sheet)

<b>TO:</b>	<b>Fax No:</b>	<b>Phone No:</b>
Office of the State Engineer of the State of Nevada	775-684-2811	775-684-2800

<b>FROM:</b>	<b>Client/Matter No:</b>
J Harris	

**Regarding:**  
 Notice of Appearance

**Message:**  
 Re: Matter of the Administration and Management of the Lower White River Flowsystem within Coyote Spring Valley Hydrographic Basin et al.

THE FOLLOWING PAGES ARE A CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION INTENDED ONLY FOR THE PERSON NAMED ABOVE. IF YOU ARE NOT THE PERSON NAMED ABOVE, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY OF THE FOLLOWING INFORMATION, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. WE WILL GLADLY REIMBURSE YOUR POSTAGE EXPENSE. THANK YOU.

**SE ROA 371**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**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 FLOWSYSTEM 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).

**NOTICE OF APPEARANCE OF COUNSEL FOR  
NEVADA COGENERATION ASSOCIATES NOS. 1 AND 2**

PLEASE TAKE NOTICE THAT Alex J. Flangas of the law firm of KAEMPFER CROWELL will be representing Nevada Cogeneration Associates Nos. 1 and 2 (collectively "NCA," and separately "NCA 1" and "NCA 2"), in the above referenced proceedings before the Nevada State Engineer, at the hearings before the Division of Water Resources and the Nevada State Engineer commencing September 23, 2019, in accordance with the issuance of Interim Order 1303 and the Notice of Hearing, as thereafter amended, and in any proceeding related to the administration and management of the Lower White River Flow System (the "LWRFS").

The undersigned requests that service of all documents, notices and other correspondence relating to the above referenced matter be directed to counsel at the following address (complete address on next page):

//  
//

KAEMPFER CROWELL  
50 West Liberty Street, Suite 700  
Reno, Nevada 89501

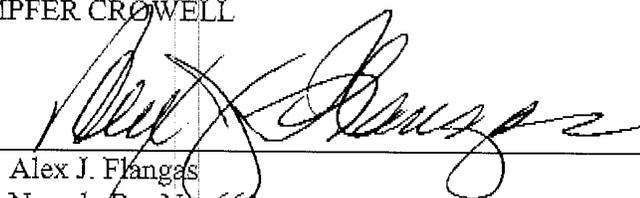
1 Alex J. Flangas  
 2 Kaempfer Crowell  
 3 Reno Office  
 4 50 W. Liberty Street, Suite 700  
 5 Reno, Nevada 89501  
 6 [aflangas@kcnvlaw.com](mailto:aflangas@kcnvlaw.com)  
 7 [mmarsh@kcnvlaw.com](mailto:mmarsh@kcnvlaw.com)  
 8 [iharris@kcnvlaw.com](mailto:iharris@kcnvlaw.com)

9 O: 775-852-3900  
 10 Direct: 775-393-1783  
 11 Cell: 775-219-9163

12 DATED this 5<sup>th</sup> day of September, 2019.

13 KAEMPFER CROWELL

14 BY:



15 Alex J. Flangas  
 16 Nevada Bar No. 664  
 17 50 West Liberty Street, Suite 700  
 18 Reno, NV 89501  
 19 *Attorneys for Nevada Cogeneration Associates*  
 20 *Nos. 1 and 2*

21 **CERTIFICATE OF SERVICE**

22 I hereby certify that I am an employee of KEMPFER CROWELL, and on this date, I  
 23 caused the foregoing document to be served via electronic transmission as follows:

24 <a href="mailto:8milelister@gmail.com">8milelister@gmail.com</a> ;	<a href="mailto:jmordhorst@water.nv.gov">jmordhorst@water.nv.gov</a> ;
<a href="mailto:ablack@mcdonaldcarano.com">ablack@mcdonaldcarano.com</a> ;	<a href="mailto:joe@moapawater.com">joe@moapawater.com</a> ;
<a href="mailto:admin.mbop@moapabandofpaiutes.org">admin.mbop@moapabandofpaiutes.org</a> ;	<a href="mailto:Karen.glasgow@sol.doi.gov">Karen.glasgow@sol.doi.gov</a> ;
<a href="mailto:aflangas@kcnvlaw.com">aflangas@kcnvlaw.com</a>	<a href="mailto:kbrown@yvvh2o.com">kbrown@yvvh2o.com</a> ;
<a href="mailto:alaskajulie12@gmail.com">alaskajulie12@gmail.com</a> ;	<a href="mailto:Kevin_Desroberts@fws.gov">Kevin_Desroberts@fws.gov</a> ;
<a href="mailto:andrew.burns@snwa.com">andrew.burns@snwa.com</a> ;	<a href="mailto:kimberley.jenkins@clarkcountynv.gov">kimberley.jenkins@clarkcountynv.gov</a> ;
<a href="mailto:barbnwalt325@gmail.com">barbnwalt325@gmail.com</a> ;	<a href="mailto:kingmont@charter.net">kingmont@charter.net</a> ;
<a href="mailto:bbaldwin@ziontzchestnut.com">bbaldwin@ziontzchestnut.com</a> ;	<a href="mailto:kpeteron@allisonmackenzie.com">kpeteron@allisonmackenzie.com</a> ;
<a href="mailto:bostajohn@gmail.com">bostajohn@gmail.com</a> ;	<a href="mailto:krobison@rssblaw.com">krobison@rssblaw.com</a> ;

KAEMPFER CROWELL  
 50 West Liberty Street, Suite 700  
 Reno, Nevada 89501

1 [bvann@ndow.org](mailto:bvann@ndow.org);  
 2 [chair.mbop@moapabandofpaiutes.org](mailto:chair.mbop@moapabandofpaiutes.org);  
 3 [chris.benkman@nsgen.com](mailto:chris.benkman@nsgen.com);  
 4 [Colby.pellegrino@snwa.com](mailto:Colby.pellegrino@snwa.com);  
 5 [Coop@opd5.com](mailto:Coop@opd5.com);  
 6 [coopergs@ldschurch.org](mailto:coopergs@ldschurch.org);  
 7 [craig.primas@snavgrowers.com](mailto:craig.primas@snavgrowers.com);  
 8 [craig.wilkinson@pabcogypsum.com](mailto:craig.wilkinson@pabcogypsum.com);  
 9 [dan.peressini@lasvegaspaving.com](mailto:dan.peressini@lasvegaspaving.com);  
 10 [david\\_stone@fws.gov](mailto:david_stone@fws.gov);  
 11 [Dbrown@ldalv.com](mailto:Dbrown@ldalv.com);  
 12 [dennis.barrett10@gmail.com](mailto:dennis.barrett10@gmail.com);  
 13 [derekm@westernelite.com](mailto:derekm@westernelite.com);  
 14 [devaulr@cityofnorthlasvegas.com](mailto:devaulr@cityofnorthlasvegas.com);  
 15 [dfrehner@lincolncountynv.gov](mailto:dfrehner@lincolncountynv.gov);  
 16 [dixonjm@gmail.com](mailto:dixonjm@gmail.com);  
 17 [dorothy@vidlerwater.com](mailto:dorothy@vidlerwater.com);  
 18 [doug@nvfb.org](mailto:doug@nvfb.org);  
 19 [dvossmmer@republicservices.com](mailto:dvossmmer@republicservices.com);  
 20 [dwight.smith@interflowhydro.com](mailto:dwight.smith@interflowhydro.com);  
 21 [edna@comcast.net](mailto:edna@comcast.net);  
 22 [emilia.cargill@coyotesprings.com](mailto:emilia.cargill@coyotesprings.com);  
 23 [EveryoneWaterResources@water.nv.gov](mailto:EveryoneWaterResources@water.nv.gov);  
 24 [fan4philly@gmail.com](mailto:fan4philly@gmail.com);  
 25 [gary\\_karst@nps.gov](mailto:gary_karst@nps.gov);  
 26 [gbushner@vidlerwater.com](mailto:gbushner@vidlerwater.com);  
 27 [glen\\_knowles@fws.gov](mailto:glen_knowles@fws.gov);  
 28 [gmorrison@parsonsbehle.com](mailto:gmorrison@parsonsbehle.com);  
 29 [golden@apexindustrialpark.com](mailto:golden@apexindustrialpark.com);  
 30 [golds@nevcogen.com](mailto:golds@nevcogen.com);  
 31 [greatsam@usfds.com](mailto:greatsam@usfds.com);  
 32 [greg.walch@lvvwd.com](mailto:greg.walch@lvvwd.com);  
 33 [hartthethird@gmail.com](mailto:hartthethird@gmail.com);  
 34 [howard.forepaugh@nsgen.com](mailto:howard.forepaugh@nsgen.com);  
 35 [ircady@yahoo.com](mailto:ircady@yahoo.com);  
 36 [info4gbwn@gmail.com](mailto:info4gbwn@gmail.com);  
 37 [JCaviglia@nvenergy.com](mailto:JCaviglia@nvenergy.com);  
 38 [Jeff.phillips@lasvegaspaving.com](mailto:Jeff.phillips@lasvegaspaving.com);  
 39 [jim.watrus@snwa.com](mailto:jim.watrus@snwa.com);  
 40 [mordhorst@water.nv.gov](mailto:mordhorst@water.nv.gov)

[kurthlawoffice@gmail.com](mailto:kurthlawoffice@gmail.com);  
[lazarus@glorietageo.com](mailto:lazarus@glorietageo.com);  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org);  
[lbenezet@yahoo.com](mailto:lbenezet@yahoo.com);  
[liamleavitt@hotmail.com](mailto:liamleavitt@hotmail.com);  
[Lindseyd@mvdsl.com](mailto:Lindseyd@mvdsl.com);  
[Lisa@ldalv.com](mailto:Lisa@ldalv.com);  
[lle@mvdsl.com](mailto:lle@mvdsl.com);  
[lon@moapawater.com](mailto:lon@moapawater.com);  
[lroy@broadbentinc.com](mailto:lroy@broadbentinc.com);  
[LuckyDirt@icloud.com](mailto:LuckyDirt@icloud.com);  
[luke.miller@sol.doi.gov](mailto:luke.miller@sol.doi.gov);  
[martinmifflin@yahoo.com](mailto:martinmifflin@yahoo.com);  
[mfairbank@water.nv.gov](mailto:mfairbank@water.nv.gov);  
[mflatley@water.nv.gov](mailto:mflatley@water.nv.gov);  
[MBHoffice@earthlink.net](mailto:MBHoffice@earthlink.net);  
[Michael\\_schwemm@fws.gov](mailto:Michael_schwemm@fws.gov);  
[mjohns@nvenergy.com](mailto:mjohns@nvenergy.com);  
[mmmiller@cox.net](mailto:mmmiller@cox.net);  
[moapalewis@gmail.com](mailto:moapalewis@gmail.com);  
[moorea@cityofnorthlasvegas.com](mailto:moorea@cityofnorthlasvegas.com);  
[muddyvalley@mvdsl.com](mailto:muddyvalley@mvdsl.com);  
[oldnevadanwater@gmail.com](mailto:oldnevadanwater@gmail.com);  
[onesharpl@gmail.com](mailto:onesharpl@gmail.com);  
[paul@legaltnt.com](mailto:paul@legaltnt.com);  
[pdonnelly@biologicaldiversity.org](mailto:pdonnelly@biologicaldiversity.org);  
[progress@mvdsl.com](mailto:progress@mvdsl.com);  
[rafelling@charter.net](mailto:rafelling@charter.net);  
[raymond.roessel@bia.gov](mailto:raymond.roessel@bia.gov);  
[rberley@ziontzchestnut.com](mailto:rberley@ziontzchestnut.com);  
[rhoerth@vidlerwater.com](mailto:rhoerth@vidlerwater.com);  
[robert.dreyfus@gmail.com](mailto:robert.dreyfus@gmail.com);  
[Rott@nvenergy.com](mailto:Rott@nvenergy.com);  
[rozaki@opd5.com](mailto:rozaki@opd5.com);  
[rteague@republicservices.com](mailto:rteague@republicservices.com);  
[Sarahpeterson@blm.gov](mailto:Sarahpeterson@blm.gov);  
[SCarlson@kcnvlaw.com](mailto:SCarlson@kcnvlaw.com);  
[sc.anderson@lvvwd.com](mailto:sc.anderson@lvvwd.com);  
[sc.anderson@snwa.com](mailto:sc.anderson@snwa.com);  
[sharrison@mcdonaldcarano.com](mailto:sharrison@mcdonaldcarano.com);  
[stever@stetsonengineers.com](mailto:stever@stetsonengineers.com);

22 [sue\\_braumiller@fws.gov](mailto:sue_braumiller@fws.gov);  
 23 [technichrome@jps.net](mailto:technichrome@jps.net);  
 24 [tim@legaltnt.com](mailto:tim@legaltnt.com);  
 25 [tomg@nevadawatersolutions.com](mailto:tomg@nevadawatersolutions.com);  
 26 [tommyers1872@gmail.com](mailto:tommyers1872@gmail.com);

KAEFFER CROWELL  
 50 West Liberty Street, Suite 700  
 Reno, Nevada 89501

- 1 [trobinson@mvdsl.com](mailto:trobinson@mvdsl.com);
- 2 [twtemt@hotmail.com](mailto:twtemt@hotmail.com);
- 3 [veronica.rowan@sol.doi.gov](mailto:veronica.rowan@sol.doi.gov);
- 4 [vsandu@republicservices.com](mailto:vsandu@republicservices.com);
- 5 [whitfam@mvdsl.com](mailto:whitfam@mvdsl.com);
- 6 [william.paff@rocklandcapital.com](mailto:william.paff@rocklandcapital.com);
- 7 [wpoulsen@lincolnnv.com](mailto:wpoulsen@lincolnnv.com);
- 8 [therese@water-law.com](mailto:therese@water-law.com);
- 9 [schroeder@water-law.com](mailto:schroeder@water-law.com);
- 10 [c.skulan@water-law.com](mailto:c.skulan@water-law.com);
- 11 [l.gage@water-law.com](mailto:l.gage@water-law.com);
- 12 [jeanette\\_pizarro@fws.gov](mailto:jeanette_pizarro@fws.gov);
- 13 [RShaffer@parsonsbehle.com](mailto:RShaffer@parsonsbehle.com)

8  
9 Additionally, a copy of this document was delivered via facsimile to the Division of  
10 Water Resources this same day.

11 DATED this 6<sup>th</sup> day of September, 2019.

12   
13 Employee of Kaempfer Crowell

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
KAEMPFER CROWELL  
50 West Liberty Street, Suite 700  
Reno, Nevada 89501

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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.

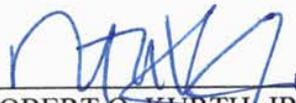
INTERIM ORDER #1303

**NOTICE OF APPEARANCE ON BEHALF OF 3335HILLSIDE LLC**

PLEASE TAKE NOTICE that Robert O. Kurth, Jr. of the KURTH LAW OFFICE hereby enters his appearance as counsel of record concerning these proceedings and will represent 3335HILLSIDE LLC at the hearing scheduled to commence on or about September 23, 2019.

DATED this 6th day of September, 2019.

Submitted by:  
**KURTH LAW OFFICE**

  
\_\_\_\_\_  
ROBERT O. KURTH, JR.  
Nevada Bar No. 4659  
3420 North Buffalo Drive  
Las Vegas, NV 89129  
Tel: (702) 438-5810  
Fax: (702) 459-1585  
E-mail: kurthlawoffice@gmail.com  
Attorney for 3335Hillside LLC

KURTH LAW OFFICE  
3420 North Buffalo Drive  
Las Vegas, NV 89129  
(702) 438-5810

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6<sup>th</sup> day of September, 2019, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE ON BEHALF OF 3335HILLSIDE LLC via electronic delivery and email to the following:

8milelister@gmail.com;	gmorrison@parsonsbehle.com;
ablack@mcdonaldcarano.com	golden@apexindustrialpark.com;
admin.mbop@moapabandofpaiutes.org	golds@nevcogen.com;
alaskaiuliel2@gmail.com;	greatsam@usfds.com;
andrew.bums@snwa.com;	greg.walch@lvvwd.com;
barbnwalt325@gmail.com;	hartthethird@gmail.com;
bbaldwin@ziontchestnut.com;	Howard.Forepaugh@nsgen.com;
bostajohn@gmail.com;	ircady@yahoo.com;
Bennie Vann <bvann@ndow.org>;	info4gbwn@gmail.com;
chair.mbop@moapabandofpaiutes.org;	JCaviglia@nvenergy.com;
Chris.Benkman@nsgen.com;	jeff.phillips@lasvegaspaving.com;
Colby.pellegrino@snwa.com;	stever@stetsonengineers.com;
Coop@opd5.com;	jim.watrus@snwa.com;
coopergs@ldschurch.org;	joe@moapawater.com;
counsel@water-law.com;	Karen.glasgow@sol.doi.gov;
craig.primas@sngrowers.com;	kbrown@vvh2o.com;
craig.wilkinson@pabcogypsum.com;	Kcvin_Dcsroberts@fws.gov;
danperessini@lasvegaspaving.com;	kimberley.jenkins@clarkcountynv.gov;
david_stone@lws.gov;	kingmont@charter.net;
Dbrown@ldalv.com;	kpeterson@allisonmackenzie.com;
dennis.barrett10@gmail.com;	KRobison@rssblaw.com;
derekm@westemelite.com;	kurthlawoffice@gmail.com;
devaulr@cityofnoithlasvegas.com;	lazarus@glorietageo.com;
dfrehner@lincolncountynv.gov;	lbelenky@biologicaldiversity.org;
dixonjm@gmail.com;	lbenezet@yahoo.com;
dorothy@vidlerwater.com;	liamleavitt@hotmail.com;
doug@nvfb.org;	Lindseyd@mvdsl.com;
dvossmmer@republicservices.com;	Lisa@ldalv.com;
dwight.smith@interflowhydro.com;	lle@mvdsl.com;
edna@comcast.net;	lon@moapawater.com;
emilia.cargill@coyotesprings.com;	lroy@broadbentinc.com;
fan4philly@gmail.com;	LuckyDirt@icloud.com;
gary_karst@nps.gov;	luke.miller@sol.doi.gov;
gbushnen@vidlerwater.com;	luke.stewart@pabcogypsum.com;
glen knowles@fws.gov;	martinmifflin@yahoo.com;

KURTH LAW OFFICE  
3420 North Buffalo Drive  
Las Vegas, NV 89129  
(702) 438-5810

1 MBHoffice@earthlink.net;  
2 michael\_schwemm@fws.gov;  
3 mjohns@nvenergy.com;  
4 mmmiller@cox.net;  
5 moapalewis@gmail.com;  
6 moorea@cityofnorthlasvegas.com;  
7 muddyvalley@mvdsl.com;  
8 onesharpl@gmail.com;  
9 paul@legaltnt.com;  
10 pdonnelly@biologicaldiversity.org;  
11 progress@mvdsl.com;  
12 rafelling@charter.net;

raymond.roessel@bia.gov;  
rberley@ziontzchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lwwd.com;  
sc.anderson@snwa.com;

  
An employee of **KURTH LAW OFFICE**.

**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. )

**ORDER DENYING REQUEST FOR  
RECONSIDERATION AND  
REVISION OF STATE  
ENGINEER'S NOTICE OF  
HEARING**

At the pre-hearing conference held on August 8, 2019, in the above captioned matter, certain parties made requests relating to the amount of time to be allotted to them.<sup>1</sup> Specifically, counsel expressed concern relating to the proposed time to be allotted based upon the number of witnesses and other factors.<sup>2</sup> In response, counsel for Coyote Springs Investments, LLC (CSI) asked for the same allotment of time as another party without further justification.<sup>3</sup> On August 23, 2019, the State Engineer issued the Notice of Hearing whereby participants were assigned certain dates and time for the presentation of their evidence relating to the matters established in Order 1303.<sup>4</sup>

On August 28, 2019, CSI filed a *Request for Reconsideration and Revision of State Engineer's Notice of Hearing* (Request). In that request, CSI stated the basis for its request to be to provide "an equal opportunity to present its case."<sup>5</sup> CSI provided no other justification for its request for additional time.<sup>6</sup>

Generally, the Nevada State Engineer does not accept requests for reconsideration.<sup>7</sup> While the administrative regulations set forth in Nevada Administrative Code Chapter 533 are

---

<sup>1</sup> See generally Notice of Pre-Hearing Conference, dated July 25, 2019; see also Transcript of the public pre-hearing conference before the State Engineer, August 8, 2019, official records in the Office of the State Engineer.

<sup>2</sup> See Transcript at pp. 22-23.

<sup>3</sup> *Id.* at p. 26.

<sup>4</sup> Official records in the office of the State Engineer.

<sup>5</sup> See *Coyote Springs Investment, LLC's Request for Reconsideration and Revision of State Engineer's Notice of Hearing*, official records in the Office of the State Engineer.

<sup>6</sup> *Id.*

<sup>7</sup> See NAC 533.365.

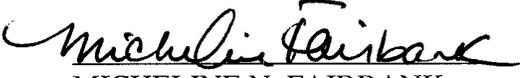
Re: Order Denying *Request for Reconsideration and Revision of State Engineer's Notice of Hearing* In the Matter of the Administration and Management of the Lower White River Flow System  
September 6, 2019  
Page 2

generally directed toward the practice and procedure in protest hearings conducted before the State Engineer, the State Engineer finds such regulations and procedures persuasive, but not binding in this matter.

Further, while the Nevada Rules of Civil Procedure are not binding on the State Engineer or these proceedings, the State Engineer finds NRCP 60 to be informative in considering CSI's Request. Under NRCP 60, a motion for relief from a judgment or order may be based upon mistake, inadvertence, excusable neglect, newly discovered evidence, fraud, or other bases.<sup>8</sup>

Having considered the statements of counsel during the August 8, 2019, pre-hearing conference as well as the Request, the State Engineer does not find that CSI has demonstrated a basis to revise the Notice of Hearing.

Accordingly, IT IS ORDERED that the *Request for Reconsideration and Revision of State Engineer's Notice of Hearing* filed by Coyote Springs Investments, LLC is DENIED.

  
MICHELINE N. FAIRBANK  
Deputy Administrator

Dated this 6<sup>th</sup> day of  
September, 2019.

---

<sup>8</sup> See NRCP 60(b).

Re: Order Denying *Request for Reconsideration and Revision of State Engineer's Notice of Hearing* In the Matter of the Administration and Management of the Lower White River Flow System  
September 6, 2019  
Page 3

### SERVICE LIST

**Order Denying Request for Reconsideration and Revision of State Engineer's Notice of Hearing In the Matter of the Administration and Management of the Lower White River Flow System**

Bedroc Limited, LLC  
Western Elite Environmental, Inc.  
2745 North Nellis Boulevard  
Las Vegas, NV 89115

Coyote Springs Investment, LLC  
c/o Wingfield Nevada Group  
6600 N. Wingfield Pkwy.  
Sparks, NV 89436

Dry Lake Water, LLC  
2470 St. Rose Pkwy., Ste. 107  
Henderson, NV 89074

Georgia Pacific Corporation  
Georgia Pacific Gypsum  
P.O. Box 337350  
Las Vegas, NV 89033

Moapa Band of Paiute Indians  
P.O. Box 340  
Moapa, NV 89025

Moapa Valley Water District  
P. O. Box 257  
Logandale, NV 89021

Nevada Cogeneration Associates  
420 N. Nellis Blvd., #A3-400  
Las Vegas, NV 89110

Nevada Power Company  
DBA NV Energy  
6226 West Sahara Avenue  
Las Vegas, NV 89146

City of North Las Vegas  
2250 Las Vegas Blvd. North  
N. Las Vegas, NV 89030

Republic Environmental Technologies, Inc.  
770 East Sahara Ave.  
Las Vegas, NV 89104

Southern Nevada Water Authority  
1001 South Valley View Blvd., Mail Stop  
#485  
Las Vegas, NV 89153

Nigel Macrae, Vice President  
Technichrome  
4709 Compass Bow Lane  
Las Vegas, NV 89130

U.S. Fish and Wildlife Service  
1020 New River Parkway, Suite 305  
Fallon, NV 89406-2613

Lincoln County Water District  
P.O. Box 60  
Pioche, NV 89043

Peter Fahmy  
National Park Service  
1201 Oakridge Dr.  
Fort Collins, CO 80525

Patrick Donnelly  
Center for Biological Diversity  
7345 S. Durango Dr., B-107, Box 217  
Las Vegas, NV 89116

Kyle Roerink  
Great Basin Water Network  
P.O. Box 75  
Baker, NV 89311

Re: Order Denying *Request for Reconsideration and Revision of State Engineer's Notice of Hearing* In the Matter of the Administration and Management of the Lower White River Flow System

September 6, 2019

Page 4

Timothy D. O'Connor, Esq.  
Las Vegas Valley Water District  
c/o Taggart & Taggart, Ltd.  
108 North Minnesota Street  
Carson City, NV 89703

Scott Millington, General Manager  
Todd Robison, Chairman of the Board  
Muddy Valley Irrigation Company  
P.O. Box 665  
Overton, NV 89040

Greg L. Bushner  
Vidler Water Company  
3480 GS Richards Blvd., Suite 101  
Carson City, NV 89703

3335 Hillside, LLC  
3420 North Buffalo Drive  
Las Vegas, NV 89129

Larry Brundy  
P.O. Box 136  
Moapa, NV 89025

Casa De Warm Springs, LLC  
1000 North Green Valley Parkway, #440-350  
Henderson, NV 89074

Clark County  
500 S. Grand Central Pkwy.  
Las Vegas, NV 89155

Clark County Commissioners  
500 S. Grand Central Pkwy., 6th Fl.  
Las Vegas, NV 89155-1111

Clark County Coyote Springs  
Water Resources GID  
1001 S. Valley View Blvd.  
Las Vegas, NV 89153

Mary K. Cloud  
P.O. Box 31  
Moapa, NV 89025

Don J. & Marsha L. Davis  
P.O. Box 400  
Moapa, NV 89025

Kelly Kolhoss  
P.O. Box 232  
Moapa, NV 89025

Lake At Las Vegas Joint Venture, Inc.  
1600 Lake Las Vegas Parkway  
Henderson, NV 89011

Laker Plaza, Inc.  
7181 Noon Rd.  
Everson, WA 98247-9650

Lincoln County Commissioners  
P.O. Box 90  
Pioche, NV 89043

Church of Jesus Christ of the Latter Day  
Saints  
Area 4, 61 E. North Temple  
Salt Lake City, UT 84150-0001

State of Nevada Department of  
Transportation  
1263 S. Stewart Street  
Carson City, NV 89712

Nevada Cogeneration Associates #1  
420 N. Nellis Blvd., #A3-148  
Las Vegas, NV 89110

Division of State Parks  
State of Nevada  
Dept. of Conservation and Natural Resources  
901 S. Stewart Street, Suite 5005  
Carson City, NV 89701

Pacific Coast Building Products, Inc.  
P.O. Box 364329  
Las Vegas, NV 89036

SE ROA 382

JA\_584

Re: Order Denying *Request for Reconsideration and Revision of State Engineer's Notice of Hearing* In the Matter of the Administration and Management of the Lower White River Flow System

September 6, 2019

Page 6

kimberley.jenkins@clarkcountynv.gov;  
kingmont@charter.net;  
kpeterson@allisonmackenzie.com;  
krobison@rssblaw.com;  
kurthlawoffice@gmail.com;  
lazarus@glorietageo.com;  
lbelenky@biologicaldiversity.org;  
lbenezet@yahoo.com;  
liamleavitt@hotmail.com;  
Lindseyd@mvdsl.com;  
Lisa@ldalv.com;  
lle@mvdsl.com;  
lon@moapawater.com;  
lroy@broadbentinc.com;  
LuckyDirt@icloud.com;  
luke.miller@sol.doi.gov;  
luke.stewart@pabcogypsum.com;  
martinmifflin@yahoo.com;  
MBHoffice@earthlink.net;  
michael\_schwemm@fws.gov;  
mjohns@nvenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;  
onesharp1@gmail.com;  
paul@legaltnt.com;  
pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;  
sharrison@mcdonaldcarano.com;  
stever@stetsonengineers.com;  
sue\_braumiller@fws.gov;  
technichrome@jps.net;  
tim@legaltnt.com;

tommyers1872@gmail.com;  
trobison@mvdsl.com;  
twtemt@hotmail.com;  
veronica.rowan@sol.doi.gov;  
vsandu@republicservices.com;  
whitfam@mvdsl.com;  
william.paff@rocklandcapital.com;  
wpoulsen@lincolnnv.com;  
mfairbank@water.nv.gov;  
mlflatley@water.nv.gov

SE ROA 383

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

RECEIVED  
2019 SEP -6 PM 3:38  
STATE ENGINEER'S OFFICE

IN THE MATTER OF THE  
ADMINSTRATION 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  
HYDROGRAPHOC BASIN (218), AND  
MUDDY RIVER SPRINGS AREA (aka  
UPPER MOAPA VALLEY  
HYDROGRAPHOC BASIN (219).

**INTERIM ORDER #1303**

**NOTICE OF APPEARANCE ON BEHALF OF  
REPUBLIC ENVIRONMENTAL TECHNOLOGIES, INC.**

PLEASE TAKE NOTICE that SYLVIA HARRISON, ESQ. and SARAH FERGUSON,  
ESQ. of the law firm of McDONALD CARANO, LLP, will represent REPUBLIC  
ENVIRONMENTAL TECHNOLOGIES, INC.<sup>1</sup> at the hearing scheduled to commence  
September 23, 2019.

DATED: September 6 2019. McDONALD CARANO LLP

  
Sylvia Harrison (#4106)  
Sarah Ferguson (#41515)

McDONALD CARANO LLP  
100 West Liberty Street, 10<sup>th</sup> Floor  
Reno, Nevada 89501  
(775) 788-2000  
sharrison@mcdonaldcarano.com  
sferguson@mcdonaldcarano.com

<sup>1</sup> Counsel filed a Notice of Appearance on August 30, 2019 on behalf of Georgia Pacific Corporation and will jointly represent the parties in these proceedings.

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD CARANO LLP, and that on September 10<sup>th</sup>, 2019, I served the foregoing NOTICE OF APPEARANCE via direct email to the addresses indicated below:

<u>8milelister@gmail.com;</u>	<u>jim.watrus@snwa.com;</u>
<u>ablack@mcdonaldcarano.com</u>	<u>joe@moapawater.com;</u>
<u>admin.mbop@moapabandofpaiutes.org</u>	<u>Karen.glasgow@sol.doi.gov;</u>
<u>alaskajulie12@gmail.com;</u>	<u>kbrown@vvh2o.com;</u>
<u>andrew.burns@snwa.com;</u>	<u>Kevin_Desroberts@fws.gov;</u>
<u>barbnwalt325@gmail.com;</u>	<u>kimberley.jenkins@clarkcountynv.gov;</u>
<u>bbaldwin@ziontzchestnut.com;</u>	<u>kingmont@charter.net;</u>
<u>bostajohn@gmail.com;</u>	<u>kpeteron@allisonmackenzie.com;</u>
<u>Bennie Vann &lt;bvann@ndow.org&gt;;</u>	<u>KRobison@rssblaw.com;</u>
<u>chair.mbop@moapabandofpaiutes.org;</u>	<u>kurthlawoffice@gmail.com;</u>
<u>Chris.Benkman@nsgen.com;</u>	<u>lazarus@glorietageo.com;</u>
<u>Colby.pellegrino@snwa.com;</u>	<u>lbelenky@biologicaldiversity.org;</u>
<u>Coop@opd5.com;</u>	<u>lbenezet@yahoo.com;</u>
<u>coopergs@ldschurch.org;</u>	<u>liamleavitt@hotmail.com;</u>
<u>counsel@water-law.com;</u>	<u>Lindseyd@mvdsl.com;</u>
<u>craig.primas@sngrowers.com;</u>	<u>Lisa@ldalv.com;</u>
<u>craig.wilkinson@pabcogypsum.com;</u>	<u>lle@mvdsl.com;</u>
<u>dan.peressini@lasvegaspaving.com;</u>	<u>lon@moapawater.com;</u>
<u>david_stone@fws.gov;</u>	<u>lroy@broadbentinc.com;</u>
<u>Dbrown@ldalv.com;</u>	<u>LuckyDirt@icloud.com;</u>
<u>dennis.barrett10@gmail.com;</u>	<u>luke.miller@sol.doi.gov;</u>
<u>derekm@westernelite.com;</u>	<u>luke.stewart@pabcogypsum.com;</u>
<u>devaulr@cityofnorthlasvegas.com;</u>	<u>martinmifflin@yahoo.com;</u>
<u>dfrehner@lincolncountynv.gov;</u>	<u>MBHoffice@earthlink.net;</u>
<u>dixonjm@gmail.com;</u>	<u>michael_schwemm@fws.gov;</u>
<u>dorothy@vidlerwater.com;</u>	<u>mjohns@nvenergy.com;</u>
<u>doug@nvfb.org;</u>	<u>mmmiller@cox.net;</u>
<u>dvossmr@republicservices.com;</u>	<u>moapalewis@gmail.com;</u>
<u>dwight.smith@interflowhydro.com;</u>	<u>moorea@cityofnorthlasvegas.com;</u>
<u>edna@comcast.net;</u>	<u>muddyvalley@mvdsl.com;</u>
<u>emilia.cargill@coyotesprings.com;</u>	<u>onesharp1@gmail.com;</u>
<u>fan4philly@gmail.com;</u>	<u>paul@legaltnt.com;</u>
<u>gary_karst@nps.gov;</u>	<u>pdonnelly@biologicaldiversity.org;</u>
<u>gbushner@vidlerwater.com;</u>	<u>progress@mvdsl.com;</u>
<u>glen_knowles@fws.gov;</u>	<u>rafelling@charter.net;</u>
<u>gmorrison@parsonsbehle.com;</u>	<u>raymond.roessel@bia.gov;</u>
<u>golden@apexindustrialpark.com;</u>	<u>rberley@ziontzchestnut.com;</u>
<u>golds@nevcogen.com;</u>	<u>rhoerth@vidlerwater.com;</u>
<u>greatsam@usfds.com;</u>	<u>robert.dreyfus@gmail.com;</u>
<u>greg.walch@lvvwd.com;</u>	<u>Rott@nvenergy.com;</u>
<u>hartthethird@gmail.com;</u>	<u>rozaki@opd5.com;</u>
<u>Howard.Forepaugh@nsgen.com;</u>	<u>rteague@republicservices.com;</u>
<u>ircady@yahoo.com;</u>	<u>Sarahpeterson@blm.gov;</u>
<u>info4gbwn@gmail.com;</u>	<u>SCarlson@kcnvlaw.com;</u>
<u>JCaviglia@nvenergy.com;</u>	<u>sc.anderson@lvvwd.com;</u>
<u>jeff.phillips@lasvegaspaving.com;</u>	<u>sc.anderson@snwa.com;</u>
<u>stever@stetsonengineers.com;</u>	

- 1 [sue\\_braumiller@fws.gov](mailto:sue_braumiller@fws.gov);
- 2 [technichrome@jps.net](mailto:technichrome@jps.net);
- 3 [tim@legaltnt.com](mailto:tim@legaltnt.com);
- 4 [tommyers1872@gmail.com](mailto:tommyers1872@gmail.com);
- 5 [trobison@mvdsl.com](mailto:trobison@mvdsl.com);
- 6 [twtemt@hotmail.com](mailto:twtemt@hotmail.com);
- 7 [veronica.rowan@sol.doi.gov](mailto:veronica.rowan@sol.doi.gov);
- 8 [vsandu@republicservices.com](mailto:vsandu@republicservices.com);
- 9 [whitfam@mvdsl.com](mailto:whitfam@mvdsl.com);
- 10 [william.paff@rocklandcapital.com](mailto:william.paff@rocklandcapital.com);
- 11 [wpoulsen@lincolnnv.com](mailto:wpoulsen@lincolnnv.com)

  
An employee of McDonald Carano LLP

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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.

**NOTICE OF APPEARANCE**

STATE ENGINEERS OFFICE  
2019 SEP -6 PM 3:52

RECEIVED

PLEASE TAKE NOTICE that PAUL G. TAGGART, ESQ. and TIMOTHY D. O'CONNOR, ESQ., of the law firm of TAGGART & TAGGART, LTD., and STEVEN C. ANDERSON, ESQ., of SOUTHERN NEVADA WATER AUTHORITY, hereby enter their appearance as counsel of record for SOUTHERN NEVADA WATER AUTHORITY and LAS VEGAS VALLEY WATER DISTRICT in this matter.

///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///

Service of pleadings, notices, and other documents related to this matter should be delivered to:

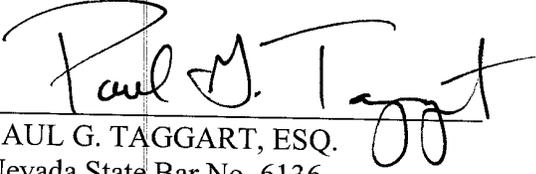
PAUL G. TAGGART, ESQ.  
TIMOTHY D. O'CONNOR, ESQ.  
TAGGART & TAGGART, LTD.  
108 North Minnesota Street  
Carson City, Nevada 89703  
[paul@legaltnt.com](mailto:paul@legaltnt.com)  
[tim@legaltnt.com](mailto:tim@legaltnt.com)

STEVEN C. ANDERSON, ESQ.  
SOUTHERN NEVADA WATER AUTHORITY  
1001 South Valley View Boulevard, MS #480  
Las Vegas, Nevada 89153  
[sc.anderson@lvvwd.com](mailto:sc.anderson@lvvwd.com)

DATED this 6<sup>th</sup> day of September, 2019.

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

By:

  
PAUL G. TAGGART, ESQ.  
Nevada State Bar No. 6136  
TIMOTHY D. O'CONNOR, ESQ.  
Nevada State Bar No. 14098

and

STEVEN C. ANDERSON, ESQ.  
Nevada State Bar No. 11901  
SOUTHERN NEVADA WATER  
AUTHORITY  
1001 South Valley View Boulevard, MS #480  
Las Vegas, Nevada 89153  
(702) 875-7029 – Telephone  
(702) 259-8218 – Facsimile

Attorneys for Southern Nevada Water Authority  
and Las Vegas Valley Water District

## CERTIFICATE OF SERVICE

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 the foregoing document via electronic delivery, addressed as follows:

[8milelister@gmail.com](mailto:8milelister@gmail.com)  
[ablack@mcdonaldcarano.com](mailto:ablack@mcdonaldcarano.com)  
[admin.mbop@moapabandofpaiutes.org](mailto:admin.mbop@moapabandofpaiutes.org)  
[alaskajulie12@gmail.com](mailto:alaskajulie12@gmail.com)  
[barbnwalt325@gmail.com](mailto:barbnwalt325@gmail.com)  
[bbaldwin@ziontzchestnut.com](mailto:bbaldwin@ziontzchestnut.com)  
[bostajohn@gmail.com](mailto:bostajohn@gmail.com)  
[bvann@ndow.org](mailto:bvann@ndow.org)  
[chair.mbop@moapabandofpaiutes.org](mailto:chair.mbop@moapabandofpaiutes.org)  
[chris.benkman@nsgen.com](mailto:chris.benkman@nsgen.com)  
[coop@opd5.com](mailto:coop@opd5.com)  
[coopergs@ldschurch.org](mailto:coopergs@ldschurch.org)  
[counsel@water-law.com](mailto:counsel@water-law.com)  
[craig.primas@snvgrowers.com](mailto:craig.primas@snvgrowers.com)  
[craig.wilkinson@pabcogypsum.com](mailto:craig.wilkinson@pabcogypsum.com)  
[dan.peressini@lasvegaspaving.com](mailto:dan.peressini@lasvegaspaving.com)  
[david\\_stone@fws.gov](mailto:david_stone@fws.gov)  
[dbrown@ldalv.com](mailto:dbrown@ldalv.com)  
[dennis.barrett10@gmail.com](mailto:dennis.barrett10@gmail.com)  
[derekm@westernlite.com](mailto:derekm@westernlite.com)  
[devaulr@cityofnorthlasvegas.com](mailto:devaulr@cityofnorthlasvegas.com)  
[dfrehner@lincolncountynv.gov](mailto:dfrehner@lincolncountynv.gov)  
[dixonjm@gmail.com](mailto:dixonjm@gmail.com)  
[dorothy@vidlerwater.com](mailto:dorothy@vidlerwater.com)  
[doug@nvfb.com](mailto:doug@nvfb.com)  
[dvosmer@republicservices.com](mailto:dvosmer@republicservices.com)  
[dwight.smith@interflowhydro.com](mailto:dwight.smith@interflowhydro.com)  
[edna@comcast.net](mailto:edna@comcast.net)  
[emilia.cargill@coyotesprings.com](mailto:emilia.cargill@coyotesprings.com)  
[fan4philly@gmail.com](mailto:fan4philly@gmail.com)  
[gary\\_karst@nps.gov](mailto:gary_karst@nps.gov)  
[gbushner@vidlerwater.com](mailto:gbushner@vidlerwater.com)  
[glen\\_knowles@fws.gov](mailto:glen_knowles@fws.gov)  
[gmorrison@parsonsbehle.com](mailto:gmorrison@parsonsbehle.com)  
[golden@apexindustrialpark.com](mailto:golden@apexindustrialpark.com)  
[gold@nevcogen.com](mailto:gold@nevcogen.com)  
[greatsam@usfds.com](mailto:greatsam@usfds.com)  
[hartthethird@gmail.com](mailto:hartthethird@gmail.com)  
[howard.forepaugh@nsgen.com](mailto:howard.forepaugh@nsgen.com)

[info4gbwn@gmail.com](mailto:info4gbwn@gmail.com)  
[ircady@yahoo.com](mailto:ircady@yahoo.com)  
[jcaviglia@nvenergy.com](mailto:jcaviglia@nvenergy.com)  
[jeff.phillips@lasvegaspaving.com](mailto:jeff.phillips@lasvegaspaving.com)  
[joe@moapawater.com](mailto:joe@moapawater.com)  
[karen.glasgow@sol.doi.gov](mailto:karen.glasgow@sol.doi.gov)  
[kbrown@vvh2o.com](mailto:kbrown@vvh2o.com)  
[kevin\\_desroberts@fws.gov](mailto:kevin_desroberts@fws.gov)  
[kimberley.jenkins@clarkcountynv.gov](mailto:kimberley.jenkins@clarkcountynv.gov)  
[kingmont@charter.net](mailto:kingmont@charter.net)  
[kpeterston@allisonmackenzie.com](mailto:kpeterston@allisonmackenzie.com)  
[krobison@rssblaw.com](mailto:krobison@rssblaw.com)  
[kurthlawoffice@gmail.com](mailto:kurthlawoffice@gmail.com)  
[lazarus@glorietageo.com](mailto:lazarus@glorietageo.com)  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)  
[lbenezet@yahoo.com](mailto:lbenezet@yahoo.com)  
[liamleavitt@hotmail.com](mailto:liamleavitt@hotmail.com)  
[lindseyd@mvdsl.com](mailto:lindseyd@mvdsl.com)  
[lisa@ldalv.com](mailto:lisa@ldalv.com)  
[lle@mvdsl.com](mailto:lle@mvdsl.com)  
[lon@moapawater.com](mailto:lon@moapawater.com)  
[loy@broadbentinc.com](mailto:loy@broadbentinc.com)  
[luckydirt@icloud.com](mailto:luckydirt@icloud.com)  
[luke.miller@sol.doi.gov](mailto:luke.miller@sol.doi.gov)  
[luke.stewart@pabcogypsum.com](mailto:luke.stewart@pabcogypsum.com)  
[martinmifflin@yahoo.com](mailto:martinmifflin@yahoo.com)  
[mbhoffice@earthlink.net](mailto:mbhoffice@earthlink.net)  
[michael\\_schwemm@fws.gov](mailto:michael_schwemm@fws.gov)  
[mjohns@nvenergy.com](mailto:mjohns@nvenergy.com)  
[mmmiller@cox.net](mailto:mmmiller@cox.net)  
[moapalewis@gmail.com](mailto:moapalewis@gmail.com)  
[moorea@cityofnorthlasvegas.com](mailto:moorea@cityofnorthlasvegas.com)  
[muddyvalley@mvdsl.com](mailto:muddyvalley@mvdsl.com)  
[oldnevadanwater@gmail.com](mailto:oldnevadanwater@gmail.com)  
[onesharp1@gmail.com](mailto:onesharp1@gmail.com)  
[pdonnelly@biologicaldiversity.org](mailto:pdonnelly@biologicaldiversity.org)  
[progress@mvdsl.com](mailto:progress@mvdsl.com)  
[rafelling@charter.net](mailto:rafelling@charter.net)  
[raymond.roessel@bia.gov](mailto:raymond.roessel@bia.gov)  
[rberley@ziontchestnut.com](mailto:rberley@ziontchestnut.com)  
[rhoerth@vidlerwater.com](mailto:rhoerth@vidlerwater.com)  
[robert.dreyfus@gmail.com](mailto:robert.dreyfus@gmail.com)  
[rott@nvenergy.com](mailto:rott@nvenergy.com)  
[rozaki@opd5.com](mailto:rozaki@opd5.com)  
[rteague@republicservices.com](mailto:rteague@republicservices.com)  
[sarahpeterston@blm.gov](mailto:sarahpeterston@blm.gov)

scarlson@kcnvlaw.com  
sharrison@mcdonaldcarano.com  
steve@stetsonengineers.com  
sue\_braumiller@fws.gov  
technichrome@ips.net  
tomg@nevadawatersolutions.com  
tommyers1872@gmail.com  
trobison@mvdsl.com  
twtemt@hotmail.com  
veronica.rowan@sol.doi.gov  
vsandu@republicservices.com  
whitfam@mvdsl.com  
william.paff@rocklandcapital.com  
wpoulsen@lincolnnv.com  
aflangas@kcnvlaw.com  
mmarsh@kcnvlaw.com  
jharris@kcnvlaw.com  
bherrema@bhfs.com

DATED this 16<sup>th</sup> day of September, 2019.

  
\_\_\_\_\_  
Employee of TAGGART & TAGGART, LTD.

RECEIVED

Therese A. Ure, NSB 10255  
Laura A. Schroeder, NSB 3595  
Schroeder Law Offices, P.C.  
10615 Double R Blvd., Ste. 100  
Reno, Nevada 89521  
PHONE (775) 786-8800; FAX (877) 600-4971  
counsel@water-law.com  
*Attorneys for Bedroc*

2019 SEP -6 AM 11:37  
STATE ENGINEERS OFFICE

Affirmation: This document does  
not contain the social security  
number of any person.

**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  
THE 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

**NOTICE OF APPEARANCE OF  
COUNSEL FOR WESTERN ELITE  
ENVIRONMENTAL, INC. AND  
BEDROC LIMITED, LLC**

**NOTICE**

PLEASE TAKE NOTICE that Therese A. Ure and Laura A. Schroeder, of Schroeder  
Law Offices, P.C., along with Derek Muaina, General Counsel for Western Elite Environmental,

**Page 1 – NOTICE OF APPEARANCE OF COUNSEL FOR WESTERN ELITE ENVIRONMENTAL, INC. AND  
BEDROC LIMITED, LLC**



440 Marsh Avenue  
Reno, NV 89509  
PHONE (775) 786-8800 FAX (877) 600-4971

**SE ROA 392**

Inc., hereby appear in the above referenced matter as counsel for Western Elite Environmental, Inc., and Bedroc Limited, LLC (collectively "Bedroc").

Counsel, Schroeder Law Offices, P.C. intends to participate in any proceeding related to the administration and management of the Lower White River Flow System ("LWRFS").

Counsel Schroeder Law Offices, P.C. requests that service of pleadings, notices and other correspondence relating to the above referenced matter be directed to:

Therese A. Ure  
Laura A. Schroeder  
Schroeder Law Offices, P.C.  
10615 Double R Blvd., Ste. 100  
Reno, Nevada 89521  
[counsel@water-law.com](mailto:counsel@water-law.com)

Derek Muaina, General Counsel  
Western Elite  
2745 N. Nellis Blvd.  
Las Vegas, NV 89115  
[DerekM@WesternElite.com](mailto:DerekM@WesternElite.com)

DATED this 5<sup>th</sup> day of September, 2019.

SCHROEDER LAW OFFICES, P.C.



---

Laura A. Schroeder, NSB #3595  
Therese A. Ure, NSB #10255  
Email: [counsel@water-law.com](mailto:counsel@water-law.com)  
10615 Double R Blvd., Ste. 100  
Reno, Nevada 89521 Phone: (775) 786-8800  
Fax: (877) 600-4971  
*Attorneys for Bedroc*

**Page 2 – NOTICE OF APPEARANCE OF COUNSEL FOR WESTERN ELITE ENVIRONMENTAL, INC. AND BEDROC LIMITED, LLC**



440 Marsh Avenue  
Reno, NV 89509  
PHONE (775) 786-8800 FAX (877) 600-4971

SE ROA 393

## CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2019, I caused a copy of the foregoing **NOTICE OF APPEARANCE OF COUNSEL FOR WESTERN ELITE ENVIRONMENTAL, INC. AND BEDROC LIMITED, LLC** to be served on the following parties as outlined below:

### **VIA US MAIL from the State of Nevada:**

Nevada State Engineer  
Nevada Division of Water Resources  
901 South Stewart Street, Suite 2002  
Carson City, NV 89701

### **VIA ELECTRONIC DELIVERY:**

[8milelister@gmail.com](mailto:8milelister@gmail.com)  
[ablack@mcdonaldcarano.com](mailto:ablack@mcdonaldcarano.com)  
[admin.mbop@moapabandofpaiutes.org](mailto:admin.mbop@moapabandofpaiutes.org)  
[alaskajulie12@gmail.com](mailto:alaskajulie12@gmail.com)  
[andrew.burns@snwa.com](mailto:andrew.burns@snwa.com)  
[barbnwalt325@gmail.com](mailto:barbnwalt325@gmail.com)  
[bbaldwin@ziontzchestnut.com](mailto:bbaldwin@ziontzchestnut.com)  
[bostajohn@gmail.com](mailto:bostajohn@gmail.com)  
[bvann@ndow.org](mailto:bvann@ndow.org)  
[chair.mbop@moapabandofpaiutes.org](mailto:chair.mbop@moapabandofpaiutes.org)  
[Chris.Benkman@nsgen.com](mailto:Chris.Benkman@nsgen.com)  
[Colby.pellegrino@snwa.com](mailto:Colby.pellegrino@snwa.com)  
[Coop@opd5.com](mailto:Coop@opd5.com)  
[coopergs@dlschurch.org](mailto:coopergs@dlschurch.org)  
[craig.primas@snvgrowers.com](mailto:craig.primas@snvgrowers.com)  
[craig.wilkinson@pabcogypsum.com](mailto:craig.wilkinson@pabcogypsum.com)  
[dan.peressini@lasvegaspaving.com](mailto:dan.peressini@lasvegaspaving.com)  
[david\\_stone@fws.gov](mailto:david_stone@fws.gov)  
[Dbrown@ldalv.com](mailto:Dbrown@ldalv.com)  
[dennis.barrett10@gmail.com](mailto:dennis.barrett10@gmail.com)  
[derekm@westernelite.com](mailto:derekm@westernelite.com)  
[devaulr@cityofnorthlasvegas.com](mailto:devaulr@cityofnorthlasvegas.com)  
[dfrehner@lincolncountynv.gov](mailto:dfrehner@lincolncountynv.gov)  
[dixonjm@gmail.com](mailto:dixonjm@gmail.com)  
[dorothy@vidlerwater.com](mailto:dorothy@vidlerwater.com)  
[doug@nvfb.org](mailto:doug@nvfb.org)  
[dvossmmer@republicservices.com](mailto:dvossmmer@republicservices.com)  
[dwight.smith@interflowhydro.com](mailto:dwight.smith@interflowhydro.com)  
[edna@comcast.net](mailto:edna@comcast.net)

[emilia.cargill@coyotesprings.com](mailto:emilia.cargill@coyotesprings.com)  
[EveryoneWaterResources@water.nv.gov](mailto:EveryoneWaterResources@water.nv.gov)  
[fan4philly@gmail.com](mailto:fan4philly@gmail.com)  
[gary\\_karst@nps.gov](mailto:gary_karst@nps.gov)  
[gbushner@vilderwater.com](mailto:gbushner@vilderwater.com)  
[glen\\_knowles@fws.gov](mailto:glen_knowles@fws.gov)  
[gmorrison@parsonsbehle.com](mailto:gmorrison@parsonsbehle.com)  
[golden@apexindustrialpark.com](mailto:golden@apexindustrialpark.com)  
[golds@nevcogen.com](mailto:golds@nevcogen.com)  
[greatsam@usfds.com](mailto:greatsam@usfds.com)  
[greg.walch@lvvwd.com](mailto:greg.walch@lvvwd.com)  
[hartthethird@gmail.com](mailto:hartthethird@gmail.com)  
[Howard.Forepaugh@nsgen.com](mailto:Howard.Forepaugh@nsgen.com)  
[ircady@yahoo.com](mailto:ircady@yahoo.com)  
[info4gbwn@gmail.com](mailto:info4gbwn@gmail.com)  
[JCaviglia@nvenergy.com](mailto:JCaviglia@nvenergy.com)  
[Jeff.phillips@lasvegaspaving.com](mailto:Jeff.phillips@lasvegaspaving.com)  
[jim.watrus@snwa.com](mailto:jim.watrus@snwa.com)  
[jmordhorst@water.nv.gov](mailto:jmordhorst@water.nv.gov)  
[joe@moapawater.com](mailto:joe@moapawater.com)  
[Karen.glasgow@sol.doi.gov](mailto:Karen.glasgow@sol.doi.gov)  
[kbrown@vvh2o.com](mailto:kbrown@vvh2o.com)  
[Kevin\\_Desrobers@fws.gov](mailto:Kevin_Desrobers@fws.gov)  
[kimberley.jenkins@clarkcountynv.gov](mailto:kimberley.jenkins@clarkcountynv.gov)  
[kingmont@charter.net](mailto:kingmont@charter.net)  
[kpeterson@allisonmackenzie.com](mailto:kpeterson@allisonmackenzie.com)  
[krobinson@rssblaw.com](mailto:krobinson@rssblaw.com)  
[kurthlawoffic@gmail.com](mailto:kurthlawoffic@gmail.com)  
[lazarus@glorietageo.com](mailto:lazarus@glorietageo.com)

**Page 1 of 2 – CERTIFICATE OF SERVICE**



10615 Double R Blvd., Suite 100  
Reno, NV 89521  
PHONE (775) 786-8800 FAX (877) 600-4971

SE ROA 394

[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)  
[lbenezet@yahoo.com](mailto:lbenezet@yahoo.com)  
[liamleavitt@hotmail.com](mailto:liamleavitt@hotmail.com)  
[Linseyd@mvdsl.com](mailto:Linseyd@mvdsl.com)  
[Lisa@ldalv.com](mailto:Lisa@ldalv.com)  
[lle@mvdsl.com](mailto:lle@mvdsl.com)  
[lon@moapawater.com](mailto:lon@moapawater.com)  
[lroy@broadbentinc.com](mailto:lroy@broadbentinc.com)  
[LuckyDirt@icloud.com](mailto:LuckyDirt@icloud.com)  
[luke.miller@sol.doi.gov](mailto:luke.miller@sol.doi.gov)  
[martinmifflin@yahoo.com](mailto:martinmifflin@yahoo.com)  
[MBHoffice@earthlink.net](mailto:MBHoffice@earthlink.net)  
[Michael\\_schwemm@fws.gov](mailto:Michael_schwemm@fws.gov)  
[mjohns@nvenergy.com](mailto:mjohns@nvenergy.com)  
[mmmiller@cox.net](mailto:mmmiller@cox.net)  
[moapalewis@gmail.com](mailto:moapalewis@gmail.com)  
[moorea@cityofnorthlawvegas.com](mailto:moorea@cityofnorthlawvegas.com)  
[muddyvalley@mvdsl.com](mailto:muddyvalley@mvdsl.com)  
[oldnevedanwater@gmail.com](mailto:oldnevedanwater@gmail.com)  
[onesharpl@gmail.com](mailto:onesharpl@gmail.com)  
[paul@legaltnt.com](mailto:paul@legaltnt.com)  
[pdonnelly@biologicaldiversity.org](mailto:pdonnelly@biologicaldiversity.org)  
[progress@mvdsl.com](mailto:progress@mvdsl.com)  
[refelling@charter.net](mailto:refelling@charter.net)

[raymond.roessel@bia.gov](mailto:raymond.roessel@bia.gov)  
[rberley@ziontzchestnut.com](mailto:rberley@ziontzchestnut.com)  
[rhoerth@vildenrwater.com](mailto:rhoerth@vildenrwater.com)  
[robert.drewyus@gmail.com](mailto:robert.drewyus@gmail.com)  
[Rott@nvenergy.com](mailto:Rott@nvenergy.com)  
[rozaki@opd5.com](mailto:rozaki@opd5.com)  
[rteague@republicservices.com](mailto:rteague@republicservices.com)  
[Sarahpeterson@blm.gov](mailto:Sarahpeterson@blm.gov)  
[SCarlson@kcnvlaw.com](mailto:SCarlson@kcnvlaw.com)  
[sc.anderson@lvvwd.com](mailto:sc.anderson@lvvwd.com)  
[sc.anderson@snwa.com](mailto:sc.anderson@snwa.com)  
[sharrison@mcdonaldcarano.com](mailto:sharrison@mcdonaldcarano.com)  
[stever@stetsonengineers.com](mailto:stever@stetsonengineers.com)  
[sue\\_braumiller@fws.gov](mailto:sue_braumiller@fws.gov)  
[technichrome@jps.net](mailto:technichrome@jps.net)  
[time@legaltnt.com](mailto:time@legaltnt.com)  
[tomg@nevadawatersolutions.com](mailto:tomg@nevadawatersolutions.com)  
[tommyers1872@gmail.com](mailto:tommyers1872@gmail.com)  
[trobinsont@mvdsl.com](mailto:trobinsont@mvdsl.com)  
[twetemt@hotmail.com](mailto:twetemt@hotmail.com)  
[veronica.rowan@sol.doi.gov](mailto:veronica.rowan@sol.doi.gov)  
[vsandu@republicservices.com](mailto:vsandu@republicservices.com)  
[whitfam@mvdsl.com](mailto:whitfam@mvdsl.com)  
[william.paff@rocklandcapital.com](mailto:william.paff@rocklandcapital.com)  
[wpoulsen@lincolnnv.com](mailto:wpoulsen@lincolnnv.com)

Dated this 5<sup>th</sup> day of September, 2019.



---

Lisa Gage, Paralegal for:  
Schroeder Law Offices  
Laura A. Schroeder, NSB # 3595  
Therese A. Ure, NSB #10255  
10615 Double R Blvd., Suite 100  
Reno, NV 89521  
PHONE: (775) 786-8800  
FAX: (877) 600-4971  
[counsel@water-law.com](mailto:counsel@water-law.com)  
*Attorneys for Western Elite Environmental, Inc  
and Bedroc Limited LLC*

**Page 2 of 2 – CERTIFICATE OF SERVICE**



10615 Double R Blvd., Suite 100  
Reno, NV 89521  
PHONE (775) 786-8800 FAX (877) 600-4971

**SE ROA 395**

JA\_597

RECEIVED

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 FLOWSYSTEM 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).

**NOTICE OF APPEARANCE OF COUNSEL FOR THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

PLEASE TAKE NOTICE THAT Severin A. Carlson of the law firm of KAEMPFER CROWELL, LTD. will be representing The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole, in the above referenced proceedings before the Nevada State Engineer.

The undersigned requests that service of all documents, notices and other correspondence relating to the above referenced matter be directed to counsel at the following address:

Severin A. Carlson  
Kaempfer Crowell, Ltd.  
50 W. Liberty Street, Suite 700  
Reno, Nevada 89511  
[scarlson@kcnvlaw.com](mailto:scarlson@kcnvlaw.com)  
[asaintil@kcnvlaw.com](mailto:asaintil@kcnvlaw.com)  
Tel: (775) 852-3900  
Fax: (775) 327-2011

KAEMPFER CROWELL  
50 West Liberty Street, Suite 700  
Reno, Nevada 89501

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

DATED this 9<sup>th</sup> day of September, 2019.

KAEMPFER CROWELL

BY: 

SEVERIN A. CARLSON  
Nevada Bar No. 9373  
50 West Liberty Street, Suite 700  
Reno, NV 89501  
Attorneys for **The Church of Jesus Christ of Latter-  
day Saints, a Utah corporation sole**

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of KEMPFER CROWELL, and on this date, I caused the foregoing document to be served via electronic transmission as follows:

<u>8milelister@gmail.com;</u>	<u>jmordhorst@water.nv.gov;</u>
<u>ablack@mcdonaldcarano.com;</u>	<u>joe@moapawater.com;</u>
<u>admin.mbop@moapabandofpaiutes.org;</u>	<u>Karen.glasgow@sol.doi.gov;</u>
<u>aflangas@kcnvlaw.com</u>	<u>kbrown@vvh2o.com;</u>
<u>alaskajulie12@gmail.com;</u>	<u>Kevin_Desroberts@fws.gov;</u>
<u>andrew.burns@snwa.com;</u>	<u>kimberley.jenkins@clarkcountynv.gov;</u>
<u>barbnwalt325@gmail.com;</u>	<u>kingmont@charter.net;</u>
<u>bbaldwin@ziontzchestnut.com;</u>	<u>kpeteron@allisonmackenzie.com;</u>
<u>bostajohn@gmail.com;</u>	<u>krobison@rsslblaw.com;</u>
<u>bvann@ndow.org;</u>	<u>kurthlawoffice@gmail.com;</u>
<u>chair.mbop@moapabandofpaiutes.org;</u>	<u>lazarus@glorietageo.com;</u>
<u>chris.benkman@nsgen.com;</u>	<u>lbelenky@biologicaldiversity.org;</u>
<u>Colby.pellegrino@snwa.com;</u>	<u>lbenezet@yahoo.com;</u>
<u>Coop@opd5.com;</u>	<u>liamleavitt@hotmail.com;</u>
<u>coopergs@ldschurch.org;</u>	<u>Lindseyd@mvdsl.com;</u>
<u>craig.primas@sngrowers.com;</u>	<u>Lisa@ldalv.com;</u>
<u>craig.wilkinson@pabcogypsum.com;</u>	<u>lle@mvdsl.com;</u>
<u>dan.peressini@lasvegaspaving.com;</u>	<u>lon@moapawater.com;</u>
<u>david_stone@fws.gov;</u>	<u>lroy@broadbentinc.com;</u>
<u>Dbrown@ldalv.com;</u>	<u>LuckyDirt@icloud.com;</u>
<u>dennis.barrett10@gmail.com;</u>	<u>luke.miller@sol.doi.gov;</u>
<u>derekm@westernelite.com;</u>	<u>martinmifflin@yahoo.com;</u>
<u>devaulr@cityofnorthlasvegas.com;</u>	<u>MBHoffice@earthlink.net;</u>
<u>dfrehner@lincolncountynv.gov;</u>	<u>Michael_schwemm@fws.gov;</u>
<u>dixonjm@gmail.com;</u>	<u>mjohns@nvenergy.com;</u>
<u>dorothy@vidlerwater.com;</u>	<u>mmmiller@cox.net;</u>
<u>doug@nvfb.org;</u>	<u>moapalewis@gmail.com;</u>
<u>dvossmmer@republicservices.com;</u>	<u>moorea@cityofnorthlasvegas.com;</u>
<u>dwight.smith@interflowhydro.com;</u>	<u>muddyvalley@mvdsl.com;</u>
<u>edna@comcast.net;</u>	<u>oldnevadanwater@gmail.com;</u>
<u>emilia.cargill@coyotesprings.com;</u>	<u>onesharp1@gmail.com;</u>
<u>EveryoneWaterResources@water.nv.gov;</u>	<u>paul@legaltnt.com;</u>
<u>fan4philly@gmail.com;</u>	<u>pdonnelly@biologicaldiversity.org;</u>
<u>gary_karst@nps.gov;</u>	<u>progress@mvdsl.com;</u>
<u>gbushner@vidlerwater.com;</u>	<u>rafelling@charter.net;</u>
<u>glen_knowles@fws.gov;</u>	<u>raymond.roessel@bia.gov;</u>
<u>gmorrison@parsonsbehle.com;</u>	<u>rberley@ziontzchestnut.com;</u>
<u>golden@apexindustrialpark.com;</u>	<u>rhoerth@vidlerwater.com;</u>
<u>golds@nevcogen.com;</u>	<u>robert.dreyfus@gmail.com;</u>
<u>greatsam@usfds.com;</u>	<u>Rott@nvenergy.com;</u>
<u>greg.walch@lvvwd.com;</u>	<u>rozaki@opd5.com;</u>
<u>hartthethird@gmail.com;</u>	<u>rteague@republicservices.com;</u>

KEMPFER CROWELL  
50 West Liberty Street, Suite 700  
Reno, Nevada 89501

1 howard.forepaugh@nsgen.com;  
2 ircady@yahoo.com;  
3 info4gbwn@gmail.com;  
4 JCaviglia@nvenergy.com;  
5 Jeff.phillips@lasvegaspaving.com;  
6 jim.watrus@snwa.com;  
7 sue\_braumiller@fws.gov;  
8 technichrome@jps.net;  
9 tim@legaltnt.com;  
10 tomg@nevadawatersolutions.com;  
11 tommyers1872@gmail.com;  
12 trobenson@mvdsl.com;  
13 wpoulsen@lincolnnv.com;  
14 therese@water-law.com;  
15 schroeder@water-law.com;  
16 c.skulan@water-law.com;

Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;  
sharrison@mcdonaldcarano.com;  
stever@stetsonengineers.com;  
twtemt@hotmail.com;  
veronica.rowan@sol.doi.gov;  
vsandu@republicservices.com;  
whitfam@mvdsl.com;  
william.paff@rocklandcapital.com;  
l.gage@water-law.com;  
jeanette\_pizarro@fws.gov;  
RShaffer@parsonsbehle.com

17  
18  
19  
20  
21  
22  
23  
24  
Additionally, I caused the original document to be delivered to the Office of the State Engineer at 901 S. Stewart Street, Suite 2002, Carson City, Nevada 89701, on September 10, 2019.

DATED this 9 day of September, 2019.



\_\_\_\_\_  
An employee of Kaempfer Crowell

RECEIVED

IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA 2019 SEP 13 AM 10:12

STATE ENGINEERS OFFICE

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).

**INTERIM ORDER #1303**

**NOTICE OF APPEARANCE OF THERESE M. SHANKS, ESQ. ON BEHALF OF  
COYOTE SPRINGS INVESTMENT, LLC**

PLEASE TAKE NOTICE that THERESE M. SHANKS, ESQ., of the law firm of  
ROBISON, SHARP, SULLIVAN & BRUST, hereby associates with BRADLEY J.  
HERREMA, ESQ., of the law firm of BROWNSTEIN HYATT FARBER SCHRECK,  
KENT R. ROBISON, ESQ., of the law firm of ROBISON, SHARP, SULLIVAN & BRUST,  
and EMILIA K. CARGILL, ESQ. to represent Coyote Springs Investment, LLC in these  
proceedings and at the September 23, 2019 hearing.

Dated this 12th of September, 2019.



KENT R. ROBISON, ESQ. – NSB #1167  
THERESE M. SHANKS, ESQ. – NSB #12890  
ROBISON, SHARP, SULLIVAN & BRUST  
71 Washington Street  
Reno, Nevada 89503  
TELEPHONE: (775) 329-3151  
Email: [krobison@rssblaw.com](mailto:krobison@rssblaw.com)  
[tshanks@rssblaw.com](mailto:tshanks@rssblaw.com)

*Attorneys for Coyote Springs Investment, LLC*

Robison, Sharp,  
Sullivan & Brust  
71 Washington St.  
Reno, NV 89503  
(775) 329-3151

SE ROA 400

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN ASSOCIATION WITH:

BRADLEY J. HERREMA, ESQ. – NSB #10368  
BROWNSTEIN HYATT FARBER SCHRECK  
100 N. City Parkway, Suite 1600  
Las Vegas, Nevada 89106  
TELEPHONE: (310) 500-4609  
Email: [bherrema@bhfs.com](mailto:bherrema@bhfs.com)

EMILIA K. CARGILL, ESQ. – NSB #6493  
Chief Operating Officer  
Senior Vice President-General Counsel  
Coyote Springs Investments, LLC  
3100 State Route 168  
Coyote Springs, Nevada 89037  
TELEPHONE: (702) 422-1433  
Email: [emilia.cargill@coyotesprings.com](mailto:emilia.cargill@coyotesprings.com)

## CERTIFICATE OF SERVICE

I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused a true copy of **NOTICE OF APPEARANCE OF THERESE M. SHANKS, ESQ. ON BEHALF OF COYOTE SPRINGS INVESTMENT, LLC** to be served on all parties to this action by emailing an attached Adobe Acrobat PDF version of the document to the email addresses below:

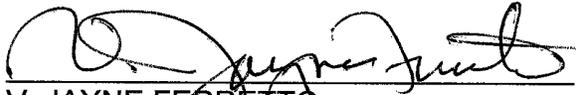
8milelister@gmail.com;  
ablack@mcdonaldcarano.com  
admin.mbop@moapabandofpaiutes.org  
alaskajulie12@gmail.com;  
andrew.burns@snwa.com;  
barbnwalt325@gmail.com;  
bbaldwin@ziontzchestnut.com;  
bostajohn@gmail.com;  
Bennie Vann <bvann@ndow.org>;  
chair.mbop@moapabandofpaiutes.org;  
Chris.Benkman@nsgen.com;  
Colby.pellegrino@snwa.com;  
Coop@opd5.com;  
coopergs@ldschurch.org;  
counsel@water-law.com;  
craig.primas@snvgrowers.com;  
craig.wilkinson@pabcogypsum.com;  
dan.peressini@lasvegaspaving.com;  
david\_stone@fws.gov;  
Dbrown@ldalv.com;  
dennis.barrett10@gmail.com;  
derekm@westernelite.com;  
devaulr@cityofnorthlasvegas.com;  
dfrehner@lincolncountynv.gov;  
dixonjm@gmail.com;  
dorothy@vidlerwater.com;  
doug@nvfb.org;  
dvosmer@republicservices.com;  
dwight.smith@interflowhydro.com;  
edna@comcast.net;  
emilia.cargill@coyotesprings.com;  
fan4philly@gmail.com;  
gary\_karst@nps.gov;  
gbushner@vidlerwater.com;  
glen\_knowles@fws.gov;  
gmorrison@parsonsbehle.com;  
golden@apexindustrialpark.com;  
golds@nevcogen.com;  
greatsam@usfds.com;  
greg.walch@lvvwd.com;  
hartthethird@gmail.com;  
Howard.Forepaugh@nsgen.com;  
ircady@yahoo.com;  
info4gbwn@gmail.com;  
JCaviglia@nvenergy.com;  
jeff.phillips@lasvegaspaving.com;

jim.watrus@snwa.com;  
joe@moapawater.com;  
Karen.glasgow@sol.doi.gov;  
kbrown@vvh2o.com;  
Kevin\_Desroberts@fws.gov;  
kimberley.jenkins@clarkcountynv.gov;  
kingmont@charter.net;  
kpeterson@allisonmackenzie.com;  
KRobison@rssblaw.com;  
kurthlawoffice@gmail.com;  
lazarus@glorietageo.com;  
lbelenky@biologicaldiversity.org;  
lbenezet@yahoo.com;  
liamleavitt@hotmail.com;  
Lindseyd@mvdsl.com;  
Lisa@ldalv.com;  
lle@mvdsl.com;  
lon@moapawater.com;  
lroy@broadbentinc.com;  
LuckyDirt@icloud.com;  
luke.miller@sol.doi.gov;  
luke.stewart@pabcogypsum.com;  
martinmifflin@yahoo.com;  
MBHoffice@earthlink.net;  
michael\_schwemm@fws.gov;  
mjohns@nvenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;  
onesharp1@gmail.com;  
paul@legaltnt.com;  
pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontzchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

sharrison@mcdonaldcarano.com;  
steve@stetsonengineers.com;  
sue\_braumiller@fws.gov;  
technichrome@jps.net;  
tim@legaltnt.com;  
tommyers1872@gmail.com;  
trobison@mvdsl.com;  
twtemt@hotmail.com;  
veronica.rowan@sol.doi.gov;  
vsandu@republicservices.com;  
whitfam@mvdsl.com;  
william.paff@rocklandcapital.com;  
wpoulsen@lincolnnv.com  
bherrema@bhfs.com  
sferguson@mcdonaldcarano.com;  
aflangas@kcnvlaw.com  
mmarsh@kcnvlaw.com  
jharris@kcnvlaw.com  
asaintil@kcnvlaw.com

Dated this 12<sup>th</sup> day of September, 2019.

  
V. JAYNE FERRETTO  
Employee of Robison, Sharp, Sullivan & Brust

Robison, Sharp,  
Sullivan & Brust  
71 Washington St.  
Reno, NV 89503  
(775) 329-3151

SE ROA 403

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES  
BEFORE MELISSA FLATLEY, HEARING OFFICER

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) )

**INTERIM ORDER #1303**  
  
**COYOTE SPRINGS INVESTMENT,**  
**LLC'S OBJECTION TO CERTAIN**  
**DISCLOSED SCOPES OF TESTIMONY**

Coyote Springs Investment, LLC ("CSI") does hereby object to portions of the scopes of testimony identified in the September 6, 2019 disclosures pertaining to the following witnesses:

1. John Davis, Moapa Valley Water District;
2. Todd Robison, Muddy River Irrigation Company;
3. Warda Drici, Southern Nevada Water Authority; and
4. Colby Pellegrino, Southern Nevada Water Authority.

This objection is based upon Interim Order 1303 and the State Engineer's Notice of Hearing dated August 23, 2019. The State Engineer ("SE") has identified specific and discrete issues to be addressed at the administrative hearing scheduled to commence September 23, 2019. Those discrete issues are:

1           1.       The geographic boundary of the hydrologically connected groundwater  
2 and surface water system comprising the Lower White River Flow System;

3           2.       The information obtained from the State Engineer's Order 1169 Aquifer  
4 Test and subsequent to the Aquifer Test in Muddy River headwater spring flow as it  
5 relates to Aquifer recovery since the completion of the Aquifer Test;

6           3.       The long-term annual quantity of groundwater that may be pumped from  
7 the Lower White River Flow System, including relationships between the location of  
8 pumping on the discharge to the Muddy River Springs, and the capture of the Muddy  
9 River Flow;

10          4.       The effects of movements of water rights between alluvial wells and  
11 carbonate wells on deliveries of senior decreed rights to the Muddy River; and

12          5.       Other relevant matters concerning 1 through 4 above.<sup>1</sup>

13           CSI understands that the SE intends that the presently scheduled hearing be  
14 limited to receiving evidence regarding the science relating to the above issues and  
15 that, based on the SE's determinations regarding to these issues, future proceedings  
16 relating to other issues may be necessary. The SE's Notice of Hearing and the SE's  
17 comments made at the August 8, 2019 prehearing conference made it exceedingly  
18 clear that the testimony of witnesses was to be restricted and limited to the four issues  
19 identified in Interim Order 1303. CSI's intent in submitting this objection is to ensure the  
20 efficiency of the present two-week proceeding, to focus the parties' preparation for this  
21 proceeding, and to ensure that all parties have the ability to present evidence on any  
22 additional topics at the same time, as may be necessary in future proceedings.

23                           **TESTIMONY OUTSIDE THE SCOPE OF THE HEARING**

24           **1.       MOAPA VALLEY WATER DISTRICT.**

25           Joseph Davis has been identified by the Moapa Valley Water District to give  
26 testimony, among other topics, regarding "the district's history and function as a  
27 municipal water supplier to several communities in the LWRFS" and "municipal use as  
28

<sup>1</sup> See page 1, **II Procedural Background of SE's Notice of Hearing.**

1 preferred uses.” These topics are outside limited scope identified by the SE’s office as  
2 set forth above quoted from the SE’s Notice of Hearing. Given the hearing scope and  
3 stringent time restrictions allowed by the SE for the hearing, this type of testimony –  
4 which is not relevant to the four issues – should be excluded from the upcoming  
5 hearing.

6 **2. MUDDY VALLEY IRRIGATION COMPANY (“MVIC”)**

7 The MVIC has identified Todd Robison as a witness to testify concerning MVIC’s  
8 history, MVIC’s irrigation facilities and water rights adjudicated in the Muddy River  
9 Decree, and MVIC’s responsibility to its shareholders. These topics exceed the scope  
10 of the SE’s issues to be heard at the September 23, 2019 hearing. These topics do not  
11 pertain to geographic boundaries, the 1169 Aquifer Tests and subsequent tests, the  
12 long-term annual quantity of groundwater, or the effect of the movement of water rights  
13 between alluvial wells and carbonate wells. While they may be relevant in future  
14 proceedings related to the LWRFS, this testimony should be excluded from the present  
15 hearing as irrelevant as it is outside the issues identified by the SE.

16 **3. SOUTHERN NEVADA WATER AUTHORITY (“SNWA”)**

17 **a. Water Right Applications and Water Resource Development**

18 SNWA has identified Ms. Drici as a SNWA hydrologist who will provide testimony  
19 regarding the analysis of groundwater data in support of the subject water right  
20 applications and water resource development, among other topics. This proceeding is  
21 not about and does not pertain to water right applications or the potential development  
22 of water resources thereunder. For this reason, Ms. Drici’s identified testimony as to  
23 these topics exceeds the narrow scope of issues to be addressed as set forth in the  
24 SE’s Notice of Hearing. Accordingly, this identified testimony as to these particular  
25 topics is not relevant to and should not be included in the September 23, 2019 hearing  
26 proceedings.

27 **b. SNWA’s Water Supply Planning**

28 CSI also objects that certain portions of the testimony identified to be given by

1 Colby Pellegrino are outside the scope of the present hearing proceedings. Ms.  
2 Pellegrino has been identified to testify, among other topics, as to "SNWA's outlooks  
3 and future plans for its water resources in the Lower White River Flow System, that  
4 resource's place in the overall SNWA water portfolio, SNWA's directive regarding water  
5 supplies for southern Nevada, the intentionally created surplus program and Lower  
6 White River Flow System water resource involvement therein, effects of groundwater  
7 pumping on the SNWA water portfolio, [and] SNWA and the Las Vegas Valley Water  
8 District's obligations to other stakeholders in the Lower White River Flow System." It is  
9 unclear how any of these topics relate to the issues that the SE has identified for  
10 presentation of evidence and testimony at this hearing. Again, while additional issues  
11 may become relevant in future proceedings related to the LWRFS, the scope of the  
12 September 23, 2019 hearing has been limited to geographic boundaries, the 1169  
13 Aquifer Tests and subsequent tests, the long-term annual quantity of groundwater, and  
14 the effect of the movement of water rights between alluvial wells and carbonate wells.  
15 These topics of Ms. Pellegrino's potential testimony should be excluded from the  
16 present hearing.

17 In conclusion, based on CSI's understanding of the purpose and focus of the  
18 September 23 hearing, the identified testimony topics of Mr. Davis, Mr. Robison, Ms.  
19 Drici, and Ms. Pellegrino are outside the scope of the issues to be addressed at the  
20 hearing, and CSI requests that the SE exclude them from the September 23 hearing  
21 proceedings.

22 Respectfully submitted this 13th of September, 2019.

23  
24 

25 KENT R. ROBISON, ESQ.  
26 ROBISON, SHARP, SULLIVAN & BRUST  
27 71 Washington Street  
28 Reno, Nevada 89503  
*Attorneys for Coyote Springs Investment, LLC*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**In Association With:**

BRADLEY J. HERREMA, ESQ.  
BROWNSTEIN HYATT FARBER SCHRECK  
100 N. City Parkway, Suite 1600  
Las Vegas, Nevada 89106

EMILIA K. CARGILL, ESQ.  
Chief Operating Officer  
Senior Vice President-General Counsel  
Coyote Springs Investments, LLC  
3100 State Route 168  
Coyote Springs, Nevada 89037

**CERTIFICATE OF SERVICE**

I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused a true copy of **COYOTE SPRINGS INVESTMENT, LLC'S OBJECTION TO CERTAIN DISCLOSED SCOPES OF TESTIMONY** to be served on all parties to this action by emailing an attached Adobe Acrobat PDF version of the document to the email addresses below:

8milelister@gmail.com;  
ablack@mcdonaldcarano.com  
admin.mbop@moapabandofpaiutes.org  
alaskajulie12@gmail.com;  
andrew.burns@snwa.com;  
barbnwalt325@gmail.com;  
bbaldwin@ziontzchestnut.com;  
bostajohn@gmail.com;  
Bennie Vann <bvann@ndow.org>;  
chair.mbop@moapabandofpaiutes.org;  
Chris.Benkman@nsgen.com;  
Colby.pellegrino@snwa.com;  
Coop@opd5.com;  
coopergs@ldschurch.org;  
counsel@water-law.com;  
craig.primas@sngrowers.com;  
craig.wilkinson@pabcogypsum.com;  
dan.peressini@lasvegaspaving.com;  
david\_stone@fws.gov;  
Dbrown@ldalv.com;  
dennis.barrett10@gmail.com;  
derekm@westernelite.com;  
devaulr@cityofnorthlasvegas.com;  
dfrehner@lincolncountynv.gov;  
dixonjm@gmail.com;  
dorothy@vidlerwater.com;  
doug@nvfb.org;  
dvossmmer@republicservices.com;  
dwight.smith@interflowhydro.com;  
edna@comcast.net;  
emilia.cargill@coyotesprings.com;  
fan4philly@gmail.com;  
gary\_karst@nps.gov;  
gbushner@vidlerwater.com;  
glen\_knowles@fws.gov;  
gmorrison@parsonsbehle.com;  
golden@apexindustrialpark.com;  
golds@nevcogen.com;  
greatsam@usfds.com;  
greg.walch@lvvwd.com;  
hartthethird@gmail.com;  
Howard.Forepaugh@nsgen.com;  
ircady@yahoo.com;  
info4gbwn@gmail.com;  
JCaviglia@nvenenergy.com;  
jeff.phillips@lasvegaspaving.com;

jim.watrus@snwa.com;  
joe@moapawater.com;  
Karen.glasgow@sol.doi.gov;  
kbrown@vvh2o.com;  
Kevin\_Desroberts@fws.gov;  
kimberley.jenkins@clarkcountynv.gov;  
kingmont@charter.net;  
kpeterson@allisonmackenzie.com;  
KRobison@rssblaw.com;  
kurthlawoffice@gmail.com;  
lazarus@glorietageo.com;  
lbelenky@biologicaldiversity.org;  
lbenezet@yahoo.com;  
liamleavitt@hotmail.com;  
Lindseyd@mvdsl.com;  
Lisa@ldalv.com;  
lle@mvdsl.com;  
lon@moapawater.com;  
lroy@broadbentinc.com;  
LuckyDirt@icloud.com;  
luke.miller@sol.doi.gov;  
luke.stewart@pabcogypsum.com;  
martinmifflin@yahoo.com;  
MBHoffice@earthlink.net;  
michael\_schwemm@fws.gov;  
mjohns@nvenenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;  
onesharp1@gmail.com;  
paul@legaltnt.com;  
pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontzchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;

Robison, Sharp,  
Sullivan & Brust  
71 Washington St.  
Reno, NV 89503  
(775) 329-3151

SE ROA 409

1 sharrison@mcdonaldcarano.com;  
stever@stetsonengineers.com;  
2 sue\_braumiller@fws.gov;  
technichrome@jps.net;  
3 tim@legaltnt.com;  
tommyers1872@gmail.com;  
4 trobison@mvdsl.com;  
twtent@hotmail.com;  
5 veronica.rowan@sol.doi.gov;  
vsandu@republicservices.com;  
6 whitfam@mvdsl.com;  
william.paff@rocklandcapital.com;  
7 wpoulsen@lincolnnv.com  
bherrema@bhfs.com  
8 sferguson@mcdonaldcarano.com;  
aflangas@kcnvlaw.com  
9 mmarsh@kcnvlaw.com  
10 jharris@kcnvlaw.com  
asaintil@kcnvlaw.com  
11 tshanks@rssblaw.com

12  
13 Dated this 13th day of September, 2019.

14   
15 V. JAYNE FERRETTO  
16 Employee of Robison, Sharp, Sullivan & Brust

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

IN THE MATTER OF THE  
ADMINSTRATION 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  
HYDROGRAPHOC BASIN (218), AND  
MUDDY RIVER SPRINGS AREA (aka  
UPPER MOAPA VALLEY  
HYDROGRAPHOC BASIN (219).

INTERIM ORDER #1303

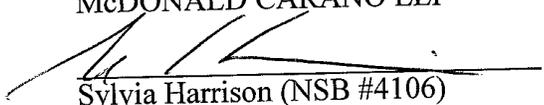
RECEIVED  
2019 SEP 13 PM 4:09  
STATE ENGINEER OFFICE

**NOTICE OF APPEARANCE ON BEHALF OF GEORGIA PACIFIC CORPORATION**

PLEASE TAKE NOTICE that PAULINA WILLIAMS, ESQ. of the law firm BAKER BOTTTS, L.L.P., admitted *pro hac vice* pursuant to the Order Granting Motion to Associate Counsel granted on September 3, 2019, will represent GEORIGA PACIFIC CORPORATION, together with SYLVIA HARRISON and SARAH FERGUSON of the law firm of McDONALD CARANO, L.L.P., in these proceedings and at the hearing scheduled to commence September 23, 2019.

DATED: September 13, 2019.

McDONALD CARANO LLP



Sylvia Harrison (NSB #4106)  
Sarah Ferguson (NSB #14515)  
McDONALD CARANO LLP  
100 West Liberty Street, 10<sup>th</sup> Floor  
Reno, Nevada 89501  
(775) 788-2000  
sharrison@mcdonaldcarano.com  
sferguson@mcdonaldcarano.com

Paulina Williams (*Admitted Pro Hac Vice*)  
BAKER BOTTTS, L.L.P.  
98 San Jacinto Boulevard, Suite 1500  
Austin, TX 78701  
(512) 322-2543  
Paulina.williams@bakerbotts.com

SE ROA 411

McDONALD CARANO  
100 WEST LIBERTY STREET, TENTH FLOOR • RENO, NEVADA 89501  
PHONE 775.788.2000 • FAX 775.788.2020

## CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD CARANO LLP, and that on September 13, 2019, I served the foregoing NOTICE OF APPEARANCE via direct email to the addresses indicated below:

8milelister@gmail.com;  
ablack@mcdonaldcarano.com  
admin.mbop@moapabandofpaiutes.org  
alaskajulie12@gmail.com;  
andrew.burns@snwa.com;  
barbnwalt325@gmail.com;  
bbaldwin@ziontchestnut.com;  
bostajohn@gmail.com;  
Bennie Vann <bvann@ndow.org>;  
chair.mbop@moapabandofpaiutes.org;  
Chris.Benkman@nsgen.com;  
Colby.pellegrino@snwa.com;  
Coop@opd5.com;  
coopergs@ldschurch.org;  
counsel@water-law.com;  
craig.primas@snvgrowers.com;  
craig.wilkinson@pabcogypsum.com;  
dan.peressini@lasvegaspaving.com;  
david\_stone@fws.gov;  
Dbrown@ldalv.com;  
dennis.barrett10@gmail.com;  
derekm@westernelite.com;  
devaulr@cityofnorthlasvegas.com;  
dfrehner@lincolncountynv.gov;  
dixonjm@gmail.com;  
dorothy@vidlerwater.com;  
doug@nvfb.org;  
dvossmmer@republicservices.com;  
dwight.smith@interflowhydro.com;  
edna@comcast.net;  
emilia.cargill@coyotesprings.com;  
fan4philly@gmail.com;  
gary\_karst@nps.gov;  
gbushner@vidlerwater.com;  
glen\_knowles@fws.gov;  
gmorrison@parsonsbehle.com;  
golden@apexindustrialpark.com;  
golds@nevcogen.com;  
greatsam@usfds.com;  
greg.walch@lvvwd.com;  
harthethird@gmail.com;  
Howard.Forepaugh@nsgen.com;  
ircady@yahoo.com;  
info4gbwn@gmail.com;  
JCaviglia@nvenergy.com;  
jeff.phillips@lasvegaspaving.com;  
stever@stetsonengineers.com;

jim.watrus@snwa.com;  
joe@moapawater.com;  
Karen.glasgow@sol.doi.gov;  
kbrown@vvh2o.com;  
Kevin\_Desroberts@fws.gov;  
kimberley.jenkins@clarkcountynv.gov;  
kingmont@charter.net;  
kpeterson@allisonmackenzie.com;  
KRobison@rsslblaw.com;  
kurthlawoffice@gmail.com;  
lazarus@glorietageo.com;  
lbelenky@biologicaldiversity.org;  
lbenezet@yahoo.com;  
liamleavitt@hotmail.com;  
Lindseyd@mvdsl.com;  
Lisa@ldalv.com;  
lle@mvdsl.com;  
lon@moapawater.com;  
Lroy@broadbentinc.com;  
LuckyDirt@icloud.com;  
luke.miller@sol.doi.gov;  
luke.stewart@pabcogypsum.com;  
martinmifflin@yahoo.com;  
MBHoffice@earthlink.net;  
michael\_schwemm@fws.gov;  
mjohns@nvenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;  
onesharp1@gmail.com;  
paul@legaltnt.com;  
pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;

- 1 sue\_braumiller@fws.gov;
- 2 technichrome@jps.net;
- 3 tim@legaltnt.com;
- 4 tommyers1872@gmail.com;
- 5 trobison@mvdsl.com;
- 6 twtemt@hotmail.com;
- 7 veronica.rowan@sol.doi.gov;
- 8 vsandu@republicservices.com;
- 9 whitfam@mvdsl.com;
- 10 william.paff@rocklandcapital.com;
- 11 wpoulsen@lincolnnv.com

*Andrea J. Black*  
An employee of McDonald Carano LLP



1 studies, groundwater or surface water studies, writing or developing hydrologic work plans,  
2 developing or conducting hydraulic tests, technical studies and reporting, or similar work experience  
3 in the hydrology field.

4 In addition, LINCOLN/VIDLER object to Mr. Dixon, Mr. Coache and Mr. Ricci being  
5 qualified as experts in “the application of Nevada water law as affecting Nevada water rights” to the  
6 extent such testimony is proffered as legal opinions.

7 LINCOLN COUNTY/VIDLER note Jay Dixon has submitted expert reports for two different  
8 clients in this matter. There is an apparent conflict in certain opinions he has proffered in his respective  
9 reports, but LINCOLN COUNTY/VIDLER understand Mr. Dixon will clarify his reports at the  
10 hearing.

11 2. Southern Nevada Water Authority

12 LINCOLN COUNTY/VIDLER object to the testimony of James Watrus if offered as an  
13 expert. There was no curriculum vitae provided for Mr. Watrus. However, the description of Mr.  
14 Watrus’ testimony provided appears to indicate he may offer testimony of “analysis and outcomes of  
15 various lines of evidence” and “the aquifer properties described in the SNWA and similar expert  
16 reports”. See *SNWA List of Witnesses and Summary of Testimony* at p. 5. To the extent this testimony  
17 will be opinions, LINCOLN COUNTY/VIDLER object because Mr. Watrus has not been proffered  
18 as an expert entitled to give expert opinion testimony and his proffered testimony would not be  
19 rationally based on the perception of the witness or helpful to a clear understanding of the testimony  
20 of the witness or the determination of a fact in issue.

21 3. United States National Park Service

22 LINCOLN COUNTY/VIDLER object to Sue Braumiller being qualified as an expert in  
23 hydrology. Ms. Braumiller has no direct work experience in the field of hydrology listed in her  
24 resume. While she has reviewed numerous projects for her employer, she has no direct background,  
25 experience or years of work in the proffered field of expertise. She has no direct field experience in  
26 locating, designing or constructing wells, well test design and analysis, hydrologic mapping, aquifer  
27 testing or data interpretation, water resource assessments or water resource management, groundwater  
28 recharge studies, groundwater or surface water studies, hydrologic field investigations, writing or

1 developing hydrologic work plans, developing or conducting hydraulic tests, technical studies and  
2 reporting, or similar work experience.

3 **B. EVIDENCE**

4 General Objections: LINCOLN COUNTY/VIDLER object to any additional opinions by  
5 experts not offered in their expert reports and rebuttal testimony to other rebuttal reports because that  
6 testimony is additional expert opinion testimony not included in the expert's reports.

7 LINCOLN COUNTY/VIDLER object to exhibits provided in the document exchange that are  
8 not related to a party's expert report, not listed in the references listed in the expert's report, do not  
9 support the expert's report or cannot be shown as relevant to the State Engineer's examination of the  
10 five issues identified in Order 1303 and making any determination related to those issues.

11 Except as set forth below, LINCOLN COUNTY/VIDLER will not be able to address  
12 objections related to foundation for an exhibit or if the exhibit is relevant until the hearing when  
13 testimony is proffered related to the exhibit.

14 LINCOLN COUNTY/VIDLER reserve all their general objections above to the time of the  
15 hearing.

16 1. Moapa Band of Paiute Indians

17 LINCOLN COUNTY/VIDLER were not able to access or open MBOP Exhibit 19b and  
18 LINCOLN COUNTY/VIDLER reserve any objection to that exhibit.

19 LINCOLN COUNTY/VIDLER object to Dr. Johnson's proposed testimony to "respond to  
20 criticism of his opinions expressed in rebuttal reports filed by other parties on August 16, 2019 and  
21 provide rebuttal testimony that explains, counteracts or disproves facts and opinions offered into  
22 evidence by other parties." *See Evidentiary and Witness Disclosure of the Moapa Band of Paiute*  
23 *Indians for Order 1303 Hearing* at pp. 1-2. This expert opinion testimony is not provided in any  
24 written reports and LINCOLN COUNTY/VIDLER object to any additional expert opinions not  
25 provided in an expert's written reports.

26 2. Nevada Cogeneration Associates Nos. 1 and 2

27 LINCOLN COUNTY/VIDLER object to the additional testimony of Mr. Dixon, Mr. Coache  
28 and Mr. Ricci on the topics outside their written rebuttal report as described on page 2, lines 16-24

ALLISON MacKENZIE, LTD.  
402 North Division Street, P.O. Box 646, Carson City, NV 89702  
Telephone: (775) 687-0202 Fax: (775) 882-7918  
E-Mail Address: law@allisonmackenzie.com

1 and page 3, lines 1 and 4-14 in the *Witness List, Exhibit List, and Summary of Anticipated Testimony*  
2 *of Witnesses for Nevada Cogeneration Associates Nos. 1 and 2.*

3 LINCOLN COUNTY/VIDLER object to NCA Exhibit 1 to the extent it contains opinions of  
4 Mr. Coache or Mr. Ricci in the areas of groundwater and surface water hydrology if they are not  
5 qualified as experts in the areas of groundwater and surface water hydrology as set forth in LINCOLN  
6 COUNTY/VIDLER's expert witness objection above.

7 LINCOLN COUNTY/VIDLER object to NCA Exhibits 29, 30 and 31 based on foundation  
8 and relevancy. LINCOLN COUNTY/VIDLER believe Nevada Cogeneration Associates Nos. 1 and  
9 2 will not be able to lay the proper foundation to admit these exhibits into evidence or show relevance  
10 to the issues of the hearing. The Nevada Cogeneration Associates Nos. 1 and 2 witnesses were not  
11 the authors of the exhibits, the authors of the exhibits have not been listed as witnesses, the Nevada  
12 Cogeneration Associates Nos. 1 and 2 witnesses have no personal knowledge of the contents of the  
13 exhibits and LINCOLN COUNTY/VIDLER are not able to cross examine the authors of said exhibits.

14 3. United States Fish and Wildlife Service

15 LINCOLN COUNTY/VIDLER object to FWS Exhibits 13-32 on the basis the exhibits are not  
16 relevant to any of the issues of Order 1303. LINCOLN COUNTY/VIDLER object to FWS Exhibits  
17 33 and 34 on the basis of foundation and relevancy.

18 LINCOLN COUNTY/VIDLER object to FWS Exhibit 35 on the basis the exhibit appears to  
19 be provided for the purpose of including the statements of Mr. Gardner of the USGS made in the email  
20 (hearsay) and Mr. Gardner is not listed as a witness and being made available for cross examination.  
21 In addition, LINCOLN COUNTY/VIDLER object to this exhibit because the entire email string was  
22 not provided, the email information was not relied upon for purposes of any FWS expert report since  
23 the email was generated after the date rebuttal expert reports were due and LINCOLN  
24 COUNTY/VIDLER object on the basis of relevancy.

25 LINCOLN COUNTY/VIDLER object to FWS Exhibit 94 on the basis of Ms. Braumiller's  
26 lack of expert qualification as set forth above. In addition, the exhibit admits on its face it has  
27 information different or beyond that, including proffered opinions, provided in the July 3 report.

28 ///

ALLISON MacKENZIE, LTD.  
402 North Division Street, P.O. Box 646, Carson City, NV 89702  
Telephone: (775) 687-0202 Fax: (775) 882-7918  
E-Mail Address: law@allisonmackenzie.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4. United States National Park Service

The National Park Service did not provide copies of NPS Exhibits 2 through 12 of its proposed exhibits. LINCOLN COUNTY/VIDLER have not had an opportunity to review most of the exhibits and object to such exhibits based on the National Park Services' failure to provide the exhibits in accordance with the State Engineer's Amended Notice of Hearing dated August 26, 2019.

DATED this 13<sup>th</sup> day of September, 2019.

LINCOLN COUNTY DISTRICT ATTORNEY  
181 North Main Street, Suite 205  
P.O. Box 60  
Pioche, NV 89043  
Telephone: (775) 962-8073  
Email: [dfrehner@lincolncountynv.gov](mailto:dfrehner@lincolncountynv.gov)

~ and ~

ALLISON MacKENZIE, LTD.  
402 North Division Street  
Carson City, Nevada 89703  
Telephone: (775) 687-0202  
Email: [kpeterston@allisonmackenzie.com](mailto:kpeterston@allisonmackenzie.com)

BY:

  
KAREN A. PETERSON, ESQ.  
Nevada State Bar No. 0366

Attorneys for LINCOLN COUNTY WATER DISTRICT and VIDLER WATER COMPANY, INC.

ALLISON MacKENZIE, LTD.  
402 North Division Street, P.O. Box 646, Carson City, NV 89702  
Telephone: (775) 687-0202 Fax: (775) 882-7918  
E-Mail Address: law@allisonmackenzie.com

## CERTIFICATE OF SERVICE

I hereby certify that I am an employee of ALLISON MacKENZIE, LTD., Attorneys at Law, and on this date, I caused the foregoing document to be served on the following via Hand Delivery and/or Electronic Transmission as follows:

### Via Hand Delivery:

Micheline N. Fairbank  
Deputy Administrator  
Nevada State Engineer's Office  
901 S. Stewart Street, Suite 2002  
Carson City, NV 89701

### Via Electronic Transmission:

8milelister@gmail.com; ablack@mcdonaldcarano.com; admin.mbop@moapabandofpaiutes.org; aflangas@kcnvlaw.com; alaskajulie12@gmail.com; andrew.burns@snwa.com; asaintil@kcnvlaw.com; barbnwalt325@gmail.com; bbaldwin@ziontzchestnut.com; bherrema@bhfs.com; bostajohn@gmail.com; bvann@ndow.org; chair.mbop@moapabandofpaiutes.org; Chris.Benkman@nsgen.com; Colby.pellegrino@snwa.com; Coop@opd5.com; coopergs@ldschurch.org; counsel@water-law.com; craig.primas@snvgrowers.com; craig.wilkinson@pabcogypsum.com; dan.peressini@lasvegaspaving.com; david\_stone@fws.gov; Dbrown@ldalv.com; dennis.barrett10@gmail.com; derekm@westernelite.com; devaulr@cityofnorthlasvegas.com; dfrehner@lincolncountynv.gov; dixonjm@gmail.com; dorothy@vidlerwater.com; doug@nvfb.org; dvossmer@republicservices.com; dwight.smith@interflowhydro.com; edna@comcast.net; emilia.cargill@coyotesprings.com; fan4philly@gmail.com; gary\_karst@nps.gov; gbushner@vidlerwater.com; glen\_knowles@fws.gov; gmorrison@parsonsbehle.com; golden@apexindustrialpark.com; golds@nevcogen.com; greatsam@usfds.com; greg.walch@lvvwd.com; hartthethird@gmail.com; Howard.Forepaugh@nsgen.com; ircady@yahoo.com; JCaviglia@nvenergy.com; jeff.phillips@lasvegaspaving.com; jim.watrus@snwa.com; joe@moapawater.com; Karen.glasgow@sol.doi.gov; kbrown@vvh2o.com; Kevin\_Desroberts@fws.gov; kimberley.jenkins@clarkcountynv.gov; kingmont@charter.net; kpeterson@allisonmackenzie.com; krobison@rssblaw.com; kurthlawoffice@gmail.com; lazarus@glorietageo.com; lbelenky@biologicaldiversity.org; lbenezet@yahoo.com; liamleavitt@hotmail.com; Lindseyd@mvdsl.com; Lisa@ldalv.com; lle@mvdsl.com; lon@moapawater.com; lroy@broadbentinc.com; LuckyDirt@icloud.com; luke.miller@sol.doi.gov; luke.stewart@pabcogypsum.com; martinmifflin@yahoo.com; MBHoffice@earthlink.net; michael\_schwemm@fws.gov; mjohns@nvenergy.com; mmmiller@cox.net; moapalewis@gmail.com; moorea@cityofnorthlasvegas.com; muddyvalley@mvdsl.com; onesharp1@gmail.com; paul@legaltnt.com; pdonnelly@biologicaldiversity.org; progress@mvdsl.com; rafelling@charter.net; raymond.roessel@bia.gov; rberley@ziontzchestnut.com; rhoerth@vidlerwater.com; robert.dreyfus@gmail.com; Rott@nvenergy.com; rozaki@opd5.com; rteague@republicservices.com; Sarahpeterson@blm.gov; SCarlson@kcnvlaw.com; sc.anderson@lvvwd.com; sc.anderson@snwa.com; sferguson@mcdonaldcarano.com; sharrison@mcdonaldcarano.com; stever@stetsonengineers.com; sue\_braumiller@fws.gov; technichrome@ips.net; tim@legaltnt.com; tommyers1872@gmail.com; trobison@mvdsl.com; tshanks@rssblaw.com; twtemt@hotmail.com; veronica.rowan@sol.doi.gov; vsandu@republicservices.com; whitfam@mvdsl.com; william.paff@rocklandcapital.com; wpoulsen@lincolnnv.com; mfairbank@water.nv.gov; mlflatley@water.nv.gov; jmordhorst@water.nv.gov

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED this 13<sup>th</sup> day of September, 2019.

  
NANCY FONTENOT

4820-7375-4533, v. 1

ALLISON MacKENZIE, LTD.  
402 North Division Street, P.O. Box 646, Carson City, NV 89702  
Telephone: (775) 687-0202 Fax: (775) 882-7918  
E-Mail Address: law@allisonmackenzie.com

RECEIVED

2019 SEP 13 PM 2:54

STATE LAND DEPT OFFICE

1 Debbie Leonard (Nevada Bar No. 8260)  
Leonard Law, PC  
2 955 S. Virginia Street, Ste. 220  
Reno, NV 89502  
3 Phone: (775) 964-4656  
[debbie@leonardlawpc.com](mailto:debbie@leonardlawpc.com)

4 Carolyn Tanner  
5 Tanner Law & Strategy Group, Ltd.  
216 East Liberty St.  
6 Reno, NV 89501  
(775) 323-4657  
7 [lina@tannerlrv.com](mailto:lina@tannerlrv.com)

8 *Attorneys for Moapa Band of Paiutes*

9  
10 **IN THE OFFICE OF THE STATE ENGINEER**  
11 **OF THE STATE OF NEVADA**

12 \* \* \* \* \*

13 IN THE MATTER OF THE ADMINISTRATION  
14 AND MANAGEMENT OF THE LOWER  
15 WHITE RIVER FLOW SYSTEM WITHIN  
16 COYOTE SPRING VALLEY HYDROGRAPHIC  
17 BASIN (210), A PORTION OF BLACK  
18 MOUNTAINS AREA HYDROGRAPHIC  
19 BASIN (215), GARNET VALLEY  
20 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

**NOTICE OF APPEARANCE**

21  
22  
23  
24  
25  
26  
27  
28

SE ROA 421

1 Please take notice that Debbie Leonard of Leonard Law, PC and Carolyn E. Tanner of  
2 Tanner Law & Strategy Group, Ltd. enter their appearance in this matter to represent the Moapa  
3 Band of Paiutes, along with Richard M. Berley and Beth Baldwin of the Ziontz Chestnut law firm.  
4 A motion to associate Mr. Berley and Ms. Baldwin pursuant to Nevada Supreme Court Rule 42 will  
5 be forthcoming.

6 DATED this 13th day of September, 2019 LEONARD LAW, PC

7  
8 By:   
9 Debbie Leonard (NV Bar #8260)  
10 955 S. Virginia Street, Suite 220  
11 Reno, Nevada 89502  
12 Phone: (775) 964-4656  
13 [debbie@leonardlawpc.com](mailto:debbie@leonardlawpc.com)

14 TANNER LAW & STRATEGY GROUP, LTD.

15 By:   
16 Carolyn E. Tanner (NV Bar #5520)  
17 216 East Liberty St.  
18 Reno, NV 89501  
19 (775) 323-4657  
20 [lina@tannerlnv.com](mailto:lina@tannerlnv.com)

21 *Attorneys for Moapa Band of Paiutes*

22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Leonard Law, PC and that on September 13, 2019 a true and correct copy of the foregoing document was served via email upon the parties listed below:

- |   |  |
|---|--|
| <u>8milelister@gmail.com</u>            | <u>fan4philly@gmail.com</u>                |
| <u>ablack@mcdonaldcarano.com</u>        | <u>gary_karst@nps.gov</u>                  |
| <u>aflangas@kcnvlaw.com</u>             | <u>gbushner@vidlerwater.com</u>            |
| <u>alaskajulie12@gmail.com</u>          | <u>glen_knowles@fws.gov</u>                |
| <u>andrew.burns@snwa.com</u>            | <u>gmorrison@parsonsbehle.com</u>          |
| <u>barbnwalt325@gmail.com</u>           | <u>golden@apexindustrialpark.com</u>       |
| <u>bherrema@bhfs.com</u>                | <u>golds@nevcoegen.com</u>                 |
| <u>bostajohn@gmail.com</u>              | <u>greatsam@usfds.com</u>                  |
| <u>bvann@ndow.org</u>                   | <u>greg.walch@lvvwd.com</u>                |
| <u>Chris.Benkman@nsgen.com</u>          | <u>hartthethird@gmail.com</u>              |
| <u>Colby.pellegrino@snwa.com</u>        | <u>Howard.Forepaugh@nsgen.com</u>          |
| <u>Coop@opd5.com</u>                    | <u>info4gbwn@gmail.com</u>                 |
| <u>coopergs@ldschurch.org</u>           | <u>JCaviglia@nvenergy.com</u>              |
| <u>counsel@water-law.com</u>            | <u>jeff.phillips@lasvegaspaving.com</u>    |
| <u>craig.primas@snvgrowers.com</u>      | <u>jharris@kcnvlaw.com</u>                 |
| <u>craig.wilkinson@pabcogypsum.com</u>  | <u>jim.watrus@snwa.com</u>                 |
| <u>dan.peressini@lasvegaspaving.com</u> | <u>joe@moapawater.com</u>                  |
| <u>david_stone@fws.gov</u>              | <u>Karen.glasgow@sol.doi.gov</u>           |
| <u>Dbrown@ldalv.com</u>                 | <u>kbrown@vvh2o.com</u>                    |
| <u>dennis.barrett10@gmail.com</u>       | <u>Kevin_Desroberts@fws.gov</u>            |
| <u>derekm@westernelite.com</u>          | <u>kimberley.jenkins@clarkcountynv.gov</u> |
| <u>devaulr@cityofnorthlasvegas.com</u>  | <u>kingmont@charter.net</u>                |
| <u>dfrehner@lincolncountynv.gov</u>     | <u>kpeterson@allisonmackenzie.com</u>      |
| <u>dixonjm@gmail.com</u>                | <u>krobison@rsslblaw.com</u>               |
| <u>dorothy@vidlerwater.com</u>          | <u>kurthlawoffice@gmail.com</u>            |
| <u>doug@nvfb.org</u>                    | <u>lazarus@glorietageo.com</u>             |
| <u>dvossmer@republicservices.com</u>    | <u>lbelenky@biologicaldiversity.org</u>    |
| <u>dwight.smith@interflowhydro.com</u>  | <u>lbenezet@yahoo.com</u>                  |
| <u>edna@comcast.net</u>                 | <u>liamleavitt@hotmail.com</u>             |
| <u>emilia.cargill@coyotesprings.com</u> | <u>Lindseyd@mvdsl.com</u>                  |
| <u>Lisa@ldalv.com</u>                   | <u>robert.dreyfus@gmail.com</u>            |
| <u>lle@mvdsl.com</u>                    | <u>Rott@nvenergy.com</u>                   |
| <u>lon@moapawater.com</u>               | <u>rozaki@opd5.com</u>                     |
| <u>lroy@broadbentinc.com</u>            | <u>rteague@republicservices.com</u>        |
| <u>LuckyDirt@icloud.com</u>             | <u>Sarahpeterson@blm.gov</u>               |
| <u>luke.miller@sol.doi.gov</u>          | <u>SCarlson@kcnvlaw.com</u>                |
| <u>luke.stewart@pabcogypsum.com</u>     | <u>sc.anderson@lvvwd.com</u>               |
| <u>MBHoffice@earthlink.net</u>          | <u>sc.anderson@snwa.com</u>                |
| <u>mfairbank@water.nv.gov</u>           | <u>sharrison@mcdonaldcarano.com</u>        |
| <u>Michael_schwemm@fws.gov</u>          | <u>stever@stetsonengineers.com</u>         |
| <u>MJohns@nvenergy.com</u>              | <u>sue braumiller@fws.gov</u>              |

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

[mmarsh@kcnvlaw.com](mailto:mmarsh@kcnvlaw.com)  
[mmmiller@cox.net](mailto:mmmiller@cox.net)  
[moapalewis@gmail.com](mailto:moapalewis@gmail.com)  
[moorea@cityofnorthlasvegas.com](mailto:moorea@cityofnorthlasvegas.com)  
[muddyvalley@mvdsl.com](mailto:muddyvalley@mvdsl.com)  
[onesharp1@gmail.com](mailto:onesharp1@gmail.com)  
[paul@legaltnt.com](mailto:paul@legaltnt.com)  
[pdonnelly@biologicaldiversity.org](mailto:pdonnelly@biologicaldiversity.org)  
[progress@mvdsl.com](mailto:progress@mvdsl.com)  
[rafelling@charter.net](mailto:rafelling@charter.net)  
[raymond.roessel@bia.gov](mailto:raymond.roessel@bia.gov)  
[rhoerth@vidlerwater.com](mailto:rhoerth@vidlerwater.com)

[technichrome@jps.net](mailto:technichrome@jps.net)  
[tim@legaltnt.com](mailto:tim@legaltnt.com)  
[tommyers1872@gmail.com](mailto:tommyers1872@gmail.com)  
[trobison@mvdsl.com](mailto:trobison@mvdsl.com)  
[twtent@hotmail.com](mailto:twtent@hotmail.com)  
[veronica.rowan@sol.doi.gov](mailto:veronica.rowan@sol.doi.gov)  
[vsandu@republicservices.com](mailto:vsandu@republicservices.com)  
[whitfam@mvdsl.com](mailto:whitfam@mvdsl.com)  
[william.paff@rocklandcapital.com](mailto:william.paff@rocklandcapital.com)  
[wpoulsen@lincolnnv.com](mailto:wpoulsen@lincolnnv.com)

Dated: September 13, 2019

  
Tricia Trevino

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.

RECORDED  
2019 SEP 13 PM 4:19  
**SOUTHERN NEVADA WATER  
AUTHORITY AND LAS VEGAS  
VALLEY WATER DISTRICT'S  
OBJECTIONS TO VARIOUS PARTIES'  
PROPOSED EVIDENCE**

COME NOW, Southern Nevada Water Authority ("SNWA") and Las Valley Water District ("LVVWD" and together as "SNWA") hereby submit the following objections to certain proposed evidence as set forth in the State Engineer's Notice of Hearing dated August 23, 2019.

I. **Objection to Stetson Engineers, Inc.'s staff's qualification as experts in certain fields**

SNWA hereby objects to Stetson Engineers, Inc.'s staff's qualifications as experts in certain fields, because Coyote Springs Investment, LLC ("CSI") failed to specify what area(s) of expertise each expert will be testifying in. SNWA does not object to Stetson Engineers staff's expertise in geology (Stephen Reich), hydrogeology (Jean Moran), or another field that the expert has testified as an expert to in prior Nevada State Engineer hearings. SNWA does object to the Stetson Engineers' staff testifying as experts in the all other fields, including, but not limited to: Nevada water law, Nevada water rights, sustainable water management, and fields relating to biology, environmental resources, or state and federal environmental laws and regulations.

Also, the engineers at Stetson are not licensed in Nevada, and should not be permitted to testify in areas that are specific to Nevada law and regulation. Additionally, in past hearings, Stetson Engineers' staff have recognized that they are unqualified to give opinions in areas relating

to biology and the complexities of aquatic-dependent species.<sup>1</sup> Further, the State Engineer has limited the scope of this portion of the Interim Order 1303 hearing to fact-gathering and data interpretation, so it would be premature to collect legal or policy opinions on how to best manage the Lower White River Flow System (“LWRFS”). SNWA hereby requests that the State Engineer limit the Stetson Engineers’ staff’s expertise to those areas which they have been previously qualified before the State Engineer in, and to those areas of expertise which the proposed experts have sufficient training and experience in. SNWA objects to their testimony as an expert into any other area, and reserves the right to raise that objection at the administrative hearing.

## **II. Objection to CSI’s proposed testimony from Timothy Durbin**

SNWA objects to any testimony proffered from Timothy Durbin, as proposed by CSI in its submitted witness list. Mr. Durbin did not submit any report. CSI listed Timothy Durbin as an expert witness on its Witness List, proposed that Timothy Durbin testify in an expert capacity, but he did not submit any written expert report, opinions, or conclusion.

The State Engineer has specific authority to require “parties and witnesses to submit their testimony in written form before the hearing date”<sup>2</sup> and has done so repeatedly in this matter. On July 25, 2019, the State Engineer issued a Notice of Pre-Hearing Conference (“Pre-Hearing Notice”) and scheduled a pre-hearing for August 8, 2019 (“Pre-hearing Conference”). The Prehearing Notice specified that “[t]he hearing will be limited to taking evidence and testimony on the submitted reports by those parties whom either submit initial and/or rebuttal reports in response to the directive of the State Engineer in Order 1303.”<sup>3</sup> During the Pre-hearing Conference, SNWA specifically asked for clarification on whether experts will be admitted if they have not submitted a report.<sup>4</sup> The Hearing Officer clarified that if a witness is being “proffered as

---

<sup>1</sup> See Transcript, October 4, 2017, Vol. 7, pg. 1523:6-10 (Mr. Reich stating “[Y]ou know, I’m not an expert, certainly, on the, you know, aquatic-dependent species and I will rely on the services whether it be the Fish and Wildlife Service or [Nevada Division of Water Resources] or whoever takes that upon themselves...”).

<sup>2</sup> NAC 533.250.

<sup>3</sup> See State Engineer’s Notice of Pre-Hearing Conference, July 25, 2019.

<sup>4</sup> Transcript of Proceedings Public Hearing Pre-Hearing Conference, Thursday, August 8, 2019, p. 49:17-22 (Taggart).

an expert, they should have offered – they should have had a report or rebuttal report submitted. So, if they’re going to be proffered as an expert, they’re going to be in relation to a report [ . . . ].”<sup>5</sup> Then, on August 23, 2019, the State Engineer issued a Notice of Hearing which again specified that:

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.

SNWA and LVVWD object to Mr. Durbin testifying before this hearing because CSI has not submitted any expert report from Timothy Durbin. If Timothy Durbin wanted to proffer an expert opinion, he had time to draft a rebuttal report and file it timely with this office pursuant to the rules set forth by the State Engineer. Additionally, the State Engineer should not permit Timothy Durbin to testify as a ‘fact’ witness, as he has not been offered as such.

**III. Objection to specific portions of City of North Las Vegas’ filed reports**

SNWA hereby objects to specific portions of the reports filed by InterFlow Hydrology, Inc., on behalf of the City of North Las Vegas. Interflow Hydrology, Inc. filed reports that were written and signed by both Dwight Smith and Alexa Terrell. Dwight Smith is the only expert listed to testify on City of North Las Vegas’ witness list. To the extent that Dwight Smith can attest to his knowledge and expertise in all areas and subject matter contained in the submitted reports, SNWA has no objection. However, if Dwight Smith cannot attest to all portions, conclusions, or opinions contained in the report, including how the conclusion or opinion was reached and the data behind such conclusion or opinion, SNWA objects to those portions of the report being entered into the record in this matter, as no opportunity to cross-examine the witness will be afforded. Alternatively, SNWA has no objection to the City of North Las Vegas’ witness list being

---

<sup>5</sup> Transcript of Proceedings Public Hearing Pre-Hearing Conference, Thursday, August 8, 2019, p. 49:23-50:4 (Hearing Officer Fairbank).

supplemented with information reflecting Alexa Terrell's qualifications and proposed testimony, and her being present to be examined regarding the submitted reports.

**IV. Objection to specific portions of Dry Lake Water, LLC; Georgia Pacific Gypsum LLC; and Republic Environmental Technologies, Inc.'s filed reports**

SNWA hereby objects to specific portions of the reports filed by Broadbent and Associates, Inc, on behalf of Dry Lake Water, LLC, Georgia Pacific Gypsum LLC, and Republic Environmental Technologies. Broadbent and Associates, Inc. filed its initial expert report on behalf of the three aforementioned parties, signed by both Jonathan Bell and Lonnie Roy. Broadbent and Associates, Inc. then filed a rebuttal report presumably written, and signed, by only Jonathan Bell. Jonathan Bell is the only expert listed to testify on Georgia Pacific Gypsum LLC, and Republic Environmental Technologies' shared witness list. Dry Lake Water, LLC did not file any witness or exhibit lists in this matter.

To the extent that Jonathan Bell can attest to his knowledge and expertise in all areas and subject matter contained in the submitted reports, SNWA has no objection. However, if Jonathan Bell cannot attest to any portions, conclusions, or opinions contained in the report, including how the conclusion or opinion was reached and the data behind such conclusion or opinion, SNWA objects to those portions of the report being entered into the record in this matter, as no opportunity to cross-examine the witness will be afforded. Alternatively, SNWA has no objection to Georgia Pacific Gypsum LLC, and Republic Environmental Technologies' witness list being supplemented with information reflecting Lonnie Roy's qualifications and proposed testimony and Lonnie Roy being present to be examined regarding the submitted reports.

**V. Objection to improperly listed and submitted exhibits**

SNWA hereby objects to proposed exhibits that were not properly submitted according to the State Engineer's Notice of Hearing dated August 23, 2019. That notice required that any proposed exhibits be 1) listed on an Exhibit List filed with the State Engineer, and 2) have a copy filed with the State Engineer for uploading to the State Engineer's website. SNWA has discovered

that multiple parties have submitted Exhibit Lists which do not materially match the actual exhibits submitted to the State Engineer. In some cases, the parties' Exhibit List includes documents that were not uploaded to the State Engineer's website, so they were presumably not filed timely with the State Engineer.<sup>6</sup> For these instances, opposing parties have not had an opportunity to review the proposed exhibit and therefore the exhibit should not be entered. In other cases, the parties' submitted exhibits are not included on the filed Exhibit List, and it is unclear whether that proposed exhibit will be offered by the party.<sup>7</sup>

SNWA proposes that if the proper documents are submitted prior to September 18, 2019, to allow parties to properly review the documents prior the State Engineer's expert *voir dire* hearing, the exhibits should be deemed timely. However, any exhibits that are not properly disclosed should not be entertained by the State Engineer during the Interim Order 1303 hearing. SNWA reserves the right to object to any of these undisclosed exhibits that are submitted for entry into evidence during the Interim Order 1303 hearing.

///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///  
///

---

<sup>6</sup> See, e.g., Nevada Cogeneration Associates Exhibit List, Proposed Exhibit 7 (Drilling, Construction, Water Chemistry, Water Levels, and Regional Potentiometric Surface of the Upper Carbonate-rock Aquifer in Clark County, Nevada) is listed but does not appear to have been disclosed to the State Engineer's office.

<sup>7</sup> See, e.g., Moapa Band of Paiutes, document entitled "Order 1169 Impacts (with September 8, 2010 Addendum)" by Mifflin & Associates, May 27, 2010. This document does not appear on the Moapa Band of Paiutes Exhibit List.

**CONCLUSION**

For the foregoing reasons, SNWA and LVVWD asks that the State Engineer exclude or in appropriate circumstances order correction for the above-discussed evidence.

DATED this 13 day of September, 2019.

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

By:   
PAUL G. TAGGART, ESQ.  
Nevada State Bar No. 6136  
TIMOTHY D. O'CONNOR, ESQ.  
Nevada State Bar No. 14098

and

STEVEN C. ANDERSON, ESQ.  
Nevada State Bar No. 11901  
SOUTHERN NEVADA WATER  
AUTHORITY  
1001 South Valley View Boulevard, MS #480  
Las Vegas, Nevada 89153  
(702) 875-7029 – Telephone  
(702) 259-8218 – Facsimile

Attorneys for Southern Nevada Water Authority  
and Las Vegas Valley Water District

## CERTIFICATE OF SERVICE

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 the foregoing document via electronic delivery, addressed as follows:

8milelister@gmail.com  
ablack@mcdonaldcarano.com  
admin.mbop@moapabandofpaiutes.org  
alaskajulie12@gmail.com  
barbnwalt325@gmail.com  
bbaldwin@ziontchestnut.com  
bostajohn@gmail.com  
bvann@ndow.org  
chair.mbop@moapabandofpaiutes.org  
chris.benkman@nsgen.com  
coop@opd5.com  
coopergs@ldschurch.org  
counsel@water-law.com  
craig.primas@snvgrowers.com  
craig.wilkinson@pabcogypsum.com  
dan.peressini@lasvegaspaving.com  
david\_stone@fws.gov  
dbrown@ldalv.com  
dennis.barrett10@gmail.com  
derekm@westernelite.com  
devaulr@cityofnorthlasvegas.com  
dfrehner@lincolncountynv.gov  
dixonjm@gmail.com  
dorothy@vidlerwater.com  
doug@nvfb.org  
dvossmer@republicservices.com  
dwight.smith@interflowhydro.com  
edna@comcast.net  
emilia.cargill@coyotesprings.com  
fan4philly@gmail.com  
gary\_karst@nps.gov  
gbushner@vidlerwater.com  
glen\_knowles@fws.gov  
gmorrison@parsonsbehle.com  
golden@apexindustrialpark.com  
golds@nevcogen.com  
greatsam@usfds.com  
hartthethird@gmail.com  
howard.forepaugh@nsgen.com

[info4gbwn@gmail.com](mailto:info4gbwn@gmail.com)  
[ircady@yahoo.com](mailto:ircady@yahoo.com)  
[icaviglia@nvenergy.com](mailto:icaviglia@nvenergy.com)  
[jeff.phillips@lasvegaspaving.com](mailto:jeff.phillips@lasvegaspaving.com)  
[joe@moapawater.com](mailto:joe@moapawater.com)  
[karen.glasgow@sol.doi.gov](mailto:karen.glasgow@sol.doi.gov)  
[kbrown@vvh2o.com](mailto:kbrown@vvh2o.com)  
[kevin\\_desroberts@fws.gov](mailto:kevin_desroberts@fws.gov)  
[kimberley.jenkins@clarkcountynv.gov](mailto:kimberley.jenkins@clarkcountynv.gov)  
[kingmont@charter.net](mailto:kingmont@charter.net)  
[kpeterston@allisonmackenzie.com](mailto:kpeterston@allisonmackenzie.com)  
[krobison@rssblaw.com](mailto:krobison@rssblaw.com)  
[kurthlawoffice@gmail.com](mailto:kurthlawoffice@gmail.com)  
[lazarus@glorietageo.com](mailto:lazarus@glorietageo.com)  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)  
[lbenezet@yahoo.com](mailto:lbenezet@yahoo.com)  
[liamleavitt@hotmail.com](mailto:liamleavitt@hotmail.com)  
[lindseyd@mvdsl.com](mailto:lindseyd@mvdsl.com)  
[lisa@ldalv.com](mailto:lisa@ldalv.com)  
[lle@mvdsl.com](mailto:lle@mvdsl.com)  
[lon@moapawater.com](mailto:lon@moapawater.com)  
[lroy@broadbentinc.com](mailto:lroy@broadbentinc.com)  
[luckydirt@icloud.com](mailto:luckydirt@icloud.com)  
[luke.miller@sol.doi.gov](mailto:luke.miller@sol.doi.gov)  
[luke.stewart@pabcogypsum.com](mailto:luke.stewart@pabcogypsum.com)  
[martinmifflin@yahoo.com](mailto:martinmifflin@yahoo.com)  
[mbhoffice@earthlink.net](mailto:mbhoffice@earthlink.net)  
[michael\\_schwemm@fws.gov](mailto:michael_schwemm@fws.gov)  
[mjohns@nvenergy.com](mailto:mjohns@nvenergy.com)  
[mmmiller@cox.net](mailto:mmmiller@cox.net)  
[moapalewis@gmail.com](mailto:moapalewis@gmail.com)  
[moorea@cityofnorthlasvegas.com](mailto:moorea@cityofnorthlasvegas.com)  
[muddyvalley@mvdsl.com](mailto:muddyvalley@mvdsl.com)  
[oldnevadanwater@gmail.com](mailto:oldnevadanwater@gmail.com)  
[onesharp1@gmail.com](mailto:onesharp1@gmail.com)  
[pdonnelly@biologicaldiversity.org](mailto:pdonnelly@biologicaldiversity.org)  
[progress@mvdsl.com](mailto:progress@mvdsl.com)  
[rafelling@charter.net](mailto:rafelling@charter.net)  
[raymond.roessel@bia.gov](mailto:raymond.roessel@bia.gov)  
[rberley@ziontzchestnut.com](mailto:rberley@ziontzchestnut.com)  
[rhoerth@vidlerwater.com](mailto:rhoerth@vidlerwater.com)  
[robert.dreyfus@gmail.com](mailto:robert.dreyfus@gmail.com)  
[rott@nvenergy.com](mailto:rott@nvenergy.com)  
[rozaki@opd5.com](mailto:rozaki@opd5.com)  
[rteague@republicservices.com](mailto:rteague@republicservices.com)  
[sarahpeterson@blm.gov](mailto:sarahpeterson@blm.gov)

scarlson@kcnvlaw.com  
sharrison@mcdonaldcarano.com  
stever@stetsonengineers.com  
sue\_braumiller@fws.gov  
technichrome@ips.net  
tomg@nevadawatersolutions.com  
tommyers1872@gmail.com  
trobison@mvdsl.com  
twtemt@hotmail.com  
veronica.rowan@sol.doi.gov  
vsandu@republicservices.com  
whitfam@mvdsl.com  
william.paff@rocklandcapital.com  
wpoulsen@lincolnnv.com  
aflangas@kcnvlaw.com  
mmarsh@kcnvlaw.com  
jharris@kcnvlaw.com  
bherrema@bhfs.com  
asaintil@kcnvlaw.com

DATED this 13<sup>th</sup> day of September, 2019.

  
\_\_\_\_\_  
Employee of TAGGART & TAGGART, LTD.

RECEIVED

IN THE OFFICE OF THE STATE ENGINEER 3: 11

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).

INTERIM ORDER #1303

**GEORGIA PACIFIC CORPORATION AND REPUBLIC ENVIRONMENTAL TECHNOLOGIES' RESPONSE TO SOUTHERN NEVADA WATER AUTHORITY AND LAS VEGAS VALLEY WATER DISTRICT'S OBJECTIONS TO VARIOUS PARTIES PROPOSED EVIDENCE**

Georgia Pacific Corporation and Republic Services Environmental Technologies (collectively "Georgia Pacific/Republic") by and through undersigned counsel, respond to the provisional objection filed by Southern Nevada Water Authority ("SNWA") and Las Vegas Valley Water District ("LVVWD" and together as "SNWA") regarding certain portions of the report submitted by Broadbent and Associates, Inc, on behalf of Dry Lake Water, LLC, Georgia Pacific Corporation, and Republic Environmental Technologies (hereinafter the "Report"). SNWA asserts that the Report was signed by both Jonathan Bell and Lonnie Roy, and that to extent Jonathan Bell can attest to his knowledge and expertise in all areas and subject matter contained in the submitted reports, SNWA has no objection.

Georgia Pacific/Republic wish to clarify that the initial Report was authored by Jonathan Bell and was simply reviewed and approved by Mr. Roy. The rebuttal report was also authored solely by Mr. Bell. The conclusions and opinions in the reports are those of Mr. Bell and he is prepared to testify as to all aspects of the reports.

SE ROA 441

**McDONALD CARANO**

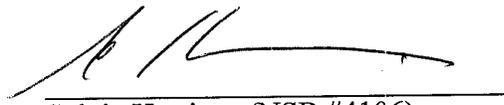
100 WEST LIBERTY STREET, TENTH FLOOR • RENO, NEVADA 89501  
PHONE 775.788.2000 • FAX 775.788.2020

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Based upon this response and in order to simplify proceedings at the pre-hearing scheduled for September 19<sup>th</sup>, Georgia Pacific/Republic respectfully request that SNWA withdraw its provisional objection to the referenced reports.

DATED: September 16, 2019.      McDONALD CARANO LLP



Sylvia Harrison (NSB #4106)  
Sarah Ferguson (NSB #14515)  
MCDONALD CARANO LLP  
100 West Liberty Street, 10<sup>th</sup> Floor  
Reno, Nevada 89501  
(775) 788-2000  
sharrison@mcdonaldcarano.com  
sferguson@mcdonaldcarano.com

Paulina Williams (*Admitted Pro Hac Vice*)  
BAKER BOTTS, L.L.P.  
98 San Jacinto Boulevard, Suite 1500  
Austin, TX 78701  
(512) 322-2543  
Paulina.williams@bakerbotts.com

1 Howard.Forepaugh@nsgen.com;  
2 ircady@yahoo.com;  
3 info4gbwn@gmail.com;  
4 JCaviglia@nvenergy.com;  
5 jeff.phillips@lasvegaspaving.com;  
6 stever@stetsonengineers.com;  
7 sue\_braumiller@fws.gov;  
8 technichrome@jps.net;  
9 tim@legaltnt.com;  
10 tommyers1872@gmail.com;  
11 trobison@mvdsl.com;  
12 twtemt@hotmail.com;  
13 veronica.rowan@sol.doi.gov;  
14 vsandu@republicservices.com;  
15 whitfam@mvdsl.com;  
16 william.paff@rocklandcapital.com;  
17 wpoulsen@lincolnmv.com

rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;  
debbie@leonardlawpc.com  
tricia@leonardlawpc.com

  
An employee of McDonald Carano LLP

1 Debbie Leonard (Nevada Bar No. 8260)  
Leonard Law, PC  
2 955 S. Virginia Street, Ste. 220  
Reno, NV 89502  
3 Phone: (775) 964-4656  
[debbie@leonardlawpc.com](mailto:debbie@leonardlawpc.com)

4 Carolyn Tanner  
5 Tanner Law & Strategy Group, Ltd.  
216 East Liberty St.  
6 Reno, NV 89501  
(775) 323-4657  
7 [lina@tannerlnv.com](mailto:lina@tannerlnv.com)

8 *Attorneys for Moapa Band of Paiutes*

9  
10 **IN THE OFFICE OF THE STATE ENGINEER**  
11 **OF THE STATE OF NEVADA**

12 \* \* \* \* \*

13 IN THE MATTER OF THE ADMINISTRATION  
14 AND MANAGEMENT OF THE LOWER  
15 WHITE RIVER FLOW SYSTEM WITHIN  
16 COYOTE SPRING VALLEY HYDROGRAPHIC  
17 BASIN (210), A PORTION OF BLACK  
18 MOUNTAINS AREA HYDROGRAPHIC  
19 BASIN (215), GARNET VALLEY  
20 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

**MOTION TO ASSOCIATE COUNSEL**

21  
22 MOAPA BAND OF PAIUTES, through its Nevada counsel Debbie Leonard of Leonard  
23 Law, PC and Carolyn E. Tanner of Tanner Law & Strategy Group, Ltd., moves the Office of the  
24 State Engineer for an order permitting Beth Baldwin, Esq. and Richard Berley, Esq. to practice in  
25 Nevada pursuant to Nevada Supreme Court Rule 42.

26 ///

27 ///

28 ///

SE ROA 445

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

This motion is supported by the attached "Verified Applications for Association of Counsel" (Exhibit 1), "Certificates of Good Standing" (Exhibit 2), and "State Bar of Nevada Statements" (Exhibit 3). Also attached is a proposed Order Admitting to Practice (Exhibit 4).

DATED this 19<sup>th</sup> day of September, 2019 LEONARD LAW, PC

By:   
Debbie Leonard (NV Bar #8260)  
955 S. Virginia Street, Suite 220  
Reno, Nevada 89502  
Phone: (775) 964-4656  
[debbie@leonardlawpc.com](mailto:debbie@leonardlawpc.com)

TANNER LAW & STRATEGY GROUP, LTD.  
Carolyn E. Tanner (NV Bar #5520)  
216 East Liberty St.  
Reno, NV 89501  
(775) 323-4657  
[lina@tannerlv.com](mailto:lina@tannerlv.com)

*Attorneys for Moapa Band of Paiutes*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Leonard Law, PC and that on this date a true and correct copy of the foregoing document was served via email upon the parties listed below:

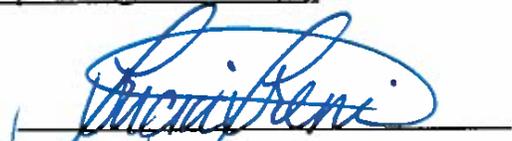
<u>8milelister@gmail.com</u>	<u>fan4philly@gmail.com</u>
<u>ablack@mcdonaldcarano.com</u>	<u>gary_karst@nps.gov</u>
<u>aflangas@kcnvlaw.com</u>	<u>gbushner@vidlerwater.com</u>
<u>alaskajuliel2@gmail.com</u>	<u>glen_knowles@fws.gov</u>
<u>andrew.burns@snwa.com</u>	<u>gmorrison@parsonsbehle.com</u>
<u>barbnwalt325@gmail.com</u>	<u>golden@apexindustrialpark.com</u>
<u>bherrema@bhfs.com</u>	<u>golds@nevcogen.com</u>
<u>bostajohn@gmail.com</u>	<u>greatsam@usfids.com</u>
<u>bvann@ndow.org</u>	<u>greg.walch@lvvwd.com</u>
<u>Chris.Benkman@nsgen.com</u>	<u>hartthethird@gmail.com</u>
<u>Colby.pellegrino@snwa.com</u>	<u>Howard.Forepaugh@nsgen.com</u>
<u>Coop@opd5.com</u>	<u>info4gbwn@gmail.com</u>
<u>coopergs@ldschurch.org</u>	<u>JCaviglia@nvenenergy.com</u>
<u>counsel@water-law.com</u>	<u>jeff.phillips@lasvegaspaving.com</u>
<u>craig.primas@snvgrowers.com</u>	<u>jharris@kcnvlaw.com</u>
<u>craig.wilkinson@pabcogypsum.com</u>	<u>jim.watrus@snwa.com</u>
<u>dan.peressini@lasvegaspaving.com</u>	<u>joe@moapawater.com</u>
<u>david_stone@fws.gov</u>	<u>Karen.glasgow@sol.doi.gov</u>
<u>Dbrown@ldalv.com</u>	<u>kbrown@vvh2o.com</u>
<u>dennis.barrett10@gmail.com</u>	<u>Kevin_Desroberts@fws.gov</u>
<u>derekm@westernelite.com</u>	<u>kimberley.jenkins@clarkcountynv.gov</u>
<u>devaulr@cityofnorthlasvegas.com</u>	<u>kingmont@charter.net</u>
<u>dfrehner@lincolncountynv.gov</u>	<u>kpeterson@allisonmackenzie.com</u>
<u>dixonjm@gmail.com</u>	<u>krobison@rssblaw.com</u>
<u>dorothy@vidlerwater.com</u>	<u>kurthlawoffice@gmail.com</u>
<u>doug@nvfb.org</u>	<u>lazarus@glorietageo.com</u>
<u>dvosmer@republicservices.com</u>	<u>lbelenky@biologicaldiversity.org</u>
<u>dwight.smith@interflowhydro.com</u>	<u>lbenezet@yahoo.com</u>
<u>edna@comcast.net</u>	<u>liamleavitt@hotmail.com</u>
<u>emilia.cargill@coyotesprings.com</u>	<u>Lindseyd@mvdsl.com</u>
<u>Lisa@ldalv.com</u>	<u>paulina.williams@bakerbotts.com</u>
<u>lle@mvdsl.com</u>	<u>robert.dreyfus@gmail.com</u>
<u>lon@moapawater.com</u>	<u>Rott@nvenenergy.com</u>
<u>lroy@broadbentinc.com</u>	<u>rozaki@opd5.com</u>
<u>LuckyDirt@icloud.com</u>	<u>rteague@republicservices.com</u>
<u>luke.miller@sol.doi.gov</u>	<u>Sarahpeterson@blm.gov</u>
<u>luke.stewart@pabcogypsum.com</u>	<u>SCarlson@kcnvlaw.com</u>
<u>MBHoffice@earthlink.net</u>	<u>sc.anderson@lvvwd.com</u>
<u>mfairbank@water.nv.gov</u>	<u>sc.anderson@snwa.com</u>
<u>Michael_schwemm@fws.gov</u>	<u>sferguson@mcdonaldcarano.com</u>
<u>MJohns@nvenenergy.com</u>	<u>sharrison@mcdonaldcarano.com</u>
<u>mmarsh@kcnvlaw.com</u>	<u>stever@stetsonengineers.com</u>
<u>mmmiller@cox.net</u>	<u>sue_braumiller@fws.gov</u>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

moapalewis@gmail.com  
moorea@cityofnorthlasvegas.com  
muddyvalley@mvdsl.com  
onesharp1@gmail.com  
paul@legaltnt.com  
pdonnelly@biologicaldiversity.org  
progress@mvdsl.com  
rafelling@charter.net  
raymond.roessel@bia.gov  
rhoerth@vidlerwater.com

technichrome@jps.net  
tim@legaltnt.com  
tommyers1872@gmail.com  
trobison@mvdsl.com  
twtemt@hotmail.com  
veronica.rowan@sol.doi.gov  
vsandu@republicservices.com  
whitfam@mvdsl.com  
william.paff@rocklandcapital.com  
wpoulsen@lincolnnv.com

Dated: September 19, 2019



---

Tricia Trevino

# EXHIBIT 1

# EXHIBIT 1

SE ROA 449

JA\_643

**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. )

**VERIFIED APPLICATION FOR  
ASSOCIATION OF COUNSEL UNDER  
NEVADA SUPREME COURT RULE 42**

BETH                      ANN                      BALDWIN, Petitioner, respectfully represents:  
First                      Middle Name                      Last

1. Petitioner resides at 3401 19TH AVENUE S.  
Street Address

SEATTLE                      KING                      WA                      98144  
City                      County                      State                      Zip Code

( 347 ) 852-3004  
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: ZIONTZ CHESTNUT

with offices at 2101 4TH AVENUE, SUITE 1230  
Street Address

SEATTLE                      KING                      WA                      98121  
City                      County                      State                      Zip Code

( 206 ) 448-1230                      bbaldwin@ziontzchestnut.com  
Telephone                      Email

3. Petitioner has been retained personally or as a member of the above named law firm by \_\_\_\_\_  
THE MOAPA BAND OF PAIUTES to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since MAY of 2013, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of WASHINGTON where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

	<u>DATE ADMITTED</u>
<u>WASHINGTON STATE</u>	<u>5/23/2013</u>
<u>9TH CIRCUIT COURT OF APPEALS</u>	<u>1/27/2015</u>
<u>U.S. COURT OF FEDERAL CLAIMS</u>	<u>9/23/2014</u>
<u>USDC WESTERN DISTRICT OF WASHINGTON</u>	<u>9/29/2014</u>

\*SEE CONTINUATION PAGE

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: NO

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: NO

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: NO

---

---

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: NO

---

---

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: NO

---

---

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: *(do not include Federal Pro Haacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
NONE			

---

---

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

DEBBIE	A.	LEONARD	8260
_____ First Name	_____ Middle Name	_____ Last Name	_____ NV Bar #
who has offices at LEONARD LAW, PC			
_____ Firm Name/Company			
955 S. VIRGINIA STREET, SUITE 220	RENO	WASHOE	
_____ Street Address	_____ City	_____ County	
89502	( 775 )	964-4656	
_____ Zip Code	_____ Phone Number		

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME	MAILING ADDRESS
SEE ATTACHED EXHIBIT	
_____	_____
_____	_____
_____	_____
_____	_____

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, BETH ANN BALDWIN, do hereby swear/affirm under penalty of perjury that the assertions  
Print Petitioner Name  
of this application and the following statements are true:

1) That I am the Petitioner in the above entitled matter.

2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;
- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
- (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
- (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.





\*CONTINUED FROM PAGE 2, PARAGRAPH 5

DATE ADMITTED

USDC EASTERN DISTRICT OF WASHINGTON

12/9/2014

SE ROA 457

JA\_651

EXHIBIT

Bedroc Limited, LLC  
Western Elite Environmental, Inc.  
2745 North Nellis Boulevard  
Las Vegas, NV 89115

Coyote Springs Investment, LLC  
c/o Wingfield Nevada Group  
6600 N. Wingfield Pkwy.  
Sparks, NV 89436

Dry Lake Water, LLC  
2470 St. Rose Pkwy., Ste. 107  
Henderson, NV 89074

Georgia Pacific Corporation  
Georgia Pacific Gypsum  
P.O. Box 337350  
Las Vegas, NV 89033

Moapa Band of Paiute Indians  
P.O. Box 340  
Moapa, NV 89025

Moapa Valley Water District  
P.O. Box 257  
Logandale, NV 89021

Nevada Cogeneration Associates  
420 N. Nellis Blvd., #A3-117  
Las Vegas, NV 89110

Nevada Power Company  
DBA NV Energy  
6226 West Sahara Avenue  
Las Vegas, NV 89146

City of North Las Vegas  
2250 Las Vegas Blvd. North  
N. Las Vegas, NV 89030

Republic Environmental Technologies, Inc.  
770 East Sahara Ave.  
Las Vegas, NV 89104

Southern Nevada Water Authority  
1001 South Valley View Blvd.  
Mail Stop #485  
Las Vegas, NV 89153

Nigel Macrae, Vice President  
Technichrome  
4709 Compass Bow Lane  
Las Vegas, NV 89130

U.S. Fish and Wildlife Service  
1020 New River Parkway, Suite 305  
Fallon, NV 89406-2613

Lincoln County Water District  
P.O. Box 60  
Pioche, NV 89043

Peter Fahmy  
National Park Service  
1201 Oakridge Dr.  
Fort Collins, CO 80525

Patrick Donnelly  
Center for Biological Diversity  
7345 S. Durango Dr., B-107, Box 217  
Las Vegas, NV 89116  
*Attorney for Center for Biological Diversity*

Kyle Roerink  
Great Basin Water Network  
P.O. Box 75  
Baker, NV 89311

Don J. & Marsha L. Davis  
P.O. Box 400  
Moapa, NV 89025

Timothy D. O'Connor, Esq.  
Las Vegas Valley Water District  
c/o Taggart & Taggart, Ltd.  
108 North Minnesota Street  
Carson City, NV 89703

Kelly Kolhoss  
P.O. Box 232  
Moapa, NV 89025

Scott Millington, General Manager  
Todd Robison, Chairman of the Board  
Muddy Valley Irrigation Company  
P.O. Box 665  
Overton, NV 89040

Lake At Las Vegas Joint Venture, Inc.  
1600 Lake Las Vegas Parkway  
Henderson, NV 89011

Greg L. Bushner  
Vidler Water Company  
3480 GS Richards Blvd., Suite 101  
Carson City, NV 89703

Laker Plaza, Inc.  
7181 Noon Rd.  
Everson, WA 98247-9650

3335 Hillside, LLC  
3420 North Buffalo Drive  
Las Vegas, NV 89129

Lincoln County Commissioners  
P.O. Box 90  
Pioche, NV 89043

Larry Brundy  
P.O. Box 136  
Moapa, NV 89025

Church of Jesus Christ of the Latter Day Saints  
Area 4, 61 E. North Temple  
Salt Lake City, UT 84150-0001

Casa De Warm Springs, LLC  
1000 North Green Valley Parkway, #440-350  
Henderson, NV 89074

State of Nevada Department of Transportation  
1263 S. Stewart Street  
Carson City, NV 89712

Clark County  
500 S. Grand Central Pkwy.  
Las Vegas, NV 89155

Nevada Cogeneration Associates #1  
420 N. Nellis Blvd., #A3-148  
Las Vegas, NV 89110

Clark County Commissioners  
500 S. Grand Central Pkwy., 6th Fl.  
Las Vegas, NV 89155-1111

State of Nevada  
Dept. of Conservation and Natural Resources  
Division of State Parks  
901 S. Stewart Street, Suite 5005  
Carson City, NV 89701

Clark County Coyote Springs  
Water Resources GID  
1001 S. Valley View Blvd.  
Las Vegas, NV 89153

Pacific Coast Building Products, Inc.  
P.O. Box 364329  
Las Vegas, NV 89036

Mary K. Cloud  
P.O. Box 31  
Moapa, NV 89025

Paul G. Taggart  
Tim O'Connor  
Taggart & Taggart, Ltd.  
108 N. Minnesota St.  
Carson City, NV 89701  
*Attorneys for Southern Nevada Water  
Authority and Las Vegas Valley Water District*

S & R, Inc.  
808 Shetland Road  
Las Vegas, NV 89107

Karen Glasgow  
Office of the Solicitor-DO1  
333 Bush St, #775  
San Francisco, CA 94619  
*Attorney for National Park Service*

Mark D. Stock  
Global Hydrologic Services, Inc.  
561 Keystone Avenue, #200  
Reno, NV 89503-4331

Kathryn Brinton  
Office of the Solicitor-DO1  
1340 Financial Blvd.  
Reno, NV 89502

Sylvia Harrison  
Sarah Ferguson  
McDonald Carano  
100 West Liberty St., 10<sup>th</sup> Fl.  
Reno, NV 89501  
*Attorneys for Republic Environmental  
Technologies, Inc. and Georgia Pacific Corp.*

Steven C. Anderson  
Southern Nevada Water Authority  
1001 South Valley View Boulevard, MS #480  
Las Vegas, Nevada 89153  
*Attorneys for Southern Nevada Water  
Authority and Las Vegas Valley Water District*

Kent Robison  
Robison, Sharp, Sullivan and Brust  
71 Washington Street  
Reno, NV 89503  
*Attorney for Coyote Springs Investment, LLC*

Laura A. Schroeder  
Therese A. Ure  
10615 Double R Blvd., Ste. 100  
Reno, NV 89521  
*Attorneys for Bedroc*

Alex J. Flangas  
Kaempfer Crowell  
50 W. Liberty Street, Suite 700  
Reno, NV 89501  
*Attorneys for Nevada Cogeneration  
Associates Nos. 1 and 2*

William O'Donnell  
2780 S. Jones Blvd., Ste. 210  
Las Vegas, NV 89146

Justina Caviglia  
6100 Neil Road  
Reno, NV 89511  
*Attorney for NV Energy*

Gregory Morrison  
Parsons Behle & Latimer  
50 W. Liberty St., Ste. 750  
Reno, NV 89501  
*Attorneys for Moapa Valley Water District*

Robert O. Kurth  
Kurth Law Office  
3420 N. Buffalo Dr.  
Las Vegas, NV 89129  
*Attorney for 3335 Hillside LLC*

Derek Muaina, General Counsel  
Western Elite  
2745 N. Nellis Blvd.  
Las Vegas, NV 89115

Steven D. King  
227 River Rd.  
Dayton, NV 89403  
*Attorney for Muddy Valley Irrigation Co.*

Luke Miller  
Office of the Regional Solicitor  
US DOI  
2800 Cottage Way, Suite E-1712  
Sacramento, CA 95825  
*Attorney for Fish and Wildlife Service*

Dylan V. Frehner  
181 North Main Street, Suite 205  
P.O. Box 60  
Pioche, NV 89043  
*Attorney for Lincoln County District*

Lisa Belenky  
Center for Biological Diversity  
1212 Broadway #800  
Oakland, CA 94612

Karen A. Peterson  
Allison MacKenzie, Ltd.  
402 North Division Street  
Carson City, Nevada 89703  
*Attorney for Vidler Water Company*

Bradley J. Herrema  
Brownstein Hyatt Farber Schreck  
100 N. City Parkway, Ste. 1600  
Las Vegas, NV 89106  
*Attorney for Coyote Springs Investment, LLC*

Emilia K. Cargill  
Coyote Springs Investments, LLC  
3100 State Route 168  
Coyote Springs, NV 89037  
*Attorney for Coyote Springs Investment, LLC*

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. )

VERIFIED APPLICATION FOR  
ASSOCIATION OF COUNSEL UNDER  
NEVADA SUPREME COURT RULE 42

RICHARD                      MAYER                      BERLEY , Petitioner, respectfully represents:  
First                              Middle Name                              Last

1. Petitioner resides at 2202 NE 115TH STREET Street Address  
SEATTLE                              KING                              WA                              98125  
City                                      County                                      State                                      Zip Code  
( 206 ) 364-7252  
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: ZIONTZ CHESTNUT  
with offices at 2101 4TH AVENUE, SUITE 1230 Street Address  
SEATTLE                              KING                              WA                              98121  
City                                      County                                      State                                      Zip Code  
( 206 ) 448-1230                              rberley@ziontzchestnut.com  
Telephone    Email

3. Petitioner has been retained personally or as a member of the above named law firm by \_\_\_\_\_  
THE MOAPA BAND OF PAIUTES to provide legal representation in  
connection with the above-entitled matter now pending before the above referenced court.

4. Since OCTOBER of 1979, petitioner has been, and presently is, a member of good standing of  
the bar of the highest court of the State of WASHINGTON where petitioner regularly practices  
law.

5. Petitioner was admitted to practice before the following United States District Courts, United  
States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states  
on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

	<u>DATE ADMITTED</u>
<u>WASHINGTON STATE</u>	<u>10/30/1979</u>
<u>NEW YORK STATE</u>	<u>4/9/1979</u>
<u>US SUPREME COURT</u>	<u>1/11/1988</u>
<u>9TH CIRCUIT COURT OF APPEALS</u>	<u>2/20/1981</u>

\*SEE CONTINUATION PAGE

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes,  
give particulars; e.g., court, jurisdiction, date: NO

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority  
at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date,  
status: NO

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: NO

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: NO

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: NO

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: (*do not include Federal Pro Hac*)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied?
NONE			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is: (must be the same as the signature on the Nevada Counsel consent page)

DEBBIE A. LEONARD  
First Name Middle Name Last Name  
NV Bar # 8260

who has offices at LEONARD LAW, PC

Firm Name/Company

955 S. VIRGINIA STREET, SUITE 220 RENO WASHOE

Street Address City County

89502 ( 775 ) 964-4656

Zip Code Phone Number

13. The following accurately represents the names and addresses of each party in this matter;

WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each

counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME MAILING ADDRESS

SEE ATTACHED EXHIBIT

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13)

THIS MATTER ONLY.

15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, RICHARD MAYER BERLEY, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (A) I am not a member of the State Bar of Nevada;
- (B) I am not a resident of the State of Nevada;
- (C) I am not regularly employed as a lawyer in the State of Nevada;
- (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
- (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
- (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.

2) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.



Notary Public  
Laura Bartholet

this 13th day of September, 2019

Subscribed and sworn to before me

STATE OF Washington  
)  
COUNTY OF King  
) ss

DATED this 13th day of September, 2019  
Kenneth M. Berley  
Petitioner/Affiant (blue ink)

DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I, DEBBIE A. LEONARD hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

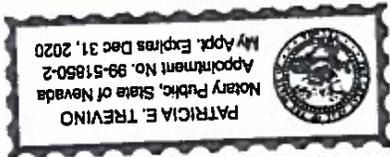
and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 11th day of September, 2019  
Debbie Leonard  
Nevada Counsel of Record (blue ink)

STATE OF Nevada  
COUNTY OF Washoe  
) ss )

Subscribed and sworn to before me

this 11th day of September, 2019  
Patricia E. Trevino  
Notary Public



\*CONTINUED FROM PAGE 2, PARAGRAPH 5

DATE ADMITTED

4/3/2000	10 <sup>TH</sup> CIRCUIT COURT OF APPEALS
12/20/1972	FEDERAL CIRCUIT COURT OF APPEALS
1/14/1980	US TAX COURT
7/1/1997	US COURT OF FEDERAL CLAIMS
12/7/1979	USDC WESTERN DISTRICT OF WASHINGTON
3/25/2011	USDC EASTERN DISTRICT OF WASHINGTON

Bedroc Limited, LLC  
 Western Elite Environmental, Inc.  
 2745 North Nellis Boulevard  
 Las Vegas, NV 89115

Coyote Springs Investment, LLC  
 c/o Wingfield Nevada Group  
 6600 N. Wingfield Pkwy.  
 Sparks, NV 89436

Dry Lake Water, LLC  
 2470 St. Rose Pkwy., Ste. 107  
 Henderson, NV 89074

Georgia Pacific Corporation  
 Georgia Pacific Gypsum  
 P.O. Box 337350  
 Las Vegas, NV 89033

Moapa Band of Paiute Indians  
 P.O. Box 340  
 Moapa, NV 89025

Moapa Valley Water District  
 P.O. Box 257  
 Logandale, NV 89021

Nevada Cogeneration Associates  
 420 N. Nellis Blvd., #A3-117  
 Las Vegas, NV 89110

Nevada Power Company  
 DBA NV Energy  
 6226 West Sahara Avenue  
 Las Vegas, NV 89146

City of North Las Vegas  
 2250 Las Vegas Blvd. North  
 N. Las Vegas, NV 89030

Republic Environmental Technologies, Inc.  
 770 East Sahara Ave.  
 Las Vegas, NV 89104

Southern Nevada Water Authority  
 1001 South Valley View Blvd.  
 Mail Stop #485  
 Las Vegas, NV 89153

Nigel Macrae, Vice President  
 Technichrome  
 4709 Compass Bow Lane  
 Las Vegas, NV 89130

U.S. Fish and Wildlife Service  
 1020 New River Parkway, Suite 305  
 Fallon, NV 89406-2613

Lincoln County Water District  
 P.O. Box 60  
 Pioche, NV 89043

Peter Fahmy  
 National Park Service  
 1201 Oakridge Dr.  
 Fort Collins, CO 80525

Patrick Donnelly  
 Center for Biological Diversity  
 7345 S. Durango Dr., B-107, Box 217  
 Las Vegas, NV 89116

*Attorney for Center for Biological Diversity*

Kyle Roerink  
 Great Basin Water Network  
 P.O. Box 75  
 Baker, NV 89311

Don J. & Marsha L. Davis  
 P.O. Box 400  
 Moapa, NV 89025

EXHIBIT

Timothy D. O'Connor, Esq.  
Las Vegas Valley Water District  
c/o Taggart & Taggart, Ltd.  
108 North Minnesota Street  
Carson City, NV 89703

Scott Millington, General Manager  
Todd Robison, Chairman of the Board  
Muddy Valley Irrigation Company  
P.O. Box 665  
Overton, NV 89040

Greg L. Bushner  
Vidler Water Company  
3480 GS Richards Blvd., Suite 101  
Carson City, NV 89703

3335 Hillside, LLC  
3420 North Buffalo Drive  
Las Vegas, NV 89129

Larry Brundy  
P.O. Box 136  
Moapa, NV 89025

Casa De Warm Springs, LLC  
1000 North Green Valley Parkway, #440-350  
Henderson, NV 89074

Clark County  
500 S. Grand Central Pkwy.  
Las Vegas, NV 89155

Clark County Commissioners  
500 S. Grand Central Pkwy., 6th Fl.  
Las Vegas, NV 89155-1111

Clark County Coyote Springs  
Water Resources GID  
1001 S. Valley View Blvd.  
Las Vegas, NV 89153

Kelly Kolhoss  
P.O. Box 232  
Moapa, NV 89025

Lake At Las Vegas Joint Venture, Inc.  
1600 Lake Las Vegas Parkway  
Henderson, NV 89011

Laker Plaza, Inc.  
7181 Noon Rd.  
Everson, WA 98247-9650

Lincoln County Commissioners  
P.O. Box 90  
Pioche, NV 89043

Church of Jesus Christ of the Latter Day Saints  
Area 4, 61 E. North Temple  
Salt Lake City, UT 84150-0001

State of Nevada Department of Transportation  
1263 S. Stewart Street  
Carson City, NV 89712

Nevada Cogeneration Associates #1  
420 N. Nellis Blvd., #A3-148  
Las Vegas, NV 89110

State of Nevada  
Dept. of Conservation and Natural Resources  
Division of State Parks  
901 S. Stewart Street, Suite 5005  
Carson City, NV 89701

Pacific Coast Building Products, Inc.  
P.O. Box 364329  
Las Vegas, NV 89036

SE ROA 472

Mary K. Cloud  
P.O. Box 31  
Moapa, NV 89025

Paul G. Taggart  
Tim O'Connor  
Taggart & Taggart, Ltd.  
108 N. Minnesota St.  
Carson City, NV 89701  
*Attorneys for Southern Nevada Water Authority and Las Vegas Valley Water District*

S & R, Inc.  
808 Sheldahl Road  
Las Vegas, NV 89107

Karen Glasgow  
Office of the Solicitor-DOI  
333 Bush St, #775  
San Francisco, CA 94619  
*Attorney for National Park Service*

Mark D. Stock  
Global Hydrologic Services, Inc.  
561 Keystone Avenue, #200  
Reno, NV 89503-4331

Kathryn Brinton  
Office of the Solicitor-DOI  
1340 Financial Blvd.  
Reno, NV 89502

Sylvia Harrison  
Sarah Ferguson  
McDonald Carano  
100 West Liberty St., 10<sup>th</sup> Fl.  
Reno, NV 89501

Steven C. Anderson  
Southern Nevada Water Authority  
1001 South Valley View Boulevard, MS #480  
Las Vegas, Nevada 89153  
*Attorneys for Southern Nevada Water Authority and Las Vegas Valley Water District*

*Attorneys for Republic Environmental Technologies, Inc. and Georgia Pacific Corp.*

Kent Robison  
Robison, Sharp, Sullivan and Brust  
71 Washington Street  
Reno, NV 89503  
*Attorney for Coyote Springs Investment, LLC*

Laura A. Schroeder  
Therese A. Ure  
10615 Double R Blvd., Ste. 100  
Reno, NV 89521  
*Attorneys for Bedroc*

Alex J. Flangas  
Kaempfer Crowell  
50 W. Liberty Street, Suite 700  
Reno, NV 89501

William O'Donnell  
2780 S. Jones Blvd., Ste. 210  
Las Vegas, NV 89146

*Attorneys for Nevada Cogeneration Associates Nos. 1 and 2*

Justina Cavaglia  
6100 Nell Road  
Reno, NV 89511  
*Attorney for NV Energy*

Gregory Morrison  
Parsons Behle & Latimer  
50 W. Liberty St., Ste. 750  
Reno, NV 89501  
*Attorneys for Moapa Valley Water District*

Robert O. Kurth  
Kurth Law Office  
3420 N. Buffalo Dr.  
Las Vegas, NV 89129  
*Attorney for 3335 Hillside LLC*

Derek Muaina, General Counsel  
Western Elite  
2745 N. Nellis Blvd.  
Las Vegas, NV 89115

Steven D. King  
227 River Rd.  
Dayton, NV 89403  
*Attorney for Muddy Valley Irrigation Co.*

Luke Miller  
Office of the Regional Solicitor  
US DOI  
2800 Cottage Way, Suite E-1712  
Sacramento, CA 95825  
*Attorney for Fish and Wildlife Service*

Dylan V. Frehner  
181 North Main Street, Suite 205  
P.O. Box 60  
Pioche, NV 89043  
*Attorney for Lincoln County District*

Lisa Belenky  
Center for Biological Diversity  
1212 Broadway #800  
Oakland, CA 94612

Karen A. Peterson  
Allison MacKenzie, Ltd.  
402 North Division Street  
Carson City, Nevada 89703  
*Attorney for Vidler Water Company*

Bradley J. Herrema  
Brownstein Hyatt Farber Schreck  
100 N. City Parkway, Ste. 1600  
Las Vegas, NV 89106  
*Attorney for Coyote Springs Investment, LLC*

Emilia K. Cargill  
Coyote Springs Investments, LLC  
3100 State Route 168  
Coyote Springs, NV 89037  
*Attorney for Coyote Springs Investment, LLC*

# EXHIBIT 2

# EXHIBIT 2

SE ROA 474

JA\_668

**IN THE SUPREME COURT OF THE STATE OF WASHINGTON**

IN THE MATTER OF THE ADMISSION	)	BAR NO. 46018
	)	
OF	)	<b>CERTIFICATE</b>
	)	
BETH ANN BALDWIN	)	<b>OF</b>
	)	
TO PRACTICE IN THE COURTS OF THIS STATE	)	<b>GOOD STANDING</b>
	)	

---

I, Susan L. Carlson, Clerk of the Supreme Court of the State of Washington, hereby certify

**BETH ANN BALDWIN**

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington on May 23, 2013, and is now and has continuously since that date been an attorney in good standing, and has a current status of active.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 5<sup>th</sup> day of September, 2019.

A handwritten signature in black ink, which appears to read "Susan L. Carlson". The signature is written in a cursive style and is positioned above the printed name.

Susan L. Carlson  
Supreme Court Clerk  
Washington State Supreme Court

SE ROA 475

**IN THE SUPREME COURT OF THE STATE OF WASHINGTON**

IN THE MATTER OF THE ADMISSION	)	BAR NO. 9209
	)	
OF	)	<b>CERTIFICATE</b>
	)	
RICHARD MAYER BERLEY	)	<b>OF</b>
	)	
TO PRACTICE IN THE COURTS OF THIS STATE	)	<b>GOOD STANDING</b>
	)	

---

I, Susan L. Carlson, Clerk of the Supreme Court of the State of Washington, hereby certify

**RICHARD MAYER BERLEY**

was regularly admitted to practice as an Attorney and Counselor at Law in the Supreme Court and all the Courts of the State of Washington on October 30, 1979, and is now and has continuously since that date been an attorney in good standing, and has a current status of active.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 11<sup>th</sup> day of September, 2019.

A handwritten signature in black ink, appearing to read "Susan L. Carlson", written over a horizontal line.

Susan L. Carlson  
Supreme Court Clerk  
Washington State Supreme Court

SE ROA 476

Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department

---

I, Susanna Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, certify that

**RICHARD MAYER BERLEY**

was duly licensed and admitted to practice as an Attorney and Counsellor at Law in all the courts of the State of New York on April 9, 1979, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counsellors at Law on file in my office, has duly registered with the administrative office of the courts, and according to the records of this court is in good standing as an attorney and counsellor at law.

In Witness Whereof, I have herenunto set my  
hand and affixed the seal of this court on  
September 10, 2019

9301



---

Clerk of the Court

SE ROA 477

JA\_671

# EXHIBIT 3

# EXHIBIT 3

SE ROA 478

JA\_672

1 STAT

2

BEFORE THE OFFICE OF THE STATE ENGINEER

3

4

STATE OF NEVADA

5

6

IN THE MATTER OF THE  
Administration and Management  
of the Lower White River Flow  
System Within Coyote Spring  
Valley Hydrographic Basin (210)

7

8

9

10

11

---

STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE  
42 (3) (b)

12

13

14

THE STATE BAR OF NEVADA, in response to the application of  
Petitioner, submits the following statement pursuant to SCR42(3):

15

16

17

18

19

SCR42(6)**Discretion.** The granting or denial of a motion to associate  
counsel pursuant to this rule by the court is discretionary. The  
court, arbitrator, mediator, or administrative or governmental  
hearing officer may revoke the authority of the person permitted to  
appear under this rule. Absent special circumstances, repeated  
appearances by any person or firm of attorneys pursuant to this rule  
shall be cause for denial of the motion to associate such person.

20

21

22

(a) **Limitation.** It shall be presumed, absent special  
circumstances, and only upon showing of good cause, that  
more than 5 appearances by any attorney granted under  
this rule in a 3-year period is excessive use of this  
rule.

23

24

25

26

(b) **Burden on applicant.** The applicant shall have the  
burden to establish special circumstances and good cause  
for an appearance in excess of the limitation set forth  
in subsection 6(a) of this rule. The applicant shall set  
forth the special circumstances and good cause in an  
affidavit attached to the original verified application.

27

1. DATE OF APPLICATION: 9/16/2019

28

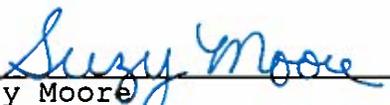
2. APPLYING ATTORNEY: Beth Ann Baldwin, Esq.

SE ROA 479

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 3. FIRM NAME AND ADDRESS: Ziontz Chestnut, 2101 4th Avenue, Suite 1230, Seattle, WA 98121
- 4. NEVADA COUNSEL OF RECORD: Debbie A. Leonard, Esq., Leonard Law, PC, 955 S. Virginia Street, Suite 220, Reno, NV 89502
- 5. There is no record of previous applications for appearance by petitioner within the past three (3) years.

DATED this September 16, 2019

  
\_\_\_\_\_  
Suzy Moore  
Member Services Admin.  
Pro Hac Vice Processor  
STATE BAR OF NEVADA

1 STAT

2  
3 BEFORE THE OFFICE OF THE STATE ENGINEER

4 STATE OF NEVADA

5  
6 IN THE MATTER OF THE  
7 Administration and Management  
8 of the Lower White River Flow  
9 System Within Coyote Spring  
10 Valley Hydrographic Basin (210)

11 \_\_\_\_\_ /  
12 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE  
13 42 (3) (b)

14 THE STATE BAR OF NEVADA, in response to the application of  
15 Petitioner, submits the following statement pursuant to SCR42(3):

16 SCR42(6)**Discretion.** The granting or denial of a motion to associate  
17 counsel pursuant to this rule by the court is discretionary. The  
18 court, arbitrator, mediator, or administrative or governmental  
19 hearing officer may revoke the authority of the person permitted to  
appear under this rule. Absent special circumstances, repeated  
appearances by any person or firm of attorneys pursuant to this rule  
shall be cause for denial of the motion to associate such person.

20 (a) **Limitation.** It shall be presumed, absent special  
21 circumstances, and only upon showing of good cause, that  
22 more than 5 appearances by any attorney granted under  
this rule in a 3-year period is excessive use of this  
rule.

23 (b) **Burden on applicant.** The applicant shall have the  
24 burden to establish special circumstances and good cause  
25 for an appearance in excess of the limitation set forth  
26 in subsection 6(a) of this rule. The applicant shall set  
27 forth the special circumstances and good cause in an  
28 affidavit attached to the original verified application.

1. DATE OF APPLICATION: 9/17/2019

2. APPLYING ATTORNEY: Richard Mayer Berley, Esq.

SE ROA 481

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. FIRM NAME AND ADDRESS: Ziontz Chesnut, 2101 4th Avenue, Suite 1230, Seattle, WA 98121

4. NEVADA COUNSEL OF RECORD: Debbie A. Leonard, Esq., Leonard Law, PC, 955 S. Virginia Street, Suite 220, Reno, NV 89502

5. There is no record of previous applications for appearance by petitioner within the past three (3) years.

DATED this September 17, 2019

  
Suzy Moore  
Member Services Admin.  
Pro Hac Vice Processor  
STATE BAR OF NEVADA

# EXHIBIT 4

# EXHIBIT 4

SE ROA 483

JA\_677

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

INTERIM ORDER

#1303

DESIGNATING THE ADMINISTRATION OF ALL WATER RIGHTS WITHIN COYOTE SPRING VALLEY HYDROGRAPHIC BASIN (210), A PORTION OF BLACK MOUNTAINS AREA BASIN (215), GARNET VALLEY BASIN (216), HIDDEN VALLEY BASIN (217), CALIFORNIA WASH BASIN (218), AND MUDDY RIVER SPRINGS AREA (AKA UPPER MOAPA VALLEY) BASIN (219) AS A JOINT ADMINISTRATIVE UNIT, HOLDING IN ABEYANCE APPLICATIONS TO CHANGE EXISTING GROUNDWATER RIGHTS, AND ESTABLISHING A TEMPORARY MORATORIUM ON THE REVIEW OF FINAL SUBDIVISION MAPS

I. PURPOSE

**WHEREAS**, the purpose of this Interim Order is to designate a multi-basin area known to share a close hydrologic connection as a joint administrative unit, which shall be known as the Lower White River Flow System (LWRFS).

**WHEREAS**, an adequate and predictable supply of groundwater within the LWRFS supports the health, safety and welfare of the area, and this Interim Order aims to protect existing senior rights and the public interest in an endangered species, recognize existing beneficial use, and limit development actions that are dependent on a supply of water that may not be available in the future.

**WHEREAS**, during the interim period that this Order is in effect, holders of existing rights and other interested parties are encouraged to submit reports to the Nevada Division of Water Resources (NDWR) analyzing the data available regarding sustainable groundwater development in the LWRFS, the geographic extent of the LWRFS, and considerations relating to groundwater pumping within the LWRFS and its effects on the fully decreed Muddy River. This collected and analyzed data is an essential step to optimize the beneficial use of the available water supply in the LWRFS.

**WHEREAS**, concurrent with this interim order, holders of existing rights and other interested parties are encouraged to participate in the public process to develop a conjunctive management plan.

SE ROA 494

**I. BASIN DESIGNATIONS PURSUANT TO NRS § 534.030**

**WHEREAS**, the Coyote Spring Valley Hydrographic Basin was designated pursuant to Nevada Revised Statute (NRS) § 534.030 by Order 905 dated August 21, 1985, which also declared municipal, power, industrial and domestic uses as preferred uses of the groundwater resource pursuant to NRS § 534.120.

**WHEREAS**, the Black Mountains Area Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1018 dated November 22, 1989, which also declared municipal, industrial, commercial and power generation purposes as preferred uses of the groundwater resource pursuant to NRS § 534.120, declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

**WHEREAS**, the Garnet Valley Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1025 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

**WHEREAS**, the California Wash Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1026 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

**WHEREAS**, the Hidden Valley Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 1024 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

**WHEREAS**, the Muddy River Springs Area was partially designated pursuant to NRS § 534.030 by Order 392 dated July 14, 1971, and was fully designated by Order 1023 dated April 24, 1990, which also declared municipal, quasi-municipal, industrial, commercial, mining, stockwater and wildlife purposes as preferred uses pursuant to NRS § 534.120, and declared irrigation of land using groundwater to be a non-preferred use, and ordered that applications to appropriate groundwater for irrigation purposes would be denied.

## **II. ORDERS 1169 AND 1169A**

**WHEREAS**, on March 8, 2002, the State Engineer issued Order 1169 holding in abeyance carbonate-rock aquifer system groundwater applications either pending or to be filed in Coyote Spring Valley (Basin 210), Black Mountains Area (Basin 215), Garnet Valley (Basin 216), Hidden Valley (Basin 217), Muddy River Springs Area (Basin 219), and Lower Moapa Valley (Basin 220) and ordering an aquifer test of the carbonate-rock aquifer system, which was not well understood, to determine whether additional appropriations could be developed from the carbonate-rock aquifer system. The Order required that at least 50%, or 8,050 acre-feet annually (afa), of the water rights then currently permitted in Coyote Spring Valley be pumped for at least two consecutive years.

**WHEREAS**, on April 18, 2002, in Ruling 5115, the State Engineer added the California Wash (Basin 218) to the Order 1169 aquifer test basins.

**WHEREAS**, prior to the Order 1169 aquifer test beginning, there were significant concerns that pumping 8,050 afa from the Coyote Spring Valley as part of the aquifer test would adversely impact the water resources at the Muddy River Springs, and consequently the Muddy River. Ultimately, the Order 1169 study participants agreed that even if the minimum 8,050 afa was not pumped, sufficient information would be obtained to inform future decisions relating to the study basins.

**WHEREAS**, on November 15, 2010, the Order 1169 aquifer test began, whereby the study participants began reporting to NDWR on a quarterly basis the amounts of water being pumped from wells in the carbonate and alluvial aquifer during the pendency of the aquifer test.

**WHEREAS**, on December 21, 2012, the State Engineer issued Order 1169A declaring the completion of the aquifer test to be December 31, 2012, after a period of 25½ months. The

State Engineer provided the study participants the opportunity to file reports with NDWR until June 28, 2013, addressing the information gained from the aquifer test and the water available to support applications in the aquifer test basins.

**WHEREAS**, during the Order 1169 aquifer test, an average of 5,290 acre-feet per year was pumped from carbonate wells in Coyote Spring Valley, and a cumulative total of approximately 14,535 acre-feet per year of water was pumped throughout the LWRFS. Of this total, approximately 3,840 acre-feet per year was pumped from the Muddy River Springs Area alluvial aquifer.<sup>1</sup>

**WHEREAS**, during the aquifer test, pumpage was measured and reported from 30 other wells in the Muddy River Springs Area, Garnet Valley, California Wash, Black Mountains Area, and Lower Meadow Valley Wash. Stream diversions from the Muddy River were reported, and measurements of the natural discharge of the Muddy River and several of the Muddy River's headwater springs were collected daily. Water-level data were collected from a total of 79 monitoring and pumping wells within the LWRFS. All of the data collected during the aquifer test was made available to each of the study participants and the public.

**WHEREAS**, during the Order 1169 aquifer test, the resulting water-level decline encompassed 1,100 square miles and extended from northern Coyote Spring Valley through the Muddy River Springs Area, Hidden Valley, Garnet Valley, California Wash, and the northwestern part of the Black Mountains Area.<sup>2,3</sup> The water-level decline was estimated to be 1 to 1.6 feet in this area with minor drawdowns of 0.5 feet or less in the northern part of Coyote Spring Valley north of the Kane Springs Wash fault zone.

**WHEREAS**, results of the two-year test demonstrated that pumping 5,290 acre-feet annually from the carbonate aquifer in Coyote Spring Valley, in addition to the other carbonate pumping in Garnet Valley, Muddy River Springs Area, California Wash and the northwest part

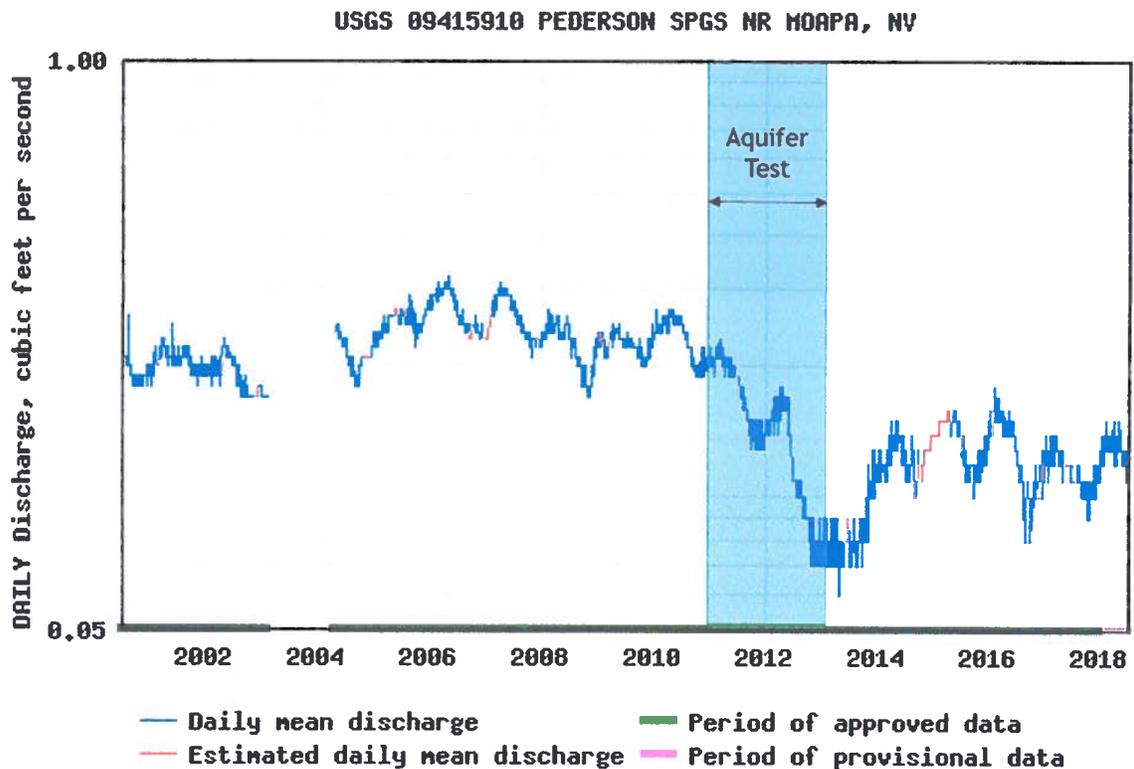
---

<sup>1</sup> See, e.g., Ruling 6254, p. 17; Appendix B.

<sup>2</sup> See, e.g., Ruling 6254. See also U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, June 28, 2013, official records in the Office of the State Engineer.

<sup>3</sup> There was no groundwater pumping in Hidden Valley but effects were still observed in the Hidden Valley monitor well.

of the Black Mountains Area, caused sharp declines in groundwater levels and flows in the Pederson and Pederson East springs. These two springs are considered to be sentinel springs for the overall condition of the Muddy River because they are at a higher altitude than other Muddy River source springs, and therefore are proportionally more affected by a decline in groundwater level in the carbonate aquifer.<sup>4</sup> The Pederson spring flow decreased from 0.22 cubic feet per second (cfs) to 0.08 cfs and the Pederson East spring flow decreased from 0.12 cfs to 0.08 cfs. The following hydrograph at Pederson spring illustrates the decline in discharge during the aquifer test and also demonstrates that in the five years since the end of the aquifer test, spring flow has not recovered to pre-test flow rates.



<sup>4</sup> See the 2006 Memorandum of Agreement among the Southern Nevada Water Authority, United States Fish and Wildlife Service, Coyote Springs Investments, Moapa Band of Paiutes, and the Moapa Valley Water District.

Additional headwater springs at lower altitude, the Baldwin and Jones springs, declined approximately 4% during the test.<sup>5</sup> All of the headwater springs contribute to the decreed and fully appropriated Muddy River and are the predominant source of water that supplies the habitat of the endangered Moapa dace, a fish federally listed as an endangered species since 1967.

**WHEREAS**, based upon the analysis of the carbonate aquifer test, it was asserted that pumping at the Order 1169 rate at well MX-5 in Coyote Spring Valley could result in both of the high-altitude Pederson and Pederson East springs going dry in 3 years or less.<sup>6</sup>

**WHEREAS**, based upon the findings of the aquifer test, the carbonate aquifer underlying Coyote Spring Valley, Garnet Valley, Hidden Valley, Muddy River Springs Area, California Wash and the northwest part of the Black Mountains Area<sup>7</sup> (the LWRFS as depicted in Appendix A) was acknowledged to have a unique hydrologic connection and share the same supply of water.<sup>8</sup>

### **III. RULINGS 6254, 6255, 6256, 6257, 6258, 6259, 6260, AND 6261**

**WHEREAS**, on January 29, 2014, the State Engineer issued Ruling 6254 on pending applications of the Las Vegas Valley Water District (LVVWD) and Coyote Springs Investment, LLC (CSI) in the Coyote Spring Valley; Ruling 6255 on pending applications of Dry Lake Water, LLC (Dry Lake), and CSI in Coyote Spring Valley; Ruling 6256 on pending applications of Bonneville Nevada Corporation, Nevada Power Company (Nevada Power), Dry Lake, and the Southern Nevada Water Authority (SNWA) in the Garnet Valley; Ruling 6257 on pending applications of Nevada Power, Dry Lake, and SNWA in the Hidden Valley; Ruling 6258 on

---

<sup>5</sup> U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, pp. 43-46, 50-51, June 28, 2013, official records in the Office of the State Engineer. *See also*, <http://waterdata.usgs.gov/nv/nwis/>.

<sup>6</sup> *See, e.g.*, Ruling 6254. *See also* U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, p. 85, June 28, 2013, official records in the Office of the State Engineer.

<sup>7</sup> That portion of the Black Mountains Area lying within the Lower White River Flow System is defined as those portions of Sections 29, 30, 31, 32, and 33, T.18S., R.64E., M.D.B.&M.; Section 13 and those portions of Sections 1, 11, 12, and 14, T.19S., R.63E., M.D.B.&M.; Sections 5, 7, 8, 16, 17, and 18 and those portions of Sections 4, 6, 9, 10, and 15, T.19S., R.64E., M.D.B.&M.

<sup>8</sup> *See, e.g.*, State Engineer Ruling 6254, p. 24, official records in the Office of the State Engineer.

pending applications by LVVWD, Nevada Power, Dry Lake, and the Moapa Band of Paiute Indians in the California Wash; Ruling 6259 on pending applications by the Moapa Valley Water District in the Muddy River Springs Area; and Ruling 6260 on pending applications by Nevada Cogeneration Associates #1, Nevada Cogeneration Associates #2, and Dry Lake, in the Black Mountains Area, upholding in part the protests to said applications and denying the applications on the grounds that there was no unappropriated groundwater at the source of supply, the proposed use would conflict with existing rights, and the proposed use of the water would threaten to prove detrimental to the public interest because it would threaten the water resources upon which the endangered Moapa dace are dependent.

#### IV. LOWER WHITE RIVER FLOW SYSTEM

**WHEREAS**, the total long-term average water supply to the LWRFS, from subsurface groundwater inflow and local precipitation recharge, is not more than 50,000 acre-feet annually.<sup>9</sup>

**WHEREAS**, the Muddy River, a fully appropriated surface water source, has its headwaters in the Muddy River Springs Area and has the most senior rights in the LWRFS. Spring discharge in the Muddy River Springs Area is produced from the regional carbonate aquifer. Prior to groundwater development, the Muddy River flows at the Moapa gage were approximately 34,000 acre-feet annually.<sup>10</sup>

**WHEREAS**, the alluvial aquifer surrounding the Muddy River ultimately derives virtually all of its water supply from the carbonates, either through spring discharge that infiltrates into the alluvium or through subsurface hydraulic connectivity between the carbonate rocks and the alluvium.<sup>11</sup>

**WHEREAS**, the State Engineer has determined that pumping of groundwater within the LWRFS has a direct interrelationship with the flow of the decreed and fully appropriated Muddy River, which has the most-senior rights.<sup>12</sup>

---

<sup>9</sup> *Id.*

<sup>10</sup> United States Geological Survey Surface-Water Annual Statistics for the Nation, USGS 09416000 MUDDY RV NR MOAPA, NV, accessed at [https://waterdata.usgs.gov/nwis/annual/?search\\_site\\_no=09416000&agency\\_cd=USGS&referred\\_module=sw&format=sites\\_selection\\_links](https://waterdata.usgs.gov/nwis/annual/?search_site_no=09416000&agency_cd=USGS&referred_module=sw&format=sites_selection_links).

<sup>11</sup> *See, e.g.*, State Engineer Ruling 6254, p. 24, official records in the Office of the State Engineer.

<sup>12</sup> *Id.*

**WHEREAS**, since the conclusion of the Order 1169 aquifer test, the State Engineer has jointly managed the groundwater rights within LWRFS.

**WHEREAS**, the State Engineer, under the joint management of the LWRFS, has not distinguished pumping from wells in the Muddy River Springs Area alluvium from pumping carbonate wells within the LWRFS.

**WHEREAS**, within the LWRFS, there exist more than 38,000 acre-feet of groundwater appropriations. Groundwater pumping from 2007 forward is included in Appendix B and is significantly less than the total appropriations.

**WHEREAS**, groundwater levels within the LWRFS have been relatively flat in the five years since the end of the Order 1169 aquifer test, but groundwater levels have not recovered to pre-test levels.<sup>13</sup>

#### **IV. PUMPAGE INVENTORIES**

**WHEREAS**, annual groundwater pumpage inventories in the Coyote Spring Valley have been published by the State Engineer since 2005. In the years 2005 through 2017 pumping has ranged from 665 acre-feet to 5,606 acre-feet, averaging 2,605 acre-feet. The average pumping in Coyote Spring Valley, excluding the years 2011 and 2012 when the aquifer test was being conducted, is 2,068 acre-feet.<sup>14</sup>

**WHEREAS**, annual groundwater pumpage inventories in the Black Mountains Area have been published by the State Engineer since 2001. In the years 2001 through 2017 pumping in the northwest portion of the basin has ranged from 1,137 acre-feet to 1,591 acre-feet, with an average of 1,476 acre-feet.<sup>15</sup>

---

<sup>13</sup> See, e.g., USGS water level data for Site 364650114432001 219 S13 E65 28BDBA1 USGS CSV-2. [waterdata.usgs.gov/nwis](http://waterdata.usgs.gov/nwis).

<sup>14</sup> See, e.g., Nevada Division of Water Resources, *Coyote Spring Valley Hydrographic Basin 13-210 Groundwater Pumpage Inventory*, 2017.

<sup>15</sup> See, e.g., Nevada Division of Water Resources, *Black Mountains Area Hydrographic Basin 13-215 Groundwater Pumpage Inventory*, 2017.

**WHEREAS**, annual groundwater pumpage inventories in the Garnet Valley have been published by the State Engineer since 2001. In the years 2001 through 2017 pumping has ranged from 797 acre-feet to 2,181 acre-feet, averaging 1,358 acre-feet.<sup>16</sup>

**WHEREAS**, the State Engineer does not conduct annual groundwater pumpage inventories in the Hidden Valley basin because there is no groundwater pumping in the basin.

**WHEREAS**, annual groundwater pumpage inventories in the California Wash have been published by the State Engineer since 2016. In the years 2016 and 2017 pumping has ranged from 88 acre-feet to 252 acre-feet, averaging 170 acre-feet.<sup>17</sup> Groundwater pumpage data have been reported by water right holders since 2009.

**WHEREAS**, annual groundwater pumpage inventories in the Muddy River Springs Area have been published by the State Engineer since 2016. In the years 2016 and 2017 pumping has ranged from 3,553 acre-feet to 4,048 acre-feet, with an average of 3,801 acre-feet.<sup>18</sup> Groundwater pumpage data have been reported by water right holders since 1976.

**WHEREAS**, total groundwater pumpage in Coyote Spring Valley, Muddy River Springs Area (MRSA), California Wash, Hidden Valley, Garnet Valley, and the northwest portion of the Black Mountains Area in calendar years 2007 through 2017, ranged from 9,090 acre-feet to 14,766 acre-feet. Pumpage in years 2011-2012 during the aquifer test averaged 14,535 afa. Pumpage in years 2015 through 2017, when alluvial pumping in the MRSA was greatly reduced because of the Reid Gardner Generating Station closure, ranged from 9,090 afa to 9,637 afa.

#### V. AUTHORITY AND NECESSITY

**WHEREAS**, NRS § 533.024(1)(c) directs the State Engineer “to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water in Nevada.”

---

<sup>16</sup> See, e.g., *Nevada Division of Water Resources, Garnet Valley Hydrographic Basin 13-216 Groundwater Pumpage Inventory*, 2017.

<sup>17</sup> See, e.g., *Nevada Division of Water Resources, California Wash Hydrographic Basin 13-218 Groundwater Pumpage Inventory*, 2017.

<sup>18</sup> See, e.g., *Nevada Division of Water Resources, Muddy River Springs Area (AKA Upper Moapa Valley) Hydrographic Basin 13-219 Groundwater Pumpage Inventory*, 2017.

**WHEREAS**, NRS § 533.024(1)(e) was added in 2017 to declare the policy of the State to “manage conjunctively the appropriation, use and administration of all waters of this State regardless of the source of the water.”

**WHEREAS**, given that the State Engineer must use the best available science and manage conjunctively the water resources in the LWRFS, consideration of any development of long-term, permanent, uses that could ultimately be curtailed due to water availability will be examined with great caution.

**WHEREAS**, as demonstrated by the results of the aquifer test, Coyote Spring Valley, Muddy River Springs Area, Hidden Valley, Garnet Valley, California Wash, and the northwestern part of the Black Mountains Area have a direct hydraulic connection, and as a result must be administered as a joint administrative unit, including the administration of all water rights based upon the date of priority of such rights in relation to the priority of rights in the other basins.<sup>19</sup>

**WHEREAS**, the pre-development discharge of 34,000 acre-feet of the Muddy River system, which is fully appropriated, plus the more than 38,000 acre-feet of groundwater appropriations within the LWRFS greatly exceed the total water budget within the flow system.

**WHEREAS**, the results from the aquifer test, the data from groundwater level recovery and spring flow, and climate data indicate to the State Engineer that the quantity of water that may be pumped within the LWRFS without conflicting with senior rights on the Muddy River or adversely affecting the habitat of the Moapa dace is less than the quantity pumped during the aquifer test.

**WHEREAS**, the current amount of pumping corresponds to a period of time in which spring flows have remained relatively stable and have not demonstrated a continuing decline.

---

<sup>19</sup> See, e.g., Southern Nevada Water Authority, *Nevada State Engineer Order 1169 and 1169A Study Report*, June 2013; Tom Meyers, Ph.D., *Technical Memorandum Comments on Carbonate Order 1169 Pump Test Data and Groundwater Flow System in Coyote Springs and Muddy River Springs Valley, Nevada*, June 25, 2013; U.S. Fish and Wildlife Service, U.S. Bureau of Land Management and U.S. National Park Service Order 1169A Report, *Test Impacts and Availability of Water Pursuant to Applications Pending Under Order 1169*, June 28, 2013; Johnson and Mifflin, *Summary of Order 1169 Testing Impacts, per Order 1169A*, June 28, 2013; Tetra Tech, *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 Recovery from the Test*, June 10, 2013, official records in the Office of the State Engineer.

**WHEREAS**, the precise extent of the development of existing appropriations of groundwater within the LWRFS that may occur without conflicting with the senior rights of the fully decreed Muddy River has not been determined.

**WHEREAS**, recognizing that there exists a need for further analysis of the historic and ongoing groundwater pumping data, the relationship of groundwater pumping within the LWRFS to spring discharge and flow of the fully decreed Muddy River, the extent of impact of climate conditions on groundwater levels and spring discharge, and the ultimate determination of the sustainable yield of the LWRFS, the State Engineer finds that input by means of reports by the stakeholders in the interpretation of the data from the aquifer test and from the years since the conclusion of the aquifer test is important to fully inform the State Engineer prior to setting a limit on the quantity of groundwater that may be developed in the LWRFS or to developing a long-term Conjunctive Management Plan for the LWRFS and Muddy River.

**WHEREAS**, the State Engineer finds that it is necessary to carefully monitor the effects of groundwater development within the LWRFS under current conditions, toward the goal of collaboratively (with stakeholders) evaluating the amount of groundwater that may ultimately be developed within the LWRFS without conflicting with senior decreed rights on the Muddy River or adversely affecting the public interest in maintaining the habitat of the endangered Moapa dace. The evaluation process will include public meetings, meetings of a stakeholder representative working group, and coordination with the Hydrologic Review Team (HRT) developed under the 2006 Memorandum of Agreement among the Southern Nevada Water Authority, United States Fish and Wildlife Service, Coyote Springs Investments, Moapa Band of Paiutes, and the Moapa Valley Water District. The process will provide the opportunity for the stakeholders to engage in the development of a conjunctive management plan that will be informed by the determination of the total quantity of groundwater that may be developed within the LWRFS and that will facilitate the continued use of groundwater by junior priority groundwater rights holders whom have perfected their water rights while protecting the senior decreed rights on the Muddy River.

**WHEREAS**, recognizing that an amount less than the full quantity of the appropriated groundwater rights within the LWRFS may be developed in a manner that will provide for a reasonably certain supply of water for future permanent uses without jeopardizing the economies of the communities reliant on the water supply within the LWRFS, the health and safety of those

whom are either presently reliant the water, existing public interests, or those who may in the future become reliant on a reliable and sustainable source of supply, the State Engineer, with the following exception, finds that it is necessary to issue a temporary moratorium on the review and decision by the Division of Water Resources regarding any final subdivision map or other construction or development submission requiring a finding that adequate water is available to support the proposed development. During the pendency of this Interim Order, the State Engineer may review and grant approval of a subdivision or other submission if a showing of an adequate and sustainable supply of water to meet the anticipated life of the subdivision, other construction or development can be made to the State Engineer's satisfaction.

**WHEREAS**, through continued monitoring of the LWRFS during the effective period of this Interim Order, the State Engineer seeks to maintain recent groundwater pumping amounts, while providing time for the submission of additional scientific data and analysis regarding the total quantity of water that may be sustainably withdrawn from the LWRFS over the long-term without conflicting with senior Muddy River decreed rights or jeopardizing the communities, water users, or public interests identified above.

**WHEREAS**, the State Engineer is empowered to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.<sup>20</sup>

**WHEREAS**, within an area that has been designated by the State Engineer, as provided for in NRS Chapter 534, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.<sup>21</sup>

**WHEREAS**, the State Engineer finds that additional data relating to the impacts of groundwater pumping from the LWRFS coupled with the public process will allow his office to make a determination as to the appropriate long-term management of groundwater pumping that may occur in the LWRFS by existing holders of water rights without conflicting with existing senior decreed rights or adversely affecting the endangered Moapa dace.

---

<sup>20</sup> NRS § 532.120.

<sup>21</sup> *Id.*

## VI. ORDER

**NOW THEREFORE**, the State Engineer orders:

1. The Lower White River Flow System consisting of the Coyote Spring Valley, Muddy River Springs Area, California Wash, Hidden Valley, Garnet Valley, and the portion of the Black Mountains Area as described in this Order, is herewith designated as a joint administrative unit for purposes of administration of water rights. All water rights within the Lower White River Flow System will be administered based upon their respective date of priorities in relation to other rights within the regional groundwater unit.
2. Any stakeholder with interests that may be affected by water right development within the Lower White River Flow System may file a report in the Office of the State Engineer in Carson City, Nevada, no later than the close of business on Monday, June 3, 2019.<sup>22</sup> Reports filed with the Office of the State Engineer should address the following matters:
  - a. The geographic boundary of the hydrologically connected groundwater and surface water systems comprising the Lower White River Flow System;
  - b. The information obtained from the 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;

---

<sup>22</sup> For any stakeholder affected by the shut-down of the United States government beginning in December 2018, upon a request and showing of good cause to the satisfaction of the State Engineer, an extension of time may be granted to those affected parties.

- 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.
3. Any stakeholder with interests that may be affected by water right development within the Lower White River Flow System may file with the Office of the State Engineer no later than the close of business on Thursday July 18, 2019, a rebuttal to the Reports filed on June 3, 2019.
4. The State Engineer will schedule an administrative hearing within the month of September 2019 to take comment on the submitted reports.
5. During the pendency of this Interim Order:
  - a. Permanent applications to change existing groundwater rights shall be held in abeyance pending the submission of the reports as required by Paragraph 2 of this Order and as authorized by NRS §§ 532.165(1), 533.368 and 533.370(4)(d). Temporary applications to change existing groundwater rights will be processed pursuant to NRS § 533.345.
  - b. A temporary moratorium is issued regarding any final subdivision or other submission concerning development and construction submitted to the State Engineer for review, and such submissions shall be held in abeyance pending the conclusion of the public process to determine the total quantity of groundwater that may be developed within the Lower White River Flow System. The State Engineer may review and grant approval of a subdivision or other submission if a showing of an adequate and sustainable supply of water to meet the anticipated life of the subdivision, other construction or development can be made to the State Engineer's satisfaction.

- c. Holders of water rights who maintain their water rights in good standing by filing all required applications for extension of time in conformity with the requirements of NRS §§ 533.390, 533.395 and 533.410 may cite this order in support of their applications for extension of time.
- d. Holders of water rights who file all required applications for extension of time in conformity with the requirements of NRS § 534.090 may cite this order in support of their applications for extension of time to prevent the working of a forfeiture.

  
\_\_\_\_\_  
JASON KING, P.E.  
State Engineer

Dated at Carson City, Nevada this

11<sup>TH</sup> day of JANUARY, 2019.

# Order 1303, Appendix A : LOWER WHITE RIVER FLOW SYSTEM

Coyote Spring Valley, Muddy River Springs Area, Hidden Valley, Garnet Valley, California Wash, and a portion of Black Mountains Area



Summer 2017 imagery from the National Agriculture Imagery Program

Nevada Division of Water Resources  
Office of the State Engineer  
Jason King, P.E.  
State Engineer

SE ROA 509

**Order 1303, APPENDIX B: Groundwater Pumping in the Lower White River Flow System, 2007–2017**

Basin No.	219				215		210	216	218	217	Total pumping in the LWRFs
Basin Name	Muddy River Springs Area				Black Mountains Area		Coyote Spring Valley	Garnet Valley	California Wash	Hidden Valley	
Year	Carbonate pumping (reported by MVWD)	Alluvial pumping (reported by NV Energy)	All other Alluvial Pumping <sup>1</sup>	Total Pumping in Basin 219 <sup>1</sup>	Carbonate pumping in the Northwest Portion of Basin 215	Total Pumping in Basin 215					
2007	2,079	4,744	253	7,076	1,585	1,732	3,147	1,412	27 <sup>2</sup>	0	<b>13,247</b>
2008	2,272	4,286	253	6,811	1,591	1,759	2,000	1,552	27 <sup>2</sup>	0	<b>11,981</b>
2009	2,034	4,092	253	6,379	1,137	1,159	1,792	1,427	21 <sup>3</sup>	0	<b>10,756</b>
2010	1,826	4,088	253	6,167	1,561	1,572	2,923	1,373	26 <sup>3</sup>	0	<b>12,050</b>
2011	1,837	4,212	253	6,302	1,398	1,409	5,606	1,427	33 <sup>3</sup>	0	<b>14,766</b>
2012	2,638	2,961	253	5,852	1,556	1,564	5,516	1,351	28 <sup>3</sup>	0	<b>14,303</b>
2013	2,496	3,963	253	6,712	1,585	1,776	3,407	1,484	66 <sup>3</sup>	0	<b>13,254</b>
2014	1,442	4,825	253	6,520	1,429	1,624	2,258	1,568	241 <sup>3</sup>	0	<b>12,016</b>
2015	2,396	1,249	253	3,898	1,448	1,708	2,064	1,520	460	0	<b>9,390</b>
2016	2,795	941	312	4,048	1,434	1,641	1,722	2,181	252	0	<b>9,637</b>
2017	2,824	535	194	3,553	1,507	1,634	1,961	1,981	88	0	<b>9,090</b>

The LWRFs includes basins 210, 216, 217, 218, 219 and the northwest portion of 215.

All values in this table are from State Engineer basin pumpage inventory reports except as noted in the footnotes below:

1. Alluvial Pumping not reported by NV Energy for years 2007–2015 estimated as the average of inventoried years 2016–2017.
2. Estimated as the average of groundwater pumping in years 2009–2012.
3. Reported to the State Engineer but not published in a basin inventory report.

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

**ADDENDUM TO INTERIM ORDER #1303**

**DESIGNATING THE ADMINISTRATION OF ALL WATER RIGHTS WITHIN  
COYOTE SPRING VALLEY HYDROGRAPHIC BASIN (210), A PORTION OF BLACK  
MOUNTAINS AREA (BASIN 215), GARNET VALLEY (BASIN 216), HIDDEN VALLEY  
(BASIN 217), CALIFORNIA WASH (BASIN 218), AND MUDDY RIVER SPRINGS  
AREA (AKA UPPER MOAPA VALLEY) (BASIN 219) AS A JOINT ADMINISTRATIVE  
UNIT, HOLDING IN ABEYANCE APPLICATIONS TO CHANGE EXISTING  
GROUNDWATER RIGHTS, AND ESTABLISHING A TEMPORARY MORATORIUM  
ON THE REVIEW OF FINAL SUBDIVISION MAPS**

**WHEREAS**, the purpose of this Addendum is to modify the schedule for the submission of reports and rebuttal reports of interested stakeholders analyzing the data available regarding sustainable groundwater development in the Lower White River Flow System (LWRFS), the geographic extent of the LWRFS, and considerations relating to the movement of groundwater pumping between the alluvial wells and carbonate wells and its effects on the fully decreed Muddy River.

**WHEREAS**, NRS § 533.024(1)(c) directs the State Engineer “to consider the best available science in rendering decisions concerning the availability of surface and underground sources of water in Nevada.”

**WHEREAS**, NRS § 533.024(1)(e) was added in 2017 to declare the policy of the State to “manage conjunctively the appropriation, use and administration of all waters of this State regardless of the source of the water.”

**WHEREAS**, based upon the recognition that a need exists for further analysis of the groundwater pumping data, the relationship of groundwater pumping within the LWRFS to spring discharge and flow of the fully decreed Muddy River, the extent of impact of climate conditions on groundwater levels and spring discharge, and the ultimate determination of the sustainable yield of the LWRFS, and the interest in the stakeholders having sufficient time to prepare reports, the State Engineer finds that it is reasonable and appropriate to modify the schedule originally established in Interim Order 1303.

WHEREAS, the State Engineer is empowered to make such reasonable rules and regulations as may be necessary for the proper and orderly execution of the powers conferred by law.<sup>1</sup>

WHEREAS, within an area that has been designated by the State Engineer, as provided for in NRS Chapter 534, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.<sup>2</sup>

**ORDER**

NOW THEREFORE, the State Engineer orders:

1. The deadline for any stakeholder with interests that may be affected by water right development within the Lower White River Flow System to file a report in the Office of the State Engineer in Carson City, Nevada, is extended to no later than the close of business on Wednesday, July 3, 2019. The substance of the reports should include the same elements as established originally in Interim Order 1303.
2. Any rebuttal report to the Reports filed on July 3, 2019, to be submitted by a stakeholder with interests that may be affected by water right development within the Lower White River Flow System shall be submitted to the Office of the State Engineer no later than the close of business on Friday August 16, 2019.
3. All other matters contained in Interim Order 1303 remain unaltered.

  
TIM WILSON, P.E.  
State Engineer

Dated at Carson City, Nevada this  
13<sup>th</sup> day of May, 2019.

<sup>1</sup> NRS § 532.120.

<sup>2</sup> *Id.*

**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). )

**NOTICE OF  
PRE-HEARING CONFERENCE**

**PLEASE TAKE NOTICE** that a pre-hearing conference in the above-referenced matter will begin promptly at **9:00 a.m., on Thursday, August 8, 2019, to be held at the Nevada Division of Water Resources, Tahoe Hearing Room, 901 South Stewart, Second Floor, Carson City, Nevada.**

The State Engineer issued Interim Order 1303 *Designating the Administration of all Water Rights 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) as a Joint Administrative Unit, Holding in Abeyance Applications to Change Existing Groundwater Rights, and Establishing a Temporary Moratorium on the Review of Final Subdivision Maps* on January 11, 2019. Order 1303 further directed stakeholders with interests that may be affected by water right development in the Lower White River Flow System (LWRFS), who so wished, to file a report and/or rebuttal reports with the State Engineer addressing five matters: (1) the geographic boundary of the hydrologically connected groundwater and surface-water systems comprising the LWRFS; (2) the information obtained from the 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; (3) the long-term annual quantity of water that may be pumped from the LWRFS, including the relationships between the location of pumping on discharge to the Muddy River Springs, and the capture of Muddy River flow; (4) the effects of movement of water rights between alluvial wells and carbonate wells on deliveries of senior decreed rights to the Muddy River; and, (5) any other matter believed to be relevant to the State Engineer's analysis. Order 1303 further ordered that an administrative hearing would be held within the month of September 2019 to take comment on the submitted reports.

The hearing will be limited to taking evidence and testimony on the submitted reports by those parties whom either submit initial and/or rebuttal reports in response to the directive of the State Engineer in Order 1303. Stakeholders or interested persons who do not submit a report in

SE ROA 513

Notice of Pre-hearing Conference

Re: *In The Matter of the Administration and Management of the LWRFS*

July 25, 2019

Page 2

response to Order 1303 will be allowed the opportunity to introduce comments during the public comment period during the September 2019 hearing.

At the August 8, 2019, pre-hearing conference, the parties should be prepared to discuss the following issues:

1. The timing and length of the hearing;
2. The sequence of the presentation of the participating parties reports and evidence; and
3. The timing for disclosures of witnesses and evidence anticipated to be relied upon during the hearing.

As set forth in Nevada Administrative Code Chapter 533, the pre-hearing conference will be reported by a certified court reporter. The court reporter will file an original and one copy of the transcript with the State Engineer. The costs of the transcript will be borne equally by all the parties. Anyone wanting a copy of the transcript should make arrangements with the court reporter.

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the pre-hearing conference. If special arrangements are necessary, please notify the undersigned at 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 25<sup>th</sup> day of

July, 2019.

Notice of Pre-hearing Conference  
Re: *In The Matter of the Administration and Management of the LWRFS*  
July 25, 2019  
Page 3

**SERVICE LIST**

**Notice of Pre-hearing Conference in the matter of *In The Matter of the Administration and Management of the Lower White River Flow System.***

3335 Hillside, LLC  
3420 North Buffalo Drive  
Las Vegas, NV 89129  
Certified Mail  
#9214 7969 0099 9790 1777 4143 66

Bedroc Limited, LLC  
2745 North Nellis Boulevard  
Las Vegas, NV 89115  
Certified Mail  
#9214 7969 0099 9790 1777 4143 73

Larry Brundy  
P.O. Box 136  
Moapa, NV 89025  
Certified Mail  
#9214 7969 0099 9790 1777 4143 80

Casa De Warm Springs, LLC  
1000 North Green Valley Parkway, #440-350  
Henderson, NV 89074  
Certified Mail  
#9214 7969 0099 9790 1777 4143 97

Clark County  
500 S. Grand Central Pkwy.  
Las Vegas, NV 89155  
Certified Mail  
#9214 7969 0099 9790 1777 4144 03

Clark County Commissioners  
500 S. Grand Central Pkwy., 6th Fl.  
Las Vegas, NV 89155-1111  
Certified Mail  
#9214 7969 0099 9790 1777 4144 10

Clark County Coyote Springs Water  
Resources GID  
1001 S. Valley View Blvd.  
Las Vegas, NV 89153  
Certified Mail  
#9214 7969 0099 9790 1777 4144 27

Mary K. Cloud  
P.O. Box 31  
Moapa, NV 89025  
Certified Mail  
#9214 7969 0099 9790 1777 4144 34

Coyote Springs Investment, LLC  
c/o Wingfield Nevada Group  
6600 N. Wingfield Pkwy.  
Sparks, NV 89436  
Certified Mail  
#9214 7969 0099 9790 1777 4144 41

Don J. & Marsha L. Davis  
P.O. Box 400  
Moapa, NV 89025  
Certified Mail  
#9214 7969 0099 9790 1777 4144 58

Dry Lake Water, LLC  
2470 St. Rose Pkwy., Ste. 107  
Henderson, NV 89074  
Certified Mail  
#9214 7969 0099 9790 1777 4144 65

Georgia Pacific Corporation  
P.O. Box 337350  
Las Vegas, NV 89033  
Certified Mail  
#9214 7969 0099 9790 1777 4144 72

Kelly Kolhoss  
P.O. Box 232  
Moapa, NV 89025  
Certified Mail  
#9214 7969 0099 9790 1777 4144 89

Lake At Las Vegas Joint Venture, Inc.  
1600 Lake Las Vegas Parkway  
Henderson, NV 89011  
Certified Mail  
#9214 7969 0099 9790 1777 4144 96

SE ROA 515

Notice of Pre-hearing Conference

Re: *In The Matter of the Administration and Management of the LWRFS*

July 25, 2019

Page 4

Laker Plaza, Inc.  
7181 Noon Rd.  
Everson, WA 98247-9650  
Certified Mail  
#9214 7969 0099 9790 1777 4145 02

Lincoln County Commissioners  
P.O. Box 90  
Pioche, NV 89043  
Certified Mail  
#9214 7969 0099 9790 1777 4145 19

Church of Jesus Christ of the  
Latter Day Saints  
Area 4, 61 E. North Temple  
Salt Lake City, UT 84150-0001  
Certified Mail  
#9214 7969 0099 9790 1777 4145 26

Moapa Band of Paiute Indians  
P.O. Box 340  
Moapa, NV 89025  
Certified Mail  
#9214 7969 0099 9790 1777 4145 33

Moapa Valley Water District  
P. O. Box 257  
Logandale, NV 89021  
Certified Mail  
#9214 7969 0099 9790 1777 4145 40

State of Nevada Department of  
Transportation  
1263 S. Stewart Street  
Carson City, NV 89712  
Certified Mail  
#9214 7969 0099 9790 1777 4145 57

Nevada Cogeneration Associates  
420 N. Nellis Blvd., #A3-117  
Las Vegas, NV 89110  
Certified Mail  
#9214 7969 0099 9790 1777 4145 64

Nevada Cogeneration Associates #1  
420 N. Nellis Blvd., #A3-148  
Las Vegas, NV 89110  
Certified Mail  
#9214 7969 0099 9790 1777 4145 71

Nevada Power Company  
DBA NV Energy  
6226 West Sahara Avenue  
Las Vegas, NV 89146  
Certified Mail  
#9214 7969 0099 9790 1777 4145 88

State of Nevada, Dept. of Conservation and  
Natural Resources  
Division of State Parks  
901 S. Stewart Street, Suite 5005  
Carson City, NV 89701  
Certified Mail  
#9214 7969 0099 9790 1777 4145 95

City of North Las Vegas  
2250 Las Vegas Blvd. North  
N. Las Vegas, NV 89030  
Certified Mail  
#9214 7969 0099 9790 1777 4146 01

Pacific Coast Building Products, Inc.  
P.O. Box 364329  
Las Vegas, NV 89036  
Certified Mail  
#9214 7969 0099 9790 1777 4146 18

Republic Environmental Technologies, Inc.  
770 East Sahara Ave.  
Las Vegas, NV 89104  
Certified Mail  
#9214 7969 0099 9790 1777 4146 25

S & R, Inc.  
808 Shetland Road  
Las Vegas, NV 89107  
Certified Mail  
#9214 7969 0099 9790 1777 4146 32

SE ROA 516

JA\_700

Notice of Pre-hearing Conference

Re: *In The Matter of the Administration and Management of the LWRFS*

July 25, 2019

Page 5

Southern Nevada Water Authority  
1001 South Valley View Blvd.,  
Mail Stop #485  
Las Vegas, NV 89153  
Certified Mail  
#9214 7969 0099 9790 1777 4146 49

Technichrome  
4709 Compass Bow Lane  
Las Vegas, NV 89130  
Certified Mail  
#9214 7969 0099 9790 1777 4146 56

U.S. Fish and Wildlife Service  
1020 New River Parkway, Suite 305  
Fallon, NV 89406-2613  
Certified Mail  
#9214 7969 0099 9790 1777 4146 63

William O'Donnell  
2780 S. Jones Blvd. Ste. 210  
Las Vegas, NV 89146  
Certified Mail  
#9214 7969 0099 9790 1777 4146 70

Global Hydrologic Services, Inc.  
Mark D. Stock  
561 Keystone Avenue, #200  
Reno, NV 89503-4331  
Certified Mail  
#9214 7969 0099 9790 1777 4146 87

E-mail:

8milelister@gmail.com  
admin.mbop@moapabandofpaiutes.org  
alaskajulie12@gmail.com  
andrew.burns@snwa.com  
barbnwalt325@gmail.com  
bbaldwin@ziontchestnut.com  
bostajohn@gmail.com  
bvann@ndow.org  
chair.mbop@moapabandofpaiutes.org  
Chris.Benkman@nsgen.com  
Colby.pellegrino@snwa.com  
Coop@opd5.com  
coopergs@ldschurch.org  
craig.primas@snygrowers.com  
craig.wilkinson@pabcogypsum.com  
dan.peressini@lasvegaspaving.com  
david\_stone@fws.gov  
Dbrown@ldalv.com  
dennis.barrett10@gmail.com  
derekm@westernelite.com  
devaulr@cityofnorthlasvegas.com  
dixonjm@gmail.com  
dorothy@vidlerwater.com  
doug@nvfb.org  
dvosmer@republicservices.com  
dwight.smith@interflowhydro.com

edna@comcast.net  
emilia.cargill@coyotesprings.com  
fan4philly@gmail.com  
gary\_karst@nps.gov  
gbushner@vidlerwater.com  
glen\_knowles@fws.gov  
gmorrison@parsonsbehle.com  
golden@apexindustrialpark.com  
golds@nevcogen.com  
greatsam@usfds.com  
greg.walch@lvvwd.com  
hartthethird@gmail.com  
Howard.Forepaugh@nsgen.com  
ircady@yahoo.com  
JCaviglia@nvenergy.com  
jeff.phillips@lasvegaspaving.com  
jim.watrus@snwa.com  
joe@moapawater.com  
kbrown@vvh2o.com  
Kevin\_Desroberts@fws.gov  
kimberley.jenkins@clarkcountynv.gov  
kingmont@charter.net  
kurthlawoffice@gmail.com  
lazarus@glorietageo.com  
lbelenky@biologicaldiversity.org  
lbenezet@yahoo.com

SE ROA 517

Notice of Pre-hearing Conference

Re: *In The Matter of the Administration and Management of the LWRFS*

July 25, 2019

Page 6

liamleavitt@hotmail.com

Lindseyd@mvdsl.com

Lisa@ldalv.com

lle@mvdsl.com

lon@moapawater.com

lroy@broadbentinc.com

LuckyDirt@icloud.com

luke.stewart@pabcogypsum.com

martinmifflin@yahoo.com

MBHoffice@earthlink.net

michael\_schwemm@fws.gov

mjohns@nvenergy.com

mjohns@nvenergy.com

mmmiller@cox.net

moapalewis@gmail.com

muddyvalley@mvdsl.com

muddyvalley@mvdsl.com

muddyvalley@mvdsl.com

onesharp1@gmail.com

paul@legaltnt.com

pdonnelly@biologicaldiversity.org

progress@mvdsl.com

rafelling@charter.net

raymond.roessel@bia.gov

rberley@ziontzchestnut.com

rhoerth@vidlerwater.com

robert.dreyfus@gmail.com

Rott@nvenergy.com

rozaki@opd5.com

rteague@republicservices.com

Sarahpeterson@blm.gov

sc.anderson@lvvwd.com

sc.anderson@snwa.com

stever@stetsonengineers.com

sue\_braumiller@fws.gov

technichrome@jps.net

tommyers1872@gmail.com

trobison@mvdsl.com

twtemt@hotmail.com

vsandu@republicservices.com

whitfam@mvdsl.com

william.paff@rocklandcapital.com

wpoulsen@lincolnnv.com

cc: Division of Water Resources, E-mail  
Sam Monteleone, E-mail  
Thomas K. Gallagher, P.E., E-mail  
Capitol Reporters, E-mail

**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**

SE ROA 519

JA\_703

Page 1

1 STATE OF NEVADA  
 2 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
 3 DIVISION OF WATER RESOURCES  
 4 BEFORE MICHELINE N. FAIRBANK, HEARING OFFICER  
 5  
 6  
 7 IN THE MATTER OF THE ADMINISTRATION  
 8 AND MANAGEMENT OF THE LOWER  
 9 WHITE RIVER FLOW SYSTEM WITHIN  
 10 COYOTE SPRING VALLEY HYDROGRAPHIC  
 11 BASIN (210), A PORTION OF BLACK  
 12 MOUNTAINS AREA HYDROGRAPHIC  
 13 BASIN (215), GARNET VALLEY  
 14 HYDROGRAPHIC BASIN (216), HIDDEN  
 15 VALLEY HYDROGRAPHIC BASIN (217),  
 16 CALIFORNIA WASH HYDROGRAPHIC BASIN  
 17 (218), AND MUDDY RIVER SPRINGS AREA  
 18 (AKA UPPER MOAPA VALLEY HYDROGRAPHIC  
 19 BASIN (219)).  
 20  
 21  
 22  
 23  
 24

TRANSCRIPT OF PROCEEDINGS  
 PUBLIC HEARING  
 PRE-HEARING CONFERENCE  
 THURSDAY, AUGUST 8, 2019

Reported by: Michel Loomis, RPR

Page 2

1 APPEARANCES:  
 2 Micheline N. Fairbank, Hearing Officer  
 3 Melissa Flatley, Chief of the Hearing Officer Section  
 4  
 5 For SNWA: Taggart & Taggart, Ltd.  
 6 By: Paul G. Taggart, Esq.  
 7 Carson City, Nevada  
 8 For CSI: Robison, Belaustegui, Sharp  
 9 & Low  
 10 By: Kent R. Robison, Esq.  
 11 Reno, Nevada  
 12 For NV Energy: Justina Caviglia, Esq.  
 13  
 14 For the City of North Las Vegas: Andy Moore, Esq.  
 15 For Lincoln County Water District: Dylan Frehner, Esq.  
 16  
 17 For NCA: Alex Flangas, Esq.  
 18 For the Corporation of the Presiding Bishop of  
 19 the Church of Jesus Christ of Latter-Day-Saints:  
 20 Kaempfer Crowell  
 21 By: Severin Carlson, Esq.  
 22 For Moapa Band of Paiutes: Beth Baldwin, Esq.  
 23 Also Present: Jeff Henkelman  
 24 Sarah Peterson  
 Peter Fehmy  
 Karen Glasgow  
 Patrick Donnelly

Page 3

1 APPEARANCES:  
 2 Also Present: Kathryn Brinton  
 3 Gary Karst  
 4 Levi Kryder  
 5 Carl Savely  
 6 Glen Knaves  
 7 Sue Braumiller  
 8 Mark Stock  
 9 Steve King  
 10 Steven Anderson  
 11 Colby Pellegrino  
 12 Scott Millington  
 13 Greg Morrison  
 14 Joseph Davis  
 15 Tim O'Connor  
 16 Rick Felling  
 17 Greg Bushner  
 18 Emilia Cargill  
 19 Lonnie Roy  
 20 Wade Poulson  
 21 Dwight Smith  
 22 James Bolotin  
 23 Brad Herrera  
 24

Page 4

1 CARSON CITY, NEVADA, THURSDAY, AUGUST 8, 2019, A.M. SESSION  
 2 -o0o-  
 3  
 4 HEARING OFFICER FAIRBANK: Okay. Good morning.  
 5 This is Micheline Fairbank, and I'm going to go ahead and get  
 6 the hearing started, or the prehearing conference proceeding  
 7 for the Lower White River Flow System Order 1303 hearing on  
 8 the solicited reports.  
 9 I'm Micheline Fairbank and I'll be operating as  
 10 the hearing officer for today's purposes. With me is Melissa  
 11 Flatley, and she's the chief of our hearing section, and --  
 12 and so we'll go ahead and be conducting the hearing.  
 13 We do have a sign-in sheet, and so if all the  
 14 people that are here present in Carson City, if you have not  
 15 signed in on the sign-in sheet, if you'll make sure you do so  
 16 before the -- before you leave today.  
 17 And for those individuals who are appearing on  
 18 the phone conference, I think I have most everybody who  
 19 accepted the calendar invite and so we'll go ahead and put you  
 20 on the sign-in sheet via those calendar invites.  
 21 However, if you are calling in and you did not  
 22 accept a calendar invite, if you'll please send an email so we  
 23 can make sure we have your participation and attendance noted  
 24 for the record.

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

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

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

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

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.

Page 13

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.

Page 14

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

Page 15

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

Page 16

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

Page 17

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

Page 18

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 to 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

Page 19

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.

Page 20

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 because we  
24 haven't contemplated that particular scenario, but something

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 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 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.

Page 33

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.

Page 34

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

Page 35

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

Page 36

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

Page 65

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.

Page 66

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.

Page 67

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.

Page 68

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

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

Page 70

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

Page 71

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 72

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

Page 73

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

Page 74

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.

Page 75

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

Page 76

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

Page 77

1 better way of doing that.  
2 Are there any other questions regarding the  
3 procedural? 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.

Page 78

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.

Page 79

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,

Page 80

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

22 NV CCR #228

23

24

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

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

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

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

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

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

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

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 <b>perspectives (1)</b> 27:23 <b>Peter (4)</b> 45:16;57:14;63:3; 77:20 <b>PETERSON (15)</b> 40:20,20;48:1,1,5; 49:3,3,7,10;55:14,16; 56:6;58:2;60:3;61:17 <b>PHD (1)</b> 70:3 <b>phone (3)</b> 4:18;39:1;79:21 <b>party (13)</b> 7:11;23:3;24:3; 25:12;28:18;31:19; 42:1;50:21;51:2;53:24; 59:6;61:5;62:3 <b>party's (1)</b> 16:9 <b>past (2)</b> 6:1;46:11 <b>Patrick (9)</b> 27:1;30:4;42:21,22; 50:12;59:14;63:24; 66:13;69:23 <b>Paul (5)</b> 17:24;22:18;39:16; 65:1;72:12 <b>PDF (1)</b> 34:15 <b>PELLEGRINO (5)</b> 37:23;38:2,3,3;51:11 <b>people (36)</b> 4:14;10:23;18:21; 19:3;20:24;28:1;34:11, 16;37:6,8,18;46:9; 47:5;48:22;50:6;51:21; 52:24;53:16,20;54:10; 56:15;57:3,4,6,10; 58:7;61:2,24;62:16; 65:5;68:11,16;72:19; 73:1;78:9,21 <b>people's (2)</b> 54:23;75:9 <b>per (1)</b> 28:17 <b>percent (1)</b> 20:16 <b>perhaps (4)</b> 16:20;27:24;62:17; 76:23 <b>period (11)</b> 10:2,4;18:10;24:13; 29:3,6;39:14;62:8; 71:17;79:7,9 <b>permit (1)</b> 9:1 <b>permitted (2)</b> 8:7;51:3 <b>person (7)</b>	49:20;55:12;72:6; 75:14 <b>possibly (1)</b> 75:24 <b>posted (1)</b> 48:19 <b>potential (3)</b> 22:24;42:6;60:16 <b>PowerPoint (1)</b> 77:5 <b>practicing (1)</b> 75:15 <b>pre (2)</b> 42:13,13 <b>precisely (1)</b> 63:5 <b>preclude (4)</b> 54:22;55:4,8,9 <b>preference (1)</b> 67:8 <b>prehearing (2)</b> 4:6;5:2 <b>preliminary (1)</b> 65:23 <b>prepare (2)</b> 39:18;76:22 <b>prepared (2)</b> 76:12,15 <b>preparing (2)</b> 8:2;64:10 <b>pre-qualified (1)</b> 47:9 <b>pre-qualify (1)</b> 44:13 <b>present (15)</b> 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 <b>presentable (1)</b> 77:22 <b>presentation (8)</b> 6:10;14:13;16:9; 19:14;23:6,9;30:10; 54:21 <b>presentations (4)</b> 22:21;54:24;67:3; 77:5 <b>presented (8)</b> 7:1;17:11;18:23; 65:12;76:1,10;77:8,11 <b>presenting (2)</b> 7:8;65:15 <b>pretty (1)</b> 52:1 <b>previously (5)</b> 13:2;43:20;44:11; 46:7;47:14 <b>primary (1)</b> 65:13 <b>prior (11)</b> 5:6;7:22;14:20;32:1;	33:24;36:6;39:11; 41:23;42:7;44:14; 62:16 <b>pro (1)</b> 50:22 <b>probably (16)</b> 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 <b>procedural (2)</b> 44:16;72:8 <b>procedurals (1)</b> 77:3 <b>procedure (2)</b> 43:3;62:11 <b>procedures (3)</b> 6:12;30:12;56:24 <b>proceed (2)</b> 51:9;75:9 <b>proceeding (8)</b> 4:6;5:10;10:19; 31:16;70:9;74:5,14; 75:7 <b>proceedings (7)</b> 10:20;11:13;19:12; 30:3;41:23;45:19;80:4 <b>process (8)</b> 10:9;27:7,9,12; 32:21;36:8;42:17,19 <b>processes (1)</b> 18:15 <b>procure (1)</b> 70:11 <b>produce (1)</b> 42:15 <b>produced (1)</b> 65:14 <b>proffer (3)</b> 7:15;46:23;59:16 <b>proffered (6)</b> 45:7;49:24;50:2; 60:8;70:19;71:2 <b>proffering (1)</b> 61:5 <b>progress (1)</b> 28:22 <b>Projects (1)</b> 16:17 <b>promote (1)</b> 72:7 <b>properly (1)</b> 27:10 <b>proposed (4)</b> 67:21;78:6;79:1,5 <b>proposing (1)</b> 15:6 <b>Protestant (1)</b> 5:13 <b>protested (1)</b> 5:12 <b>provide (19)</b> 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	<b>recovery (1)</b> 9:10	<b>rendered (3)</b> 74:4,15,24	<b>require (2)</b> 7:11;57:9
<b>provides (1)</b> 26:9	<b>R</b>	<b>redirect (1)</b> 26:22	<b>rendering (5)</b> 8:2,2;13:10;19:9; 31:22	<b>required (5)</b> 50:20;59:24;76:2; 77:8,9
<b>providing (2)</b> 46:4;54:9	<b>radar (1)</b> 75:4	<b>redundancy (3)</b> 24:2,6;31:18	<b>repeat (1)</b> 16:4	<b>requirement (1)</b> 51:1
<b>proving (1)</b> 34:2	<b>raised (1)</b> 24:21	<b>refer (3)</b> 31:15;32:8,8	<b>replicating (1)</b> 34:15	<b>reserve (1)</b> 20:5
<b>prudent (1)</b> 49:18	<b>rather (1)</b> 48:12	<b>referring (1)</b> 63:5	<b>report (81)</b> 6:21;7:4,4,5,6,11, 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	<b>resolution (1)</b> 59:8
<b>public (5)</b> 5:4;7:7;60:5;73:15; 79:10	<b>rationale (2)</b> 69:1,2	<b>regarding (2)</b> 37:7;77:2	<b>REPORTER (1)</b> 38:1	<b>resolve (3)</b> 12:6;60:23;62:19
<b>pumped (1)</b> 9:13	<b>read (1)</b> 64:14	<b>regardless (2)</b> 7:14;73:6	<b>reporting (2)</b> 10:8;19:15	<b>resolving (1)</b> 12:13
<b>pumping (2)</b> 9:14;12:7	<b>readable (1)</b> 33:19	<b>regards (7)</b> 23:23;39:21;58:1; 63:8;77:21;79:1,7	<b>reports (101)</b> 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	<b>Resources (4)</b> 7:24;14:16;39:6; 49:1
<b>purely (1)</b> 77:13	<b>ready (1)</b> 76:8	<b>register (1)</b> 64:2	<b>respect (9)</b> 5:20;20:1;44:10; 48:10;50:10;51:5;68:2; 72:9;78:13	<b>respond (2)</b> 6:24;15:1
<b>purpose (21)</b> 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	<b>really (16)</b> 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	<b>registering (1)</b> 64:7	<b>response (2)</b> 6:21;12:18	<b>responsibility (1)</b> 28:21
<b>purposes (7)</b> 4:10;25:22;32:6; 36:17;37:10;42:15; 78:15	<b>reason (2)</b> 42:1;74:11	<b>regulations (1)</b> 37:2	<b>restating (1)</b> 19:1	<b>restricted (1)</b> 26:11
<b>pursuant (3)</b> 6:19;35:14;50:23	<b>reasonable (5)</b> 20:22;24:16;39:14; 46:9;47:3	<b>regulatory (2)</b> 37:11;42:23	<b>restricting (1)</b> 49:15	<b>restrictions (1)</b> 12:2
<b>put (11)</b> 4:19;23:5,7;33:6; 55:8,20;59:4;69:17; 76:2;78:8,12	<b>rebut (3)</b> 52:21,21;57:18	<b>rehash (1)</b> 14:22	<b>restrictive (3)</b> 22:15;25:21,24	<b>review (4)</b> 7:24;14:17;17:17; 46:8
<b>Q</b>	<b>rebuttal (61)</b> 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	<b>reintroduced (1)</b> 31:12	<b>reviewed (1)</b> 7:22	<b>reviewing (3)</b> 12:18;14:18;15:15
<b>qualification (6)</b> 41:12;42:9;43:5; 44:10;45:3;47:6	<b>rebutting (1)</b> 52:17	<b>relationships (1)</b> 9:14	<b>Rick (1)</b> 77:4	<b>rights (5)</b> 9:16,18;12:1,8,12
<b>qualifications (8)</b> 43:11;44:4;46:6,24; 47:13;50:14;70:20,21	<b>received (1)</b> 12:18	<b>relates (1)</b> 9:10	<b>rid (1)</b> 60:2	<b>right (22)</b> 10:13;20:5;25:16; 29:10,23;34:21;35:16; 40:14,19;56:1,1;57:16; 60:22;65:16,17;67:14, 16;69:21;70:7;71:6; 77:7;79:21
<b>qualified (21)</b> 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	<b>recess (2)</b> 60:19,20	<b>relating (2)</b> 6:13;7:17	<b>reviewing (1)</b> 7:22	<b>River (14)</b> 4:7;5:15;9:7,10,13, 15,15,18;10:10;11:18, 24;12:8;73:13,23
<b>qualifies (1)</b> 70:1	<b>recognize (4)</b> 37:2;47:21;73:5; 75:6	<b>relation (2)</b> 50:3;75:24	<b>request (4)</b> 31:7;44:7;66:14; 67:18	<b>road (1)</b>
<b>qualifying (4)</b> 42:2,15,18;45:4	<b>recognizing (3)</b> 24:24;72:24;78:22	<b>relegated (1)</b> 20:17		
<b>quantity (2)</b> 9:12;11:23	<b>record (12)</b> 4:24;8:12;17:24; 22:4;31:16;32:5;33:13; 35:24;41:6;60:22; 69:17;74:20	<b>relevant (9)</b> 8:11;9:20,24;10:1,1, 4,4;31:24;35:22		
<b>quick (1)</b> 6:2	<b>records (4)</b> 30:22;31:3,18;32:11	<b>relied (13)</b> 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		
<b>quickly (1)</b> 25:13		<b>rely (2)</b> 31:23;43:4		
<b>quite (4)</b>		<b>relying (3)</b> 13:13;53:15;75:16		
		<b>remaining (1)</b> 17:4		
		<b>remote (1)</b> 48:17		
		<b>render (1)</b> 75:16		

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

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

4:20;38:6;48:16 <b>video (1)</b> 48:20 <b>video-conference (1)</b> 48:17 <b>video-conferencing (2)</b> 48:15;72:19 <b>Vidler (2)</b> 16:22;66:5 <b>view (3)</b> 18:1;23:4;72:20 <b>viewpoint (1)</b> 78:14 <b>viewpoints (1)</b> 75:10 <b>views (1)</b> 6:20 <b>voir (2)</b> 41:12;42:18 <b>voluminous (4)</b> 31:17;32:10;33:13; 74:20	<b>what's (2)</b> 57:21;62:14 <b>White (8)</b> 4:7;5:15;9:7,13; 11:18,24;73:13,23 <b>whole (3)</b> 31:17;48:14;54:19 <b>Wild (3)</b> 66:3,21;69:4 <b>Wildlife (4)</b> 15:21;67:2;68:23; 75:23 <b>willing (1)</b> 37:18 <b>window (3)</b> 20:21;22:2;79:10 <b>windows (1)</b> 61:10 <b>winnowing (1)</b> 76:10 <b>withdraw (1)</b> 67:24 <b>within (19)</b> 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 <b>without (4)</b> 11:24;61:6;62:4; 73:14 <b>witness (36)</b> 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 <b>witnesses (21)</b> 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 <b>wondering (2)</b> 29:17;45:20 <b>work (3)</b> 5:7;28:20;34:10 <b>working (5)</b> 10:12,12;24:1;25:14; 75:22 <b>workshop (1)</b> 5:4 <b>writers (2)</b> 20:3,3 <b>written (5)</b> 54:22;60:7;78:6,6; 79:11 <b>wrote (1)</b> 70:11	<b>Y</b>  <b>years (3)</b> 70:8,11,12 <b>Yep (1)</b> 40:17  <b>1</b>  <b>10 (1)</b> 23:16 <b>10,000 (1)</b> 73:19 <b>10:53 (1)</b> 80:4 <b>1169 (2)</b> 9:8;13:5 <b>12 (1)</b> 23:16 <b>1303 (17)</b> 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 <b>13th (2)</b> 45:9;47:17 <b>16th (1)</b> 71:7 <b>19th (11)</b> 30:18;40:5,7,14; 48:2,7,8,19;71:8; 79:24;80:1  <b>2</b>  <b>2019 (2)</b> 4:1;14:5 <b>20th (5)</b> 45:11;48:3,7;49:2; 79:24 <b>23rd (10)</b> 5:6;14:5,20;30:3,17; 32:2;33:24;42:17; 44:14;80:2 <b>240 (1)</b> 74:15  <b>3</b>  <b>30 (1)</b> 14:7 <b>3rd (5)</b> 39:17,22;40:13,21; 42:8  <b>4</b>  <b>45 (3)</b> 23:9,10,15 <b>48 (1)</b> 43:7 <b>4th (4)</b>	14:9;69:15;72:2,3  <b>5</b>  <b>5 (1)</b> 14:7  <b>6</b>  <b>6th (5)</b> 40:22;41:1;43:14; 46:3;47:12  <b>7</b>  <b>70 (1)</b> 76:7 <b>7th (2)</b> 25:2;72:4  <b>8</b>  <b>8 (1)</b> 4:1 <b>8:30 (1)</b> 14:7 <b>8th (1)</b> 25:2  <b>9</b>  <b>9/'19 (1)</b> 48:10 <b>9:00 (1)</b> 45:11
<b>W</b>  <b>wait (1)</b> 24:14 <b>waited (1)</b> 52:13 <b>wants (3)</b> 52:1;55:17;62:1 <b>wasting (1)</b> 29:13 <b>Water (35)</b> 7:24;9:6,7,16;10:13; 11:18,23;14:16;15:22; 16:21;17:6;18:1;20:10; 22:13,19;24:22;25:20; 39:6;49:1;59:15;64:1; 66:4,5,7,8,15;67:18; 68:2;69:24;70:6,7,10, 14,17;73:18 <b>waternvgov (1)</b> 39:5 <b>way (9)</b> 34:16;37:20;38:24; 42:16;44:9;48:2;70:2; 76:18;77:1 <b>webcast (1)</b> 48:24 <b>website (6)</b> 15:11,12;32:11;33:6, 7,8 <b>week (18)</b> 17:10;25:1,5,15; 27:8;30:18,19;40:7,21; 42:14;54:18;69:8,13, 15;71:7,7;72:4,6 <b>weeks (7)</b> 14:8,23;39:11,17; 40:8,14,16 <b>wells (2)</b> 9:17,17			

# Order 1303 Hearing Schedule Matrix

**9/23/2019**

8:30	CSI
9:30	
10:30	
11:30	LUNCH
12:30	
1:30	
2:30	CSI
3:30	

**9/24/2019**

8:30	USFWS
9:30	
10:30	
11:30	LUNCH
12:30	
1:30	
2:30	USFWS
3:30	

**9/25/2019**

8:30	NPS
9:30	
10:30	
11:30	LUNCH
12:30	
1:30	
2:30	NPS
3:30	

**9/26/2019**

8:30	MBPI
9:30	
10:30	
11:30	LUNCH
12:30	
1:30	
2:30	MBPI
3:30	

**9/27/2019**

8:30	SNWA
9:30	
10:30	
11:30	LUNCH
12:30	
1:30	
2:30	SNWA
3:30	

**9/30/2019**

8:30	SNWA
9:30	
10:30	MVWD
11:30	
12:30	LUNCH
1:30	
2:30	MVWD
3:30	Vidler

**10/1/2019**

8:30	Vidler
9:30	
10:30	
11:30	City NLV
12:30	LUNCH
1:30	
2:30	City NLV
3:30	

**10/2/2019**

8:30	CBD
9:30	
10:30	
11:30	LUNCH
12:30	
1:30	
2:30	Dry Lake
3:30	

**10/3/2019**

8:30	
9:30	
10:30	
11:30	Dry Lake
12:30	Technichome
1:30	
2:30	NV Cogen
3:30	

**10/4/2019**

8:30	MVIC
9:30	
10:30	Bedroc
11:30	
12:30	LUNCH
1:30	
2:30	NV Energy
3:30	Public Comment

SE ROA 553

09/23/2019 Nevada Division of Water Resources LWRFS Public Hearing (21921) - Room 2135:  
[http://nvleg.granicus.com/MediaPlayer.php?publish\\_id=f0f8a938-df19-11e9-9542-0050569183fa](http://nvleg.granicus.com/MediaPlayer.php?publish_id=f0f8a938-df19-11e9-9542-0050569183fa)

09/24/2019 Nevada Division of Water Resources LWRFS Public Hearing (21922) - Room 2135:  
[http://nvleg.granicus.com/MediaPlayer.php?publish\\_id=c75e59f5-dfca-11e9-9542-0050569183fa](http://nvleg.granicus.com/MediaPlayer.php?publish_id=c75e59f5-dfca-11e9-9542-0050569183fa)

09/25/2019 Nevada Division of Water Resources LWRFS Public Hearing (21923) - Room 2135:  
[http://nvleg.granicus.com/MediaPlayer.php?publish\\_id=2a59d978-e156-11e9-9542-0050569183fa](http://nvleg.granicus.com/MediaPlayer.php?publish_id=2a59d978-e156-11e9-9542-0050569183fa)

09/26/2019 Nevada Division of Water Resources LWRFS Public Hearing (21924) - Room 2135:  
[http://nvleg.granicus.com/MediaPlayer.php?publish\\_id=6a9d2ac6-e156-11e9-9542-0050569183fa](http://nvleg.granicus.com/MediaPlayer.php?publish_id=6a9d2ac6-e156-11e9-9542-0050569183fa)

09/27/2019 Nevada Division of Water Resources LWRFS Public Hearing (21925) - Room 2135:  
[http://nvleg.granicus.com/MediaPlayer.php?publish\\_id=ea30714f-e3b4-11e9-9542-0050569183fa](http://nvleg.granicus.com/MediaPlayer.php?publish_id=ea30714f-e3b4-11e9-9542-0050569183fa)

09/30/2019 Nevada Division of Water Resources LWRFS Public Hearing (21926) - Room 2135:  
[http://nvleg.granicus.com/MediaPlayer.php?publish\\_id=01656d22-e4a5-11e9-9542-0050569183fa](http://nvleg.granicus.com/MediaPlayer.php?publish_id=01656d22-e4a5-11e9-9542-0050569183fa)

10/01/2019 Nevada Division of Water Resources LWRFS Public Hearing (21927) - Room 2135:  
[http://nvleg.granicus.com/MediaPlayer.php?publish\\_id=7b15f4e9-e4a5-11e9-9542-0050569183fa](http://nvleg.granicus.com/MediaPlayer.php?publish_id=7b15f4e9-e4a5-11e9-9542-0050569183fa)

10/02/2019 Nevada Division of Water Resources LWRFS Public Hearing (21928) - Room 2135:  
[http://nvleg.granicus.com/MediaPlayer.php?publish\\_id=8a313c99-e633-11e9-9542-0050569183fa](http://nvleg.granicus.com/MediaPlayer.php?publish_id=8a313c99-e633-11e9-9542-0050569183fa)

10/03/2019 Nevada Division of Water Resources LWRFS Public Hearing (21929) - Room 2135:  
[http://nvleg.granicus.com/MediaPlayer.php?publish\\_id=bcbd905d-e633-11e9-9542-0050569183fa](http://nvleg.granicus.com/MediaPlayer.php?publish_id=bcbd905d-e633-11e9-9542-0050569183fa)

10/04/2019 Nevada Division of Water Resources LWRFS Public Hearing (21930) - Room 2135:  
[http://nvleg.granicus.com/MediaPlayer.php?publish\\_id=132b53e8-e94f-11e9-9542-0050569183fa](http://nvleg.granicus.com/MediaPlayer.php?publish_id=132b53e8-e94f-11e9-9542-0050569183fa)

**AMENDED 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 <sup>1</sup>
NSE Ex. No. 13	Ruling 5987 <sup>1</sup>
NSE Ex. No. 14	Ruling 6254 <sup>1</sup>
NSE Ex. No. 15	Ruling 6255 <sup>1</sup>
NSE Ex. No. 16	Ruling 6256 <sup>1</sup>
NSE Ex. No. 17	Ruling 6257 <sup>1</sup>
NSE Ex. No. 18	Ruling 6258 <sup>1</sup>
NSE Ex. No. 19	Ruling 6259 <sup>1</sup>
NSE Ex. No. 20	Ruling 6260 <sup>1</sup>
NSE Ex. No. 21	Ruling 6261 <sup>1</sup>
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)

---

<sup>1</sup> 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 35CACCC1 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 06CACCC1 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 15ACD1 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	<del><i>Stricken- Southern Nevada Water Authority Solver White River Flow System 10-11-2011</i></del>
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, Moapa Valley Irrigation Company and Coyote Springs Investments LLC
NSE Ex. No. 242	April 2006 Surface Water Lease Between Moapa 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)
NSE Ex. No. 335	Solver WRFS 10-11-2011 Ruling 6165 6167.xlsx
NSE Ex. No. 336	LWRFS Sign-in sheet, September 23, 2019
NSE Ex. No. 337	LWRFS Sign-in sheet, September 24, 2019
NSE Ex. No. 338	LWRFS Sign-in sheet, September 25, 2019
NSE Ex. No. 339	LWRFS Sign-in sheet, September 26, 2019
NSE Ex. No. 340	LWRFS Sign-in sheet, September 27, 2019
NSE Ex. No. 341	LWRFS Sign-in sheet, September 30, 2019
NSE Ex. No. 342	LWRFS Sign-in sheet, October 1, 2019
NSE Ex. No. 343	LWRFS Sign-in sheet, October 2, 2019
NSE Ex. No. 344	LWRFS Sign-in sheet, October 3, 2019
NSE Ex. No. 345	LWRFS Sign-in sheet, October 4, 2019

**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. )

**ORDER ON OBJECTIONS TO  
WITNESSES AND EVIDENCE**

In the Amended Notice of Hearing on Order 1303 dated August 23, 2019, the participants to the hearing on the Lower White River Flow System under Order 1303 (LWRFS hearing) were ordered to submit any objections to the evidence or expert witnesses designated by the other participants by September 13, 2019. The State Engineer received objections from Coyote Springs Investment, LLC (CSI); Lincoln County Water District (LCWD) and Vidler Water Company, Inc. (Vidler); and Southern Nevada Water Authority and Las Vegas Valley Water District (SNWA).

**The CSI Objection**

CSI objected to portions of the scope of testimony identified in the disclosures of Joseph Davis, for Moapa Valley Water District; Todd Robison, for Muddy Valley Irrigation Company; and Warda Drici and Colby Pellegrino, for SNWA. The basis for CSI's objection is that the scope of testimony provided by these witnesses must be limited to the discrete issues identified in the Amended Notice of Hearing.

The State Engineer agrees that the evidence presented in the hearing is to be limited to the four issues identified in the Notice of Hearing. However, the State Engineer also recognizes that the fifth issue, "any other matter believed to be relevant to the State Engineer's analysis," provides some subjective determination in what information the participants believe is necessary for the State Engineer to consider.

Therefore, the objection by CSI is overruled, but the State Engineer reserves the right to determine during the hearing whether any line of questions and/or testimony is outside the scope of the issues identified in Order 1303 and may order a line of questioning to cease or to remain limited to the relevant issues that are the subject of the hearing.

**The LCWD and Vidler Objection**

LCWD and Vidler objected to the following witnesses: experts Robert Coache and Hugh Ricci, proffered by Nevada Cogeneration Associates, for their qualifications in the areas of

SE ROA 567

groundwater and surface water hydrology; testimony by Mr. Coache, Mr. Ricci, or Jay Dixon which may be considered legal opinions regarding the application of Nevada water law; testimony of James Watrus, proffered by SNWA, to extent that Mr. Watrus has not been identified as an expert; expert Sue Braumiller, proffered by the National Park Service, for her qualifications as a hydrologist.

As stated in the Notice of Hearing, the State Engineer will convene a hearing to conduct *voir dire* on the qualifications of these witnesses, as set forth in more detail below.

The objection to the testimony of Mr. Watrus is sustained. The State Engineer will not allow Mr. Watrus to offer expert opinions because he has not been identified or qualified as an expert witness.

LCWD and Vidler also objected to documentary evidence submitted by the Moapa Band of Paiute Indians, Nevada Cogeneration Associates Nos. 1 and 2, U.S. Fish and Wildlife Service, and the National Park Service. The objections were based on the inability to access or review the submitted documents, the relevance of the documents to either an expert report or the five issues identified in Order 1303, hearsay, and a lack of foundation for the exhibits submitted.

The objections by LCWD and Vidler related to documentary evidence of the participants are overruled. The State Engineer will admit the documents provided, as limited below, and will determine the appropriate weight given to them.

#### **The SNWA and LVVWD Objection**

SNWA and LVVWD objected to the qualification of experts from Stetson Engineers, Inc., proffered by CSI, and the scope of their testimony; testimony from Timothy Durbin, proffered by CSI, because he has not authored any written expert report; portions of the reports by City of North Las Vegas and by Dry Lake Water, LLC, Georgia Pacific Gypsum LLC, and Republic Environmental Technologies, Inc., for the failure to proffer all authors of their respective reports; and to documentary exhibits that were not provided timely or were submitted without being identified on the participant's exhibit list.

The State Engineer will include Stephen Reich, Jean Moran, and Molly Palmer in the hearing for expert qualification, and will allow SNWA and CSI to conduct *voir dire*, as set forth more fully below.

CSI has proffered Timothy Durbin as an expert witness, but has not provided any written testimony of Mr. Durbin by the deadlines required for the submission of reports or rebuttal reports under Order 1303. The State Engineer requires, for this hearing, that all expert testimony have been provided in advance of the hearing. Because CSI has not provided Mr. Durbin's written testimony, the State Engineer will not allow Mr. Durbin to provide expert testimony.

The State Engineer finds that the exhibits SNWA identified as not having been disclosed, or not included on the exhibit list, have been resolved. The "Drilling, Construction, Water Chemistry, Water Levels, and Regional Potentiometric Surface of the Upper Carbonate-Rock Aquifer in Clark County, Nevada" is located on page 17 of 17 in Nevada Cogeneration Associates exhibit 7. Additionally, the Moapa Band of Paiutes have provided an updated list of exhibits including the document that was excluded from the prior version.

Finally, objections to portions of the reports are premature. The State Engineer will admit the reports provided by and authenticated by an author and will determine the appropriate weight given to those reports.

### **Hearing on Voir Dire**

The State Engineer will convene a hearing on **Thursday, September 19, 2019, to begin at 1:30 p.m. at the Tahoe Hearing Room, 901 S. Stewart Street, Second Floor, Carson City, Nevada and will be video conferenced to the Nevada Division of Water Resources Southern Nevada Business Office, 400 Shadow Lane, Suite 201, Las Vegas, Nevada** for the purpose of qualifying the following individuals as expert witnesses in the fields in which the Participant has proffered their expertise:

1. Hugh Ricci: hydrology, water rights, and water law; proffered by Nevada Cogeneration, objected to by LCWD and Vidler.
2. Robert Coache: hydrology, water rights, and water law; proffered by Nevada Cogeneration, objected to by LCWD and Vidler.
3. Sue Braumiller: groundwater hydrologist; proffered by U.S. Fish and Wildlife Service, objected to by LCWD and Vidler.
4. Stephen Reich: water rights, hydrology; proffered by CSI, objected to by SNWA and LVVWD.
5. Jean Moran: registered geologist, hydrogeologist; proffered by CSI, objected to by SNWA and LVVWD.
6. Molly Palmer: registered civil engineer; proffered by CSI, objected to by SNWA and LVVWD.

The proffering and objecting participants, and their witnesses, may appear in person in Carson City, or by video-conference from the Division of Water Resources office in Las Vegas, Nevada. The failure of any participant to appear is a waiver of the objection, or an admission that the objection is valid. If the witness does not appear, the State Engineer shall exclude that witness from testifying.

THEREFORE, good cause appearing, on behalf of the State Engineer in the objections to witnesses and evidence brought in the hearing on Order 1303, I make the following orders:

1. The qualification of expert witnesses shall take place on Thursday, September 19, 2019, from 1:30 p.m. to 5:00 p.m. at the Tahoe Hearing Room at the Division of Water Resources in Carson City, and Division of Water Resources office in Las Vegas, Nevada.

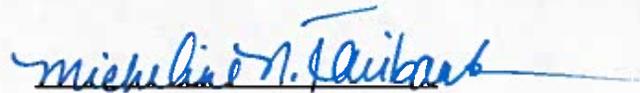
SE ROA 569

Re: *Order on Objections To Witnesses And Evidence* In the Matter of the Administration and Management of the Lower White River Flow System  
September 16, 2019  
Page 4

2. The scope of witness testimony in the hearing that commences on Monday, September 23, 2019, shall be limited to the four issues identified in Order 1303, and other information that the participants can demonstrate is useful to the State Engineer in his evaluation of those four issues, and the testimony of experts shall be limited to their area of qualification and previously provided written testimony contained in their expert reports.

3. All documentary evidence, except the expert reports, received by the State Engineer is hereby admitted, and the State Engineer shall consider the documentary evidence with the appropriate weight given the concerns raised by the participants, including but not limited to, hearsay, relevance and foundation.

4. All expert reports properly affirmed that the report is true and correct and that the affiant personally prepared or directed its preparation, and submitted to cross-examination, shall be admitted.

  
MICHELINE N. FAIRBANK  
Deputy Administrator

Dated this 16<sup>th</sup> day of

September, 2019.

**SERVICE LIST**

**Order on Objections To Witnesses And Evidence in the Matter of the Administration and Management of the Lower White River Flow System**

8milelister@gmail.com;  
ablack@mcdonaldcarano.com;  
adaird@cityofnorthlasvegas.com;  
admin.mbop@moapabandofpaiutes.org;  
aflangas@kcnvlaw.com  
alaskajulie12@gmail.com;  
andrew.burns@snwa.com;  
barbnwalt325@gmail.com;  
bbaldwin@ziontzchestnut.com;  
bherrema@bhfs.com;  
bostajohn@gmail.com;  
bvann@ndow.org;  
chair.mbop@moapabandofpaiutes.org;  
Chris.Benkman@nsgen.com;  
Colby.pellegrino@snwa.com;  
Coop@opd5.com;  
coopergs@ldschurch.org;  
counsel@water-law.com;  
craig.primas@snvgrowers.com;  
craig.wilkinson@pabcogypsum.com;  
dan.peressini@lasvegaspaving.com;  
david\_stone@fws.gov;  
Dbrown@ldalv.com;  
dennis.barrett10@gmail.com;  
derekm@westernelite.com;  
devaulr@cityofnorthlasvegas.com;  
dfrehner@lincolncountynv.gov;  
dixonjm@gmail.com;  
dorothy@vidlerwater.com;  
doug@nvfb.org;  
dvossmmer@republicservices.com;  
dwright.smith@interflowhydro.com;  
edna@comcast.net;  
emilia.cargill@coyotesprings.com;  
fan4philly@gmail.com;  
gary\_karst@nps.gov;  
gbushner@vidlerwater.com;  
glen\_knowles@fws.gov;  
gmorrison@parsonsbehle.com;  
golden@apexindustrialpark.com;  
golds@nevcogen.com;  
greatsam@usfds.com;  
greg.walch@lvvwd.com;  
hartthethird@gmail.com;  
Howard.Forepaugh@nsgen.com;  
ircady@yahoo.com;  
jbell@broadbentinc.com  
JCaviglia@nvenergy.com;  
jeff.phillips@lasvegaspaving.com;  
jim.watrus@snwa.com;  
joe@moapawater.com;  
Karen.glasgow@sol.doi.gov;  
kbrown@vvh2o.com;  
Kevin\_Desroberts@fws.gov;  
kimberley.jenkins@clarkcountynv.gov;  
kingmont@charter.net;  
kpeterson@allisonmackenzie.com;  
krobison@rssblaw.com;  
kurthlawoffice@gmail.com;  
lazarus@glorietageo.com;  
lbelenky@biologicaldiversity.org;  
lbenezet@yahoo.com;  
liamleavitt@hotmail.com;  
Lindseyd@mvdsl.com;  
Lisa@ldalv.com;  
lle@mvdsl.com;  
lon@moapawater.com;  
lroy@broadbentinc.com;  
LuckyDirt@icloud.com;  
luke.miller@sol.doi.gov;  
luke.stewart@pabcogypsum.com;  
martinmifflin@yahoo.com;  
MBHoffice@earthlink.net;  
michael\_schwemm@fws.gov;  
mjohns@nvenergy.com;  
mmmiller@cox.net;  
moapalewis@gmail.com;  
moorea@cityofnorthlasvegas.com;  
muddyvalley@mvdsl.com;  
NFontenot@AllisonMacKenzie.com  
onesharpl@gmail.com;  
paul@legaltnt.com;

SE ROA 571

Re: *Order on Objections To Witnesses And Evidence* In the Matter of the Administration and Management of the Lower White River Flow System  
September 16, 2019  
Page 6

pdonnelly@biologicaldiversity.org;  
progress@mvdsl.com;  
rafelling@charter.net;  
raymond.roessel@bia.gov;  
rberley@ziontchestnut.com;  
rhoerth@vidlerwater.com;  
robert.dreyfus@gmail.com;  
Rott@nvenergy.com;  
rozaki@opd5.com;  
rteague@republicservices.com;  
Sarahpeterson@blm.gov;  
SCarlson@kcnvlaw.com;  
sc.anderson@lvvwd.com;  
sc.anderson@snwa.com;  
sharrison@mcdonaldcarano.com;  
stever@stetsonengineers.com;  
sue\_braumiller@fws.gov;  
technichrome@jps.net;  
tim@legaltnt.com;  
tommyers1872@gmail.com;  
trobison@mvdsl.com;  
twtemt@hotmail.com;  
veronica.rowan@sol.doi.gov;  
vsandu@republicservices.com;  
whitfam@mvdsl.com;  
william.paff@rocklandcapital.com;  
wpoulsen@lincolnnv.com;  
mfairbank@water.nv.gov;  
mflatley@water.nv.gov;  
jmordhorst@water.nv.gov

SE ROA 572

JA\_756



STATE OF NEVADA  
 DIVISION OF WATER RESOURCES  
 September 19, 2019

Lower White River Flow System (LWRFS)  
 Hearing on Voir Dire

SIGN IN SHEET - PLEASE PRINT CLEARLY

	NAME	MAILING ADDRESS	REPRESENTING OR ORGANIZATION	E-MAIL ADDRESS	PRESENTING EVIDENCE (E) OR PUBLIC COMMENT (PC)
1	John & Jane Water (EXAMPLE)	123 Water Ln. Waternville, NV 88888	Self	johnjanewater@yahoo.com	PC
2	Carl D. Sarey	6600 N. W. -gfield Plwy Sparks, NV 89436	CSI	csaveh@resortatriedhawk.com	—
3	JEAN MORANI	785 GRAND AVE #202 CARLSBAD CA 92008	CSI	JEANM@STETSONENGINEERS.COM	—
4	Molly Palmer	3171 E Francisco Blvd Suite K San Rafael CA 94901	CSI	mollyp@stetsonengineers.com	—
5	EMILIA Cargill	3100 SK 168 ROB STUDIO CANYON SPRING NV 89037	CSI	emilia-cargill@ cwprespring.com	—
6	Stephen Reich	785 Grand Ave Ste 202 Carlsbad, CA 92008	CSI	stever@stetsonengineers.com	—
7	Sue Pramiller	FINANCIAL BLDG, RENO NV	LWRFS	sue-pramiller@ lwrfs-gov	—
8	STEVE Sparrin	VIXER WATER Co CE Joes	Vixed	shofaw@vixwater.com	—
9	Brad Herrens	2075 BATES 100 City Parkway Las Vegas, NV	CSI	bherrens@bhf.com	—
10	luke miller	2800 College Way Sacramento CA 95825	FWRS	luke.miller@sol.doi.gov	—



STATE OF NEVADA  
 DIVISION OF WATER RESOURCES  
 September 19, 2019

Lower White River Flow System (LWRFS)  
 Hearing on Voir Dire

SIGN IN SHEET - PLEASE PRINT CLEARLY

	NAME	MAILING ADDRESS	REPRESENTING OR ORGANIZATION	E-MAIL ADDRESS	PRESENTING EVIDENCE (E) OR PUBLIC COMMENT (PC)
11	Greg Bushmer	3480 G.S. Richards Blvd Ste 101 Carson City, NV 89703	Yoller Water Co.	gbushmer@vidlawwater.com	No
12	Kent Robison	71 Wagonwheel Reno, NV	CSI	KRobison@RSGW.com	E
13	HUGH RICCI	12540 CAIRN CREST DR RENO, NV 89511	NCA	hughricci@gmail.com	-
14	STEVEN ANDERSON	1001 N. Valley View Las Vegas SC.anderson@vnuwd.com	SNWA		
15	Justina Caviglia	6100 Niel Blvd Reno NV 89509	NW Energy	jcaviglia@nenergy.com	NO
16	Ryan Hoceell	VVC		rhoceell@vidlawwater.com	NO
17	Alex Floungous				
18	LeAnn Brunet	VVC		leAnn@vidlawwater.com	NO
19	Sybilie Harrison	GP/Republic			NO
20					

Paul Taggart  
 Tim D'Connor  
 Kaven Peterson  
 w Las Vegas, Greg Walsh  
 Denee Nunez (sp?)  
 Robert Coache

**In The Matter Of:**  
*Department of Conservation and Natural Resources*  
*Division of Water Resources*

---

*September 19, 2019*

---

*Capitol Reporters*  
*123 W. Nye Lane, Ste 107*  
  
*Carson City, Nevada 89706*

Original File 9-19-19CoyoteSpringsfinalL\_1.txt  
**Min-U-Script® with Word Index**

SE ROA 575

JA\_759

Page 1

1 STATE OF NEVADA  
 2 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
 3 DIVISION OF WATER RESOURCES  
 4 BEFORE MICHELINE N. FAIRBANK, HEARING OFFICER  
 5  
 6  
 7 IN THE MATTER OF THE ADMINISTRATION  
 AND MANAGEMENT OF THE LOWER  
 8 WHITE RIVER FLOW SYSTEM WITHIN  
 COYOTE SPRING VALLEY HYDROGRAPHIC  
 9 BASIN (210), A PORTION OF BLACK  
 MOUNTAINS AREA HYDROGRAPHIC  
 10 BASIN (215), GARNET VALLEY  
 HYDROGRAPHIC BASIN (216), HIDDEN  
 11 VALLEY HYDROGRAPHIC BASIN (217),  
 CALIFORNIA WASH HYDROGRAPHIC BASIN  
 12 (218), AND MUDDY RIVER SPRINGS AREA  
 (AKA UPPER MOAPA VALLEY HYDROGRAPHIC  
 13 BASIN (219)).  
 14  
 15  
 16 TRANSCRIPT OF PROCEEDINGS  
 17 PUBLIC HEARING  
 18 HEARING ON OBJECTIONS TO WITNESSES AND EVIDENCE  
 19 THURSDAY, SEPTEMBER 19, 2019  
 20  
 21  
 22  
 23  
 24 Reported by: Michel Loomis, RPR

Page 2

1 APPEARANCES:  
 2 Micheline N. Fairbank,  
 Hearing Officer  
 3  
 4 Melissa Flatley,  
 Chief of the Hearing Officer Section  
 5  
 6 Adam Sullivan,  
 Deputy State Engineer  
 7  
 8 Michelle Barnes,  
 Supervising Professional Engineer  
 9  
 10 For SNWA: Taggart & Taggart, Ltd.  
 By: Paul G. Taggart, Esq.  
 Carson City, Nevada  
 -and-  
 11 Tim O'Sullivan, Esq.  
 12 For CSI: Robison, Belaustegui, Sharp  
 & Low  
 13 By: Kent R. Robison, Esq.  
 Reno, Nevada  
 14  
 15 For CSI: Brownstein Hyatt Farber Schreck  
 By: Brad Herrema, Esq.  
 Los Angeles, California  
 16  
 17 For NV Energy: Justina Caviglia, Esq.  
 Reno, Nevada  
 18  
 19 For Lincoln County  
 Water District  
 -and-  
 20 Vidler Water Company: Allison MacKenzie  
 By: Karen Peterson, Esq.  
 Carson City, Nevada  
 21  
 22  
 23 For NCA: Alex Flangas, Esq.  
 Reno, Nevada  
 24

Page 3

1 INDEX  
 2 Witnesses Direct Cross Redirect Recross  
 Stephen Barry 8 25 46  
 3 Reich  
 Sue Braumiller 63 75  
 4 Hugh Ricci 117  
 Robert Coache 126 140 151, 153 152  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24

Page 4

1 CARSON CITY, NEVADA, THURSDAY, SEPTEMBER 19, 2019, 1:30 P.M.  
 2 -o0o-  
 3  
 4 HEARING OFFICER FAIRBANK: We'll go ahead and get  
 5 started this afternoon so it's set forth in the order on  
 6 objections to witnesses and evidence. This is the time and  
 7 place set and noticed for a hearing to qualify certain  
 8 witnesses designated as experts and who have had objections  
 9 filed to their qualifications.  
 10 My name is Micheline Fairbank, and I'll be  
 11 serving as the hearing officer in this proceedings. And with  
 12 me today is Melissa Flatly -- she is the chief of our hearings  
 13 section -- and Michelle Barnes, who's the supervising  
 14 professional engineer in the hearings section.  
 15 And joining us in a little while will be Adam  
 16 Sullivan, Deputy State Engineer.  
 17 So at this time, I'll go ahead and take  
 18 appearances for the record by the attorneys who are appearing  
 19 on behalf of the participants.  
 20 MR. ROBISON: Kent Robison on behalf of Coyote  
 21 Springs Investments, LLC.  
 22 MR. HERREMA: Brad Herrema on behalf of CSI as  
 23 well.  
 24 MS. PETERSON: Karen Peterson from Allison

Page 5

1 MacKenzie law firm on behalf of Lincoln County Water District  
2 and Vidler Water Company.  
3 HEARING OFFICER FAIRBANK: Okay. And other  
4 attorneys present?  
5 MR. FLANGAS: Alex Flangas on behalf of NCA.  
6 MR. MILLER: Luke Miller on behalf of Fish and  
7 Wildlife Service.  
8 MR. TAGGART: Paul Taggart on behalf of the Las  
9 Vegas Valley Water District, Southern Nevada Water Authority.  
10 With me is Tim O'Connor and Steve Anderson.  
11 MR. O'CONNOR: Good morning -- afternoon.  
12 MS. CAVIGLIA: Justina Caviglia on behalf of NV  
13 Energy.  
14 HEARING OFFICER FAIRBANK: Okay. Any other  
15 attorneys making appearances?  
16 MS. HARRISON: I'm not making an appearance, but  
17 Sylvia Harrison with Republic Environmental Services and  
18 Jersey Pacific.  
19 HEARING OFFICER FAIRBANK: All right. Thank you.  
20 So just to take a moment to talk about today. So  
21 this afternoon's proceeding will be limited to making a  
22 determination as to whether or not certain witnesses who have  
23 been offered as experts will be accepted to provide expert  
24 testimony in those subject matters in which they have been

Page 6

1 designated or proffered.  
2 So the order that we are going to go through  
3 today is first, we will address Coyote Springs Investments'  
4 experts Stephen Reich, Jean Moran, and Molly Palmer.  
5 The Southern Nevada Water Authority and the Las  
6 Vegas Valley Water District did not object to Mr. Reich's  
7 testimony in the field of geology and Ms. Moran's testimony in  
8 hydrology but has objected to Mr. Reich, Mr. Moran, and Miss  
9 Palmer testifying on matters beyond those fields of expertise.  
10 Second, we will address the United States  
11 Department of Interior Fish and Wildlife Services' designation  
12 of Sue Braumiller, who has been objected to by Lincoln County  
13 Water District and Vidler Water Company on the basis that  
14 Ms. Braumiller lacks direct work experience in the field of  
15 hydrology.  
16 And finally, we will address Nevada cogeneration  
17 associates number 1 and 2's witnesses Robert Coache and Hugh  
18 Ricci, who have also been objected to by Lincoln County Water  
19 District and Vidler Water Company on the basis that Mr. Coache  
20 and Mr. Ricci lack expertise in the areas of groundwater and  
21 surface water hydrology.  
22 And, before we get started, I do understand that  
23 there have been some discussions amongst the parties with  
24 respect to the objections raised as to the experts identified

Page 7

1 and designated, and so I just wanted to ask if there had been  
2 any resolution to any of the objections?  
3 MR. TAGGART: Nothing that I can report.  
4 HEARING OFFICER FAIRBANK: Okay. Seeing that, so  
5 then just as preliminary matter before we get started, for the  
6 purposes of Mr. Robison, Mr. Miller, and Mr. Flangas, if you  
7 will identify the specific disciplines in which you seek to  
8 qualify your experts to testify in this matter so that there's  
9 no confusion as to those disciplines in which we are seeking  
10 to have them qualified.  
11 And with that, I'll go ahead and open it up to  
12 Mr. Robison.  
13 MR. ROBISON: Your Honor, is it the preference  
14 that we simply call the witness as an expert and qualify  
15 through examination?  
16 HEARING OFFICER FAIRBANK: Yes.  
17 MR. ROBISON: Are you taking administrative  
18 notice of the CV's that have been submitted with the reports?  
19 HEARING OFFICER FAIRBANK: Yes.  
20 MR. ROBISON: All right.  
21 We'd like to call Steve Reich first.  
22 HEARING OFFICER FAIRBANK: Right over here,  
23 please.  
24 MR. ROBISON: Face the court reporter and be

Page 8

1 sworn to testify.  
2 STEPHEN BARRY REICH,  
3 called as a witness in this matter,  
4 having been first duly sworn,  
5 testified as follows:  
6 HEARING OFFICER FAIRBANK: All right. Go ahead  
7 and have a seat.  
8 Yes, sir.  
9 DIRECT EXAMINATION  
10 BY MR. ROBISON:  
11 Q. Good afternoon, sir. Please state your full  
12 name.  
13 A. Stephen, S-T-E-P-H-E-N. Barry, B-A-R-R-Y.  
14 Reich, R-E-I-C-H.  
15 Q. And for whom are you employed?  
16 A. Stetson Engineers.  
17 Q. What is your duties and functions as an engineer  
18 with Stetson Engineers?  
19 A. I am a principal with Stetson Engineers. I have  
20 been with the company for coming on 28 years in December, and  
21 my current position is to supervise engineers and geologists  
22 in the disciplines of water supply and water-related  
23 engineering and geologic activities.  
24 Q. Did you participate in the preparation of the

Page 9

1 initial report submitted by Stetson on behalf of CSI?  
2 A. Yes, I did.  
3 Q. Did you participate in the rebuttal reports  
4 submitted on behalf of CSI in this proceeding?  
5 A. Yes, I did.  
6 Q. Are you aware that we intend to offer you as an  
7 expert in geology?  
8 A. Yes, I do.  
9 Q. In hydrology?  
10 A. Yes.  
11 Q. And groundwater management?  
12 A. Yes.  
13 Q. And to an extent, groundwater rights?  
14 A. Yes.  
15 Q. Would you give us an idea of whether or not you  
16 have ever been confronted with examination in a State Engineer  
17 proceeding with regard to your qualifications.  
18 A. Most recently, I was -- or specifically, I was  
19 involved in the 2017 Cave Dry -- or Spring Cave, Dry Lake and  
20 Delmar Valley hearings.  
21 And I was offered, and I would have to check the  
22 record, but I believe as a civil engineer and a geology and --  
23 groundwater management -- expert in civil engineering and  
24 groundwater management.

Page 10

1 Q. And do you recall, sir, that Southern Nevada  
2 Water Authority stipulated that you were an expert in  
3 groundwater management?  
4 A. Yes, I do.  
5 Q. And do you recall that they had some question  
6 about you being proffered as an expert in civil engineering?  
7 A. Yes, I do.  
8 Q. And despite that question, were you admitted and  
9 qualified as an expert before the State Engineer in civil  
10 engineering?  
11 A. Yes, I was.  
12 Q. And that is a reflected in transcript Volume VII,  
13 October 3rd, 2017, that we reviewed today; correct, sir?  
14 A. That's correct.  
15 Q. So the groundwater management issue to which SNWA  
16 stipulated to your expertise, is that groundwater management  
17 assignment in that proceeding substantially different than the  
18 groundwater management assignment we've given you in this  
19 case?  
20 A. No, it is not.  
21 Q. Explain, please.  
22 A. You know, I -- my scope was limited in 2017 to  
23 looking at the -- SNWA's 3M Plan for operations and management  
24 of Spring Valley under future pumping conditions. And a lot

Page 11

1 of that has to do with looking at, you know, how is  
2 groundwater managed in the sense of a sustainable point of  
3 view, the impacts that are related to that, the effects of  
4 pumping on groundwater levels and evapotranspiration and other  
5 issues that are kind of a complex measure of how a system, the  
6 physical characteristics of a system respond to -- to pumping  
7 and how these values are accounted for.  
8 In our review of the Lower White River Flow  
9 System, we also looked at the same type of things in terms of  
10 how is groundwater pumping affecting groundwater levels and  
11 how is it affecting resources throughout the system, whether  
12 those resources be water-related resources or  
13 evapotranspiration of groundwater levels.  
14 Q. The fact that Mr. Taggart stipulated to your  
15 expertise as a groundwater management expert, do you see any  
16 distinction between what you're doing in that case and this  
17 case with respect to your expertise?  
18 A. No, I do not.  
19 Q. Would you please give the State Engineer's office  
20 a description of your educational background.  
21 A. I went to high school -- and you want me to start  
22 at --  
23 Q. Wherever you are comfortable.  
24 A. Well, actually, I went to high school near here

Page 12

1 in Truckee. And then from Truckee, I eventually matriculated  
2 from the Colorado School of Mines with a Bachelor's Degree  
3 in -- or a bachelor of science degree in geophysical  
4 engineering.  
5 After working a couple years in geophysics, I  
6 went back to the Colorado School of Mines, and I received a  
7 master's of science degree in geophysical engineering.  
8 Q. Is that geophysical engineering education  
9 pertinent to the work you've done in your two reports?  
10 A. Yes, it is. You know, part of that was  
11 application of geophysical techniques to groundwater  
12 management.  
13 So we were using -- in my education, we were  
14 using geophysical techniques such as seismic refraction and  
15 electrical methods in order to identify groundwater levels as  
16 well as different structural features that are related to the  
17 occurrence and movement of groundwater.  
18 Q. Those type of characteristics are included in  
19 addressing your reports?  
20 A. Yes, they are.  
21 Q. All right.  
22 And have you had training in addition to that  
23 education with respect to that field?  
24 A. Yes, I've had training --

Page 13

1 Q. I'm sorry. Go ahead.  
2 A. No, I'm sorry. You know, I've worked in -- I've  
3 attended professional seminars throughout the years. I have  
4 worked in the field itself under supervising -- under -- when  
5 I was younger, I was working under supervising engineers and  
6 hydrologists and hydrogeologists, and then as I've worked  
7 throughout the years, I've obviously participated through  
8 experience in different aspects of both civil engineering and  
9 hydrology.  
10 Q. I'm going to use as a format for some questions I  
11 have of you this afternoon NRS 50.275, which is the Nevada  
12 code on qualifying experts.  
13 Have you performed scientific and technical  
14 research and applications with respect to your involvement in  
15 this case?  
16 A. Yes, I have.  
17 Q. Please explain, sir.  
18 A. In terms of my involvement in this case, I have  
19 looked at the relationship between groundwater pumping and  
20 groundwater levels and impacts due to that pumping throughout  
21 the Lower White River Flow System.  
22 I've also worked with a geophysicist that we  
23 hired to review geophysical results of doing a survey in the  
24 Coyote Springs Valley in April of 2019.

Page 14

1 Q. In formulating your opinions with regard to  
2 groundwater management, have you relied on various sources and  
3 publications?  
4 A. Yes, I have.  
5 Q. First of all, before you identify those, do you  
6 consider those reliable sources?  
7 A. Yes, I do consider the reliable sources. They're  
8 published papers, typically peer-reviewed like such as a USGS  
9 would be a peer-reviewed paper. Documents that were produced  
10 by the Nevada Bureau of Mines and Geology, which are typically  
11 peer-reviewed.  
12 And, of course, some of the previous material  
13 that's been presented in -- or some of the material that's  
14 been presented in previous hearings, I've looked at that also.  
15 Q. You've been involved in the workshop process all  
16 along --  
17 A. Yes, I have.  
18 Q. -- prior to this hearing; correct?  
19 A. (Nodded head.)  
20 Q. And have you presented to the participants in  
21 those workshops?  
22 A. Yes, I have.  
23 Q. With respect to the material you presented to the  
24 workshops, did you receive any objections or criticisms about

Page 15

1 your work?  
2 A. That's a good question. I -- I never received a  
3 written criticism or written objections, no.  
4 Q. Okay.  
5 A. Actually, on -- I've submitted an October concept  
6 paper on sustainable management, and it was -- I believe it  
7 was Adam and maybe members of the State Engineer's office who  
8 actually came up to discuss that with me on what they thought  
9 about the paper, and it was positive remarks that I got at  
10 that time.  
11 Q. Did SNWA challenge that?  
12 A. Challenge the conversation or challenge the --  
13 Q. No, the position paper?  
14 A. I don't know. I did not receive a written  
15 response from that.  
16 Q. NRS 50.275 also refers to specialized knowledge.  
17 What specialized knowledge do you bring to the table in this  
18 proceeding with regard to hydrology?  
19 A. I'll have to think about it. That's a broad  
20 question. I like to think of it as I first started in  
21 groundwater management in 1995. In 1995, it was related to a  
22 water rights case that was a longstanding well-known riparian  
23 case that actually established riparian law in California,  
24 which is the Santa Margarita River. And in that case, as a

Page 16

1 settlement proceeding, we developed tools for basin  
2 management.  
3 Those tools that we developed were both  
4 analytical and numerical groundwater mod flow models. We used  
5 those tools to establish how we would manage that basin under  
6 safe yield conditions, how we would manage water levels with  
7 respect to pumping, with respect to stream flow and how that  
8 can be tied together in to a -- a settlement agreement between  
9 the parties that would allow them to exercise their water  
10 rights and manage the basin at the same time. So --  
11 Q. How does that specialized knowledge that you  
12 utilized and acquired in that case apply to the reports that  
13 you've submitted in this case and your expected testimony?  
14 A. Well, I think a lot of the principles are pretty  
15 much the same. You know, the principles of, you know,  
16 physical -- physical impacts that result from, you know, a  
17 certain anthropogenic action.  
18 So, you know, what we're trying to understand and  
19 what we're trying to provide in our July and August reports is  
20 information to the State Engineer on that relationship  
21 between, say, groundwater pumping and resultant groundwater  
22 levels, what observations are expected; what may affect those  
23 observations; whether they be, you know -- you know, using --  
24 due to the aquifer characteristics or whether it's due to

Page 17

1 structural geology or whether it might be due to anthropogenic  
2 stresses, you know, to provide that information for the State  
3 Engineer to consider in terms of understanding how the flow  
4 system works.  
5 Q. Have you been qualified in a court of law?  
6 A. Yes, I have.  
7 Q. And would you explain, please.  
8 A. My -- you know, one of the really interesting  
9 cases I worked on was in Arizona. And Arizona was a subflow  
10 issue where we were trying to identify, you know, what --  
11 what pumping within a basin impacts the flow of a river.  
12 So -- and so what we did, and this was back in  
13 1996, because I remember the -- I believe it was the Olympics  
14 were going on at the same time, and we were out and doing  
15 geophysical drilling and water level investigation along the  
16 San Pedro River where then we took that information in terms  
17 of the relationship between different types of geologic  
18 sediments and stream flow, and then we prepared our expert  
19 reports and testified in front of the Superior Court judge in  
20 that case.  
21 And at that time, I was accepted as an expert to  
22 testify on the geologic formations that affect -- that affect  
23 the extraction of water and their impact on stream flow.  
24 Q. Did anyone object to your qualifications in that

Page 18

1 case?  
2 A. You know, I do not remember. I would have to go  
3 back and check the transcripts. All I know is that I  
4 testified in court on that.  
5 Q. The Court permitted you to testify as an expert?  
6 A. Yeah, and I apologize. I don't know if there  
7 were objections at the time.  
8 Q. With respect to your field and your expertise,  
9 what licenses do you hold?  
10 A. I -- from the State of California, I have a civil  
11 engineering license. I believe that's from 1997 or 1998. I'd  
12 have to check the date.  
13 And I also am a registered professional geologist  
14 in the state of California.  
15 Q. What's required to get those licenses?  
16 A. Each one of them has a fundamentals test, so you  
17 take a fundamentals of engineering four-hour test or  
18 eight-hour test. I can't remember. And you take a  
19 fundamental geology test that you understand those  
20 fundamentals, and then you practice under a licensed engineer  
21 or a licensed geologist. And then after a certain amount of  
22 time, you go back and you take a professional test.  
23 So the first test tests you on fundamentals; the  
24 second test, on professional applications.

Page 19

1 Q. When you were qualified in the October 2017  
2 hearing, the one in which Mr. Taggart stipulated to your  
3 expertise in groundwater management, did you hold a Nevada  
4 license?  
5 A. No, I did not.  
6 Q. And the last not having a Nevada license did not  
7 stop the State Engineer from accepting your expertise?  
8 A. That's correct.  
9 Q. Now, getting back to your background and your  
10 experience as an engineer for Stetson, can you tell us  
11 generally what kind of projects you've been involved in.  
12 And keep it short because we don't have all day.  
13 A. I'm sorry. You know, most of the projects I have  
14 been involved in have been related to water supply on a  
15 basin-wide scale. So, typically, what we'll do -- I think a  
16 good example is a case that I'm working on in Indian Wells  
17 Valley in Ridgecrest, California, which is -- which is a case  
18 where they are performing a groundwater management plan under  
19 the Sustainable Groundwater Management Act which was recently  
20 passed in California.  
21 And under that plan, I'm supporting the  
22 groundwater manager, who actually happens to be my partner,  
23 who is the groundwater manager for that basin. And we provide  
24 information on how we might be able to establish thresholds

Page 20

1 and triggers in terms of what kind of impacts can be -- can  
2 occur in the basin and the sustainability of how those are  
3 managed.  
4 So -- and, again, I don't want to go on too far,  
5 but that takes a knowledge of, you know, basically how -- how  
6 does stream flow recharge groundwater aquifers. How does  
7 precip affect stream flow. How does pumping impact  
8 groundwater levels, and then what is the results of that  
9 pumping.  
10 So it's really just a matter of looking at kind  
11 of a multidisciplinary field.  
12 Q. Those are the issues that we have asked you to  
13 testify in this case with regard to geology and hydrological  
14 involvement?  
15 A. That's correct.  
16 Q. The key question -- and I have a, Mr. Reich,  
17 given the -- how long have you been doing this?  
18 A. 28 years in December.  
19 Q. All right.  
20 And with the special knowledge and skill,  
21 expertise, training, and education you have, tell us the  
22 crucial question.  
23 How do you see that assisting the State Engineer  
24 in the administrative hearing that is scheduled for next week?

Page 21

1 A. Well, I look at it as ability to have a  
2 wide-varying degree of experience where I've worked in many  
3 different types of environments.  
4 You know, and it even goes back before Stetson  
5 because when I worked for an oil company doing geophysics in  
6 southeastern Turkey and I was on the border of Iran and Iraq,  
7 and it was all carbonate rock province and we were using  
8 electrical geophysical techniques to identify boundaries and  
9 structures in this case which affected the flow of oil.  
10 So that was another lifetime ago, but I've been  
11 practicing engineering geology and geophysics, you know,  
12 throughout those last 30 years of my life.  
13 And in each case, you know, I find a little bit  
14 more knowledge and understanding of how different physical  
15 systems react and can work or react to, say, pumping or water  
16 levels or stream flow. You know, how does, you know,  
17 precipitation affect -- precipitation events affect that.  
18 And so it's really this collection of knowledge  
19 of working throughout the western United States and, to a  
20 certain degree, other parts of the world that can bring an  
21 understanding of complex ideas together.  
22 Q. Is the methodology that you use to prepare your  
23 parts of these expert witness reports and your anticipated  
24 testimony, are they considered by you to be reliable and

Page 22

1 well-recognized methodology?  
2 A. Yeah, they're basic principles of geology and  
3 engineering.  
4 Q. Tell us, if you would, please, whether you  
5 believe -- and if so, why -- what you bring to the table in  
6 this case with regard to your expertise as both relevant and  
7 reliable?  
8 A. Well, it's relevant because we've studied  
9 specifically the information and data that's available in the  
10 Lower White River System Flow System in response to  
11 Order 1303.  
12 So I reviewed Order 1303. I looked at the five  
13 issues that were stated in the order itself in terms of  
14 responding, and I believe I submitted a report that's relevant  
15 to each one of those issues.  
16 And the experience I bring that makes that  
17 reliable is that the opinions that I formed were really,  
18 again, based on my experience and -- both education and  
19 experience that brings a -- you know a lot of different cases  
20 together in order to understand that.  
21 Q. Have you been physically present to conduct  
22 examinations and tests in the administrative unit that's being  
23 contested in this case?  
24 A. I'm sorry?

Page 23

1 Q. Have you been out to --  
2 A. Oh, yes. I'm sorry. No, I've visited -- I've  
3 visited the field many times.  
4 Q. On what premise?  
5 A. Well, one, geologic investigation. So we took  
6 geologic maps, and we went out and we identified some of the  
7 formations that were out there.  
8 One was to inspect wells, to look at different  
9 monitoring and production wells and their location. I went  
10 out there and I inspected the Muddy River Springs area. I met  
11 with Fish and Wildlife and toured the refuge. They explained  
12 to me the location and the habitat that the Dais are in. So  
13 I've -- I've done --  
14 Also vehicle surveys and other parts in -- say,  
15 driven through Hidden Valley and Garnet-Black Mountain areas  
16 and other areas other than just the Muddy River or Muddy River  
17 Springs area and Coyote Springs Valley.  
18 Q. Mr. Reich, tell us, please, your experience in  
19 dealing with water rights.  
20 A. Most of the cases that I've worked on one way or  
21 another reflect or are due to water rights.  
22 And so in water rights, the -- what -- the role  
23 that I take in looking at water rights are looking at their  
24 assigned use, the beneficial use; their point of diversion;

Page 24

1 you know, how they are -- how the terms of those water rights  
2 are -- can affect, you know, the use of a certain well, a  
3 point of diversion, how that can be exercised.  
4 So when I'm looking at a basin management plan, I  
5 might look at a water right and say, you know, here's it's  
6 season of use. Here's it's type of use. Here's what it can  
7 be used for, and I might assign that as a certain amount of  
8 water.  
9 And then I take a look to see how that would  
10 affect -- by exercising that right, how that might affect the  
11 resources.  
12 Q. What education, experience, and training do you  
13 bring to the table with respect to water rights?  
14 A. You know, in terms of -- in terms of water rights  
15 in terms of experience, the first case I worked on was -- in  
16 1992 was a water rights case.  
17 And, again, that goes back to the Santa Margarita  
18 case I mentioned before which really, I think -- and people  
19 know in California it's a system of both appropriative and  
20 riparian kind of water right law. And I was looking at  
21 specifically water rights that has to deal with federal  
22 reserve water rights also on top of that and how are those  
23 rights exercised inside that basin.  
24 So the experience that I've gained throughout the

Page 25

1 years is -- really started in 1992 when I first started  
2 working on that case.  
3 And then just how those -- and that included  
4 also, for instance, you know, reviewing rights in Nevada. How  
5 does the State Engineer issue and maintain those rights.  
6 Q. And during your 29 years of experience in these  
7 areas, has your effort to provide expert testimony or  
8 consultation ever been rejected or objected to successfully?  
9 A. No, not -- no.  
10 MR. ROBISON: I'll pass the witness.  
11 HEARING OFFICER FAIRBANK: Mr. Taggart?  
12 MR. TAGGART: Thank you. Do you mind if I sit  
13 down?  
14 HEARING OFFICER FAIRBANK: No, that's fine.  
15 CROSS-EXAMINATION  
16 BY MR. TAGGART:  
17 Q. Good afternoon, Mr. Reich. My name is Paul  
18 Taggart. I represent Southern Nevada Water Authority and Las  
19 Vegas Valley Water District. We've had the pleasure of doing  
20 this before, and I hope you understand that the water district  
21 is not objecting to your expertise in -- in geology and in  
22 groundwater hydrology.  
23 MR. TAGGART: Could I just ask for a bit of  
24 clarification from counsel for CSI. What is he being offered

Page 26

1 in exactly?  
2 MR. ROBISON: Well, as he testified, he's being  
3 offered as an expert in proceedings geology, hydrology,  
4 groundwater management -- it's stipulated to -- and  
5 groundwater rights.  
6 MR. TAGGART: All right. It's just that in  
7 communications before, it was groundwater hydrology, and I'm  
8 not sure if there's a difference there.  
9 MR. HERREMA: Hydrology relevant to this  
10 particular case.  
11 BY MR. TAGGART:  
12 Q. So, Mr. Reich, you know, the Water Authority  
13 recognizes your expertise in these areas, and I hope you  
14 understand that our objection goes to the discipline that  
15 you're offered in by your counsel specifically with respect to  
16 water rights in Nevada.  
17 So that's what my questions will be about. And  
18 you understand that?  
19 A. Yes, I do.  
20 Q. And do you understand that this is a bifurcated  
21 proceeding where the State Engineer has restricted the initial  
22 proceeding to a series of questions that you've offered an  
23 expert report on?  
24 A. Just for clarification, bifurcated in what

Page 27

1 regard?  
2 Q. That there's multiple phases.  
3 A. Oh. My understanding of this phase is that we  
4 were just really restricted to responding to the questions in  
5 Order 1303. That's my understanding of this phase.  
6 Q. Okay. And -- and do you intend to offer any  
7 opinions to the State Engineer regarding how the State  
8 Engineer should manage the Lower White River System Flow  
9 System?  
10 A. Yes.  
11 Q. Okay. In this proceeding or in the subsequent  
12 proceeding?  
13 A. That's a good question. I'm just going through  
14 my reports right now, and I'm trying to think about in terms  
15 of, you know, am I -- I've -- I've provided evidence, provided  
16 documents in the past about sustainable groundwater management  
17 techniques.  
18 This certainly is something that I have provided  
19 to the State Engineer, and I believe that they're part of the  
20 record.  
21 Q. Okay.  
22 A. And so I would have to say that, yes, I am going  
23 to provide information that I hope that the State Engineer  
24 considers when his office makes that decision on -- on this

Page 28

1 phase of the project, and that would include --  
2 Q. So if you're qualified to be an expert in  
3 groundwater management, you intend to offer opinions to the  
4 State Engineer in terms of how to manage the Lower White River  
5 System Flow System; is that correct?  
6 A. Yes.  
7 Q. In this proceeding that starts on Monday;  
8 correct?  
9 A. Yes.  
10 Q. Okay. In your -- in your report, which I think  
11 has been marked as CSI 1 and CSI 2 -- and just for the record,  
12 CSI 1 is your initial report and CSI 2 is your rebuttal  
13 report.  
14 Are you familiar with those reports?  
15 A. Yes, I am.  
16 Q. And did you write those reports?  
17 A. We have multiple authors, yes.  
18 Q. Is it fair to say you supervised the completion  
19 of those reports?  
20 A. Yes.  
21 Q. Okay. And I -- I heard you talk a lot in your  
22 discussion with your counsel about your experience and  
23 knowledge, and I heard quite a bit of discussion about  
24 analyzing the effect of groundwater pumping on other locations

Page 29

1 in the groundwater system, looking at geophysical evidence to  
2 determine the effect of pumping in one location in another  
3 location.  
4 Is that -- and would you agree with me that  
5 that's generally covered in a discipline called groundwater  
6 hydrology or geology?  
7 A. Yeah. This is groundwater -- groundwater  
8 hydrology. You know, in groundwater hydrology and groundwater  
9 management, that's what we look at, yes.  
10 Q. Okay. What opinions in your reports, CSI 1 and  
11 CSI 2, are specifically groundwater management and not just  
12 groundwater hydrology or geology?  
13 A. Yeah, can you provide a copy of my report? I'm  
14 sorry. I don't know it that well in the sense that I didn't  
15 come prepared today to discuss the actual report, but I'm  
16 happy to do that. And so do you have an example that you  
17 would like me to respond to?  
18 Q. Well, I'm just -- no, I don't really. I'm asking  
19 you to tell us if there is any opinions in your report that  
20 are specifically groundwater management only opinions and are  
21 not opinions that were -- that would arise out of your  
22 expertise in groundwater hydrology and geology.  
23 A. Like I said --  
24 Q. Do you understand my question?

Page 30

1 A. Somewhat.  
2 Q. I'll ask it again.  
3 A. If you could just simplify it for me. You know  
4 that I'm not the quickest --  
5 Q. Are there any opinions in your report --  
6 A. Right.  
7 Q. -- that arise out of only a groundwater  
8 management expertise --  
9 A. Right.  
10 Q. -- and not from groundwater hydrology or geology?  
11 A. Yeah, it's a -- it's a great question because I'm  
12 trying to -- as you say that question, I'm trying to figure  
13 out can you do groundwater management without having the  
14 groundwater hydrology.  
15 Can you actually separate those fields? Right?  
16 Is that kind of what you're asking me here? Like if -- from a  
17 groundwater management point of view, it's very important that  
18 we understand the hydrogeologic aspects of it.  
19 I don't think you can -- I don't think that you  
20 can make, you know, say, necessarily groundwater management  
21 decisions without having a clear understanding of how  
22 hydrogeology works.  
23 MR. HERREMA: Madam Hearing Officer, may I ask a  
24 question?

Page 31

1 HEARING OFFICER FAIRBANK: Certainly.  
2 MR. ROBISON: Objection.  
3 MR. HERREMA: Mr. Reich has already been  
4 qualified by the State Engineer as an expert in groundwater  
5 management. I'm just kind of wondering where this line of  
6 questioning is going if he's already been qualified in that  
7 regard.  
8 HEARING OFFICER FAIRBANK: Well, I think the  
9 question is -- if I understand correctly, the line of question  
10 as to his qualifications in groundwater hydrology or  
11 hydrology, and so I think that's the line of questions as to  
12 his expertise in that specific discipline as it differentiates  
13 from groundwater management.  
14 I'll go ahead and allow the line of questions,  
15 because that's certainly something that we're of interest in  
16 terms of his specific expertise in that subdiscipline or that  
17 specific discipline.  
18 But if that's the direction that this is going,  
19 then we'll certainly allow the line of questions. If it's  
20 just regarding his qualifications in groundwater management,  
21 he has been qualified, and we do acknowledge that.  
22 MR. HERREMA: Thank you.  
23 BY MR. TAGGART:  
24 Q. And are you familiar with what's been marked as

Page 32

1 CSI 3, which is a concept paper that I think you were asked  
2 about during your questions from your counsel? I can show you  
3 a copy.  
4 A. No, I'm familiar with that.  
5 Q. Okay.  
6 A. Is that the October date, October 2018?  
7 Q. October 4th.  
8 A. October 4th, yes.  
9 Q. Okay. And are you familiar with that document?  
10 A. Yes, I am.  
11 Q. And would you consider that document to be more  
12 groundwater management-based as opposed to hydrology,  
13 groundwater hydrology or geology? It's more of a policy --  
14 A. No, again, I think it's a great question because  
15 you know, it's really, you know, can you -- can you do  
16 groundwater management without having the influence and the  
17 understanding of groundwater hydrology.  
18 Like I'm saying, and so I'm really -- I'm really  
19 kind of -- it's very interesting the way you put that because,  
20 you know, can you be in a field of groundwater management  
21 that's -- that would be, you know, separate from, say,  
22 groundwater hydrology or groundwater hydrology.  
23 You know, like -- you know, is it really -- are  
24 there two separate hats is kind of the way -- I mean, I think

Page 33

1 that's what you're asking me? Right? Like could I write  
2 the --  
3 Q. I'm asking you a pretty simple question. So can  
4 you understand me or would you agree with the statement that  
5 hydrology, geology, hydrogeology goes into the factual  
6 analysis of what occurs in a groundwater system?  
7 A. Yes.  
8 Q. Okay. And would you agree with me that  
9 groundwater management has more policy associated with it than  
10 it does the principles of physical science that control water  
11 movement?  
12 A. Not necessarily because policy -- I don't look at  
13 it as policy. I don't look at it as groundwater management  
14 as -- you know, when you say policy to me, you know, I -- the  
15 groundwater management and the purpose of writing that report  
16 was to talk about how we can incorporate some of these ideas  
17 into actually managing the basin.  
18 You know, if you said to me the policy is write a  
19 report that reflects the policy of a certain thing, that's  
20 why -- that's why I'm trying to separate the two. I really am  
21 because --  
22 Q. Well, let me ask you this. If you're familiar  
23 with this document, then what -- what geologic analysis  
24 occurred to arrive at the statements that are made in this

Page 34

1 document?  
2 A. Oh, I think -- I think there's a lot there. I  
3 think there's a lot about citing thresholds and triggers. How  
4 do you -- you know, how do you know that those thresholds and  
5 triggers and action items, what can -- what can allow you to  
6 say that those are really valuable things to do if you don't  
7 understand how the system reacts? You know, so that's -- that  
8 would be one case.  
9 Another case in that document might be to support  
10 with ongoing studies. So, you know, do we -- you know, what  
11 is the information that's available out there? You know, do  
12 we have that? Do we need to continue to do more studies?  
13 Q. Okay. So, sir, you don't see a difference  
14 between groundwater management and geology and hydrogeology.  
15 Is that a fair statement?  
16 A. My statement is that groundwater management  
17 requires an understanding and knowledge of groundwater  
18 hydrology and geology.  
19 Q. All right.  
20 And what portions of the -- well, let me ask you  
21 this question:  
22 Do you consider yourself to be an expert in  
23 Nevada groundwater rights?  
24 A. Nevada groundwater rights? I'm not offering an

Page 35

1 opinion on groundwater rights. So are you -- you know, this  
2 is -- I think we talked about that before. Is this -- the  
3 purpose of this is to provide the State Engineer with -- with  
4 information regarding the physical relationships that are  
5 occurring in the Lower White River System Flow System with  
6 respect to the four or five questions that were asked in  
7 Order 1303, and I don't believe that those included, you know,  
8 providing and opining on water rights.  
9 Q. Okay. And I just want to clarify that I -- my  
10 understanding was that your counsel offered you as an expert  
11 in groundwater rights as well.  
12 Do you consider yourself an expert in Nevada  
13 groundwater rights?  
14 A. You know, I've been working in Nevada groundwater  
15 since -- again, since 1991, and I reviewed water rights  
16 throughout the State of Nevada. So have I ever testified on  
17 water rights?  
18 Q. That was not my question, sir.  
19 Do you consider yourself to be an expert?  
20 A. Yeah, if I -- if we were to -- I think my  
21 knowledge would qualify me as an expert. No question.  
22 Q. Okay. So do you know what the basis, measure,  
23 and limit of a groundwater right is in Nevada?  
24 A. The basis, the limit -- say that again.

Page 36

1 Q. The base, the measure, and the limit.  
2 A. Right. Is it a measure of -- well, in what  
3 context do you -- can you refer to?  
4 Q. Well, do you know what the basis, the measure,  
5 and the limit is of a groundwater right in Nevada?  
6 A. No, I do not.  
7 Q. Have you ever testified as an expert on Nevada  
8 groundwater rights before the Nevada State Engineer?  
9 A. No, I have not.  
10 Q. Have you testified for CTGR, the Confederate  
11 Tribes of the Goshute, Goshute Reservation in the Spring,  
12 Delamar, Dry and Cave Valley hearing; correct?  
13 A. Yes, I did.  
14 Q. But you were not qualified as an expert in Nevada  
15 groundwater rights in that case; correct?  
16 A. No, I was not.  
17 Q. And CTGR does not have groundwater rights in  
18 Spring Valley; is that correct?  
19 A. That's correct.  
20 Q. And you also represented Long Now Foundation in a  
21 hearing before the State Engineer in 2011; is that correct?  
22 A. That's correct.  
23 Q. And in that case, you also were not an expert in  
24 Nevada groundwater rights or in that regard, or in any

Page 37

1 discipline at all; correct?  
2 A. That's correct.  
3 Q. And in that case, you represented Long Now as  
4 their representative. You made closing statements, you  
5 presented witnesses, you -- you put on the case for Long Now  
6 Foundation; right?  
7 A. That's correct.  
8 Q. Okay. Have you ever testified as an expert in  
9 Nevada groundwater rights in a Nevada state court?  
10 A. In a Nevada state court, no.  
11 Q. Have you ever testified as an expert in Nevada  
12 water rights before a Federal Court regarding Nevada  
13 groundwater rights?  
14 A. Groundwater rights, no.  
15 Q. On your resume, you listed the Te-Moak case?  
16 A. Correct.  
17 Q. As being a case you were involved in. And what  
18 was your role in that case?  
19 A. I was hired by the Department of Justice, my  
20 recollection, it was, I believe, 18 or 19 years ago was that  
21 the Te-Moak Tribe was claiming sovereignty against not having  
22 to pay for their share of their use of their water rights to  
23 the -- to the special master for the Humboldt River management  
24 area.

Page 38

1 And so I was hired to go out and to review the  
2 use of their water, and as I recall, it was diversion ditches  
3 along the Te-Moak Reservation which is located on the western  
4 side of the Ruby Mountains tributary to the Humboldt River.  
5 And I testified on their use of those water rights.  
6 Q. Did you testify regarding the -- did you testify  
7 regarding Nevada groundwater rights at that hearing?  
8 A. My recollection is no. The wells and water,  
9 groundwater right was not an issue in that hearing.  
10 Q. Okay. Do you -- do you recall testifying  
11 regarding water rights, Nevada water rights that the Tribe in  
12 that case claim?  
13 A. I'd have to go back and review. You know, my  
14 recollection of that case was that we were looking at the --  
15 how they were using those water rights, where those ditches  
16 were located on the reservation and how the water was being  
17 diverted from those diversion points.  
18 So I would have reviewed, you know, whatever  
19 decree or water right that they were claiming that under.  
20 Q. Were you qualified as an expert in that case?  
21 A. Yeah. It wasn't a process like this, you know,  
22 the recollection was that we -- we met in Federal Court up in  
23 Reno, and -- and I -- I provided evidence in terms of what I  
24 observed out on the reservation.

Page 39

1 Q. So you don't recall being qualified as an expert  
2 in that proceeding; correct?  
3 A. No, that's absolutely correct. I'd have to  
4 review the transcripts.  
5 Q. And do you recall who represented the State of  
6 Nevada in that case?  
7 A. Was that you? No.  
8 Q. I think it was.  
9 A. I'm just starting -- I'm just starting to come --  
10 were you there when the gentleman from the Department of  
11 Justice showed up without his suit on? Were you there that  
12 day?  
13 Q. Now, I think Mr. Robison already asked you this,  
14 but you're not licensed as an engineer in Nevada; is that  
15 correct?  
16 A. That's correct.  
17 Q. And previously you were admitted by the State  
18 Engineer as an expert in civil engineering, but you're not  
19 being offered in civil engineering in this case; right?  
20 A. You know, civil engineering is a wide field that  
21 includes, you know, hydrology and water flow and so forth.  
22 So, you know, most people think of civil  
23 engineering as a -- kind of design and construction aspect.  
24 You know, due to my skills as a civil engineer,

Page 40

1 do they support my opinion, and you know, my answer would be  
2 yes on that.  
3 But my -- my, you know -- my -- what I've done is  
4 groundwater -- groundwater hydrology and hydrogeology, you  
5 know, as they relate to responding to the questions by the  
6 State Engineer.  
7 Q. But you don't have a license in Nevada, so you  
8 can't practice civil engineering without it; correct?  
9 A. That's correct. Well -- that's correct.  
10 Q. Now -- and I just have a few more questions about  
11 Nevada groundwater rights that you believe you're an expert  
12 in. In California is a permit required for someone to drill  
13 for a groundwater right?  
14 A. It's a different type of permit. So, if you're  
15 drilling for -- you know, so --  
16 Q. Simple question, sir.  
17 A. No, it's not a simple question.  
18 Q. Okay.  
19 A. So in California, if you're drilling in to a  
20 sub-flow zone, you need an appropriate permit to drill into  
21 that sub-flow zone.  
22 If you're drilling an overlying ground well into  
23 say a percolating basin, you would need a permit from the  
24 county to drill that well.

Page 41

1 But, as you know -- well know that those  
2 appropriate -- that those overlying rights would more fall  
3 under the control of the court, not so much the State Water  
4 Resource Control Board which would be offering that  
5 appropriative right.  
6 Q. Okay. What about in Nevada?  
7 A. Yeah, we file with the State Engineer for a  
8 permit to -- for a point of diversion.  
9 Q. Okay. And in Nevada, what's the difference  
10 between a groundwater permit and a groundwater certificate?  
11 A. A certificate would be gained after showing --  
12 the permit would be applied for and then you would drill and  
13 construct the well and then you would certify its use.  
14 Q. How would you do that?  
15 A. Filing reports through -- up to the period of  
16 the -- of the -- the period of time that you're given for,  
17 basically, for perfection or for -- you know -- I'm sorry, I'm  
18 missing the word here, for completing the project.  
19 Q. Okay. Have you ever filed any documents like  
20 that with the State Engineer in Nevada for groundwater rights?  
21 A. No, I have not.  
22 Q. When is the priority of a water right in Nevada  
23 perfected? When the proof of beneficial use is proved or when  
24 the application is filed; do you --

Page 42

1 A. When the application is filed.  
2 Q. Do you understand what a vested groundwater right  
3 is in Nevada?  
4 A. A vested right in the sense of a -- say, a  
5 riparian right, for example.  
6 Q. Do you understand what a vested groundwater right  
7 is in Nevada?  
8 A. I'll answer no to that.  
9 Q. Okay. Under Nevada water law, is a groundwater  
10 permit subject to forfeiture?  
11 A. Yes.  
12 Q. Are you a Nevada water rights surveyor?  
13 A. No.  
14 Q. Do you know what the process is to become a water  
15 right surveyor in Nevada?  
16 A. I believe there's a test to take.  
17 Q. Are you qualified to be a Nevada water rights  
18 surveyor?  
19 A. I haven't reviewed the qualifications for the  
20 test.  
21 Q. And you've never applied?  
22 A. And I've never applied.  
23 Q. Have you filed for any water rights in the State  
24 of Nevada?

Page 43

1 A. No, I have -- no, I have not.  
2 Q. Are you qualified to file a water right  
3 application in Nevada?  
4 A. I would have to read the regulations to  
5 understand that.  
6 Q. Do you know what documents are required to  
7 accompany a water rights application in Nevada?  
8 A. No, I do not.  
9 Q. Have you ever researched or quantified Nevada  
10 groundwater rights?  
11 A. Yes, I have.  
12 Q. When?  
13 A. The first research I did was for the Long Now  
14 Foundation. So, we looked at -- in Spring Valley, we looked  
15 at the water rights that were issued really to -- at that  
16 time, Las Vegas Valley Water District, so --  
17 Q. You didn't -- you didn't prepare a report or  
18 testify in this case; right?  
19 A. No.  
20 Q. Okay. Do you know what the term in Nevada total  
21 combined duty means?  
22 A. My -- my understanding of total combined duty  
23 would be the duties assigned to a specific water right that  
24 might have multiple points of diversion. I've seen that in

Page 44

1 different cases throughout the Lower White River Flow System.  
2 Q. Are you familiar with the State Engineer's files  
3 and filing system?  
4 A. Yes, I am.  
5 Q. And do you have experience with the computer data  
6 base that's maintained by the State Engineer?  
7 A. Yes, I do.  
8 Q. What information is contained on that database  
9 about groundwater rights?  
10 A. There's -- there's a wealth of information on the  
11 water rights. You know, the location -- the location, the  
12 point of diversion, the place of use, the type of well, some  
13 of them have links to the well logs, the water use. I mean,  
14 there's -- it's a -- it's a big, long widespread sheet of  
15 information on that.  
16 There's links to the actual application. There's  
17 links to the certificates that have been issued for those.  
18 There's, you know -- there's PDF documents associated with it.  
19 There's a wide range of information that's  
20 available on the State Engineer site. It's actually quite --  
21 Q. Are there lengths of extension of time that have  
22 been granted?  
23 A. You know, some of the documents that are included  
24 in files that are located here in this building and some

Page 45

1 information is located on the website itself.  
2 And so I do not have specific knowledge -- I do  
3 know that those extension in time forms exist. I don't have  
4 extensive knowledge on whether those are located in the paper  
5 files or whether they're located on line.  
6 Q. Is it -- is -- do any of the opinions that are in  
7 your report regarding the four or five issues that the State  
8 Engineer's asked for information on.  
9 Do you understand what I mean by four or five?  
10 A. Yeah. And there's four with the fifth one being  
11 any other information.  
12 Q. Do any of the opinions in your report regarding  
13 those four or five issues require groundwater management as an  
14 expertise?  
15 A. That's a great -- that is a -- I -- there's --  
16 does it require groundwater management, yes. I mean,  
17 groundwater management is what we talked about today.  
18 To me, it's the understanding of hydrology and  
19 hydrogeology and geology as we look towards how can we manage  
20 the basin.  
21 So -- so, yes in the respect that includes the  
22 knowledge of those fields, yes.  
23 Q. Okay. So geology, hydrogeology, hydrology, that  
24 wouldn't be enough, you would need also have to have

Page 46

1 groundwater management as an expertise to introduce your  
2 report; is that your testimony?  
3 A. No, that's not what I said. I said I used those  
4 fields in order to you know develop an understanding of  
5 groundwater management.  
6 MR. TAGGART: That's all the questions we have,  
7 and I'll just offer this, is that --  
8 MR. ROBISON: May I redirect? Miss Fairbank, may  
9 I redirect very briefly?  
10 HEARING OFFICER FAIRBANK: Absolutely.  
11 MR. ROBISON: Thank you.  
12 REDIRECT EXAMINATION  
13 BY MR. ROBISON:  
14 Q. With respect to the water right classification, I  
15 want to address your attention to Item 4 I'll call it in the  
16 issues that the State Engineer wants testimony, the effects of  
17 movement of water rights between alluvial wells and carbonate  
18 wells and deliveries to senior decreed rights in the Muddy  
19 River.  
20 Now, what is your expertise, training and  
21 experience with respect to being able to testify as an expert  
22 about that kind of water right in this hearing?  
23 A. Well, I didn't make an opinion of moving the  
24 actual water right in my report. You know, the opinion that I

Page 47

1 offered in response to that question was the relationship  
2 between how pumping in the alluvium would affect stream flow  
3 advice, how the pumping in the carbonate aquifer would affect  
4 stream flow. But I did not opine on moving water rights from  
5 alluvium to carbonate or from carbonate to alluvium.  
6 Q. And so what is the expected testimony with  
7 respect to your findings on the alluvial and carbonate wells?  
8 A. My -- my testimony would be on, you know, wells  
9 that are pumping in the alluvium will have a direct impact on  
10 the flow of the Muddy River. While wells that are pumping in  
11 the carbonate aquifer will have an impact based on its  
12 location and geologic structure that occurs between it and say  
13 the Muddy River for example.  
14 Q. What education, experience and training do you  
15 bring to the table to justify your opinions in that respect?  
16 A. That has to do with my understanding of  
17 groundwater hydrology, geology and groundwater management.  
18 MR. ROBISON: Thank you. Submit it.  
19 MR. TAGGART: Yeah. If I -- so we -- we concede  
20 the expert is an expert in geology, in groundwater hydrology.  
21 I mean, to dance around admitting that groundwater management  
22 as something different to me is bizarre.  
23 I mean, obviously groundwater management is what  
24 you're going to entertain in the next phase. The State

Page 48

1 Engineer has been very clear about that.  
2 We've conceded that he can be offered and we  
3 would not object to him being an expert in geology and  
4 groundwater hydrology. We believe that everything he talked  
5 about is really confined within those disciplines.  
6 And we did -- we did not know the exact subjects  
7 that this witness would be offered in as a result of the  
8 evidence exchange. While what we learned is that he would be  
9 offered to testify about the subjects in his report.  
10 When we asked about what he would testify in, we  
11 learned what he would be offered in and then that's when we  
12 immediately said we would not object to him coming in in  
13 groundwater hydrology and geology.  
14 The question of groundwater management we believe  
15 is clearly part of the second phase of this proceeding and --  
16 and is not part of this proceeding.  
17 So we object because it's outside the scope of  
18 the 1303 questions that are being asked, even though he was  
19 previously admitted in groundwater management, we don't deny  
20 that. That is not relevant to this proceeding at this time.  
21 Whatever opinions he wants to offer under that  
22 discipline will come in after -- after we're done with this  
23 proceeding and findings have been made regarding the physical  
24 principles of geology and groundwater hydrology.

1 There were four specific areas that the State  
2 Engineer wanted information on when we were in Overton on  
3 July 24th, you were very clear that we were going to handle  
4 this in a multi-phase process.

5 You did not want policy issues, groundwater  
6 management issues being discussed in this phase. CSI was at  
7 that meeting and knew that.

8 In the notice in the prehearing conference on  
9 July 25th, 2019, the State Engineer again reiterated that the  
10 testimony would only be in direct -- in response to the  
11 directives of the State Engineer in Order 1303.

12 At the prehearing conference itself, you again  
13 clarified that these were threshold matters that we would be  
14 reviewing and that policy determinations were part of a later  
15 proceeding.

16 Then, specifically, you said to the extent  
17 participation -- participants intend to or desire to spend  
18 time addressing future policy considerations which are not  
19 encompassed in the issues specifically identified in the  
20 solicitation of the reports, those matters will not be  
21 considered during these proceedings.

22 In the notice of hearing, again, the State  
23 Engineer specified that those -- that these proceedings on the  
24 factual questions that were identified in 1303.

1 be offered.

2 And if that's true, then we will ask that that  
3 not be allowed into evidence, and if it is allowed into  
4 evidence, that will not be in our view proper as we have not a  
5 had an opportunity to offer groundwater management testimony.

6 Now with respect to groundwater rights, again, we  
7 think groundwater rights, the issue of that is outside the  
8 scope of this hearing. What rights for instance are in  
9 priority, what the quantity are rights, those are all issues  
10 that will subsequently come later.

11 But, nonetheless, we think it's clear that Mr.  
12 Reich is not an expert in groundwater rights. His expertise  
13 did not -- as I asked him a few questions, it was clear he did  
14 not know the answers, he did not know what a vested  
15 groundwater right is in Nevada. He's not a licensed water  
16 right surveyor in Nevada.

17 He -- he didn't know what the basis, the measure  
18 and the limit is of a water right which we all know is  
19 beneficial use.

20 So, Mr. Reich just simply, and I don't mean to  
21 disparage, the man is very smart in what he's qualified in,  
22 but he's not a Nevada water rights specialist. And we should  
23 not allow someone to be qualified as a Nevada groundwater  
24 rights specialist, one, when it's not necessary for the

1 SNWA replied upon that and did not identify  
2 witnesses who are groundwater management experts.  
3 Specifically, James Prieur who is a groundwater management  
4 expert and was admitted as a groundwater management expert in  
5 the hearing, the same hearing that we spoke about with Mr.  
6 Reich, the Spring, Spring, Delamar, Dry and Cave Valley  
7 hearing.

8 And CSI understood this limitation when it filed  
9 its objection to evidence and indicated that certain witnesses  
10 should not be allowed to testified because their testimony  
11 could be outside of those four areas.

12 So the State Engineer has made it exceedingly  
13 clear that we're going to limit questions in this proceeding  
14 to those fact questions.

15 The State Engineer in that order of this week,  
16 Monday of this week, indicated that the folks who were  
17 objected to by CSI would not be excluded, but if they were --  
18 if he this brought up testimony that was outside the scope  
19 during the hearing that would be addressed at that time.

20 We -- we suggest that the State Engineer allow  
21 Mr. Reich to be qualified or admit him as a qualified expert  
22 in groundwater hydrology and in geology, but that you defer  
23 ruling on any expertise in groundwater management until he  
24 identifies an opinion that needs that discipline in order to

1 hearing, and two, when they don't have those qualifications.

2 So -- so for those reasons, we think the State  
3 Engineer needs to maintain the really clear sideboards to what  
4 this proceeding is about and to restrict it to the four areas  
5 that we believe do not include groundwater management.

6 And despite the grayness that may have been  
7 described in groundwater management, or I'm sure CSI will take  
8 the position that it's not that clear.

9 In our view, it's absolutely clear. You know,  
10 how are you going to manage the water river flow system. That  
11 decision is going to be made at a subsequent proceeding. CSI  
12 knew that. They based their objection on that. And so we  
13 think it's improper for any witness to be identified as a  
14 groundwater management witness.

15 And, again, if -- and I think you have to -- you  
16 have to keep that sideboard on there, otherwise it wouldn't be  
17 fair to my client who has groundwater management experts, but  
18 we haven't offered them.

19 And I also want to say the reports, we reviewed  
20 the reports, we think that the reports are admissible under  
21 the disciplines that we've identified as -- and not objected  
22 to.

23 So this isn't a question of whether the reports  
24 will come in either. We just think that the disciplines that

Page 53

1 he's being offered groundwater rights and groundwater  
2 management are unnecessary qualifications for this proceeding.  
3 And for that reason, we'd ask that he not be  
4 accepted in those disciplines.  
5 MR. HERREMA: Madam Chair.  
6 HEARING OFFICER FAIRBANK: Yeah.  
7 MR. HERREMA: So what we hear is that the water  
8 authority agrees that Mr. Reich has sufficient expertise to  
9 testify as an expert as to the contents of those reports.  
10 And so we would stipulate to that to the extent  
11 that there are questions about the scope the hearing, we read  
12 your order for Monday to say that's not what we are here to  
13 talk about today.  
14 And if we would have understood from the water  
15 authority that they thought that Mr. Reich was sufficiently  
16 qualified as an expert to testify about his reports, I'm not  
17 sure that he would have to be here today.  
18 The questions about the scope we read would be  
19 deferred to next week because that fifth criterion or that  
20 fifth question that's in your list is as you said somewhat  
21 subjective and it would be dealt on a case by case basis.  
22 MR. TAGGART: Well, I want to be clear, and if we  
23 weren't clear with opposing counsel because we had phone calls  
24 about this, we --

Page 54

1 HEARING OFFICER FAIRBANK: I think I understand  
2 where both parties are coming from. With respect to Mr.  
3 Reich's qualifications in geology, we'll certainly qualify him  
4 in geology.  
5 And I recognize that there's a dispute as to the  
6 scope of, you know, whether or not the groundwater management  
7 is appropriate or necessary for the purposes of the scope of  
8 this hearing.  
9 And one of the things that was discussed at the  
10 prehearing conference was that the question number five is  
11 somewhat broad. And, you know, if I recall correctly, it  
12 might have been counsel for the Moapa Valley Water District  
13 kind of suggested that with respect to the issues and the  
14 manner in which they were addressing, they, you know, were  
15 addressing the issues in their particular report, leaned a  
16 little bit heavily on kind of the openness and broadness of  
17 question five.  
18 And it's certainly absolutely the State  
19 Engineer's intention is this hearing is not to address those  
20 policy considerations.  
21 The policy considerations are absolutely to be  
22 reserved for the next phase to the extent that parties have  
23 integrated some of those concerns and issues in their  
24 interpretation of number five and how that applies to those

Page 55

1 first four questions.  
2 It certainly was not the State Engineer's  
3 intention to dictate how the parties were to address those  
4 particular questions and how they saw fit to address those  
5 particular questions.  
6 So, while I agree that the intent behind this is  
7 not to get into the policy side of things, Mr. Reich has  
8 previously been qualified before the State Engineer's office  
9 in the subject water of groundwater management, I don't have  
10 an intention of unqualifying him for that purpose.  
11 But, absolutely, you know, let me be clear that  
12 during the course of the hearing, our intention is to go ahead  
13 and try to maintain the lane, and if the line of questions and  
14 the line of testimony goes beyond really what the fundamental  
15 issues are and that is to provide the State Engineer the  
16 opinions and evidence necessary to allow our office to digest  
17 and come up with a determination as to those four questions.  
18 The geographic boundaries of this particular  
19 area. Whether or not it should be individualized units or a  
20 large, you know, a larger single unit. What is the total duty  
21 or total quantity of water that can be sustainably developed  
22 within that area.  
23 The location of pumping within the larger region  
24 and whether or not the there's effects and the effect or the

Page 56

1 implications of the movement of groundwater from alluvial  
2 pumping to carbonate pumping. Those are the questions and  
3 that's the testimony that the State Engineer intends this to  
4 be.  
5 But it's also not the State Engineer's intention  
6 to dictate and micromanage how participants have determined to  
7 present their particular conclusions as to those issues.  
8 So there will also be restrictions, but there  
9 will also be some allowances understanding that different  
10 participants are approaching it from different perspectives.  
11 So in that regard, I'm not going to make a  
12 position with are respect to prohibiting or inviting testimony  
13 with respect to groundwater management in these particular  
14 proceedings. I agree that the policy issues are to be  
15 addressed in a later phase.  
16 With regards to the proffering of Mr. Reich as a  
17 Nevada water law, or excuse me, water rights expert, we're not  
18 going to qualify Mr. Reich as a water rights expert and I  
19 agree it is not necessarily germane to the issues that we're  
20 addressing in these particular proceedings.  
21 I'm going to go ahead and ask Mr. Sullivan, Ms.  
22 Barnes if they have any questions with regards to the  
23 hydrology, because quite candidly I'm not certain that we're  
24 satisfied as to Mr. Reich's individual qualifications in

Page 57

1 groundwater hydrology.  
2 He certainly has extensive experience and  
3 knowledge and understanding of the interrelationships, but  
4 whether or not that level of expertise rises to the expertise  
5 necessary as an expert in hydrology and certainly open to if  
6 there's any questions that provide further clarification for  
7 our office.  
8 EXAMINATION  
9 BY MS. BARNES:  
10 Q. This is Michelle Barnes. For -- with regards to  
11 hydrology, are you looking to be an expert in hydrology as a  
12 whole, like basin-wide or just with regard to groundwater  
13 surface water interactions due to pumping?  
14 A. So -- so there's -- so, am I looking at  
15 hydrology -- yeah, I'm looking at hydrology as a whole for the  
16 entire watershed. So, you know, how and when I was talking  
17 about hydrology, I'm talking about everything from  
18 precipitation to stream flow generation to recharge and from  
19 that transition from surface water into groundwater. So that  
20 -- my answer to you would be yes.  
21 Also, did we look, and you know, at making, and I  
22 was thinking of it more of hydrogeology, if you asked the  
23 question about groundwater pumping with respect to impact on  
24 surface flow, then I -- I have extensive knowledge and work

Page 58

1 experience and educational experience in the sense of the  
2 impact of pumping a groundwater on -- on the sub flow and  
3 surface flow of a stream system.  
4 Q. So back to your kind of precipitation of the  
5 infiltration portion, I guess, where did that experience come  
6 from within your background?  
7 A. From my resume?  
8 Q. Um-hum?  
9 A. I -- I would say it's all work experience. You  
10 know, in college I took hydrology, so, you know -- you know we  
11 have hydrologic sciences, but for the most part on a  
12 basin-wide scale, it all has been formulated over the last  
13 30 years of doing watershed-wide studies through out the west,  
14 both in Nevada, in Arizona and California.  
15 MS. BARNES: I don't have any more questions,  
16 Micheline.  
17 HEARING OFFICER FAIRBANK: So for the purpose of  
18 these proceedings, again, I think there's some reservation  
19 with respect to the experience in the -- but for the purpose  
20 of these proceedings, given the fact that SNWA has essentially  
21 withdrawn their objection to Mr. Reich's qualifications as a  
22 -- in groundwater hydrology, we'll go ahead and allow the  
23 testimony.  
24 But it's going to be limited to these

Page 59

1 proceedings, and if there's future proceedings before the  
2 State Engineer, we're certainly going to explore this a little  
3 bit more in depth.  
4 But for the purposes of this Order 1303 hearing  
5 commencing on Monday, we'll go ahead and accept that testimony  
6 as the basis of being presented for the expert qualification.  
7 MR. ROBISON: We are aware of that ruling and  
8 we'll stay within the four issues.  
9 HEARING OFFICER FAIRBANK: Perfect. Thank you.  
10 Let's go ahead and take like a five-minute brief recess.  
11 (Recess at 2:42 p.m.)  
12 HEARING OFFICER FAIRBANK: Let's go ahead and go  
13 back on the record, please.  
14 MR. ROBISON: CSI and the Southern Nevada Water  
15 Authority have reached a stipulation with regard to Jean, our  
16 expert who has been stipulated as an expert on the four issues  
17 in hydrology and hydrogeology.  
18 MR. HERREMA: And at this time, we'll withdraw  
19 our request our to qualify her in groundwater management.  
20 MR. TAGGART: And we agree.  
21 HEARING OFFICER FAIRBANK: Okay. So for the  
22 purposes of these proceedings, then is it Jean Monroe?  
23 MR. HERREMA: Moran.  
24 HEARING OFFICER FAIRBANK: Moran, excuse me. So

Page 60

1 for the purposes of this proceedings, Ms. Moran will be  
2 qualified for hydrology and geology.  
3 MR. ROBISON: Hydrogeology.  
4 MR. HERREMA: Hydrogeology.  
5 HEARING OFFICER FAIRBANK: Hydrogeology. So that  
6 -- again, that, pursuant to the stipulation, that will be  
7 limited to these proceedings.  
8 And so then for Ms. Palmer?  
9 MR. ROBISON: If we can have a five-minute  
10 recess, I think we can work something out as well.  
11 HEARING OFFICER FAIRBANK: Would you have an  
12 objection if we continued on with the qualifications for Miss  
13 Braumiller, and that way we -- because we have other people  
14 that have commitments here this evening.  
15 MR. ROBISON: The proposal by SNWA is.  
16 MR. TAGGART: So we would object of not object to  
17 fact testimony from Miss Molly Palmer regarding the work that  
18 she did that contributed to the report.  
19 Our objection is to the qualification as an  
20 expert, but we believe that she could testify from a factual  
21 standpoint on the collection of data and the way that the data  
22 was reviewed, but ultimately the conclusion should be made by  
23 Mr. Reich or Miss Moran.  
24 HEARING OFFICER FAIRBANK: And Mr. Robison?

Page 61

1 MR. ROBISON: Well, I'm waiting for co-counsel to  
2 bless this. He thinks it's okay, so we stipulate.  
3 HEARING OFFICER FAIRBANK: Okay. Then we will go  
4 ahead and allow Ms. Palmer to testify in her capacity as a  
5 fact witness, but not as an expert qualified within in any  
6 particular discipline.  
7 MR. O'CONNOR: And that's confined to the  
8 standard four issues that we just talked about; is that  
9 correct?  
10 HEARING OFFICER FAIRBANK: Correct.  
11 MR. O'CONNOR: I agree.  
12 HEARING OFFICER FAIRBANK: Okay. So let's go  
13 ahead and move on for U.S. United States Department of Fish  
14 and Wildlife.  
15 MR. ROBISON: Thank you.  
16 HEARING OFFICER FAIRBANK: Thank you, very much.  
17 Mr. Miller.  
18 MR. MILLER: Howdy.  
19 HEARING OFFICER FAIRBANK: You're ready?  
20 MR. MILLER: Well, yes. The name is Luke Miller,  
21 I'm with the Department of Interior, Office of Solicitor on  
22 behalf of Fish and Wildlife Service.  
23 If I understood from the last presentation  
24 correctly, the exhibits, or the CVs have already been

Page 62

1 admitted?  
2 HEARING OFFICER FAIRBANK: Yes.  
3 MR. MILLER: Is it appropriate to allow the  
4 witness to see a copy?  
5 HEARING OFFICER FAIRBANK: Absolutely. And so  
6 then we want to go ahead and swear in the witness.  
7 MR. MILLER: Wrong time?  
8 HEARING OFFICER FAIRBANK: Nope, that's okay. Go  
9 ahead.  
10 MR. MILLER: Ms. Braumiller, could you please  
11 state your full name and spell it for the record?  
12 THE WITNESS: Sure. Sue Braumiller, that's  
13 B-R-A-U-M-I-L-L-E-R.  
14 HEARING OFFICER FAIRBANK: Go ahead and  
15 administer the oath, please.  
16 SUE BRAUMILLER,  
17 called as a witness in this matter,  
18 having been first duly sworn,  
19 testified as follows:  
20  
21 HEARING OFFICER FAIRBANK: All right. Thank you.  
22 Please proceed, Mr. Miller.  
23 MR. MILLER: All right.  
24

Page 63

1 DIRECT EXAMINATION  
2 BY MR. MILLER:  
3 Q. Ms. Braumiller, can you state what your current  
4 occupation is?  
5 A. I'm a groundwater hydrologist for the U.S. Fish  
6 and Wildlife Service.  
7 Q. And is your job title position the same as your  
8 current occupation?  
9 A. Is my current -- say that again, I'm sorry.  
10 Q. I'm just making sure there's no title --  
11 A. Yeah, my title with U.S. Fish and Wildlife  
12 Service is hydrologist, my position description is  
13 hydrogeologist or groundwater hydrologist. Right. But the  
14 federal government doesn't have a job titled groundwater  
15 hydrologist. Hydrologist is what it is officially.  
16 Q. On your way to this position, could you go back  
17 and describe your academic degree that's relevant to this  
18 position?  
19 A. Okay. I'll start there, although I believe the  
20 questions are about my direct work experience in groundwater  
21 hydrology, so I'll get to that in a minute.  
22 But I went to the University of Arizona,  
23 Department of Hydrology and Water Resources in Tucson. It is  
24 the number one rated groundwater program in the U.S. and

Page 64

1 arguably internationally. I did all my coursework for my  
2 Ph.D..  
3 I left without doing my Ph.D. because it was  
4 taking a long time and I wanted to go to work, but I did  
5 complete all my coursework at the Department for my Ph.D.  
6 which included 12, 13, 14 specific courses in groundwater flow  
7 and transport, saturated and unsaturated flow and transport  
8 and numerical modeling of groundwater problems.  
9 Yep. So that's -- and I have a master's degree  
10 in strictly speaking hydrology, but groundwater hydrology from  
11 the Department in Tucson.  
12 Q. And you have a bachelor's of science as well?  
13 A. I do, in biochemistry, long time ago. Right.  
14 Q. And since this objection or challenge here was  
15 directed at the basic nature of the work history of  
16 Ms. Braumiller, I'll just kind of focus on that primarily.  
17 And if you'd like, you can --  
18 A. Sure.  
19 Q. -- describe to the --  
20 A. Yeah, I'll try -- I'll try to give it to you in a  
21 nutshell. You know, so in terms of direct work experience in  
22 hydrology and specifically groundwater hydrology. And I have  
23 focused exclusively on groundwater hydrology in my 24 years of  
24 work, 22 years at a senior level, that I would summarize as

1 succinctly as I can this way.  
2 Investigation of groundwater flow systems at  
3 regional watershed and local site scales, characterization of  
4 groundwater, surface water interactions, development of  
5 hydrologic monitoring networks and interpretation of  
6 monitoring data that's groundwater surface water, soil and  
7 water quality, numerical modeling, model development,  
8 application and review.  
9 Hydraulic test interpretation by a number of  
10 means. Contaminated site investigation and remediation,  
11 that's groundwater and soils, mine monitoring and closure,  
12 nuclear waste performance assessment, natural resources  
13 protection. That was basically the application of all those  
14 things to my work at the National Park Service for four years  
15 and then U.S. Fish and Wildlife Service over the last 11 and a  
16 half years.  
17 And lastly, development and management of Alaska  
18 statewide Source Water Assessment and Protection program. I  
19 -- I -- I guess I would add that since I'm the only -- I am  
20 the hydrologist for U.S. Fish and Wildlife Service in Nevada,  
21 I've worked at -- you know, worked on problems in many basins  
22 and regions and even sites in Nevada as U.S. Fish and Wildlife  
23 Service's only full-time groundwater hydrologist nationwide.  
24 I've also worked on problems in Alaska and

1 investigated and characterized contaminated sites in  
2 California.  
3 And finally to the Park Service where I was  
4 responsible for assisting parks with their more generally I  
5 would describe hydrology issues in the Midwest region, which  
6 stretches from the Dakotas to Arkansas and the southern half  
7 of the intermountain region which included Colorado, New  
8 Mexico and the like.  
9 So that brings me to U.S. Fish and Wildlife  
10 Service where I've been working all over Nevada, Alaska,  
11 California, et cetera.  
12 And I might mention also that in my current  
13 position as a groundwater hydrologist for U.S. Fish and  
14 Wildlife Service, I have done most of the types of work that I  
15 initially listed off, but particularly the characterization  
16 and investigation of groundwater flow systems at regional and  
17 watershed scales, all kinds of locations across the state.  
18 Particular focus on characterization of  
19 groundwater/surface water interactions because the habitat  
20 that listed species occupy are -- truly they're all  
21 groundwater in this state, but it's surface water/groundwater;  
22 right?  
23 Development of monitoring networks and  
24 interpretation of monitoring data of groundwater and surface

1 California for U.S. Fish and Wildlife Service. And in my  
2 previous positions, which there were a number before Fish and  
3 Wildlife Service in NPS. I have worked in Arizona, Texas and  
4 a whole slew of other states.  
5 And, you know, maybe it would be relevant to  
6 mention kind of going in chronological order, I left graduate  
7 school, I think there's been some question about the extent of  
8 which I've done fieldwork in my career.  
9 I've done some but very limited. I went from  
10 graduate school to the Yucca Mountain project where I did the  
11 far-field flow and transport modeling for the 1994 total  
12 system performance assessment for the repository.  
13 Went out to the USGS hydrologic research  
14 facility, did some laboratory testing and some fieldwork, a  
15 little bit of fieldwork out there at Yucca Mountain. Went  
16 back to Alaska, went to work for USGS in Alaska.  
17 Then briefly to the Corps of Engineers Cold  
18 Regions Research and Engineering Laboratory, then to the state  
19 of Alaska where I developed the statewide Source Water  
20 Assessment and Protection program. Okay. Let me think.  
21 Then to SRK Consulting where I built a model to  
22 close a very large copper mine in Arizona, at the time it was  
23 the largest copper mine in the U.S.  
24 Then to CH2M Hill in Sacramento where I

1 water primarily and numerical -- mostly numerical model review  
2 since I took my position with U.S. Fish and Wildlife Service,  
3 although I was building a lot more models myself earlier on.  
4 Gee whiz, hydrologic test interpretation of order 1169 pumping  
5 test six years ago.  
6 And I work on a lot of mines in my current  
7 position so it's all about dewatering and impacts on surface  
8 water resources over and over again.  
9 And I guess what I would stress is that just like  
10 the analysis that I just did to respond to your order of 1303  
11 questions, what I do and I think one of the comments was that  
12 in my current position I do a lot of review of other people's  
13 assessments. And -- and I do because I am U.S. Fish and  
14 Wildlife Service's groundwater specialist; right? So of  
15 course I review those.  
16 But I do the same thing that I've done at every  
17 other site for every other problem for 24 years, just every  
18 time I gather all the available relevant geologic and  
19 hydrologic data. I interpret it. I assess the problem myself  
20 and then I review whatever I'm looking at.  
21 So it's pretty much a nonstop stream of at least  
22 22 years of it. So that's how I would summarize it.  
23 Q. So, Ms. Braumiller, in your current position --  
24 A. Right.

Page 69

1 Q. -- with Fish and Wildlife Service, you did in  
2 fact direct part of the Fish and Wildlife Services report that  
3 was filed July 3rd --  
4 A. Um-hum.  
5 Q. -- this year in response to Nevada State Engineer  
6 in order 1303?  
7 A. Right. Sections 1.1 through 1.5 and 1.7. Right.  
8 Oh, and I'm sorry, if this is okay, in terms of  
9 my hands-on work experience as a groundwater hydrologist and  
10 particularly as it relates to my preparation of an analysis to  
11 respond to the questions in your order, you know, I have been  
12 a key participant in the HRT hydrologic review team for the  
13 Muddy River Springs, you know, it was created to implement the  
14 MOA between U.S. Fish and Wildlife Service and a number of  
15 parties, SNWA, Moapa Valley Water District, CSI and Moapa Band  
16 of Paiutes. That I've been a key participant on that  
17 technical team for a little over 11 years.  
18 Q. And so part of the background, information and  
19 work experience you were just trying to describe there --  
20 A. Um-hum.  
21 Q. -- that's also what you applied in your drafting  
22 of your report?  
23 A. Yeah, it -- it always and previously there were  
24 questions about how geology relates to doing groundwater

Page 70

1 hydrology. I am not a geologist, okay, but by virtue and my  
2 formal graduate training is in groundwater hydrology, flow  
3 dynamics, transport, phedozone saturated numerical modeling,  
4 but my work of 24 years, at least 22 of the 24 years has I  
5 think qualified me as a hydrogeologist, although, you know,  
6 I'll just call it groundwater hydrology, but there's always  
7 geology involved.  
8 And each and every time it's a joint  
9 interpretation of all the reliable available geologic and  
10 hydrologic data, groundwater level, spring -- and spring  
11 flows, sometimes climactic data that -- that I can get a joint  
12 interpretation of that to perform the assessment each and  
13 every time.  
14 Q. I believe you mentioned the -- I think it's the  
15 SNWA's groundwater development project --  
16 A. Um-hum.  
17 Q. -- in the eastern Nevada area --  
18 A. Um-hum.  
19 Q. -- as another example in the state of Nevada of  
20 some of the work you've done, it's on page 4 if you'd like to  
21 kind of check it out --  
22 A. Oh, no, I'm well familiar with it.  
23 Q. -- is there any comparatives the hydro -- work  
24 you did there in this report?

Page 71

1 A. No, there's some real differences actually. I  
2 mean, every problem in groundwater hydrology is a little  
3 different; right?  
4 In that case, it was absolutely regional scale,  
5 not subregional scale. And unlike the little Lower White  
6 River Flow System, which I would consider subregional. And  
7 SNWA prepared a groundwater flow model to predict the impacts  
8 of the proposed water supply pumping.  
9 And I evaluated the certainty associated with the  
10 structure and the calibration of the groundwater flow model to  
11 arrive at conclusions concerning the certainty associated with  
12 their predictions about impacts. And which I didn't always  
13 agree with and prepared the programmatic biological opinion  
14 along with the senior biologist for that project.  
15 So it was somewhat different because in this  
16 case, this is a synthesis of all the available geologic and  
17 hydrologic data to perform a qualitative characterization of  
18 the flow system, I would say. That's what I did here.  
19 Um-hum. Right. So it's somewhat different. Um-hum. But  
20 still requires the same skills. I would say that.  
21 Q. And is there any other -- any other -- I believe  
22 you had some publications listed, is there anything that you  
23 believe is pertinent or relevant to --  
24 A. Well, you know, because -- because my employers

Page 72

1 have been U.S. Fish and Wildlife Service, the Park Service,  
2 the Corps of Engineers, briefly USGS and I did have three  
3 publications in the works but left before they were -- got  
4 through to publication mill, they're all GRADE literature  
5 working reports; right? So, you know.  
6 Q. In the positions you were referencing, Park  
7 Service, Fish and Wildlife Service, USGS, were those all  
8 positions you held as a hydrologist?  
9 A. Yeah, okay. So the first one was with the  
10 consultant called Interra to the Yucca Mountain project where  
11 I was hired as a hydrologist/modeler.  
12 The second one, went out to the USGS hydrologic  
13 research facility at Yucca Mountain. And there I was just  
14 a -- I think I even went on as a hydrotech, I was determined  
15 to get out to the USGS. Okay.  
16 The -- at USGS in Alaska I was kind of a junior  
17 level hydrologist at that point because I was just new with  
18 the USGS. Corps of Engineers, groundwater  
19 hydrologist/modeler. They primarily hired me to review a  
20 model that they had built for a contaminated site in  
21 Fairbanks.  
22 At the State of Alaska, I was a program  
23 coordinator/senior level hydrologist for the State of Alaska.  
24 At SRK I was hired as a groundwater hydrologist/modeler. At

Page 73

1 CH2M Hill I was hired as a hydrologist, groundwater  
2 hydrologist, although I did do some modeling there as well.  
3 CH2M Hill -- okay. Park Service, I was hired as  
4 a hydrologist generally and that was more general. Some of it  
5 was groundwater, some of it was surface water, some of it was  
6 the interaction between the two. And at U.S. Fish and  
7 Wildlife Service as a hydrologist/hydrogeologist.  
8 Q. In any of these --  
9 A. Yeah.  
10 Q. In any of the correlated projects that you've  
11 identified in your CV that relates to some of these positions,  
12 do they involve the assessment of information as it relates to  
13 water wells and interaction of the surface and groundwater?  
14 A. Oh, yeah. Well, it's all groundwater hydrology,  
15 includes all those areas of investigation that I cited and  
16 they -- you know, data from water levels from wells is just  
17 one piece of basic essential data, one of many. All right.  
18 Q. And just -- and just coming back in just in  
19 relation to the report that was filed in July in response to  
20 the 1303 order.  
21 A. Um-hum.  
22 Q. Would you consider the information relied upon or  
23 the methods you applied the scientific standards for your  
24 profession?

Page 74

1 A. Yeah. The data was all cited, most of it is  
2 publicly available, although SNWA did make a large dataset  
3 available to U.S. Fish and Wildlife Service to support the  
4 development of our biological opinion. Let's see, what else?  
5 Oh, you know, at least five different published  
6 geologic maps. The geologic cross sections by Page, et al.,  
7 2006, the data provided by SNWA for their -- for their BO for  
8 their groundwater project also included a 3D hydrogeologic  
9 framework model, which, you know, is still an interpretation  
10 but helpful.  
11 Yeah. Wow. Climactic data from the climate  
12 center, I'm not going to give you the entire quotation here.  
13 There's a whole range of climactic, hydrologic, including  
14 groundwater-related data, spring and spring flow data, the  
15 works. All the basic data.  
16 Q. So, is it fair to say that you would say you have  
17 20, 25 years of pretty solid sound work experience --  
18 A. I have 24 years of experience, 22 of it as a  
19 senior level. And again, I'll stress, I came straight out of  
20 grad school even without -- before finishing my master's  
21 degree and went to Yucca Mountain.  
22 I have never endeavored to do fieldwork in my  
23 career. I've done a little bit, but really I just went  
24 straight to interpretive work and interpretation and analysis,

Page 75

1 it's -- that is my interest and particularly fractured rock  
2 hydrogeology.  
3 Q. Is fieldwork necessary for the portions of your  
4 report that you drafted?  
5 A. No, completely unnecessary. I relied on  
6 published or otherwise public data except for the SNWA data  
7 which they -- they graciously provided to me to assist in  
8 preparing that BO.  
9 MR. MILLER: All right. Well, I don't want to  
10 just continue on kind of in redundancy here with different  
11 types of -- just rogue samples.  
12 So I think we would like to clarify that we are  
13 going to proffer Ms. Braumiller as a groundwater hydrologist  
14 that's labeled in the front of her witness summary statement.  
15 And -- well, I have no further questions, I'll turn the  
16 witness over.  
17 HEARING OFFICER FAIRBANK: Ms. Peterson?  
18 MS. PETERSON: Thank you.  
19 CROSS-EXAMINATION  
20 BY MS. PETERSON:  
21 Q. Ms. Braumiller, my name's Karen Peterson, I'm the  
22 attorney representing the Lincoln County Water District and  
23 Vidler Water Company.  
24 A. Um-hum.

Page 76

1 Q. And first starting out with your education, I  
2 noted that you indicated that you had completed a lot of  
3 coursework for your Ph.D. --  
4 A. Um-hum.  
5 Q. -- is that correct?  
6 A. I completed all the coursework required for my  
7 Ph.D.  
8 Q. And that's not listed on your CV; is that  
9 correct?  
10 A. It is in my CV actually. Right. Do you want to  
11 know what page it's on?  
12 Q. Yes.  
13 A. Okay. Yeah, and, you know, I include it because  
14 -- because this -- this volume of coursework is not available  
15 everywhere. It's on page 14.  
16 Q. Okay.  
17 A. Right. Yep.  
18 Q. And is that -- any of it indicate that it's  
19 towards your Ph.D.?  
20 A. No. Because I didn't leave with my Ph.D. and I  
21 didn't eventually get my Ph.D., so it's -- it's -- as it  
22 states in my CV it's my graduate coursework completed at the  
23 University of Arizona; right. Um-hum.  
24 Q. And then have you ever testified before the

Page 77

1 Nevada State Engineer?  
2 A. No, this would be the first time.  
3 Q. Okay. Have you ever testified before any other  
4 State Engineer in any other jurisdiction?  
5 A. No. This would be the first time.  
6 Q. So Alaska, Arizona, Texas, I know those were some  
7 of the states that you had testified --  
8 A. Right.  
9 Q. -- you have not testified before a State Engineer  
10 in any of those jurisdictions?  
11 A. Yep, no, they were all different kinds of  
12 entities and issues.  
13 Q. Have you -- have you testified before at all?  
14 A. No.  
15 Q. This is the first time?  
16 A. No. Yes, um-hum. Right.  
17 Q. So you obviously haven't been qualified in any  
18 federal or state court?  
19 A. Correct.  
20 Q. And I believe you said you weren't a geologist,  
21 so you're not a registered or professional geologist in any  
22 jurisdiction?  
23 A. Absolutely not.  
24 Q. And you do not hold any kind of hydrologist

Page 78

1 accreditation in any state or by any hydrology and crediting  
2 jurisdiction; is that correct?  
3 A. No, I've never felt that it was necessary. My  
4 degree from the University of Arizona, Department of Hydrology  
5 and Water Resources is usually sufficient.  
6 Q. And I know you -- I mean, you pretty much  
7 indicated that your fieldwork is limited?  
8 A. It -- it is.  
9 Q. And that you thought that fieldwork I wrote down  
10 was not necessary?  
11 A. No, I believe what Luke asked me was it -- was it  
12 necessary to prepare the analysis, correct me if I'm wrong,  
13 that I submitted to your office. Right. And it is not.  
14 Right.  
15 What I said was that fieldwork has never been the  
16 focus of my work. My work is interpretive analytical,  
17 qualitative analytical and numerical.  
18 Q. And have you seen the objection that --  
19 A. Oh, yes.  
20 Q. Okay.  
21 A. Right.  
22 Q. Did you see on page 2 -- I'm just trying to speed  
23 this along.  
24 A. Sure.

Page 79

1 Q. Where it's indicated that I didn't believe that  
2 you had any direct field experience in -- and then it goes on  
3 for a couple lines. Are you familiar with that?  
4 A. Yeah, that the emphasis on field experience was  
5 repeated a couple of times in your objection, I think.  
6 Q. Right.  
7 A. Right.  
8 Q. And -- and do you want me to go through all of  
9 these and ask you if you have any field experience in them or  
10 do you agree you don't have any field experience --  
11 A. I would not say that I don't have any. I would  
12 say that it has not been the focus of my work.  
13 My -- my work to be fair has always been as a --  
14 more advanced than that. Interpretation, analysis, no, I  
15 never stood on a drill rig and that those were not the skills  
16 that I acquired in graduate school or I sought to develop.  
17 Okay. Analysis, interpretive work.  
18 Q. Do you want to look at this list and you can tell  
19 me what areas you feel you have experience?  
20 A. I have experience that's extensive, 20, 22 years  
21 at a senior level in the joint interpretation of geologic and  
22 hydrologic data to assess basically the full range of problems  
23 that a groundwater hydrologist can be asked to look at, I -- I  
24 would say.

Page 80

1 I mean, from nuclear waste disposal performance  
2 assessment, the closure of mines to large scale water supply  
3 projects, it just -- really the full range. But my work is  
4 focused, has always been focused and I intend to keep it  
5 focused on the interpretation of data to assess groundwater  
6 large issues as it relates to surface water as it frequently  
7 does.  
8 But my focus has never been on, you know, taking  
9 water level measurements and wells in the field or standing on  
10 a drill rig. That's -- you know, other folks do tend to focus  
11 on that, at least early in their careers, but as I said, I  
12 went straight to Yucca Mountain and did far-field flow and  
13 transport modeling. So that has never been the focus of my  
14 career and I never intended it to.  
15 Q. In -- I don't know the exact number of the  
16 exhibit for your CV.  
17 A. Um-hum.  
18 Q. But in looking at your CV in the different  
19 categories of -- you have projects --  
20 A. Um-hum.  
21 Q. -- different projects.  
22 A. Sure.  
23 Q. Some of those in the different categories are  
24 duplicative, would you agree?

Page 81

1 A. Are what?  
2 Q. Are duplicative?  
3 A. No, every single problem was different and every  
4 single problem also involved almost without exception of  
5 bringing together all the available reliable data, geologic  
6 and hydrologic, interpreting it, assessing the problem and  
7 even in the many instances in this current position where I  
8 have reviewed other people's assessments, that is always  
9 prerequisite to reviewing their assessment. Right.  
10 So, there are -- it's duplicative in -- in the  
11 sense that I always go back to basics, interpret the data  
12 jointly, perform my own assessment over and over and over  
13 again, one problem after another, one location after another.  
14 And then -- then review the analysis of others. Right.  
15 Q. And --  
16 A. So --  
17 Q. -- I -- I apologize --  
18 A. Yeah.  
19 Q. -- if my question was not very good.  
20 A. Well, that's okay.  
21 Q. The projects that you list --  
22 A. Right.  
23 Q. -- some of them are listed the same project under  
24 different headings, would you agree --

Page 82

1 A. No, I don't --  
2 Q. -- with that?  
3 A. -- think so. No, I would not agree with that.  
4 Q. All right. Would you look at page 1?  
5 A. Sure.  
6 Q. Donlin Gold Mine Project?  
7 A. Yeah.  
8 Q. And isn't that the same Donlin Gold Mine --  
9 A. Well --  
10 Q. -- that's on page 8?  
11 A. Okay. So the difference is -- okay. The  
12 difference is -- yeah, I can understand why you might not  
13 quite get the difference.  
14 The difference is that on page 8, you know, I  
15 stress -- and it was a very involved review of a numerical  
16 model built for a very large proposed mine in western Alaska.  
17 So that was -- I'm focusing on that component,  
18 that was an extensive numerical model review, very extensive.  
19 And on page 1 I brought the results of that numerical model  
20 review together with a qualitative assessment of great many  
21 other pieces of information to provide detailed critical  
22 comments on this proposed mining project.  
23 So, one of them is really a qualitative  
24 assessment of the potential impacts of the proposed mine, one

Page 83

1 component of which was the unreliability of the model  
2 predictions, which -- which I've described on page 8. Yeah.  
3 Q. So we both agree that Donlin Gold Mine Project  
4 was listed on page 1 of your resume --  
5 A. Yeah.  
6 Q. -- and page 8?  
7 A. And, you know, if I could clarify, my -- my CV is  
8 in a functional format. So, you know, the first section of my  
9 resume stresses basically qualitative interpretations of  
10 geologic and hydrologic data.  
11 And other sections stress things like either  
12 numerical modeling or review of numerical models or, you know  
13 -- so, yeah, it seemed to me to be the only logical way to put  
14 my CV together.  
15 Other sections stress my interpretation of  
16 development of hydrological monitoring networks and  
17 interpretation of hydrologic monitoring data. So it's in a  
18 functional format.  
19 So to the extent there was some major component  
20 of an overall project that was numerical modeling or the  
21 review of a large numerical model, yeah, it appears in the  
22 numerical modeling section. Because it was a very big effort.  
23 Q. And then directing your attention to page 14 --  
24 A. Sure.

Page 84

1 Q. -- 15 and 16 of your CV.  
2 A. Yeah.  
3 Q. Are there any of those items that you have listed  
4 under publications you reviewed besides your thesis?  
5 A. No. As I said, it's all GRADE literature, it's  
6 working reports. Right. Except for a few in grad school when  
7 I worked on an international research project. Um-hum.  
8 Right. And those were GRADE literature.  
9 It was GRADE literature, it was reports to the  
10 international study team. But yeah, it's working -- working  
11 reports, yeah, um-hum.  
12 Q. So -- and just getting back to one of the  
13 comments that you kept on making that you never sat on a drill  
14 rig.  
15 A. Um-hum.  
16 Q. If you -- if you haven't sat on a drill rig then  
17 how do you know how to interpret and use the data?  
18 A. They're unrelated. They really are.  
19 Q. So you just take --  
20 A. You know, so if -- if you're the hydrogeologist  
21 sitting on a drill rig, you're logging -- you're logging,  
22 you're creating a driller's log or lithologic log. And I have  
23 access to those. And I then interpret them in terms of  
24 groundwater flow. Right. Yeah.

Page 85

1 So you don't have to be the person logging the  
2 well to have access to the lithologic log or to use it.  
3 Right.  
4 Q. So you just take the data and you use it; is that  
5 fair?  
6 A. Yeah. Yeah, that particular -- yes, of course.  
7 Right. I'm not going not use a well log. Some are better  
8 than others, but if I can I'm going to use it.  
9 Q. And therefore, you would never know if there was  
10 something wrong with the data if you've never actually  
11 collected it --  
12 A. I never take --  
13 Q. -- is that correct?  
14 A. -- any data --  
15 HEARING OFFICER FAIRBANK: Ms. Braumiller, I  
16 don't mean to interrupt.  
17 THE WITNESS: Yeah.  
18 HEARING OFFICER FAIRBANK: But if you'll let  
19 Ms. Peterson --  
20 THE WITNESS: Oh, okay.  
21 HEARING OFFICER FAIRBANK: -- finish her question  
22 before you start answering.  
23 THE WITNESS: Sorry.  
24 HEARING OFFICER FAIRBANK: Nope. That's okay.

Page 86

1 THE WITNESS: All right. Go ahead, sorry.  
2 BY MS. PETERSON:  
3 Q. So you wouldn't know if there was something wrong  
4 with the data if you've never collected it; is that true?  
5 A. I wouldn't know except I never assume it's  
6 accurate anyway but may be useful.  
7 Q. So the data that you're using, you never assume  
8 that it's accurate?  
9 A. Well, a lithologic -- logging is interpretive.  
10 So I take into account that it's subjective; right? Other  
11 types of data are much less subjective or not subjective at  
12 all, just subject to measurement error and water levels on a  
13 well.  
14 But yeah, it's clear that a lithologic log was  
15 interpretive and is subjective. And I would never assume that  
16 they're a hundred percent accurate.  
17 Q. All right.  
18 A. Yeah, right.  
19 MS. PETERSON: I don't have any other questions.  
20 THE WITNESS: Okay.  
21 HEARING OFFICER FAIRBANK: Mr. Miller, do you  
22 have any follow-up questions?  
23 MR. MILLER: I don't.  
24 HEARING OFFICER FAIRBANK: Do we have any

Page 87

1 questions? So, Ms. Braumiller, we will go ahead and qualify  
2 you in the discipline of groundwater hydrology. And we thank  
3 you very much.  
4 MR. MILLER: Okay.  
5 All right. So finally, Mr. Flangas?  
6 MR. COACHE: Who's going first, Alex? You?  
7 MR. FLANGAS: Mr. Coache's in Las Vegas.  
8 HEARING OFFICER FAIRBANK: Okay.  
9 MR. FLANGAS: I think we'll do Mr. Ricci first.  
10 HEARING OFFICER FAIRBANK: Mr. Coache, Mr. Ricci  
11 is going to go first.  
12 MR. COACHE: Can we just take five minutes?  
13 MR. FLANGAS: Sure. I think. Well, let me ask  
14 the hearing officer here.  
15 HEARING OFFICER FAIRBANK: Do we need to take  
16 five minutes? I'd like -- I mean, we are on a time frame. Is  
17 there a way we can go ahead and just keep moving on and take a  
18 break after Mr. Ricci is done?  
19 MR. FLANGAS: You could step out, Mr. Coache, I'm  
20 sure that's fine. Isn't it?  
21 HEARING OFFICER FAIRBANK: He doesn't need to be  
22 present unless you need him.  
23 MR. FLANGAS: Sure. No, that's fine. I think  
24 part of the problem is I'm not sure we told him when we first

Page 88

1 stepped out. I apologize, I didn't notice if you had him  
2 swear a witness or not.  
3 HEARING OFFICER FAIRBANK: We're having  
4 everyone's witness sworn in.  
5 MR. FLANGAS: Thank you.  
6 HUGH RICCI,  
7 called as a witness in this matter,  
8 having been first duly sworn,  
9 testified as follows:  
10 HEARING OFFICER FAIRBANK: Go ahead and proceed,  
11 Mr. Flangas.  
12 BY MR. FLANGAS:  
13 Q. Could you state your name for the record, please?  
14 A. My name is Hugh Ricci, last name is spelled  
15 R-I-C-C-I.  
16 Q. Mr. Ricci, what's your current occupation?  
17 A. I'm retired.  
18 Q. We all wish we were you. Mr. Ricci, are you  
19 sometimes hired as a private consultant?  
20 A. Yes.  
21 Q. Have you been hired as a private consultant by  
22 Nevada Cogeneration Associates Numbers 1 and 2 in this case?  
23 A. I don't work as a private consultant directly, I  
24 work as an intermediary through Jay Dixon.

Page 89

1 Q. And Mr. Dixon works for Nevada Cogeneration  
2 Associates under consulting agreements; is that right?  
3 A. Yes.  
4 MR. FLANGAS: I have a copy of Mr. Ricci's CV. I  
5 realize you've taken administrative notice, but I would like  
6 to provide a copy for the witness to use if that's all right.  
7 HEARING OFFICER FAIRBANK: Absolutely.  
8 THE WITNESS: I have one.  
9 MR. FLANGAS: Oh, you have a copy?  
10 THE WITNESS: I do.  
11 HEARING OFFICER FAIRBANK: Mr. Ricci has a copy  
12 of his own.  
13 MR. FLANGAS: Can we take administrative notice  
14 of Mr. Ricci's CV which was marked as NCA2120 to 2121?  
15 HEARING OFFICER FAIRBANK: Yes, we'll take  
16 administrative notice of that, Mr. Flangas.  
17 MS. PETERSON: I think this was admitted, wasn't  
18 it?  
19 MR. FLANGAS: Okay. Thank you.  
20 THE WITNESS: May I make one correction to that  
21 is the letterhead, when I made a copy of it, I should have  
22 taken the Ricci Engineering, Limited, which is no longer in  
23 existence.  
24 MR. FLANGAS: Thank you.

Page 90

1 BY MR. FLANGAS:  
2 Q. Now, Mr. Ricci, we're here today to determine  
3 qualifications for you as an expert, but you recognize that  
4 the witness statement provided by NCA, you're not being called  
5 as a direct witness or not intended to be called as a direct  
6 witness as part of NCA's case; correct?  
7 A. Yes.  
8 Q. But we will make you available for  
9 cross-examination as that was one of the requirements of the  
10 ruling out of the Division of Water Resources for this  
11 hearing; correct?  
12 A. Yes.  
13 Q. So you will be available on the day that we  
14 present on October 3rd; correct?  
15 A. Yes.  
16 Q. We haven't been notified by anyone that we are --  
17 you are subject to cross-examination at this point, no one's  
18 identified that they intend to call you for cross-examination;  
19 is that right?  
20 A. Not that I'm aware of.  
21 Q. Okay. But if you're called for  
22 cross-examination, at that point, if you were asked questions  
23 and you're asked questions as an expert as one who signed off  
24 on the report which was submitted by NCA as NCA's rebuttal

Page 91

1 report, you would be prepared to testify that yes, you did  
2 have involvement in NCA's rebuttal work; correct?  
3 A. Yes.  
4 Q. And essentially what was your involvement in the  
5 rebuttal report just generally just for the purposes of  
6 establishing a background here so we understand that?  
7 A. My involvement mostly was just in the review of  
8 what Mr. Coache and Mr. Dixon came to the conclusions.  
9 Q. Review and consultation with them?  
10 A. Yes.  
11 Q. Okay. So you didn't do any independent testing  
12 or analysis on your own --  
13 A. No, I did not.  
14 Q. -- of the work in this report; correct?  
15 A. I'm sorry, no, I did not.  
16 Q. Okay. Now, Mr. Ricci, taking a look at your --  
17 your CV if you would for a moment, you started with the Nevada  
18 Division of Environmental Protection back in 1974?  
19 A. Yes.  
20 Q. And you were actually a civil engineer, I'm  
21 sorry, before that for the Division of Highways?  
22 A. Yes.  
23 Q. But then you joined the Nevada Division of Water  
24 Resources in 1981?

Page 92

1 A. Yes.  
2 Q. And your CV indicates that you held various  
3 positions with the Division from '81 until 2000, and it lists  
4 all of the various things that you've done here.  
5 Indicated in your CV, responsibilities included  
6 but were not limited to approval of underground and surface  
7 water uses, subdivision review, dam review and permitting,  
8 making recommendations to the State Engineer on all issues  
9 involving the engineering branch.  
10 During those years, '81 to 2000, I want to focus  
11 a little bit, and this is difficult because I know it's a long  
12 time ago, but the objection that was raised by -- by Lincoln  
13 County is essentially that your -- your qualifications are  
14 objected to in a sense that you do not have any experience --  
15 and let me -- let me read this specifically.  
16 That you have no background, you don't have any  
17 background, no specialized knowledge, professional degrees or  
18 years of work experience in the proffered field of expertise.  
19 And the proffered field of expertise they're  
20 talking about are experience in locating, designing or  
21 constructing wells, well test design and analysis, hydrologic  
22 mapping, aquifer testing or data interpretation, water  
23 resource assessments or water resource management, groundwater  
24 resource studies, groundwater or surface water studies,

Page 93

1 writing or developing hydrologic work plans, developing or  
2 conducting hydraulic tests, technical studies in reporting or  
3 similar work experience in the hydrology field.  
4 You saw that statement, didn't you, Mr. Ricci?  
5 A. Yes.  
6 Q. Let me focus back on your CV for a moment. From  
7 1981 to 2000 when you were approving underground and surface  
8 water usage doing subdivision review, dam review and  
9 permitting, did you have an opportunity to involve yourself  
10 with any resource assessments or resource management?  
11 A. Excuse me, were you talking between 1981 and  
12 2000?  
13 Q. Yeah.  
14 A. Okay. Because I was I was not approving any  
15 permits at that time, I was --  
16 Q. What was your job between '81 and 200?  
17 A. Okay. From 1981 until 1991, I was -- they had  
18 the division set up in two different groups. One was in the  
19 engineering section and the other one was the office section.  
20 I was in charge of the engineering section, which -- which  
21 dealt with mostly well drilling and those types of things.  
22 From 1991 to 2000, I was the Deputy State  
23 Engineer in which many of the issues that we dealt with were  
24 interpretation of data that we would receive -- or actually

Page 94

1 not data, but evidence in the form of data received at  
2 hearings, looking at that information and making a  
3 determination based on that information which was both  
4 hydrologic, groundwater and surface water and dealing with  
5 that to determine whether there was going to be the two things  
6 that the State Engineer originally were under -- under the  
7 statutes was, was there water available and was it going to  
8 have an impact on existing rights? And without -- without  
9 that type of information, you could not make some of those  
10 decisions.  
11 Q. Looking at when you were involved in the  
12 engineering section and well drilling, did you have occasion  
13 to evaluate well construction and analysis?  
14 A. Well construction?  
15 Q. Well construction?  
16 A. No.  
17 Q. Did you have any involvement with any of the well  
18 -- well drillers and well -- were well drillers hired by the  
19 State Engineer's Office?  
20 A. Well drillers --  
21 Q. Well drillers?  
22 A. Well drillers are required to have a license by  
23 the Division of Water Resources for drilling wells.  
24 Q. Did anyone in the State Engineer's Office go out

Page 95

1 and drill wells?  
2 A. No.  
3 Q. That wasn't a function of the State Engineer's  
4 Office?  
5 A. No, it was not.  
6 Q. In your experience, would it have assisted you as  
7 the State Engineer in making determinations as to -- water  
8 availability in a particular basin, would it have assisted you  
9 to know how to turn on a well drilling rig?  
10 A. No.  
11 Q. Would it have assisted you to know how to operate  
12 a backhoe?  
13 A. No.  
14 Q. Would that field experience have come in handy  
15 for you?  
16 A. As far as assessment for water rights, no.  
17 Q. These are some of the objections, so I'm just  
18 sort of curious.  
19 In terms of your work as the State Engineer,  
20 moving to 2000 to 2006, said the Division is responsible for  
21 quantifying existing water rights, monitoring water use,  
22 distributing water in accordance with core degrees, reviewing  
23 water availability for new subdivisions and condominiums,  
24 reviewing the construction and operation of dams,

Page 96

1 appropriating geothermal water licensing and regulating well  
2 drillers and water right surveyors, reviewing flood control  
3 projects, monitoring resource data and records and providing  
4 technical assistance to public and governmental agencies.  
5 Tell me how you carried out your function as  
6 State Engineer in terms of how did you perform a determination  
7 in reviewing water availability and whether a particular  
8 application for a permit was appropriate for approval?  
9 How did you perform that function as the State  
10 Engineer?  
11 A. Okay. As I mentioned, the State Engineer was  
12 responsible to either -- upon any application either to  
13 approve it or deny it or deny it -- excuse me, approve it with  
14 conditions.  
15 So in every instance you had to look at each  
16 particular application and one, again, as I mentioned, was  
17 water available. So you would look at all the information  
18 that you had available to you for that particular application,  
19 whether it came through the individual studies that were  
20 already previously done or studies that were performed for  
21 that specific project, and then make a determination as to  
22 whether that permit should be issued or not issued.  
23 Q. Were you evaluating hydrologic studies?  
24 A. Yes.

Page 97

1 Q. How did you have the understanding to evaluate  
2 hydrologic studies? When did you begin performing that test?  
3 A. When -- when I became the Deputy State Engineer,  
4 I became much more involved in the hearing process. And  
5 within the hearing process, many of the times I actually  
6 attended the hearings and listened to the testimony and  
7 evidence of expert witnesses relating to that particular  
8 project, whether they were for the project or against the  
9 project.  
10 After that, all the information was assessed or  
11 submitted to the State Engineer, assessed and subsequently  
12 then made a determination as to whether -- or made a  
13 determination as to what to do with that particular part.  
14 And many times it included hydrologic studies, it  
15 included groundwater/surface water interaction, modeling,  
16 whatever else was necessary which to -- to again, go back to  
17 those two things as to whether there was water available and  
18 whether there was an impact on existing rights.  
19 Q. So I'm just curious. In terms of your CV,  
20 looking at your CV, between 1981 and 2000, did you do any  
21 evaluation of any hydrology between 1981 and 2000 or only  
22 after 2000 when you became State Engineer?  
23 A. No, from about 1981 forward.  
24 Q. From 1981 forward?

Page 98

1 A. Excuse me, excuse me, 1991 forward.  
2 Q. Pardon me. 1991 forward?  
3 A. Yes.  
4 Q. 1991. Then explain just so that we understand,  
5 how did your duties change in 1991 so that you began  
6 evaluating the hydrology of the various applications?  
7 A. Again -- again, as I mentioned, I became much  
8 more involved with the whole process of assisting the State  
9 Engineer in making a determination on -- on the evidence of  
10 testimony required or submitting to the State Engineer an  
11 analysis that was done internally as to whether that  
12 particular permit should be approved or denied.  
13 Q. And focus if you would, because I think the panel  
14 here needs to focus on the hydrology aspects. When you say  
15 whether the permit should be approved or denied, not just on  
16 policy grounds, I'm talking about the hydrology aspects.  
17 If a particular permit would have an adverse  
18 effect on adjacent water right holders or adjacent wells, did  
19 you have to do an analysis of those things in determining  
20 whether a permit should be approved?  
21 A. Yes. But you mentioned, you know, policy and --  
22 and hydrology. The -- the -- there was no policy involved as  
23 to whether the permit should be issued.  
24 You have to look at from the -- from the

Page 99

1 hydrologic standpoint of whether there was going to be an  
2 impact on somebody else's well, what was going to be the  
3 impact on any surface water sources or what it was going to do  
4 to the overall groundwater basin.  
5 Q. So if you were analyzing groundwater permits in  
6 1991 through -- through your period of time as State Engineer  
7 in 2006, we're talking about a period of approximately looks  
8 like --  
9 A. 16 years.  
10 Q. -- 16 years?  
11 A. Yes.  
12 Q. If a particular application for appropriation of  
13 additional groundwater in a basin was made, you were analyzing  
14 the hydrologic impacts of that groundwater withdrawal --  
15 A. Yeah.  
16 Q. -- if it was a new appropriation?  
17 A. Yes.  
18 Q. And hydrologic impacts of that groundwater  
19 withdrawal on surface water sources in that same basin?  
20 A. Yes.  
21 Q. And you would be responsible for performing that  
22 analysis to make sure that the approval of the permit would  
23 not be detrimental to the basin?  
24 A. Myself and in consultation with others also in

Page 100

1 the agency.  
2 Q. Did you have occasion to deny certain permits?  
3 A. Yes.  
4 Q. And on what basis would you deny a permit?  
5 A. Again, going back to the -- I keep going back to  
6 the same two things, water availability and impacts on  
7 existing rights.  
8 Q. What sort of -- when you're making a water  
9 availability determination, is that a hydrologic  
10 determination?  
11 A. Yes.  
12 Q. Based on recharge?  
13 A. Recharge and the amount of water that's already  
14 pumped from that particular -- or excuse me, not pumped, but  
15 how many permits are also -- had been issued in that -- in  
16 that basin.  
17 Q. The suggestion, however, is that you have no  
18 background or years of work experience in groundwater recharge  
19 studies; is that an accurate statement, sir?  
20 A. No.  
21 Q. Can you give us an example of areas where you've  
22 had to analyze ground -- groundwater recharge?  
23 A. I -- I cannot --  
24 Q. In the permits that you were working on?

Page 101

1 A. I cannot tell you the specific instance. But in  
2 some instances the Division of Water Resources used a series  
3 of reports that were done in cooperation with the U.S.  
4 geologic survey and the Division of Water Resources called  
5 recognizance reports. And there was a recharge/discharge  
6 calculation that was done in there and made an available  
7 amount of water based on the perennial yield.  
8 From that, some -- some Applicants would submit  
9 to the State Engineer new data that possibly could alter that  
10 number and provided those to the State Engineer for his  
11 analysis to determine whether those were based -- or those  
12 were in -- in concert with what already had been done or even  
13 more.  
14 Q. And you had to analyze those -- the new data in  
15 comparison to the recon reports to see --  
16 A. Yes.  
17 Q. -- whether the new data supplied would justify a  
18 greater perennial yield --  
19 A. Yes.  
20 Q. -- for example?  
21 A. Yes.  
22 Q. I doubt that anyone supplied you with reports  
23 that showed there was a lesser perennial yield, at least from  
24 the Applicant side?

Page 102

1 A. That -- that is correct.  
2 Q. Perhaps from the protesting side you would obtain  
3 those on occasion?  
4 A. Yes.  
5 Q. And you had to analyze those as well?  
6 A. Yes.  
7 Q. And would you perform that analysis?  
8 A. Yes. Again, as I mentioned earlier, in  
9 conjunction with others within the office.  
10 Q. In order to do the assessment of the particular  
11 rebuttal report here and the conclusions that were reached by  
12 Mr. Coache and Mr. Dixon here, what specifically did you need  
13 to do?  
14 A. Well, in the review of the report, I looked at  
15 the conclusions and reviewed the analysis that reached that  
16 conclusion and came up with -- I -- I concurred with those  
17 particular -- those particular conclusions.  
18 Q. So again, the signature on the report was  
19 essentially a concurrence with the conclusions and a  
20 concurrence with the analysis?  
21 A. Yes.  
22 Q. And that's based on again the years of experience  
23 that you have doing the same -- the same type of analysis and  
24 the same type of hydrologic evaluation that you performed for

Page 103

1 essentially the 15, 16 years that you did that same job at the  
2 State Engineer's Office?  
3 A. Yes. And the -- the essence of the whole reason  
4 that we were here -- we are here is a -- an order that was  
5 issued by the Division of Water Resources while I was the  
6 State Engineer in performing the analysis of what was going on  
7 in these particular areas.  
8 And the very issue -- the very issue that's going  
9 on today is exactly the reason why order 1169 was issued was  
10 to determine what was going to happen in public.  
11 And that all came about as a result of the  
12 hearing that was held in review of those Coyote Springs  
13 investments, applications and finding that there was -- after  
14 reviewing all of the information on both the Applicant side  
15 and the Protestant side, this coming up and saying well, gosh,  
16 is there enough information here to say what's going to happen  
17 if these permits are granted and subsequently years later have  
18 to say, whoops, I'm sorry, you made a mistake and we'll do --  
19 we have to have a redo.  
20 So that -- to me that is the essence of this  
21 whole -- this whole process that we're going through now is  
22 after that data has been -- after that data's been collected  
23 from the -- the two-year pump test -- I must say that the pump  
24 tests never occurred while I was still the State Engineer.

Page 104

1 I had retired and also Mr. Coache who is also --  
2 is also mentioned in this -- in this objections was also  
3 retired at that time. So I don't know the -- and let me back  
4 up.  
5 In that ruling, all of these applications were  
6 put in abeyance to determine what might happen if these  
7 permits would be issued. So then -- subsequently then Jason  
8 King who is the State Engineer denied all of them after the  
9 pump test had been done.  
10 So again, I point to that is to say that  
11 without -- without the interpretation that -- that I had along  
12 with others in the office, we would have never come to that  
13 conclusion.  
14 We would have either said yes or no and then we  
15 would have been -- probably challenged in either way, but we  
16 came up with what we thought was the best conclusion.  
17 There have been many other instances that I've  
18 been involved with as far as making a determination. Back  
19 when I first became the Deputy State Engineer we were involved  
20 in an interbasin transfer of water from Northern Washoe County  
21 to the Truckee Meadows, three-year study done by the United  
22 States geologic survey in cooperation with the Division of  
23 Water Resources of which I attended quarterly meetings on  
24 updates to that study as to whether there was additional

Page 105

1 things that should be involved in that study or not.  
2 Subsequently, we had a hearing which went on for  
3 I believe -- I don't remember, 15 days or so. And based on  
4 the evidence and testimony we made a decision.  
5 Other hydrologic studies that I've been involved  
6 with -- I say these are hydrologic studies from the fact that  
7 the Division of Water Resources never did them. We ordered  
8 somebody to do them.  
9 And we just didn't say okay, well, the  
10 conclusions of this report of the study is what we should do.  
11 We had to analyze that entire data.  
12 And the one that I can think of mostly are mine  
13 dewater projects and what impact they have to the alluvium and  
14 what impact they had to surface water sources. And if they  
15 did have some impact to the surface water sources what could  
16 be done to mitigate them.  
17 In a particular one where there was -- in  
18 Northern Nevada there was a well that went dry -- excuse me, a  
19 spring that went dry. We had to find a way to mitigate that  
20 particular spring.  
21 We also had to locate recharge basins so that the  
22 water that they were pumping out and not utilizing from the  
23 dewatering project would go back into the -- into the  
24 groundwater from where it came, from the same basin in which

Page 106

1 it came.  
2 Q. How do you make those determinations if you're  
3 not performing hydrologic analysis?  
4 A. Say that again?  
5 Q. How would you make those determinations if you're  
6 not performing a hydrologic analysis?  
7 A. How I would say you are performing a hydrologic  
8 analysis.  
9 Q. In performing your -- last question, Mr. Ricci.  
10 In performing your duties as State Engineer and in performing  
11 your duties as Deputy State Engineer, and in all the years  
12 you've talked about in participating as part of the team that  
13 analyzed these reports and provided recommendations to the  
14 Deputy State Engineer and the State Engineer, before you were  
15 Deputy and State Engineer, were you performing hydrologic  
16 analysis similar to what you did when you worked on this  
17 report with Mr. Coache and Mr. Dixon?  
18 A. I'm going to see if I can --  
19 Q. Is that too long of a question?  
20 A. Yes, yeah.  
21 Q. Okay. I'm sorry. You know what you did here to  
22 sign off on this report?  
23 A. Yes.  
24 Q. Analyze the work of two other qualified

Page 107

1 individuals; right?  
2 A. Yes.  
3 Q. In your opinion --  
4 A. In my --  
5 Q. -- you believe they're also qualified to do this  
6 work?  
7 A. In my opinion, yes.  
8 Q. In all the years that you performed those same  
9 analysis of reports that were provided to the State Engineer  
10 that you said the State Engineer didn't independently do the  
11 reports, but then independently had to evaluate and assess  
12 those reports that were provided to the State Engineers by the  
13 Protestants and by Applicants who were asking the State  
14 Engineer to evaluate the hydrology of particular applications  
15 and particular projects, mine dewatering, water transfers,  
16 applications for permits to appropriate.  
17 Were you performing essentially the same types of  
18 task?  
19 A. Yes.  
20 Q. Do you feel that you have the expertise to  
21 perform that task for the review of the NCA rebuttal report  
22 here?  
23 A. Yes.  
24 MR. FLANGAS: I have no further questions.

Page 108

1 HEARING OFFICER FAIRBANK: Ms. Peterson?  
2 MS. PETERSON: Thank you.  
3 CROSS-EXAMINATION  
4 BY MS. PETERSON:  
5 Q. Mr. Ricci, Karen Peterson representing Lincoln  
6 County Water District and Vidler Water Company. And I do have  
7 a couple questions.  
8 Would you liken your description of your job and  
9 your assessment of these hydrologic studies and  
10 groundwater/surface water interaction -- interaction studies,  
11 I guess, that you reviewed while you were the State Engineer,  
12 would you liken that to like a judge hearing evidence in a  
13 case, in a court case?  
14 I mean, you didn't perform the work yourself, I  
15 think you agreed to that; right?  
16 MR. FLANGAS: Objection, compound, multiple  
17 questions.  
18 THE WITNESS: What is the question again?  
19 MS. PETERSON: Your Honor, may --  
20 HEARING OFFICER FAIRBANK: Please go ahead.  
21 BY MS. PETERSON:  
22 Q. Mr. Ricci, you said in response to questions from  
23 your counsel that you eval -- as State Engineer you -- in --  
24 in hearings, I got the impression it was mainly in hearings,

Page 109

1 but in granting water right applications and determining if  
2 the water was available so that you could grant a water  
3 application and determine that if there was any impact on  
4 existing rights, you asked Applicants or Protestants to  
5 provide information to you like hydrologic studies or an  
6 evaluation of the groundwater/surface water interactions; is  
7 that correct?  
8 A. Yes.  
9 Q. And -- and you working for the State Engineer's  
10 Office did not perform that work -- excuse me, yourself; is  
11 that correct?  
12 A. That is correct.  
13 Q. And you were a fact finder because you were the  
14 State Engineer, you were making determinations on water right  
15 applications; is that correct?  
16 A. Yes.  
17 Q. And isn't that similar, you know, to a judge that  
18 hears cases and there's evidence brought in front of the judge  
19 and the judge listens to all the evidence and then the judge  
20 or the jury make a determination, would you agree that your  
21 roles are similar?  
22 A. I would say it's different than being a judge,  
23 because a judge is the law. I'm only interpreting the law.  
24 Okay.

Page 110

1 And the information that is given to me, I use it  
2 as the law provides me to do so or the statutes allow me to do  
3 so. And then I make a determination on that. I am not the  
4 final arbiter of any particular application because the  
5 statute allows any person aggrieved may file an appeal to that  
6 particular decision. So I am not the final decision.  
7 Q. Right. But what I'm getting at is your role and  
8 when you get this information and you're evaluating it is  
9 similar to a judge where you're a fact finder. Would you  
10 agree with that?  
11 A. I'm a fact finder for determining what to do,  
12 yes.  
13 Q. Right. And you're --  
14 A. But --  
15 Q. And you didn't do any of the underlying work?  
16 A. No.  
17 Q. And I mean, if a judge reads medical reports, we  
18 wouldn't say that the judge is a doctor, would we?  
19 A. No.  
20 Q. Just because he read medical reports?  
21 A. No, but he'd have -- he would have to understand  
22 the basis of that.  
23 Q. And in your mind, is there a difference between  
24 an engineer, a licensed professional engineer and a

Page 111

1 hydrologist that's hired by the State Engineer's office?  
2 A. Is there a difference? Is that what you --  
3 Q. Is there a difference in experience, skill,  
4 education?  
5 A. Well, a hydrologist has a hydrologist degree. I  
6 do not have a hydrology degree. I have a civil engineering  
7 degree.  
8 Q. And your office recognizes -- I mean, I guess --  
9 well, the law, to be a State Engineer, says you have to be a  
10 licensed engineer; is that correct?  
11 A. Yes.  
12 Q. It doesn't say you have to be a licensed  
13 hydrologist. Would you agree with that?  
14 A. Yes.  
15 Q. All right. And there's a difference, there's a  
16 distinction between those professions and this office. Would  
17 you agree with that in the job descriptions?  
18 A. Yes.  
19 Q. Would you agree -- I think you said that you read  
20 the field experience that was described on page 1 to 2 of our  
21 objection. Did you read that?  
22 Do you have our objections in front of you?  
23 A. It reads, "they do not hold degrees in hydrology  
24 and have no direct work experience in the field of hydrology

Page 112

1 listed in their resumes".  
2 Q. Right.  
3 A. "And they do not have background, specialized  
4 knowledge". I have a professional degree.  
5 Q. Right. But not in hydrology; right?  
6 A. Oh, in the field -- okay. You're referencing in  
7 the field of hydrology. No, I do not have a professional  
8 degree in hydrology.  
9 Q. Right. Their -- I mean, you're being offered as  
10 groundwater and surface water hydrology expert?  
11 A. Well, I think my background, my background of  
12 16 years of reviewing information surely would -- surely  
13 should count for something.  
14 Q. I agree. I agree. But the field -- you don't  
15 have direct field experience, would you agree, in the areas  
16 that I've listed at the bottom here of page 1 to the top of  
17 page 2?  
18 A. I would disagree on water resource assessments  
19 and water resource management specifically.  
20 Q. Okay. But the other areas are basically  
21 accurate?  
22 A. That I have no field experience?  
23 Q. Correct.  
24 A. Yes.

Page 113

1 Q. Would you agree that you relied on Mr. Dixon's  
2 conclusions in your report in the rebuttal report as the  
3 expert hydrologist?  
4 A. I -- yes, I would say based on my experience and  
5 the review of that report, I would -- I concurred with his  
6 conclusions.  
7 Q. And Mr. Dixon has been recognized by the State  
8 Engineer as a licensed hydrologist; is that correct?  
9 A. I couldn't answer that.  
10 Q. Or not as a licensed, as an expert in hydrology;  
11 is that correct?  
12 A. I have no -- I have no knowledge of that.  
13 MS. PETERSON: I don't have anything further.  
14 Thank you.  
15 HEARING OFFICER FAIRBANK: Do you have any  
16 questions, Adam?  
17 EXAMINATION  
18 BY MR. SULLIVAN:  
19 Q. Yes, Mr. Ricci. So you don't have a degree in  
20 hydrology or hydrogeology. Do you have any formal  
21 certification or training in those fields?  
22 A. No, just work experience.  
23 Q. Just work experience. And so you had 16 years of  
24 experience reviewing reports and this was before our time.

Page 114

1 Can you give examples of hydrologic or  
2 hydrogeologic analyses that you personally did while you were  
3 here?  
4 A. I'm assuming you are asking me if I took the data  
5 myself and made my own -- looked at it only through my eyes  
6 and with no other assistance. Is that what you're asking me?  
7 Q. Yes. I'm wondering if you can recall doing  
8 original analysis, given hydrologic data or hydrogeologic  
9 data, or if your experience was in reviewing the work of  
10 others to make water rights decisions regarding the  
11 availability of water or potential facts on existing rights?  
12 A. In every instance that I spoke to is review of  
13 other people's works. Nothing that I did myself.  
14 Q. And in your time at working at the State  
15 Engineer's office, did you employ hydrologists or  
16 hydrogeologists?  
17 A. Yes. Do I need to further elaborate?  
18 Q. No, that was my question.  
19 HEARING OFFICER FAIRBANK: Mr. Ricci, I have a  
20 couple questions.  
21 THE WITNESS: Sure.  
22 EXAMINATION  
23 BY HEARING OFFICER FAIRBANK:  
24 Q. So if I understand correctly, you did not render

Page 115

1 any independent opinion or conclusion in Nevada Cogen  
2 Associates' rebuttal report; is that correct?  
3 A. No. All I did review -- all I did was review it  
4 and concurred with their conclusions.  
5 Q. And so in your -- your involvement in the  
6 rebuttal report was -- your involvement did not involve the  
7 performance of any interpretation of the data in formulating  
8 an independent opinion other than those expressed?  
9 A. No. All I did was just review the data that had  
10 been submitted as part of the rebuttal report -- I mean,  
11 excuse me, reviewed the report as to the data that was  
12 supplied in that report, and it seemed consistent with my  
13 background.  
14 Q. And, Mr. Ricci, in your experience within the  
15 Division of Water Resources and in your position as Deputy  
16 State Engineer and State Engineer, you certainly met then that  
17 experience provides you an understanding, an overall  
18 comprehension of water management, you know, on a larger  
19 scale; is that correct?  
20 A. Yes.  
21 Q. But in terms of the specific, you know,  
22 application of that, of those individual disciplines outside  
23 of your engineering background in terms of performing  
24 hydrologic calculations analyses, do you have any education

Page 116

1 and experience in those particular calculations in performance  
2 of those functions?  
3 MR. FLANGAS: I'm sorry, you said education and  
4 experience. I think that's -- in my mind, that's compound.  
5 I'm sorry, I have to object to that.  
6 HEARING OFFICER FAIRBANK: Education or  
7 experience. It's what -- did he have --  
8 MR. FLANGAS: You said "and".  
9 HEARING OFFICER FAIRBANK: Well, then let me  
10 clarify it, Mr. Flangas, for you.  
11 MR. FLANGAS: Okay. Thank you. Thank you.  
12 HEARING OFFICER FAIRBANK: I don't believe it was  
13 a compound question.  
14 MR. FLANGAS: Sorry.  
15 HEARING OFFICER FAIRBANK: But certainly I'll  
16 clarify it for you.  
17 MR. FLANGAS: Sorry.  
18 THE WITNESS: Okay. As far as the educational  
19 portion of it, the only thing I can refer back to is any  
20 college courses that I may have had in hydrology.  
21 BY HEARING OFFICER FAIRBANK:  
22 Q. And what college courses did you take in  
23 hydrology?  
24 A. Whatever the requirement was at the time for an

Page 117

1 engineering degree. I mean, you have to realize that was  
2 55 years ago. So I am going to plead ignorance to that one  
3 because I really don't recall.  
4 But as far as then, going back to the experience  
5 again, it is just what I was able to glean from people who  
6 were knowledgeable in hydrology to be able to learn from them.  
7 Q. Okay. Thank you.  
8 MR. FLANGAS: I'm sorry. I hope you understand  
9 it's -- there is a distinction there in the question. If I  
10 didn't make the point, then my witness might be confused by  
11 the answer. So thank you.  
12 HEARING OFFICER FAIRBANK: Mr. Flangas, do you  
13 have anything further?  
14 MR. FLANGAS: I was just going to ask Mr. Ricci  
15 one or two questions if I could.  
16 HEARING OFFICER FAIRBANK: Okay. Go right on  
17 ahead.  
18 FURTHER REDIRECT EXAMINATION  
19 BY MR. FLANGAS:  
20 Q. Mr. Ricci, in terms of specific hydrologic  
21 analysis, when you are evaluating the impacts on the  
22 groundwater basin in your role as Deputy State Engineer and  
23 advising the State Engineer and in your role as State  
24 Engineer, are you evaluating the impacts using your analytical

Page 118

1 abilities to evaluate the data in front of you or are you --  
2 did you simply accept all of the hydrology that was provided  
3 to you by other hydrologists?  
4 A. No. As I mentioned earlier, you took the  
5 information and you analyzed it as to were there any errors in  
6 that particular thought process. And in -- if you had  
7 conflicting information, then you made a determination as to  
8 what information was sound and what information possibly was  
9 not sound.  
10 Q. So were you performing the -- were you performed  
11 analysis when you were doing that?  
12 A. Oh, yes, yes.  
13 Q. You weren't simply relying on the hydrologists at  
14 the State Engineer's office and what they told you it said?  
15 A. I have to relate back to certain hearings. And  
16 you had, at one side, saying I want to do this one, one side  
17 saying, no, you shouldn't be able to do this, and both of them  
18 had their reports and you -- I can tell you that the side that  
19 said that they wanted it provided all the information that  
20 they said they -- that's why it should be done.  
21 The person on the other side says that's why it  
22 shouldn't be done, and you had to take that and make a  
23 determination based on the best analysis that you could make  
24 of that data from both sides.

Page 119

1 Q. And the question I think the State would ask you,  
2 though, is: Did you simply rely on someone in the State's  
3 office who was a hydrologist to give you the answer or did you  
4 perform the analysis?  
5 A. Well, I was assisted obviously. I mean, I took  
6 everybody's information because every issue -- everything that  
7 ever went out of this office was done under the State  
8 Engineer's name in which I was responsible for that. And I  
9 had to make sure that I understood what was going on in that  
10 particular decision.  
11 Q. So you had to understand the analysis?  
12 A. Yes.  
13 Q. Thank you. Appreciate that.  
14 MR. FLANGAS: That's all I have.  
15 HEARING OFFICER FAIRBANK: Okay. Let's go ahead  
16 and take a brief five-minute recess.  
17 (Recess at 4:15 p.m.)  
18 HEARING OFFICER FAIRBANK: So we go back on the  
19 record. So, Mr. Flangas, again, I think we're still --  
20 there's a little bit of confusion.  
21 We understand that the objection raised to Mr.  
22 Ricci was based upon the objection of having him qualified as  
23 an expert in hydrology.  
24 And so I guess we haven't received real clear

Page 120

1 clarification from you with respect to what are the specific  
2 disciplines in which you're proffering Mr. Ricci as an expert.  
3 MR. FLANGAS: Well, my witness statement says --  
4 and this is exactly, "each of these witnesses is proffered as  
5 an expert in the areas of groundwater and surface water  
6 hydrology, water rights, and to the extent necessary, the  
7 application of Nevada water laws affecting Nevada water  
8 rights."  
9 To the extent the report calls for an analysis of  
10 groundwater and surface water hydrology, he signed off on the  
11 report. We're not calling Mr. Ricci as a witness to testify  
12 directly.  
13 But to the extent that he signed off as an  
14 engineer on the report, he concurs with the conclusions in the  
15 report. So I'm offering him as an author of the report in  
16 those areas.  
17 HEARING OFFICER FAIRBANK: Are you -- so you're  
18 -- but are you offering him as an expert in surface water and  
19 groundwater hydrology?  
20 MR. FLANGAS: Yes.  
21 HEARING OFFICER FAIRBANK: Then on that basis,  
22 Mr. Ricci clearly has extensive experience in reviewing the  
23 work of other individuals and being involved in the process.  
24 And Mr. Ricci's experience certainly is understanding on a

Page 121

1 higher level the analysis and synthesis.  
2 But Mr. Ricci's testimony clearly indicates that  
3 he did not perform the independent hydrologic analysis  
4 himself. He relied on -- as part of a team and that's --  
5 those are the qualities of a good State Engineer.  
6 A good State Engineer compiles a team of  
7 individuals who are experts and who have that specialized  
8 knowledge that they can rely upon in rendering decisions that  
9 they can feel confident in signing off on.  
10 And so it's -- and, you know, with absolute  
11 respect to Mr. Ricci's experience and how that certainly  
12 translates into his role in managing the water resources and  
13 water management within the State, whether or not that rises  
14 to the specific discipline of groundwater and surface water  
15 hydrology, for the purposes of this particular hearing, we're  
16 not going to qualify him in that particular discipline.  
17 I don't recall that there was any line of  
18 testimony with respect to his specific experience with respect  
19 to water rights. He did talk about generally the water rights  
20 process. We will qualify him with respect to the issues of  
21 water rights.  
22 With respect to his expertise in Nevada water  
23 law, Mr. Ricci didn't provide any testimony with respect to  
24 his experience in interpreting and analyzing Nevada water law

Page 122

1 out -- you know, from a legal analysis. He didn't express any  
2 legal training or legal degree.  
3 And I -- and those two, quite candidly, I think  
4 qualifies legal opinions, which we're not going to go ahead  
5 and qualify an expert in that particular discipline because  
6 those are legal decisions, legal opinions that'll be not left  
7 to the expertise of experts, and certainly those types of  
8 issues are going to be beyond the scope of this particular  
9 hearing in those four particular matters.  
10 And that's not saying that we're not -- that, you  
11 know, these are decisions that are, you know, specific and  
12 limited to this particular proceeding with respect to  
13 Mr. Ricci.  
14 MR. FLANGAS: I don't think anyone is qualified  
15 to be an expert. I mean, just for the record, I don't think  
16 anyone is qualified to be an expert in Nevada water law. You  
17 can't call an attorney to the stand to testify about water law  
18 if they're the most qualified person in the United States. A  
19 Judge makes determinations on water law, period.  
20 When it comes to the application of Nevada water  
21 law to permits, that's the job of the State Engineer. That is  
22 exactly what the State Engineer does. So that's -- that was  
23 the reason it was proffered in that fashion, is the  
24 application of Nevada water law to Nevada water rights.

Page 123

1 That's the statutory job of the State Engineer,  
2 to take the Nevada statutes and apply them to the applications  
3 before the State Engineer, which is, you know, perhaps not the  
4 focus of this phase of the hearing. That's my understanding.  
5 That's not the focus of this phase of the hearing. But to the  
6 extent that I'm offering Mr. Ricci at some point for that,  
7 then we'll have to address that at that point, I guess.  
8 HEARING OFFICER FAIRBANK: We'll certainly  
9 revisit it.  
10 MR. FLANGAS: I'm not sure if that's the ruling  
11 you're making that he's not qualified to do that portion --  
12 HEARING OFFICER FAIRBANK: We're not going --  
13 MR. FLANGAS: But certainly not as a legal  
14 conclusion, the way a Judge would do it, because I don't think  
15 anyone is qualified to take that role.  
16 HEARING OFFICER FAIRBANK: So, Mr. Flangas, so as  
17 I've repeatedly stated, the purpose of these -- this  
18 particular proceeding and this particular phase is -- and as I  
19 stated, that the decisions that we're making with respect to  
20 Mr. Ricci are limited to these proceedings right here and now,  
21 before us.  
22 And with respect to those further issues, those  
23 will be addressed as we -- as this particular matter proceeds  
24 and how -- in whatever form it does.

Page 124

1 But I thought I made myself fairly clear that the  
2 decision that we are making with respect to this particular  
3 proceeding and that we're not going to qualify anybody in --  
4 as an expert in water law.  
5 The application of Nevada water law to pending  
6 permits or applications or anything of that nature is not --  
7 is beyond the scope of this particular proceeding. Okay? And  
8 so you can go ahead and move onto your next.  
9 MR. FLANGAS: I would call Robert Coache who is  
10 in Las Vegas.  
11 HEARING OFFICER FAIRBANK: Okay.  
12 MR. FLANGAS: I do have a document that I'll have  
13 to mark up here.  
14 HEARING OFFICER FAIRBANK: Is this a document  
15 that is -- been provided with respect to the additional  
16 disclosures?  
17 MR. FLANGAS: No, it's not. I just received it  
18 from Mr. Coache in response to the objections that we got to  
19 his qualifications.  
20 HEARING OFFICER FAIRBANK: We're not going to  
21 take any new evidence with respect to it. So you're  
22 certainly -- you know, we're not going to accept any new  
23 evidence.  
24 The deadline for filing documents to be under

Page 125

1 consideration for the State Engineer has already passed and  
2 we've told other parties that we're not accepting additional  
3 evidence with respect to these proceedings, so --  
4 MR. FLANGAS: The objection was only raised to  
5 Mr. Coache after the deadline was -- just so -- for the  
6 record, I want to make an objection to that. The objection to  
7 Mr. Coache was raised after the deadline for submission of  
8 documents. I didn't know that Mr. Coache was going to be  
9 objected to. This is a response to that objection, so --  
10 HEARING OFFICER FAIRBANK: I appreciate that, but  
11 we've made a decision with respect to other parties that we're  
12 not adding additional documents to the record with respect to  
13 these particular proceedings.  
14 Mr. Coache has supplied a resume. You're going  
15 to be able to examine him and articulate his qualifications  
16 with respect to the particular objections that were raised.  
17 The objecting party will be permitted to cross -- you know,  
18 voir dire Mr. Coache.  
19 MR. FLANGAS: I understand.  
20 HEARING OFFICER FAIRBANK: And we'll proceed on  
21 this basis.  
22 MR. FLANGAS: Okay. I just wanted it on the  
23 record. Mr. Coache, do you -- can you hear us from up -- from  
24 down there?

Page 126

1 THE WITNESS: Yes.  
2 MR. FLANGAS: Okay. Could you -- do you want to  
3 swear the witness, ma'am?  
4 ROBERT COACHE,  
5 called as a witness in this matter,  
6 having been first duly sworn,  
7 testified as follows:  
8 DIRECT EXAMINATION  
9 BY MR. FLANGAS:  
10 Q. Could you state your name for the record, please?  
11 A. Robert Coache, C-O-A-C-H-E.  
12 Q. Mr. Coache, what's your occupation?  
13 A. Currently I'm retired and I have a hydrologic  
14 consulting company.  
15 Q. What's the name of that company?  
16 A. Hydrotech Consulting Services, LLC.  
17 Q. Okay. Do you have a copy of your CV in front of  
18 you that was submitted to the State Engineer?  
19 A. Yes, I do.  
20 Q. For these proceedings?  
21 A. Yes.  
22 Q. Okay. Mr. Coache, where did you receive your  
23 degree and what was it in?  
24 A. I received my degree from Utah State University

Page 127

1 and it was in watershed science, bachelor of science in  
2 watershed science.  
3 Q. Could you tell the State Engineer -- I'm sorry,  
4 could you tell the hearing officer here what watershed science  
5 degree entails?  
6 A. It's a bachelor of science and hydrology.  
7 Q. Could you be a little bit more specific in terms  
8 of the overall things that you studied in that particular  
9 degree?  
10 A. Are you talking like course work?  
11 Q. Yes, please.  
12 A. Okay. I actually brought a list for you, but I  
13 thought you'd have something like that. Soils and water in  
14 the environment, studied environmental law, weather and  
15 climate, watershed instrumentation, watershed management,  
16 water -- wild and water quality, watershed water quality,  
17 small watershed hydrology, watershed analysis and planning,  
18 applied to hydraulics, range hydrology, engineering hydrology,  
19 watershed science probabilities, and then some other core  
20 classes like in writing, technical reports and things of that  
21 nature.  
22 Q. When did you obtain that degree, sir?  
23 A. Let's see here. 1981.  
24 Q. Okay. Now, in your CV, there's a note. We

Page 128

1 should probably make a correction. You have May of 1980 to  
2 May of 1980, hydrology research aid. Is that a typographical  
3 error?  
4 A. Yes, I apologize. It should be May of 1980 to  
5 May of 1981.  
6 Q. And you said you were a hydrology research aid.  
7 Who were you working with; do you remember?  
8 A. I was working for Professor Gerald Gifford.  
9 Q. When you say that you were studying hydrology in  
10 watershed science, Gerald Gifford wrote a letter for you in  
11 1981. It was a referral letter; is that right?  
12 A. That is correct.  
13 Q. And in that letter, he indicated that --  
14 MS. PETERSON: Objection, hearsay.  
15 MR. FLANGAS: Well, this is an informal --  
16 MS. PETERSON: You're trying to get into  
17 evidence, the evidence that is not allowed to be admitted.  
18 MR. FLANGAS: I'm trying to qualify my expert at  
19 a hearing that we were called to qualify an expert. I'm  
20 asking him some questions about his background. Everything  
21 we're talking about today is additional evidence that was not  
22 submitted on September 6th.  
23 MS. PETERSON: But for the record, you're reading  
24 right from the letter that we tried to introduce and --

Page 129

1 MR. FLANGAS: That's exactly what I'm doing.  
2 MS. PETERSON: And the hearing officer said that  
3 that information couldn't be introduced as an exhibit. So you  
4 shouldn't be allowed to introduce it then through your  
5 questions and testimony.  
6 HEARING OFFICER FAIRBANK: Objection is  
7 sustained.  
8 MR. FLANGAS: Okay.  
9 HEARING OFFICER FAIRBANK: Please move on,  
10 Mr. Flangas.  
11 BY MR. FLANGAS:  
12 Q. Mr. Coache, in your CV from 1981 to 1990, you  
13 indicate that you were a hydraulic engineer and a hydraulic  
14 engineer II at NDWR for approximately nine years. Can you  
15 tell us what that entailed?  
16 A. Pretty much as I stated in my CV. We collected  
17 all kinds of field data, prepared just tons of data for crop  
18 inventories, collected groundwater information. That was  
19 pre-Excel, pre-computers.  
20 For a lot of the office, we didn't have stuff,  
21 then we created hydrographs by hand at that time. Collected  
22 precip data throughout southern Nevada, measured spring stream  
23 discharge rates in southern Nevada, you know, the -- started  
24 out in measuring stuff in Muddy River Springs.

Page 130

1 That was the first -- well, within the first week  
2 of my starting work in November of '81. I went out to the  
3 Muddy River Springs area and we were taking the equipment off  
4 of the flumes and stuff out there from the original MX-5 pump  
5 tests.  
6 I conducted informal/formal field investigations,  
7 kind of seeing where property's at, where water is at, what's  
8 going on with these applications, making recommendations at  
9 that time at a very low level obviously.  
10 And then actually on the one with Jason and some  
11 other people that I've seen install the flumes that are in the  
12 Muddy River Springs area to this day.  
13 Q. Sir, what's a hydrograph?  
14 A. Hydrograph is a plot over an XY axis, showing  
15 what -- the X axis being time and the Y axis being depth to  
16 groundwater for four measurements from a well or to be a  
17 hydrograph of spring stream or river flows also, showing the  
18 rate of flow of the river at that time.  
19 Q. And between 1981 and 1990, did you do both of  
20 those?  
21 A. Mostly groundwater hydrographs is what we did.  
22 We did some minor stuff on transfer data in the Muddy River  
23 Springs area, because the -- there was recorders on those  
24 flumes when those measurements were taken.

Page 131

1 Q. Okay. 1990 to 1996, you have your -- you have  
2 listed as NDWR hydrologist. Can you tell us what your duties  
3 entailed there?  
4 A. A lot of the same duties. I was -- my level of  
5 responsibility was increased at that time and it was more  
6 independent working and working directly with Carson City on  
7 projects, and then also was responsible for the Las Vegas  
8 Valley Water District groundwater recharge program at that  
9 time, analyzing that data, meeting with those folks and  
10 drafting for mid terms and/or other terms of what the data  
11 collection was going to be for each of the recharge permits.  
12 Let's see. What else did I do there? I did  
13 analyze expert reports and write my summaries and make the  
14 recommendations based on my interpretation of the information  
15 to Hugh -- excuse me, to Mr. Ricci and/or Mr. Turnipseed at  
16 that time.  
17 I did start, at that time, being able to sit at  
18 the table up front where these folks are at today, going  
19 through and sitting at hearings and, you know, taking notes  
20 and getting my -- wrapping my arms around the entire process  
21 of what's required to evaluate data in compliance with the  
22 Nevada statutes.  
23 Q. When you say "in compliance with Nevada  
24 statutes," what are you referring to?

Page 132

1 A. Well, there's parameters that require -- that are  
2 required to be met to issue a permit. So it's is  
3 unappropriated water available, is it going to impair existing  
4 rights, is it detrimental to the public interests, or is it  
5 going to impair domestic wells.  
6 The domestic well parameter wasn't always in  
7 there at that time, but the first couple were. And so you had  
8 to obviously make a determination if the perennial yield was  
9 available to issue the permit, and then also make a  
10 determination within reason of what the -- because this -- the  
11 statute allows for reasonable lowering of the water table.  
12 So you had to make a determination on what those  
13 impacts were and how adverse the effects could be on  
14 neighboring wells or to the entire system.  
15 Q. How did you make a determination of what the  
16 impacts were? Were you performing a hydrologic analysis?  
17 A. Through hydrologic analysis, I've taken the  
18 position, you know, when all the reports come in and stuff,  
19 I've read thousands and thousands of pages of reports and  
20 reviewed them.  
21 I always took the position that none of them  
22 pretty much were accurate and went through to prove or  
23 disprove what was in those reports, did my own analysis many  
24 times, followed their chain -- their train of thought on what

Page 133

1 they were doing, and then we would -- I would sit down with  
2 the State Engineer or Hugh or whatever and make somewhat --  
3 what I thought about everything.  
4 Q. Would you perform an independent hydrologic  
5 analysis based on the data provided?  
6 A. I cross-checked their data and/or performed  
7 independent analysis sometimes, yes.  
8 Q. How many times do you think you did that in the  
9 entire time you were with the State Engineer's office?  
10 A. I couldn't even look at how many times I've done  
11 stuff. You know, looking at projects, how -- you know, some  
12 projects were continuous. A lot. I mean, you know, very -- a  
13 lot.  
14 Q. Can you give us a little more specific  
15 information than that? I mean, are we talking about once a  
16 year? Are we talking about once a month?  
17 A. Oh, again, it would depend on what was happening.  
18 But it could be, you know, several times during a month or --  
19 and, you know, it could be stretched out over more time. But  
20 if something -- you know, if there was a lull in big projects  
21 or permits or, excuse me, applications that were being heard.  
22 Q. And that was over a period of several years?  
23 A. Oh, yes, absolutely. Well, that started in 1990,  
24 pretty much, and it just increased with responsibility. And

Page 134

1 as time went by, the degree of review and the degree of -- you  
2 know, the light that was shined on this stuff just got  
3 brighter and brighter and brighter as time went by because we  
4 had fewer and fewer resources.  
5 So from 1990 on, these things got more  
6 complicated, more complex, and those reviews changed with that  
7 as it went.  
8 Q. Did you continue to perform your own independent  
9 reviews?  
10 A. I didn't hear that, sir.  
11 Q. Did you continue to perform your own independent  
12 reviews?  
13 A. Throughout that, yes. As you come up to the  
14 next -- my next phase, when I -- ask me that question when we  
15 go to the next job on the resume.  
16 Q. When you're an NDWR Manager II, registered  
17 professional engineer, '96 through 2006?  
18 A. Yes, sir.  
19 Q. Did you continue to perform independent reviews  
20 during that time?  
21 A. Yes. And while I have a -- I have a degree in  
22 hydrology, I went at that time a little bit -- it was about a  
23 year before that, I had -- well, starting a couple years  
24 before that, I went and I studied up and took the EIT test,

Page 135

1 passed that and then went and did a little bit of extra  
2 studying and passed the PE test based on the information I had  
3 in my hydrology background.  
4 And then -- so I became a registered professional  
5 engineer. After I got that registration, I got promoted to  
6 run the southern Nevada branch office as that professional  
7 engineer, to run that office.  
8 Q. You indicated you were involved in the  
9 preparation of draft rulings and orders in accordance with the  
10 Southern Nevada Division of Water Resources in the Las Vegas  
11 Valley hydrographic basin artificial recharge program. Did  
12 you evaluate that program?  
13 A. Yes, I did.  
14 Q. Independently?  
15 A. Independently. I was the only person working on  
16 that project in southern Nevada from the Division of Water  
17 Resources office.  
18 Q. When --  
19 A. And I'll build some more off of that.  
20 In June and -- I can't remember if it was June or  
21 July or July and August. I think it was June and August of  
22 2001, I was the person that sat with Hugh for the original --  
23 as he was talking about the original CSI hearings and Southern  
24 Nevada Water Authority hearings.

Page 136

1 And I'm the one that did the analysis of the  
2 information provided by SNWA and CSI, Park Service, and the  
3 Fish and Wildlife Service that made the recommendation to Hugh  
4 that I didn't believe there was water sufficient for these  
5 applications and that's how we decided to do the 11 -- order  
6 the 1169 pump test.  
7 Q. That was based on a hydrologic analysis that you  
8 performed?  
9 A. Yes.  
10 Q. From June of 2000 -- July of 2006 to May 2010,  
11 you were Deputy State Engineer?  
12 A. Yes, I was.  
13 Q. And what were your duties in that role?  
14 A. Again, a lot of the same duties, but more  
15 responsibility. So I was the head of the team at that time  
16 that -- I was involved in the pipeline -- we called it the  
17 pipeline project, but it was basically the hearings for Spring  
18 Valley, Cave, Delamar, Dry where SNWA wanted to build a  
19 pipeline up through northern Nevada.  
20 And at that point, we had hired Mr. Felling as a  
21 hydrologist so -- because there was a long time that, in the  
22 office, there actually wasn't a hydrologist for many, many  
23 years of my time I was there, because once I moved out of the  
24 hydrologist position in southern Nevada, they never filled it.

Page 137

1 And so I worked on those projects and I was the  
2 senior person up -- on those projects that developed -- did  
3 the analysis on those projects, worked with Rick Felling on  
4 the analysis of those projects. We'd sometimes break  
5 different things up or do different odds and ends on that, and  
6 then drafted the rulings for the State Engineer.  
7 Q. In drafting those rulings, did you have to apply  
8 Nevada statutes and analyze Nevada statutes with regard to the  
9 rulings?  
10 A. Yes. In all of those ones I just told you, there  
11 was the regular statutes with regards to the four parameters  
12 for the appropriation of water. In addition, it was the  
13 parameters that -- there were interbasin transfers.  
14 So then you had to look at the health and wealth  
15 of the basin of origin, make sure that there was water  
16 available in those basins for future growth and development,  
17 and there was a higher bar with regards to impacts and things  
18 of that nature.  
19 I can't recall the other one off the top of my  
20 head, but we definitely looked at all the statutes of  
21 appurtenance to the appropriations of water.  
22 Q. When you looked at impacts, were you looking at  
23 hydrologic impacts as well as economic impacts and other  
24 impacts required by statute?

Page 138

1 A. It was a broad -- it was a broad brush because  
2 it's not well defined. I can't remember the exact wording in  
3 the statute, but it's a very, very broad brush. And I mean,  
4 it goes from bugs and bunnies to the economics to a water for  
5 development from anything, and then the regular parameters  
6 about detrimental to existing rights and water available.  
7 Q. After 2010, you were a principal with Hydrotech  
8 Consulting. Have you been involved in any specific hydrology  
9 as a principal in Hydrotech?  
10 A. Yes, I've done some stuff in Pahrump. I've done  
11 some stuff in Amargosa. I do a lot of generalized water  
12 rights work, water analysis and the whole water right frame of  
13 TCD's and Humboldt -- I've done some Humboldt River stuff.  
14 Priority dates are becoming a big deal, so you've got to  
15 prioritize the basin inventories.  
16 I did a basin inventory. I can't think of it off  
17 the top of my head, but I did a full basin inventory for -- I  
18 can't even think of the name of the town now. But that was  
19 required for an interbasin transfer. So I've done that.  
20 Q. Were you involved in any well work at all?  
21 A. What now?  
22 Q. Involved in any well work specifically?  
23 A. Yeah, yeah, I -- even before that, I've designed  
24 a well before. I didn't find it very challenging, but it was

Page 139

1 pretty easy. I've done water -- a lot of water quality  
2 analysis. Hydrologic, I did a hydrologic report for aging of  
3 water.  
4 And that's other -- you know, a lot of that  
5 stuff, I didn't do aging stuff at DWR, but I've done it in  
6 projects outside of DWR in a different state.  
7 And now, you know, we do it -- anytime you  
8 transfer water rights in Amargosa now, you have to do  
9 basically a Theis analysis for gain of impacts. You can't  
10 increase impacts of de la Salle. I've done some of that on  
11 protest -- answer to a protest in Pahrump on the fan. Same  
12 stuff we would do when I was at water resources also.  
13 MR. FLANGAS: I have nothing further for  
14 Mr. Coache.  
15 HEARING OFFICER FAIRBANK: Ms. Peterson?  
16 MS. PETERSON: Thank you.  
17 CROSS-EXAMINATION  
18 BY MS. PETERSON:  
19 Q. Mr. Coache, Karen Peterson here, representing the  
20 Lincoln County Water District and the Vidler Water Company.  
21 And can you hear me?  
22 A. Barely. You have a very soft voice.  
23 MS. PETERSON: Is that a microphone there?  
24 HEARING OFFICER FAIRBANK: Yeah, go ahead.

Page 140

1 BY MS. PETERSON:  
2 Q. Sorry about that.  
3 A. That's all right.  
4 Q. So, Mr. Coache, I went to Utah State University  
5 and got their program here for their bachelor of science in  
6 watershed science.  
7 A. Okay.  
8 Q. And I notice that it's under the department of  
9 forestry and outdoor recreation?  
10 A. Maybe today.  
11 Q. No, this is from 1980 to 1982.  
12 A. Okay. It was actually under the college of  
13 agriculture.  
14 Q. When you were there?  
15 A. Yep.  
16 Q. All right. And I looked under the specific --  
17 A. I mean, the letterhead -- the head of the letter  
18 that you won't let me submit as evidence says College of  
19 Natural Resources, watershed science unit.  
20 HEARING OFFICER FAIRBANK: And, Mr. Coache, if  
21 you'll let Ms. Peterson finish her questions before  
22 interrupting with an answer.  
23 THE WITNESS: I was finishing my answer from the  
24 previous question. Thank you.

Page 141

1 BY MS. PETERSON:  
2 Q. And I'm looking at the course requirements for  
3 the watershed science degree?  
4 A. Okay.  
5 Q. And I don't see anything in hydrology. I know  
6 you testified that you had some courses in hydrology, but --  
7 A. Well, you're looking at the wrong requirements  
8 then.  
9 Q. Well, then let me look at the U of A requirements  
10 for a degree in hydrology.  
11 MR. FLANGAS: I'll object on hearsay. We're in  
12 the same kind of dilemma here. I haven't seen the documents  
13 that Ms. Peterson is referring to. You've just indicated  
14 you're not going to allow additional documents in.  
15 I'm going to object to the documents that she's  
16 cross-examining from because I haven't seen them. They  
17 haven't been produced. They're not part of this hearing on  
18 the same basis, the same ruling that you just made a few  
19 minutes ago.  
20 MS. PETERSON: There -- this is for impeachment  
21 purposes and I'm going to ask -- I would like to ask questions  
22 related to course work for a degree in hydrology. And it's my  
23 materials, it's my work product. I'm not trying to submit it  
24 as an exhibit. It's for impeachment purposes.

Page 142

1 MR. FLANGAS: I don't know if it's real and I  
2 haven't been able to take any discovery, find out what she's  
3 got. I don't know if it's real impeachment or not  
4 impeachment.  
5 MS. PETERSON: I'll rephrase my question.  
6 HEARING OFFICER FAIRBANK: Go ahead and do that,  
7 Ms. Peterson.  
8 MS. PETERSON: I'll rephrase my question.  
9 BY MS. PETERSON:  
10 Q. First of all, Mr. Coache, do you -- can you tell  
11 us why your degree is not in hydrology and the name of it is  
12 watershed science?  
13 A. Because that's what hydrology is. Hydrology  
14 originates from the watershed. You don't have hydrology  
15 without a watershed. Paint Springs Valley, Garnet Valley,  
16 those are all watersheds. Waterfalls within that watershed  
17 and goes somewhere, goes up, goes down, goes out, one of  
18 those.  
19 So that's what hydrology is. This is 1981, okay?  
20 I mean, I'm old. We didn't have computers then and my course  
21 work was in hydrology. Many of the classes I took have  
22 hydrology in the name and I have a letter that you won't let  
23 me introduce that says I graduated in hydrology.  
24 Q. Did you take any courses in principles of

Page 143

1 hydrology?  
2 A. I took courses in engineering hydrology, range  
3 hydrology, watershed hydrology, so yes. And I didn't even go  
4 through some of my other science background.  
5 Q. Did you take any courses in hydrogeology?  
6 A. Hydro what?  
7 Q. Geology?  
8 A. I have no idea what you're talking about.  
9 Q. Hydrogeology?  
10 A. You mean regular hydrology?  
11 Q. Hydrogeology?  
12 A. Again, I have no idea what you're talking about  
13 in a class with hydrogeology.  
14 Q. All right. Have you -- did you take any applied  
15 groundwater modeling courses?  
16 A. We didn't have computers then, ma'am.  
17 Q. How about fundamentals of subsurface hydrology?  
18 A. I took a class in watershed -- small watershed  
19 hydrology, watershed analysis and planning, applied  
20 hydraulics, which was an excellent engineering class and  
21 engineering in hydrology, range hydrology and probabilities of  
22 watershed science. Those are -- that's just some of them I  
23 took.  
24 Q. Okay. So no courses in field hydrology?

Page 144

1 A. Range hydrology is field hydrology.  
2 Q. Any geology?  
3 A. Again, I don't know what you're reading off of,  
4 because I took every core class I needed to pass this thing,  
5 this degree. And it included -- it's a bachelor's of science.  
6 It's not a bachelor's in arts of something. It's a bachelor's  
7 of science in watershed science, which is hydrology.  
8 Q. Did you take any courses in geology?  
9 A. I took courses in soils, which is more important  
10 to hydrology than geology is.  
11 Q. You signed the report, your expert rebuttal  
12 report as a licensed engineer in the State of Nevada; is that  
13 correct?  
14 A. That's correct.  
15 Q. And are there any hydrology disciplines in the  
16 engineering licensing?  
17 A. Well, there's no hydrology provisions in the  
18 entire State of Nevada for any licensing.  
19 Q. And just for the record, I don't see it on your  
20 CV, but you're not a registered or professional geologist in  
21 any jurisdiction, are you?  
22 A. No. I've never claimed to be.  
23 Q. And you're not an accredited or, I guess,  
24 registered or licensed hydrologist in any jurisdiction or with

Page 145

1 any accrediting entity; is that correct?  
2 A. Well, you can't be registered in something that  
3 does not exist, ma'am.  
4 Q. It would be fair to say that you relied on  
5 Mr. Dixon's conclusions with regard to hydrology in the report  
6 and you signed off on those conclusions, like Mr. Ricci  
7 testified to earlier today?  
8 A. That's not true.  
9 Q. And I noticed on your CV that you do have some  
10 expert testimony experience, but I don't see --  
11 A. Yes.  
12 Q. I don't see that it's in hydrology?  
13 A. That's correct.  
14 Q. And I also see that you have a -- two  
15 publications listed?  
16 A. That's correct.  
17 Q. And you're listed as the editor; is that correct?  
18 A. And as the writer.  
19 Q. And you wrote on order 1169; is that correct?  
20 A. In one of them, I did for sure. I don't know  
21 about the other one.  
22 Q. But any of the hydrology articles or geology  
23 articles or even the history of Ely that Mr. Ricci included in  
24 these, those were all drafted by other people or authored by

Page 146

1 other people; is that correct?  
2 A. Not completely, no.  
3 Q. All right. Where -- in each one of those  
4 publications, where is any article or submission that you  
5 included in those related to hydrology, other than the Order  
6 1169 article you did?  
7 A. I edited every one of those articles as the  
8 editor of that booklet.  
9 Q. And what'd you do with the editor?  
10 A. I cleaned them up. I made them all one voice. I  
11 took out anything that was political. We were not looking for  
12 a political interpretations of impacts or whatever and -- but  
13 personally edited every one of those reports.  
14 Q. And by "edited," you mean like an editor does for  
15 a book where you clean up the grammar and the punctuation and  
16 that kind of thing?  
17 A. No, you're the -- I'm the last person you want  
18 cleaning up your grammar or your punctuation.  
19 Q. Do you have any publications or anything that  
20 you've offered that has been peer reviewed?  
21 A. I don't know if you call pumpage inventories that  
22 thing, but those have been peer reviewed tons of times. The  
23 State Engineer's office doesn't do technical analysis of  
24 publications.

Page 147

1 We don't publish publications. So I'm not sure  
2 about your -- the broadness of that question.  
3 Q. Do you have any publications specifically with  
4 regard to any work you may have done on hydrology that have  
5 been peer reviewed?  
6 A. No, I did -- the reports -- the one report I did  
7 for Arizona was not peer reviewed.  
8 Q. Have you conducted hydrologic investigations  
9 which involve field work, data and report research,  
10 computation of data, preparing and authoring the report? Have  
11 you done any work like that?  
12 A. I've done all that work.  
13 Q. And was that your work with the State Engineer's  
14 office?  
15 A. That's correct and then I've done some of it  
16 privately.  
17 Q. But I don't see that listed in your resume?  
18 A. Yeah, I didn't really think it was relevant to  
19 the four questions being proposed to us for these hearings.  
20 Q. The hydrology, surface and groundwater hydrology  
21 is not relevant to the four questions?  
22 A. That's not what you asked me.  
23 Q. Well, do you -- you do understand you're trying  
24 to be qualified as an expert in surface and groundwater

Page 148

1 hydrology?  
2 A. Absolutely. And I am an expert in that.  
3 Q. But you didn't think it was important to put that  
4 information on your resume?  
5 A. You're going to have to back up on what  
6 information?  
7 Q. Experience in hydrologic investigations?  
8 A. My whole resume is background and experience in  
9 hydrologic resumes -- or investigations.  
10 Q. Have you been involved in permitting development  
11 in any ongoing operations of aquifer and recovery facilities?  
12 A. I can't hear you, ma'am. Sorry.  
13 Q. Have you been involved in the permitting,  
14 development and any ongoing operations of aquifer and recovery  
15 facilities?  
16 A. I don't understand over what time and I have no  
17 -- I don't understand your question. Aquifer recovery system,  
18 I have no idea what you're talking about.  
19 Q. Aquifer and recovery facilities, have you been  
20 involved in any projects related to those?  
21 A. Aquifer and recovery systems?  
22 Q. Yes.  
23 A. You mean pumping from an aquifer?  
24 Q. Well, have you been involved in -- I don't see

Page 149

1 any project experience on your resume.  
2 A. I have 30 years at the State Engineer's office  
3 for projects. They came in all the time.  
4 Q. Okay. That's fair. Thank you.  
5 A. And I have -- if you want to go in my personal  
6 experience of just projects, me personally, yes, I've done a  
7 hydrologic report in Arizona. I designed a 4,000-foot deep  
8 well in Arizona. I mean, that's --  
9 Q. Was that well --  
10 A. To me, that's almost insignificant in the whole  
11 thing of doing 20 whatever, eight years, 7 years I did at  
12 water resources and reviewed these reports all the time.  
13 Q. Have you independently developed any groundwater  
14 models?  
15 A. Not a groundwater model, no.  
16 Q. Have you prepared any spring flow analysis?  
17 A. I can't hear you, ma'am.  
18 Q. Have you prepared any spring flow analysis?  
19 A. I did water analysis on the Muddy River. When we  
20 did the initial work beforehand -- excuse me, on the King --  
21 not the King, sorry, the CSI and the SNWA, the original Coyote  
22 Springs hearings in 1991.  
23 I've done spring analysis, surface water analysis  
24 at Water Resources. I actually -- with Rick, we developed a

Page 150

1 method of predicting stream flows, and what have you, using  
2 hydrographs and information from other flow systems.  
3 I've done that. Did analysis of springs flows in  
4 the Muddy River Springs area, Peterson Springs and Laurel  
5 Springs at the time. Because you've got to remember, I was  
6 involved -- I was at Water Resources from the initial hearing  
7 on the Coyote Springs Valley, the drafting of the parameters  
8 and the pump test for 1169, the base work to get up to the  
9 point.  
10 And then on -- you know, I wish I would be have  
11 been able to see it through, but the pump tests started a  
12 little bit after I left.  
13 Q. Were you here for Mr. Ricci's testimony?  
14 A. Yes.  
15 Q. Would you agree that your experience in the  
16 office, the State Engineer's office was similar to his  
17 experience?  
18 A. No.  
19 Q. You did more than he did?  
20 A. I can't hear you, ma'am.  
21 Q. You did more work than he did?  
22 A. We did different types of work.  
23 MS. PETERSON: I don't have any further  
24 questions.

Page 151

1 HEARING OFFICER FAIRBANK: Mr. Flangas, do you  
2 have any follow-up questions?  
3 MR. FLANGAS: Just a couple.  
4 REDIRECT EXAMINATION  
5 BY MR. FLANGAS:  
6 Q. Mr. Coache, you signed off on the report and I  
7 want to clarify this answer. You did not disagree with  
8 Mr. Dixon on any aspect of this report, did you, the --  
9 A. No, absolutely not. Absolutely not.  
10 Q. The NCA rebuttal report I'm referring to?  
11 A. Yes, yes, sir. And, no, I did not.  
12 Q. Okay. So in response to the question when you  
13 said you did not rely upon and sign off like Mr. Ricci, you're  
14 indicating that you did additional work, more so than  
15 Mr. Ricci; is that correct?  
16 A. Yeah, I did not rely on Mr. Dixon because he did  
17 work separate from myself in that report.  
18 Q. So you did a separate analysis and came up with  
19 your independent analysis of the data; correct?  
20 A. That's correct.  
21 Q. And then you ultimately concurred on similar  
22 conclusions; right?  
23 A. Not necessarily, because he's -- he was  
24 specifically responsible for his sections, I was responsible

Page 152

1 for my sections. I reviewed his sections and found, you know,  
2 to be acceptable and I -- and looks correct to me, you know,  
3 and everything. But I was specifically responsible for my  
4 sections in the report.  
5 Q. Understood. Okay. But different than Mr. Ricci  
6 in terms of just reviewing, you actually performed work on the  
7 report?  
8 A. Absolutely.  
9 Q. So that's what you meant when you said no to  
10 Ms. Peterson's question. It's not that you disagreed with the  
11 report, it's that you did something different than Mr. Ricci  
12 did?  
13 A. That's correct.  
14 MR. FLANGAS: That's all I have. Thank you.  
15 MS. PETERSON: I just have one follow-up.  
16 HEARING OFFICER FAIRBANK: Okay.  
17 RECROSS-EXAMINATION  
18 BY MS. PETERSON:  
19 Q. Which sections of the report did you work on,  
20 Mr. Coache?  
21 MR. FLANGAS: I'll object to that. That doesn't  
22 go to his qualifications.  
23 HEARING OFFICER FAIRBANK: I'm going to allow the  
24 question because I was going to ask the exact same question.

1 THE WITNESS: Four, five. Excuse me. I have to  
 2 correct a little bit. Six -- number six, I worked on, we did  
 3 do that one jointly and seven we did jointly. So 4, 5, 6 and  
 4 7 -- oh, and then I did eight and that was it.  
 5 So I did 4, 5 independently. I did eight  
 6 independently and then 6 and 7 were a joint collaboration.  
 7 MR. FLANGAS: Could I ask a follow-up question  
 8 then?  
 9 HEARING OFFICER FAIRBANK: One last one and then  
 10 we're going to take a break.  
 11 FURTHER REDIRECT EXAMINATION  
 12 BY MR. FLANGAS:  
 13 Q. Do you know -- do you know if Mr. Dixon performed  
 14 analysis on any of the ones that you said you did  
 15 independently? Could he have done his own analysis as well?  
 16 He's not here, that's why I'm asking.  
 17 A. My understanding is he reviewed everything just  
 18 like I did, his stuff, and that's why we all signed off  
 19 jointly on the report.  
 20 Q. I'm sorry. I'm not sure I understand that. Do  
 21 you know if he independently did perhaps the same analysis  
 22 that you did on those actions? Do you know whether he did or  
 23 not?  
 24 A. I cannot say for sure how much work he did in

1 purpose of this hearing is not to address the policy  
 2 considerations with respect to the application of Nevada water  
 3 law to any particular water right permit or certificate, and  
 4 we're not qualifying anybody as an expert in Nevada water law.  
 5 But -- so it's going to be that limited purpose  
 6 of the qualifications, limited to this report and this  
 7 hearing. I thank everyone for their time. Mr. Coache,  
 8 Mr. Walsh if you will go ahead and extend my great gratitude  
 9 to my staff in Las Vegas for hanging out a little bit after  
 10 hours and I appreciate everybody's time, and we'll see you  
 11 guys on Monday.  
 12 THE WITNESS: We will. Thank you.  
 13 HEARING OFFICER FAIRBANK: Thank you.  
 14 (Proceedings concluded at 5:15 p.m.)  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24

1 reviewing my work.  
 2 MR. FLANGAS: Okay. Thank you.  
 3 HEARING OFFICER FAIRBANK: All right. Let's go  
 4 ahead and take a short break.  
 5 (Recess at 5:06 p.m.)  
 6 HEARING OFFICER FAIRBANK: Okay. So for purposes  
 7 of Mr. Coache's qualifications, he's been offered as an expert  
 8 in hydrology, surface water and groundwater hydrology, water  
 9 rights.  
 10 Oh, sorry, let's go ahead and do this again.  
 11 Starting over because we had the mute button and Mr. Sullivan  
 12 so kindly gestured at me.  
 13 So for the purposes of Mr. Coache's  
 14 qualifications, he's been proffered in the disciplines of  
 15 surface water and groundwater hydrology, water rights and the  
 16 application of Nevada water law to water rights.  
 17 And so what we're going to go ahead and do is for  
 18 the purposes -- for the limited purposes of this particular  
 19 hearing, based upon Mr. Coache's representations of his course  
 20 work and work experience and elements of his involvement in  
 21 the report submitted by Nevada Cogen Associations will qualify  
 22 him in those disciplines for the limited purpose of this  
 23 hearing.  
 24 Again, I'm just going to reiterate that the

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 19th of September, 2019, in Carson  
 7 City, Nevada, I was present and took stenotype notes of the  
 8 hearing held before the Nevada Department of Conservation and  
 9 Natural Resources, Division of Water in the within entitled  
 10 matter, and thereafter transcribed the same into typewriting  
 11 as herein appears;  
 12 That the foregoing transcript, consisting of  
 13 pages 1 through 155 hereof, is a full, true and correct  
 14 transcription of my stenotype notes of said hearing.  
 15  
 16 Dated at Carson City, Nevada, this 21st day of  
 17 September, 2019.  
 18  
 19  
 20  
 21  
 22  
 23  
 24

\_\_\_\_\_  
 MICHEL LOOMIS, RPR  
 NV CCR #228

<p><b>A</b></p> <p><b>abeyance (1)</b> 104:6</p> <p><b>abilities (1)</b> 118:1</p> <p><b>ability (1)</b> 21:1</p> <p><b>able (9)</b> 19:24;46:21;117:5,6; 118:17;125:15;131:17; 142:2;150:11</p> <p><b>absolute (1)</b> 121:10</p> <p><b>absolutely (15)</b> 39:3;46:10;52:9; 54:18,21;55:11;62:5; 71:4;77:23;89:7; 133:23;148:2;151:9,9; 152:8</p> <p><b>academic (1)</b> 63:17</p> <p><b>accept (3)</b> 59:5;118:2;124:22</p> <p><b>acceptable (1)</b> 152:2</p> <p><b>accepted (3)</b> 5:23;17:21;53:4</p> <p><b>accepting (2)</b> 19:7;125:2</p> <p><b>access (2)</b> 84:23;85:2</p> <p><b>accompany (1)</b> 43:7</p> <p><b>accordance (2)</b> 95:22;135:9</p> <p><b>account (1)</b> 86:10</p> <p><b>accounted (1)</b> 11:7</p> <p><b>accrediting (1)</b> 145:1</p> <p><b>accreditation (1)</b> 78:1</p> <p><b>accredited (1)</b> 144:23</p> <p><b>accurate (6)</b> 86:6,8,16;100:19; 112:21;132:22</p> <p><b>acknowledge (1)</b> 31:21</p> <p><b>acquired (2)</b> 16:12;79:16</p> <p><b>across (1)</b> 67:17</p> <p><b>Act (1)</b> 19:19</p> <p><b>action (2)</b> 16:17;34:5</p> <p><b>actions (1)</b> 153:22</p> <p><b>activities (1)</b></p>	<p>8:23</p> <p><b>actual (3)</b> 29:15;44:16;46:24</p> <p><b>actually (20)</b> 11:24;15:5,8,23; 19:22;30:15;33:17; 44:20;71:1;76:10; 85:10;91:20;93:24; 97:5;127:12;130:10; 136:22;140:12;149:24; 152:6</p> <p><b>Adam (3)</b> 4:15;15:7;113:16</p> <p><b>add (1)</b> 65:19</p> <p><b>adding (1)</b> 125:12</p> <p><b>addition (2)</b> 12:22;137:12</p> <p><b>additional (8)</b> 99:13;104:24; 124:15;125:2,12; 128:21;141:14;151:14</p> <p><b>address (9)</b> 6:3,10,16;46:15; 54:19;55:3,4;123:7; 155:1</p> <p><b>addressed (3)</b> 50:19;56:15;123:23</p> <p><b>addressing (5)</b> 12:19;49:18;54:14, 15;56:20</p> <p><b>adjacent (2)</b> 98:18,18</p> <p><b>administer (1)</b> 62:15</p> <p><b>administrative (6)</b> 7:17;20:24;22:22; 89:5,13,16</p> <p><b>admissible (1)</b> 52:20</p> <p><b>admit (1)</b> 50:21</p> <p><b>admitted (7)</b> 10:8;39:17;48:19; 50:4;62:1;89:17; 128:17</p> <p><b>admitting (1)</b> 47:21</p> <p><b>advanced (1)</b> 79:14</p> <p><b>adverse (2)</b> 98:17;132:13</p> <p><b>advice (1)</b> 47:3</p> <p><b>advising (1)</b> 117:23</p> <p><b>affect (11)</b> 16:22;17:22,22;20:7; 21:17,17;24:2,10,10; 47:2,3</p> <p><b>affected (1)</b> 21:9</p>	<p><b>affecting (3)</b> 11:10,11;120:7</p> <p><b>afternoon (5)</b> 4:5;5:11;8:11;13:11; 25:17</p> <p><b>afternoon's (1)</b> 5:21</p> <p><b>again (37)</b> 20:4;22:18;24:17; 30:2;32:14;35:15,24; 49:9,12,22;51:6;52:15; 58:18;60:6;63:9;68:8; 74:19;81:13;96:16; 97:16;98:7,7;100:5; 102:8,18,22;104:10; 106:4;108:18;117:5; 119:19;133:17;136:14; 143:12;144:3;154:10, 24</p> <p><b>against (2)</b> 37:21;97:8</p> <p><b>agencies (1)</b> 96:4</p> <p><b>agency (1)</b> 100:1</p> <p><b>aggrieved (1)</b> 110:5</p> <p><b>aging (2)</b> 139:2,5</p> <p><b>ago (7)</b> 21:10;37:20;64:13; 68:5;92:12;117:2; 141:19</p> <p><b>agree (24)</b> 29:4;33:4,8;55:6; 56:14,19;59:20;61:11; 71:13;79:10;80:24; 81:24;82:3;83:3; 109:20;110:10;111:13, 17,19;112:14,14,15; 113:1;150:15</p> <p><b>agreed (1)</b> 108:15</p> <p><b>agreement (1)</b> 16:8</p> <p><b>agreements (1)</b> 89:2</p> <p><b>agrees (1)</b> 53:8</p> <p><b>agriculture (1)</b> 140:13</p> <p><b>ahead (32)</b> 4:4,17;7:11;8:6; 13:1;31:14;55:12; 56:21;58:22;59:5,10, 12;61:4,13;62:6,9,14; 86:1;87:1,17;88:10; 108:20;117:17;119:15; 122:4;124:8;139:24; 142:6;154:4,10,17; 155:8</p> <p><b>aid (2)</b> 128:2,6</p>	<p><b>al (1)</b> 74:6</p> <p><b>Alaska (11)</b> 65:17,24;66:16,16, 19;67:10;72:16,22,23; 77:6;82:16</p> <p><b>Alex (2)</b> 5:5;87:6</p> <p><b>Allison (1)</b> 4:24</p> <p><b>allow (13)</b> 16:9;31:14,19;34:5; 50:20;51:23;55:16; 58:22;61:4;62:3;110:2; 141:14;152:23</p> <p><b>allowances (1)</b> 56:9</p> <p><b>allowed (5)</b> 50:10;51:3,3;128:17; 129:4</p> <p><b>allows (2)</b> 110:5;132:11</p> <p><b>alluvial (3)</b> 46:17;47:7;56:1</p> <p><b>alluvium (5)</b> 47:2,5,5,9;105:13</p> <p><b>almost (2)</b> 81:4;149:10</p> <p><b>along (6)</b> 14:16;17:15;38:3; 71:14;78:23;104:11</p> <p><b>alter (1)</b> 101:9</p> <p><b>although (5)</b> 63:19;68:3;70:5; 73:2;74:2</p> <p><b>always (9)</b> 69:23;70:6;71:12; 79:13;80:4;81:8,11; 132:6,21</p> <p><b>Amargosa (2)</b> 138:11;139:8</p> <p><b>amongst (1)</b> 6:23</p> <p><b>amount (4)</b> 18:21;24:7;100:13; 101:7</p> <p><b>analyses (2)</b> 114:2;115:24</p> <p><b>analysis (62)</b> 33:6,23;68:10;69:10; 74:24;78:12;79:14,17; 81:14;91:12;92:21; 94:13;98:11,19;99:22; 101:11;102:7,15,20,23; 103:6;106:3,6,8,16; 107:9;114:8;117:21; 118:11,23;119:4,11; 120:9;121:1,3;122:1; 127:17;132:16,17,23; 133:5,7;136:1,7;137:3, 4;138:12;139:2,9; 143:19;146:23;149:16,</p>	<p>18,19,23,23;150:3; 151:18,19;153:14,15, 21</p> <p><b>analytical (4)</b> 16:4;78:16,17; 117:24</p> <p><b>analyze (7)</b> 100:22;101:14; 102:5;105:11;106:24; 131:13;137:8</p> <p><b>analyzed (2)</b> 106:13;118:5</p> <p><b>analyzing (5)</b> 28:24;99:5,13; 121:24;131:9</p> <p><b>and/or (3)</b> 131:10,15;133:6</p> <p><b>Anderson (1)</b> 5:10</p> <p><b>anthropogenic (2)</b> 16:17;17:1</p> <p><b>anticipated (1)</b> 21:23</p> <p><b>apologize (4)</b> 18:6;81:17;88:1; 128:4</p> <p><b>appeal (1)</b> 110:5</p> <p><b>appearance (1)</b> 5:16</p> <p><b>appearances (2)</b> 4:18;5:15</p> <p><b>appearing (1)</b> 4:18</p> <p><b>appears (1)</b> 83:21</p> <p><b>Applicant (2)</b> 101:24;103:14</p> <p><b>Applicants (3)</b> 101:8;107:13;109:4</p> <p><b>application (22)</b> 12:11;41:24;42:1; 43:3,7;44:16;65:8,13; 96:8,12,16,18;99:12; 109:3;110:4;115:22; 120:7;122:20,24; 124:5;154:16;155:2</p> <p><b>applications (14)</b> 13:14;18:24;98:6; 103:13;104:5;107:14, 16;109:1,15;123:2; 124:6;130:8;133:21; 136:5</p> <p><b>applied (8)</b> 41:12;42:21,22; 69:21;73:23;127:18; 143:14,19</p> <p><b>applies (1)</b> 54:24</p> <p><b>apply (3)</b> 16:12;123:2;137:7</p> <p><b>Appreciate (3)</b> 119:13;125:10;</p>
---	---	--	---	--

155:10 <b>approaching (1)</b> 56:10 <b>appropriate (5)</b> 41:2;54:7;62:3;96:8; 107:16 <b>appropriating (1)</b> 96:1 <b>appropriation (3)</b> 99:12,16;137:12 <b>appropriations (1)</b> 137:21 <b>appropriative (3)</b> 24:19;40:20;41:5 <b>approval (3)</b> 92:6;96:8;99:22 <b>approve (2)</b> 96:13,13 <b>approved (3)</b> 98:12,15,20 <b>approving (2)</b> 93:7,14 <b>approximately (2)</b> 99:7;129:14 <b>appurtenance (1)</b> 137:21 <b>April (1)</b> 13:24 <b>aquifer (10)</b> 16:24;47:3,11;92:22; 148:11,14,17,19,21,23 <b>aquifers (1)</b> 20:6 <b>arbiter (1)</b> 110:4 <b>area (10)</b> 23:10,17;37:24; 55:19,22;70:17;130:3, 12,23;150:4 <b>areas (16)</b> 6:20;23:15,16;25:7; 26:13;49:1;50:11;52:4; 73:15;79:19;100:21; 103:7;112:15,20; 120:5,16 <b>arguably (1)</b> 64:1 <b>arise (2)</b> 29:21;30:7 <b>Arizona (12)</b> 17:9,9;58:14;63:22; 66:3,22;76:23;77:6; 78:4;147:7;149:7,8 <b>Arkansas (1)</b> 67:6 <b>arms (1)</b> 131:20 <b>around (2)</b> 47:21;131:20 <b>arrive (2)</b> 33:24;71:11 <b>article (2)</b> 146:4,6	<b>articles (3)</b> 145:22,23;146:7 <b>articulate (1)</b> 125:15 <b>artificial (1)</b> 135:11 <b>arts (1)</b> 144:6 <b>aspect (2)</b> 39:23;151:8 <b>aspects (4)</b> 13:8;30:18;98:14,16 <b>assess (4)</b> 68:19;79:22;80:5; 107:11 <b>assessed (2)</b> 97:10,11 <b>assessing (1)</b> 81:6 <b>assessment (14)</b> 65:12,18;66:12,20; 70:12;73:12;80:2;81:9, 12;82:20,24;95:16; 102:10;108:9 <b>assessments (5)</b> 68:13;81:8;92:23; 93:10;112:18 <b>assign (1)</b> 24:7 <b>assigned (2)</b> 23:24;43:23 <b>assignment (2)</b> 10:17,18 <b>assist (1)</b> 75:7 <b>assistance (2)</b> 96:4;114:6 <b>assisted (4)</b> 95:6,8,11;119:5 <b>assisting (3)</b> 20:23;67:4;98:8 <b>associated (4)</b> 33:9;44:18;71:9,11 <b>associates (3)</b> 6:17;88:22;89:2 <b>Associates' (1)</b> 115:2 <b>Associations (1)</b> 154:21 <b>assume (3)</b> 86:5,7,15 <b>assuming (1)</b> 114:4 <b>attended (3)</b> 13:3;97:6;104:23 <b>attention (2)</b> 46:15;83:23 <b>attorney (2)</b> 75:22;122:17 <b>attorneys (3)</b> 4:18;5:4,15 <b>August (3)</b> 16:19;135:21,21	<b>author (1)</b> 120:15 <b>authored (1)</b> 145:24 <b>authoring (1)</b> 147:10 <b>Authority (9)</b> 5:9;6:5;10:2;25:18; 26:12;53:8,15;59:15; 135:24 <b>authors (1)</b> 28:17 <b>availability (6)</b> 95:8,23;96:7;100:6, 9;114:11 <b>available (22)</b> 22:9;34:11;44:20; 68:18;70:9;71:16;74:2, 3;76:14;81:5;90:8,13; 94:7;96:17,18;97:17; 101:6;109:2;132:3,9; 137:16;138:6 <b>aware (3)</b> 9:6;59:7;90:20 <b>axis (3)</b> 130:14,15,15	8:13 <b>base (3)</b> 36:1;44:6;150:8 <b>based (17)</b> 22:18;47:11;52:12; 94:3;100:12;101:7,11; 102:22;105:3;113:4; 118:23;119:22;131:14; 133:5;135:2;136:7; 154:19 <b>basic (4)</b> 22:2;64:15;73:17; 74:15 <b>basically (8)</b> 20:5;41:17;65:13; 79:22;83:9;112:20; 136:17;139:9 <b>basics (1)</b> 81:11 <b>basin (24)</b> 16:1,5,10;17:11; 19:23;20:2;24:4,23; 33:17;40:23;45:20; 95:8;99:4,13,19,23; 100:16;105:24;117:22; 135:11;137:15;138:15, 16,17 <b>basins (3)</b> 65:21;105:21;137:16 <b>basin-wide (3)</b> 19:15;57:12;58:12 <b>basis (13)</b> 6:13,19;35:22,24; 36:4;51:17;53:21;59:6; 100:4;110:22;120:21; 125:21;141:18 <b>became (6)</b> 97:3,4,22;98:7; 104:19;135:4 <b>become (1)</b> 42:14 <b>becoming (1)</b> 138:14 <b>beforehand (1)</b> 149:20 <b>began (1)</b> 98:5 <b>begin (1)</b> 97:2 <b>behalf (11)</b> 4:19,20,22;5:1,5,6,8, 12;9:1,4;61:22 <b>behind (1)</b> 55:6 <b>beneficial (3)</b> 23:24;41:23;51:19 <b>besides (1)</b> 84:4 <b>best (2)</b> 104:16;118:23 <b>better (1)</b> 85:7 <b>beyond (4)</b>	6:9;55:14;122:8; 124:7 <b>bifurcated (2)</b> 26:20,24 <b>big (4)</b> 44:14;83:22;133:20; 138:14 <b>biochemistry (1)</b> 64:13 <b>biological (2)</b> 71:13;74:4 <b>biologist (1)</b> 71:14 <b>bit (15)</b> 21:13;25:23;28:23; 54:16;59:3;66:15; 74:23;92:11;119:20; 127:7;134:22;135:1; 150:12;153:2;155:9 <b>bizarre (1)</b> 47:22 <b>bless (1)</b> 61:2 <b>BO (2)</b> 74:7;75:8 <b>Board (1)</b> 41:4 <b>book (1)</b> 146:15 <b>booklet (1)</b> 146:8 <b>border (1)</b> 21:6 <b>both (13)</b> 13:8;16:3;22:6,18; 24:19;54:2;58:14;83:3; 94:3;103:14;118:17, 24;130:19 <b>bottom (1)</b> 112:16 <b>boundaries (2)</b> 21:8;55:18 <b>Brad (1)</b> 4:22 <b>branch (2)</b> 92:9;135:6 <b>Brauniller (13)</b> 6:12,14;60:13;62:10, 12,16;63:3;64:16; 68:23;75:13,21;85:15; 87:1 <b>B-R-A-U-M-I-L-L-E-R (1)</b> 62:13 <b>break (4)</b> 87:18;137:4;153:10; 154:4 <b>brief (2)</b> 59:10;119:16 <b>briefly (3)</b> 46:9;66:17;72:2 <b>brighter (3)</b> 134:3,3,3 <b>bring (6)</b>
		<b>B</b>		
		<b>bachelor (4)</b> 12:3;127:1,6;140:5 <b>Bachelor's (5)</b> 12:2;64:12;144:5,6,6 <b>back (28)</b> 12:6;17:12;18:3,22; 19:9;21:4;24:17;38:13; 58:4;59:13;63:16; 66:16;73:18;81:11; 84:12;91:18;93:6; 97:16;100:5,5;104:3, 18;105:23;116:19; 117:4;118:15;119:18; 148:5 <b>background (17)</b> 11:20;19:9;58:6; 69:18;91:6;92:16,17; 100:18;112:3,11,11; 115:13,23;128:20; 135:3;143:4;148:8 <b>backhoe (1)</b> 95:12 <b>Band (1)</b> 69:15 <b>bar (1)</b> 137:17 <b>Barely (1)</b> 139:22 <b>Barnes (5)</b> 4:13;56:22;57:9,10; 58:15 <b>BARRY (2)</b> 8:2,13 <b>B-A-R-R-Y (1)</b>		

<p>15:17;21:20;22:5,16;                  24:13;47:15  <b>bringing (1)</b>                  81:5  <b>brings (2)</b>                  22:19;67:9  <b>broad (5)</b>                  15:19;54:11;138:1,1,                  3  <b>broadness (2)</b>                  54:16;147:2  <b>brought (4)</b>                  50:18;82:19;109:18;                  127:12  <b>brush (2)</b>                  138:1,3  <b>bugs (1)</b>                  138:4  <b>build (2)</b>                  135:19;136:18  <b>building (2)</b>                  44:24;68:3  <b>built (3)</b>                  66:21;72:20;82:16  <b>bunnies (1)</b>                  138:4  <b>Bureau (1)</b>                  14:10  <b>button (1)</b>                  154:11</p>	<p>1;21:15,20;24:2,3,6;                  29:13;30:13,15,19,20;                  32:2,15,15,20;33:3,16;                  34:5,5;36:3;45:19;                  48:2;55:21;60:9,10;                  63:3;64:17;65:1;70:11;                  79:18,23;82:12;85:8;                  87:12,17;89:13;                  100:21;105:12;106:18;                  114:1,7;116:19;                  118:18;121:8,9;124:8;                  125:23;129:14;131:2;                  133:14;139:21;142:10  <b>candidly (2)</b>                  56:23;122:3  <b>capacity (1)</b>                  61:4  <b>carbonate (8)</b>                  21:7;46:17;47:3,5,5,                  7,11;56:2  <b>career (3)</b>                  66:8;74:23;80:14  <b>careers (1)</b>                  80:11  <b>carried (1)</b>                  96:5  <b>CARSON (2)</b>                  4:1;131:6  <b>case (47)</b>                  10:19;11:16,17;                  13:15,18;15:22,23,24;                  16:12,13;17:20;18:1;                  19:16,17;20:13;21:9,                  13;22:6,23;24:15,16,                  18;25:2;26:10;34:8,9;                  36:15,23;37:3,5,15,17,                  18;38:12,14,20;39:6,                  19;43:18;53:21,21;                  71:4,16;88:22;90:6;                  108:13,13  <b>cases (5)</b>                  17:9;22:19;23:20;                  44:1;109:18  <b>categories (2)</b>                  80:19,23  <b>Cave (5)</b>                  9:19,19;36:12;50:6;                  136:18  <b>CAVIGLIA (2)</b>                  5:12,12  <b>center (1)</b>                  74:12  <b>certain (12)</b>                  4:7;5:22;16:17;                  18:21;21:20;24:2,7;                  33:19;50:9;56:23;                  100:2;118:15  <b>certainly (18)</b>                  27:18;31:1,15,19;                  54:3,18;55:2;57:2,5;                  59:2;115:16;116:15;                  120:24;121:11;122:7;                  123:8,13;124:22</p>	<p><b>certainty (2)</b>                  71:9,11  <b>certificate (3)</b>                  41:10,11;155:3  <b>certificates (1)</b>                  44:17  <b>certification (1)</b>                  113:21  <b>certify (1)</b>                  41:13  <b>cetera (1)</b>                  67:11  <b>CH2M (3)</b>                  66:24;73:1,3  <b>chain (1)</b>                  132:24  <b>Chair (1)</b>                  53:5  <b>challenge (4)</b>                  15:11,12,12;64:14  <b>challenged (1)</b>                  104:15  <b>challenging (1)</b>                  138:24  <b>change (1)</b>                  98:5  <b>changed (1)</b>                  134:6  <b>characteristics (3)</b>                  11:6;12:18;16:24  <b>characterization (4)</b>                  65:3;67:15,18;71:17  <b>characterized (1)</b>                  67:1  <b>charge (1)</b>                  93:20  <b>check (4)</b>                  9:21;18:3,12;70:21  <b>chief (1)</b>                  4:12  <b>chronological (1)</b>                  66:6  <b>cited (2)</b>                  73:15;74:1  <b>citing (1)</b>                  34:3  <b>CITY (2)</b>                  4:1;131:6  <b>civil (14)</b>                  9:22,23;10:6,9;13:8;                  18:10;39:18,19,20,22,                  24;40:8;91:20;111:6  <b>claim (1)</b>                  38:12  <b>claimed (1)</b>                  144:22  <b>claiming (2)</b>                  37:21;38:19  <b>clarification (4)</b>                  25:24;26:24;57:6;                  120:1  <b>clarified (1)</b>                  49:13</p>	<p><b>clarify (6)</b>                  35:9;75:12;83:7;                  116:10,16;151:7  <b>class (4)</b>                  143:13,18,20;144:4  <b>classes (2)</b>                  127:20;142:21  <b>classification (1)</b>                  46:14  <b>clean (1)</b>                  146:15  <b>cleaned (1)</b>                  146:10  <b>cleaning (1)</b>                  146:18  <b>clear (15)</b>                  30:21;48:1;49:3;                  50:13;51:11,13;52:3,8,                  9;53:22,23;55:11;                  86:14;119:24;124:1  <b>clearly (3)</b>                  48:15;120:22;121:2  <b>client (1)</b>                  52:17  <b>climactic (3)</b>                  70:11;74:11,13  <b>climate (2)</b>                  74:11;127:15  <b>close (1)</b>                  66:22  <b>closing (1)</b>                  37:4  <b>closure (2)</b>                  65:11;80:2  <b>Coache (31)</b>                  6:17,19;87:6,10,12,                  19;91:8;102:12;104:1;                  106:17;124:9,18;                  125:5,7,8,14,18,23;                  126:4,11,12,22;129:12;                  139:14,19;140:4,20;                  142:10;151:6;152:20;                  155:7  <b>C-O-A-C-H-E (1)</b>                  126:11  <b>Coache's (4)</b>                  87:7;154:7,13,19  <b>co-counsel (1)</b>                  61:1  <b>code (1)</b>                  13:12  <b>Cogen (2)</b>                  115:1;154:21  <b>cogeneration (3)</b>                  6:16;88:22;89:1  <b>Cold (1)</b>                  66:17  <b>collaboration (1)</b>                  153:6  <b>collected (6)</b>                  85:11;86:4;103:22;                  129:16,18,21  <b>collection (3)</b></p>	<p>21:18;60:21;131:11  <b>college (5)</b>                  58:10;116:20,22;                  140:12,18  <b>Colorado (3)</b>                  12:2,6;67:7  <b>combined (2)</b>                  43:21,22  <b>comfortable (1)</b>                  11:23  <b>coming (5)</b>                  8:20;48:12;54:2;                  73:18;103:15  <b>commencing (1)</b>                  59:5  <b>comments (3)</b>                  68:11;82:22;84:13  <b>commitments (1)</b>                  60:14  <b>communications (1)</b>                  26:7  <b>Company (10)</b>                  5:2;6:13,19;8:20;                  21:5;75:23;108:6;                  126:14,15;139:20  <b>comparatives (1)</b>                  70:23  <b>comparison (1)</b>                  101:15  <b>compiles (1)</b>                  121:6  <b>complete (1)</b>                  64:5  <b>completed (3)</b>                  76:2,6,22  <b>completely (2)</b>                  75:5;146:2  <b>completing (1)</b>                  41:18  <b>completion (1)</b>                  28:18  <b>complex (3)</b>                  11:5;21:21;134:6  <b>compliance (2)</b>                  131:21,23  <b>complicated (1)</b>                  134:6  <b>component (3)</b>                  82:17;83:1,19  <b>compound (3)</b>                  108:16;116:4,13  <b>comprehension (1)</b>                  115:18  <b>computation (1)</b>                  147:10  <b>computer (1)</b>                  44:5  <b>computers (2)</b>                  142:20;143:16  <b>concede (1)</b>                  47:19  <b>conceded (1)</b>                  48:2</p>
<b>C</b>				
<p><b>calculation (1)</b>                  101:6  <b>calculations (2)</b>                  115:24;116:1  <b>calibration (1)</b>                  71:10  <b>California (12)</b>                  15:23;18:10,14;                  19:17,20;24:19;40:12,                  19;58:14;66:1;67:2,11  <b>call (8)</b>                  7:14,21;46:15;70:6;                  90:18;122:17;124:9;                  146:21  <b>called (12)</b>                  8:3;29:5;62:17;                  72:10;88:7;90:4,5,21;                  101:4;126:5;128:19;                  136:16  <b>calling (1)</b>                  120:11  <b>calls (2)</b>                  53:23;120:9  <b>came (11)</b>                  15:8;74:19;91:8;                  96:19;102:16;103:11;                  104:16;105:24;106:1;                  149:3;151:18  <b>can (56)</b>                  7:3;16:8;19:10;20:1,</p>				

<b>concept (2)</b> 15:5;32:1	<b>considered (2)</b> 21:24;49:21	<b>correlated (1)</b> 73:10	<b>CSI (21)</b> 4:22;9:1,4;25:24; 28:11,11,12,12;29:10; 11;32:1;49:6;50:8,17; 52:7,11;59:14;69:15; 135:23;136:2;149:21	<b>dates (1)</b> 138:14
<b>concerning (1)</b> 71:11	<b>considers (1)</b> 27:24	<b>counsel (8)</b> 25:24;26:15;28:22; 32:2;35:10;53:23; 54:12;108:23	<b>CTGR (2)</b> 36:10,17	<b>day (4)</b> 19:12;39:12;90:13; 130:12
<b>concerns (1)</b> 54:23	<b>consistent (1)</b> 115:12	<b>construct (1)</b> 112:13	<b>curious (2)</b> 95:18;97:19	<b>days (1)</b> 105:3
<b>concert (1)</b> 101:12	<b>constructing (1)</b> 92:21	<b>County (9)</b> 5:1;6:12,18;40:24; 75:22;92:13;104:20; 108:6;139:20	<b>current (10)</b> 8:21;63:3,8,9;67:12; 68:6,12,23;81:7;88:16	<b>de (1)</b> 139:10
<b>concluded (1)</b> 155:14	<b>construction (5)</b> 39:23;94:13,14,15; 95:24	<b>couple (8)</b> 12:5;79:3,5;108:7; 114:20;132:7;134:23; 151:3	<b>Currently (1)</b> 126:13	<b>deadline (3)</b> 124:24;125:5,7
<b>conclusion (6)</b> 60:22;102:16; 104:13,16;115:1; 123:14	<b>consultant (4)</b> 72:10;88:19,21,23	<b>course (9)</b> 14:12;55:12;68:15; 85:6;127:10;141:2,22; 142:20;154:19	<b>CV (23)</b> 73:11;76:8,10,22; 80:16,18;83:7,14;84:1; 89:4,14;91:17;92:2,5; 93:6;97:19,20;126:17; 127:24;129:12,16; 144:20;145:9	<b>deal (2)</b> 24:21;138:14
<b>conclusions (15)</b> 56:7;71:11;91:8; 102:11,15,17,19; 105:10;113:2,6;115:4; 120:14;145:5,6;151:22	<b>consultation (3)</b> 25:8;91:9;99:24	<b>courses (11)</b> 64:6;116:20,22; 141:6;142:24;143:2,5, 15,24;144:8,9	<b>CV's (1)</b> 61:24	<b>dealing (2)</b> 23:19;94:4
<b>concurred (4)</b> 102:16;113:5;115:4; 151:21	<b>Consulting (5)</b> 66:21;89:2;126:14, 16;138:8	<b>coursework (6)</b> 64:1,5;76:3,6,14,22	<b>CV's (1)</b> 7:18	<b>dealt (3)</b> 53:21;93:21,23
<b>concurrency (2)</b> 102:19,20	<b>contained (1)</b> 44:8	<b>court (12)</b> 7:24;17:5,19;18:4,5; 37:9,10,12;38:22;41:3; 77:18;108:13	<b>D</b>	<b>December (2)</b> 8:20;20:18
<b>concur (1)</b> 120:14	<b>Contaminated (3)</b> 65:10;67:1;72:20	<b>covered (1)</b> 29:5	<b>Dais (1)</b> 23:12	<b>decided (1)</b> 136:5
<b>conditions (3)</b> 10:24;16:6;96:14	<b>contents (1)</b> 53:9	<b>Coyote (7)</b> 4:20;6:3;13:24; 23:17;103:12;149:21; 150:7	<b>Dakotas (1)</b> 67:6	<b>decision (8)</b> 27:24;52:11;105:4; 110:6,6;119:10;124:2; 125:11
<b>condominiums (1)</b> 95:23	<b>contested (1)</b> 22:23	<b>created (2)</b> 69:13;129:21	<b>dam (2)</b> 92:7;93:8	<b>decisions (7)</b> 30:21;94:10;114:10; 121:8;122:6,11;123:19
<b>conduct (1)</b> 22:21	<b>context (1)</b> 36:3	<b>creating (1)</b> 84:22	<b>dams (1)</b> 95:24	<b>decree (1)</b> 38:19
<b>conducted (2)</b> 130:6;147:8	<b>continue (5)</b> 34:12;75:10;134:8, 11,19	<b>crediting (1)</b> 78:1	<b>dance (1)</b> 47:21	<b>decreed (1)</b> 46:18
<b>conducting (1)</b> 93:2	<b>continued (1)</b> 60:12	<b>critical (1)</b> 82:21	<b>data (63)</b> 22:9;44:5;60:21,21; 65:6;67:24;68:19; 70:10,11;71:17;73:16, 17;74:1,7,11,14,14,15; 75:6,6;79:22;80:5; 81:5,11;83:10,17; 84:17;85:4,10,14;86:4, 7,11;92:22;93:24;94:1, 1;96:3;101:9,14,17; 103:22;105:11;114:4, 8,9;115:7,9,11;118:1, 24;129:17,17,22; 130:22;131:9,10,21; 133:5,6;147:9,10; 151:19	<b>deep (1)</b> 149:7
<b>Confederate (1)</b> 36:10	<b>continuous (1)</b> 133:12	<b>criticism (1)</b> 53:19	<b>data's (1)</b> 103:22	<b>defer (1)</b> 50:22
<b>conference (3)</b> 49:8,12;54:10	<b>contributed (1)</b> 60:18	<b>criticisms (1)</b> 14:24	<b>dataset (1)</b> 74:2	<b>deferred (1)</b> 53:19
<b>confident (1)</b> 121:9	<b>control (4)</b> 33:10;41:3,4;96:2	<b>crop (1)</b> 129:17	<b>date (2)</b> 18:12;32:6	<b>defined (1)</b> 138:2
<b>confined (2)</b> 48:5;61:7	<b>conversation (1)</b> 15:12	<b>cross (2)</b> 74:6;125:17	<b>database (1)</b> 44:8	<b>definitely (1)</b> 137:20
<b>conflicting (1)</b> 118:7	<b>cooper (1)</b> 66:23	<b>cross-checked (1)</b> 133:6	<b>data's (1)</b> 103:22	<b>Degree (30)</b> 12:2,3,7;21:2,20; 63:17;64:9;74:21;78:4; 111:5,6,7;112:4,8; 113:19;117:1;122:2; 126:23,24;127:5,9,22; 134:1,1,21;141:3,10, 22;142:11;144:5
<b>confronted (1)</b> 9:16	<b>cooperation (2)</b> 101:3;104:22	<b>CROSS-EXAMINATION (8)</b> 25:15;75:19;90:9,17, 18,22;108:3;139:17	<b>date (2)</b> 18:12;32:6	<b>degrees (3)</b> 92:17;95:22;111:23
<b>confused (1)</b> 117:10	<b>coordinator/senior (1)</b> 72:23	<b>cross-examining (1)</b> 141:16	<b>Delamar (3)</b> 36:12;50:6;136:18	<b>Delmar (1)</b> 9:20
<b>confusion (2)</b> 7:9;119:20	<b>copy (9)</b> 29:13;32:3;62:4; 89:4,6,9,11,21;126:17	<b>crucial (1)</b> 20:22	<b>deliveries (1)</b> 46:18	<b>denied (3)</b> 98:12,15;104:8
<b>conjunction (1)</b> 102:9	<b>core (3)</b> 95:22;127:19;144:4		<b>denial (1)</b> 9:20	<b>deny (5)</b> 48:19;96:13,13; 100:2,4
<b>consider (9)</b> 14:6,7;17:3;32:11; 34:22;35:12,19;71:6; 73:22	<b>Corps (3)</b> 66:17;72:2,18			
<b>consideration (1)</b> 125:1	<b>correction (2)</b> 89:20;128:1			
<b>considerations (4)</b> 49:18;54:20,21; 155:2	<b>correctly (4)</b> 31:9;54:11;61:24; 114:24			

<b>Department (10)</b> 6:11;37:19;39:10; 61:13,21;63:23;64:5, 11;78:4;140:8	<b>development (11)</b> 65:4,7,17;67:23; 70:15;74:4;83:16; 137:16;138:5;148:10, 14	52:21,24;53:4;115:22; 120:2;144:15;154:14, 22	12:9;23:13;40:3; 48:22;66:8,9;67:14; 68:16;70:20;74:23; 87:18;92:4;96:20; 98:11;101:3,6,12; 104:9,21;105:16; 118:20,22;119:7; 133:10;138:10,10,13, 19;139:1,5,10;147:4, 11,12,15;149:6,23; 150:3;153:15	70:3
<b>depend (1)</b> 133:17	<b>dewater (1)</b> 105:13	<b>disclosures (1)</b> 124:16	<b>Donlin (3)</b> 82:6,8;83:3	<b>E</b>
<b>depth (2)</b> 59:3;130:15	<b>dewatering (3)</b> 68:7;105:23;107:15	<b>discovery (1)</b> 142:2	<b>doubt (1)</b> 101:22	
<b>Deputy (10)</b> 4:16;93:22;97:3; 104:19;106:11,14,15; 115:15;117:22;136:11	<b>dictate (2)</b> 55:3;56:6	<b>discuss (2)</b> 15:8;29:15	<b>down (5)</b> 25:13;78:9;125:24; 133:1;142:17	<b>earlier (4)</b> 68:3;102:8;118:4; 145:7
<b>describe (4)</b> 63:17;64:19;67:5; 69:19	<b>difference (11)</b> 26:8;34:13;41:9; 82:11,12,13,14;110:23; 111:2,3,15	<b>discussed (2)</b> 49:6;54:9	<b>draft (1)</b> 135:9	<b>early (1)</b> 80:11
<b>described (3)</b> 52:7;83:2;111:20	<b>differences (1)</b> 71:1	<b>discussion (2)</b> 28:22,23	<b>drafted (3)</b> 75:4;137:6;145:24	<b>eastern (1)</b> 70:17
<b>description (3)</b> 11:20;63:12;108:8	<b>different (32)</b> 10:17;12:16;13:8; 17:17;21:3,14;22:19; 23:8;40:14;44:1;47:22; 56:9,10;71:3,15,19; 74:5;75:10;77:11; 80:18,21,23;81:3,24; 93:18;109:22;137:5,5; 139:6;150:22;152:5,11	<b>discussions (1)</b> 6:23	<b>drafting (4)</b> 69:21;131:10;137:7; 150:7	<b>easy (1)</b> 139:1
<b>descriptions (1)</b> 111:17	<b>differentiates (1)</b> 31:12	<b>disparage (1)</b> 51:21	<b>drill (10)</b> 40:12,20,24;41:12; 79:15;80:10;84:13,16, 21;95:1	<b>economic (1)</b> 137:23
<b>design (2)</b> 39:23;92:21	<b>difficult (1)</b> 92:11	<b>disposal (1)</b> 80:1	<b>drillers (6)</b> 94:18,18,20,21,22; 96:2	<b>economics (1)</b> 138:4
<b>designated (3)</b> 4:8;6:1;7:1	<b>digest (1)</b> 55:16	<b>disprove (1)</b> 132:23	<b>driller's (1)</b> 84:22	<b>edited (3)</b> 146:7,13,14
<b>designation (1)</b> 6:11	<b>dilemma (1)</b> 141:12	<b>dispute (1)</b> 54:5	<b>drilling (8)</b> 17:15;40:15,19,22; 93:21;94:12,23;95:9	<b>editor (4)</b> 145:17;146:8,9,14
<b>designed (2)</b> 138:23;149:7	<b>dire (1)</b> 125:18	<b>distinction (3)</b> 11:16;111:16;117:9	<b>driven (1)</b> 23:15	<b>education (12)</b> 12:8,13,23;20:21; 22:18;24:12;47:14; 76:1;111:4;115:24; 116:3,6
<b>designing (1)</b> 92:20	<b>direct (14)</b> 6:14;8:9;47:9;49:10; 63:1,20;64:21;69:2; 79:2;90:5,5;111:24; 112:15;126:8	<b>distributing (1)</b> 95:22	<b>Dry (7)</b> 9:19,19;36:12;50:6; 105:18,19;136:18	<b>educational (3)</b> 11:20;58:1;116:18
<b>desire (1)</b> 49:17	<b>directed (1)</b> 64:15	<b>Distric (14)</b> 5:1,9;6:6,13,19; 25:19,20;43:16;54:12; 69:15;75:22;108:6; 131:8;139:20	<b>due (7)</b> 13:20;16:24,24;17:1; 23:21;39:24;57:13	<b>effect (4)</b> 28:24;29:2;55:24; 98:18
<b>despite (2)</b> 10:8;52:6	<b>directing (1)</b> 83:23	<b>ditches (2)</b> 38:2,15	<b>duly (4)</b> 8:4;62:18;88:8; 126:6	<b>effects (4)</b> 11:3;46:16;55:24; 132:13
<b>detailed (1)</b> 82:21	<b>direction (1)</b> 31:18	<b>diversion (7)</b> 23:24;24:3;38:2,17; 41:8;43:24;44:12	<b>duplicative (3)</b> 80:24;81:2,10	<b>effort (2)</b> 25:7;83:22
<b>determination (19)</b> 5:22;55:17;94:3; 96:6,21;97:12,13;98:9; 100:9,10;104:18; 109:20;110:3;118:7, 23;132:8,10,12,15	<b>directives (1)</b> 49:11	<b>diverted (1)</b> 38:17	<b>during (8)</b> 25:6;32:2;49:21; 50:19;55:12;92:10; 133:18;134:20	<b>eight (3)</b> 149:11;153:4,5
<b>determinations (6)</b> 49:14;95:7;106:2,5; 109:14;122:19	<b>directly (3)</b> 88:23;120:12;131:6	<b>Division (16)</b> 90:10;91:18,21,23; 92:3;93:18;94:23; 95:20;101:2,4;103:5; 104:22;105:7;115:15; 135:10,16	<b>duties (9)</b> 8:17;43:23;98:5; 106:10,11;131:2,4; 136:13,14	<b>eight-hour (1)</b> 18:18
<b>determine (7)</b> 29:2;90:2;94:5; 101:11;103:10;104:6; 109:3	<b>disagree (2)</b> 112:18;151:7	<b>Dixon (9)</b> 88:24;89:1;91:8; 102:12;106:17;113:7; 151:8,16;153:13	<b>duty (3)</b> 43:21,22;55:20	<b>EIT (1)</b> 134:24
<b>determined (2)</b> 56:6;72:14	<b>disagreed (1)</b> 152:10	<b>Dixon's (2)</b> 113:1;145:5	<b>DWR (2)</b> 139:5,6	<b>either (6)</b> 52:24;83:11;96:12, 12;104:14,15
<b>determining (3)</b> 98:19;109:1;110:11	<b>disagree (2)</b> 112:18;151:7	<b>doctor (1)</b> 110:18	<b>dynamics (1)</b>	<b>elaborate (1)</b> 114:17
<b>detrimental (3)</b> 99:23;132:4;138:6	<b>discharge (1)</b> 129:23	<b>document (7)</b> 32:9,11;33:23;34:1, 9;124:12,14		<b>electrical (2)</b> 12:15;21:8
<b>develop (2)</b> 46:4;79:16	<b>discipline (12)</b> 26:14;29:5;31:12,17; 37:1;48:22;50:24;61:6; 87:2;121:14,16;122:5	<b>Documents (12)</b> 14:9;27:16;41:19; 43:6;44:18,23;124:24; 125:8,12;141:12,14,15		<b>elements (1)</b> 154:20
<b>developed (7)</b> 16:1,3;55:21;66:19; 137:2;149:13,24	<b>disciplines (12)</b> 7:7,9;8:22;48:5;	<b>domestic (2)</b> 132:5,6		<b>else (3)</b> 74:4;97:16;131:12
<b>developing (2)</b> 93:1,1		<b>done (39)</b>		<b>else's (1)</b> 99:2

<b>employers (1)</b> 71:24	<b>entertain (1)</b> 47:24	<b>everybody's (2)</b> 119:6;155:10	<b>exhibit (3)</b> 80:16;129:3;141:24	121:7;122:7
<b>encompassed (1)</b> 49:19	<b>entire (7)</b> 57:16;74:12;105:11; 131:20;132:14;133:9; 144:18	<b>everyone (1)</b> 155:7	<b>exhibits (1)</b> 61:24	<b>Explain (4)</b> 10:21;13:17;17:7; 98:4
<b>endeavored (1)</b> 74:22	<b>entities (1)</b> 77:12	<b>everyone's (1)</b> 88:4	<b>exist (2)</b> 45:3;145:3	<b>explained (1)</b> 23:11
<b>ends (1)</b> 137:5	<b>entity (1)</b> 145:1	<b>everywhere (1)</b> 76:15	<b>existence (1)</b> 89:23	<b>explore (1)</b> 59:2
<b>Energy (1)</b> 5:13	<b>environment (1)</b> 127:14	<b>evidence (23)</b> 4:6;27:15;29:1; 38:23;48:8;50:9;51:3; 4:55;16:94;1:97:7; 98:9;105:4;108:12; 109:18,19;124:21,23; 125:3;128:17,17,21; 140:18	<b>existing (8)</b> 94:8;95:21;97:18; 100:7;109:4;114:11; 132:3;138:6	<b>express (1)</b> 122:1
<b>engineer (109)</b> 4:14,16;8:17;9:16, 22;10:9;16:20;17:3; 18:20;19:7,10;20:23; 25:5;26:21;27:7,8,19, 23;28:4;31:4;35:3; 36:8,21;39:14,18,24; 40:6;41:7,20;44:6,20; 46:16;48:1;49:2,9,11, 23;50:12,15,20;52:3; 55:15;56:3;59:2;69:5; 77:1,4,9;91:20;92:8; 93:23;94:6;95:7,19; 96:6,10,11;97:3,11,22; 98:9,10;99:6;101:9,10; 103:6,24;104:8,19; 106:10,11,14,14,15; 107:9,10,14;108:11,23; 109:14;110:24,24; 111:9,10;113:8; 115:16,16;117:22,23, 24;120:14;121:5,6; 122:21,22;123:1,3; 125:1;126:18;127:3; 129:13,14;133:2; 134:17;135:5,7; 136:11;137:6;144:12	<b>environments (1)</b> 21:3	<b>examination (12)</b> 7:15;8:9;9:16;46:12; 57:8;63:1;113:17; 114:22;117:18;126:8; 151:4;153:11	<b>expected (3)</b> 16:13,22;47:6	<b>expressed (1)</b> 115:8
<b>engineering (31)</b> 8:23;9:23;10:6,10; 12:4,7,8;13:8;18:11, 17;21:11;22:3;39:18, 19,20,23;40:8;66:18; 89:22;92:9;93:19,20; 94:12;111:6;115:23; 117:1;127:18;143:2, 20,21;144:16	<b>equipment (1)</b> 130:3	<b>exactly (5)</b> 26:1;103:9;120:4; 122:22;129:1	<b>experience (71)</b> 6:14;13:8;19:10; 21:2;22:16,18,19; 23:18;24:12,15,24; 25:6;28:22;44:5;46:21; 47:14;57:2;58:1,1,5,9, 19;63:20;64:21;69:9; 19;74:17,18;79:2,4,9, 10,19,20;92:14,18,20; 93:3;95:6,14;100:18; 102:22;111:3,20,24; 112:15,22;113:4,22,23, 24;114:9;115:14,17; 116:1,4,7;117:4; 120:22,24;121:11,18, 24;145:10;148:7,8; 149:1,6;150:15,17; 154:20	<b>extend (1)</b> 155:8
<b>Engineers (9)</b> 8:16,18,19,21;13:5; 66:17;72:2,18;107:12	<b>error (2)</b> 86:12;128:3	<b>examinations (1)</b> 22:22	<b>expert (73)</b> 5:23;7:14;9:7,23; 10:2,6,9;11:15;17:18, 21;18:5;21:23;25:7; 26:3,23;28:2;31:4; 34:22;35:10,12,19,21; 36:7,14,23;37:8,11; 38:20;39:1,18;40:11; 46:21;47:20,20;48:3; 50:4,4,21;51:12;53:9, 16;56:17,18;57:5,11; 59:6,16,16;60:20;61:5; 90:3,23;97:7;112:10; 113:3,10;119:23; 120:2,5,18;122:5,15, 16;124:4;128:18,19; 131:13;144:11;145:10; 147:24;148:2;154:7; 155:4	<b>extension (2)</b> 44:21;45:3
<b>Engineer's (22)</b> 11:19;15:7;44:2; 45:8;54:19;55:2,8; 56:5;94:19,24;95:3; 103:2;109:9;111:1; 114:15;118:14;119:8; 133:9;146:23;147:13; 149:2;150:16	<b>errors (1)</b> 118:5	<b>examine (1)</b> 125:15	<b>eyes (1)</b> 114:5	
<b>enough (2)</b> 45:24;103:16	<b>essence (2)</b> 103:3,20	<b>example (7)</b> 19:16;29:16;42:5; 47:13;70:19;100:21; 101:20	<b>F</b>	
<b>entailed (2)</b> 129:15;131:3	<b>essential (1)</b> 73:17	<b>examples (1)</b> 114:1	<b>Face (1)</b> 7:24	
<b>entails (1)</b> 127:5	<b>essentially (6)</b> 58:20;91:4;92:13; 102:19;103:1;107:17	<b>exceedingly (1)</b> 50:12	<b>facilities (3)</b> 148:11,15,19	
	<b>establish (2)</b> 16:5;19:24	<b>excellent (1)</b> 143:20	<b>facility (2)</b> 66:14;72:13	
	<b>established (1)</b> 15:23	<b>except (3)</b> 75:6;84:6;86:5	<b>fact (10)</b> 11:14;50:14;58:20; 60:17;61:5;69:2;105:6; 109:13;110:9,11	
	<b>establishing (1)</b> 91:6	<b>exception (1)</b> 81:4	<b>facts (1)</b> 114:11	
	<b>et (2)</b> 67:11;74:6	<b>exchange (1)</b> 48:8	<b>factual (3)</b> 33:5;49:24;60:20	
	<b>eval (1)</b> 108:23	<b>excluded (1)</b> 50:17	<b>fair (8)</b> 28:18;34:15;52:17; 74:16;79:13;85:5; 145:4;149:4	
	<b>evaluate (7)</b> 94:13;97:1;107:11, 14;118:1;131:21; 135:12	<b>exclusively (1)</b> 64:23	<b>FAIRBANK (89)</b> 4:4,10;5:3,14,19;7:4, 16,19,22;8:6;25:11,14; 31:1,8;46:8,10;53:6; 54:1;58:17;59:9,12,21, 24;60:5,11,24;61:3,10, 12,16,19;62:2,5,8,14, 21;75:17;85:15,18,21, 24;86:21,24;87:8,10, 15,21;88:3,10;89:7,11, 15;108:1,20;113:15; 114:19,23;116:6,9,12, 15,21;117:12,16;	
	<b>evaluated (1)</b> 71:9	<b>excuse (14)</b> 56:17;59:24;93:11; 96:13;98:1,1;100:14; 105:18;109:10;115:11; 131:15;133:21;149:20; 153:1		
	<b>evaluating (5)</b> 96:23;98:6;110:8; 117:21,24	<b>exercise (1)</b> 16:9		
	<b>evaluation (3)</b> 97:21;102:24;109:6	<b>exercised (2)</b> 24:3,23		
	<b>evapotranspiration (2)</b> 11:4,13	<b>exercising (1)</b> 24:10		
	<b>even (12)</b> 21:4;48:18;65:22; 72:14;74:20;81:7; 101:12;133:10;138:18, 23;143:3;145:23			
	<b>evening (1)</b> 60:14			
	<b>events (1)</b> 21:17			
	<b>eventually (2)</b> 12:1;76:21			

119:15,18;120:17,21; 123:8,12,16;124:11,14, 20;125:10,20;129:6,9; 139:15,24;140:20; 142:6;151:1;152:16, 23;153:9;154:3,6; 155:13 <b>Fairbanks (1)</b> 72:21 <b>fairly (1)</b> 124:1 <b>fall (1)</b> 41:2 <b>familiar (8)</b> 28:14;31:24;32:4,9; 33:22;44:2;70:22;79:3 <b>fan (1)</b> 139:11 <b>far (5)</b> 20:4;95:16;104:18; 116:18;117:4 <b>far-field (2)</b> 66:11;80:12 <b>fashion (1)</b> 122:23 <b>features (1)</b> 12:16 <b>federal (5)</b> 24:21;37:12;38:22; 63:14;77:18 <b>feel (3)</b> 79:19;107:20;121:9 <b>Felling (2)</b> 136:20;137:3 <b>felt (1)</b> 78:3 <b>few (4)</b> 40:10;51:13;84:6; 141:18 <b>fewer (2)</b> 134:4,4 <b>field (30)</b> 6:7,14;12:23;13:4; 18:8;20:11;23:3;32:20; 39:20;79:2,4,9,10; 80:9;92:18,19;93:3; 95:14;111:20,24; 112:6,7,14,15,22; 129:17;130:6;143:24; 144:1;147:9 <b>fields (5)</b> 6:9;30:15;45:22; 46:4;113:21 <b>fieldwork (8)</b> 66:8,14,15;74:22; 75:3;78:7,9,15 <b>fifth (3)</b> 45:10;53:19,20 <b>figure (1)</b> 30:12 <b>file (3)</b> 41:7;43:2;110:5 <b>filed (8)</b> 4:9;41:19,24;42:1, 23;50:8;69:3;73:19 <b>files (3)</b> 44:2,24;45:5 <b>Filing (3)</b> 41:15;44:3;124:24 <b>filled (1)</b> 136:24 <b>final (2)</b> 110:4,6 <b>finally (3)</b> 6:16;67:3;87:5 <b>find (4)</b> 21:13;105:19; 138:24;142:2 <b>finder (3)</b> 109:13;110:9,11 <b>finding (1)</b> 103:13 <b>findings (2)</b> 47:7;48:23 <b>fine (3)</b> 25:14;87:20,23 <b>finish (2)</b> 85:21;140:21 <b>finishing (2)</b> 74:20;140:23 <b>firm (1)</b> 5:1 <b>first (28)</b> 6:3;7:21;8:4;14:5; 15:20;18:23;24:15; 25:1;43:13;55:1;62:18; 72:9;76:1;77:2,5,15; 83:8;87:6,9,11,24; 88:8;104:19;126:6; 130:1,1;132:7;142:10 <b>Fish (24)</b> 5:6;6:11;23:11; 61:13,22;63:5,11; 65:15,20,22;66:1,2; 67:9,13;68:2,13;69:1,2, 14;72:1,7;73:6;74:3; 136:3 <b>fit (1)</b> 55:4 <b>five (12)</b> 22:12;35:6;45:7,9, 13;54:10,17,24;74:5; 87:12,16;153:1 <b>five-minute (3)</b> 59:10;60:9;119:16 <b>FLANGAS (64)</b> 5:5,5;7:6;87:5,7,9, 13,19,23;88:5,11,12; 89:4,9,13,16,19,24; 90:1;107:24;108:16; 116:3,8,10,11,14,17; 117:8,12,14,19;119:14, 19;120:3,20;122:14; 123:10,13,16;124:9,12, 17;125:4,19,22;126:2, 9;128:15,18;129:1,8, 10,11;139:13;141:11; 142:1;151:1,3,5; 152:14,21;153:7,12; 154:2 <b>Flatly (1)</b> 4:12 <b>flood (1)</b> 96:2 <b>Flow (43)</b> 11:8;13:21;16:4,7; 17:3,11,18,23;20:6,7; 21:9,16;22:10;27:8; 28:5;35:5;39:21;44:1; 47:2,4,10;52:10;57:18, 24;58:2,3;64:6,7;65:2; 66:11;67:16;70:2;71:6, 7,10,18;74:14;80:12; 84:24;130:18;149:16, 18;150:2 <b>flows (4)</b> 70:11;130:17;150:1, 3 <b>flumes (3)</b> 130:4,11,24 <b>focus (13)</b> 64:16;67:18;78:16; 79:12;80:8,10,13; 92:10;93:6;98:13,14; 123:4,5 <b>focused (4)</b> 64:23;80:4,4,5 <b>focusing (1)</b> 82:17 <b>folks (4)</b> 50:16;80:10;131:9, 18 <b>followed (1)</b> 132:24 <b>follows (4)</b> 8:5;62:19;88:9; 126:7 <b>follow-up (4)</b> 86:22;151:2;152:15; 153:7 <b>forestry (1)</b> 140:9 <b>forfeiture (1)</b> 42:10 <b>form (2)</b> 94:1;123:24 <b>formal (2)</b> 70:2;113:20 <b>format (3)</b> 13:10;83:8,18 <b>formations (2)</b> 17:22;23:7 <b>formed (1)</b> 22:17 <b>forms (1)</b> 45:3 <b>formulated (1)</b> 58:12 <b>formulating (2)</b> 14:1;115:7 <b>forth (2)</b> 4:5;39:21 <b>forward (4)</b> 97:23,24;98:1,2 <b>found (1)</b> 152:1 <b>Foundation (3)</b> 36:20;37:6;43:14 <b>four (20)</b> 35:6;45:7,9,10,13; 49:1;50:11;52:4;55:1, 17;59:8,16;61:8;65:14; 122:9;130:16;137:11; 147:19,21;153:1 <b>four-hour (1)</b> 18:17 <b>fractured (1)</b> 75:1 <b>frame (2)</b> 87:16;138:12 <b>framework (1)</b> 74:9 <b>frequently (1)</b> 80:6 <b>front (7)</b> 17:19;75:14;109:18; 111:22;118:1;126:17; 131:18 <b>full (5)</b> 8:11;62:11;79:22; 80:3;138:17 <b>full-time (1)</b> 65:23 <b>function (3)</b> 95:3;96:5,9 <b>functional (2)</b> 83:8,18 <b>functions (2)</b> 8:17;116:2 <b>fundamental (2)</b> 18:19;55:14 <b>fundamentals (5)</b> 18:16,17,20,23; 143:17 <b>further (11)</b> 57:6;75:15;107:24; 113:13;114:17;117:13, 18;123:22;139:13; 150:23;153:11 <b>future (4)</b> 10:24;49:18;59:1; 137:16	23:15 <b>gather (1)</b> 68:18 <b>Gee (1)</b> 68:4 <b>general (1)</b> 73:4 <b>generalized (1)</b> 138:11 <b>generally (6)</b> 19:11;29:5;67:4; 73:4;91:5;121:19 <b>generation (1)</b> 57:18 <b>gentleman (1)</b> 39:10 <b>geographic (1)</b> 55:18 <b>geologic (17)</b> 8:23;17:17,22;23:5, 6;33:23;47:12;68:18; 70:9;71:16;74:6,6; 79:21;81:5;83:10; 101:4;104:22 <b>geologist (6)</b> 18:13,21;70:1;77:20, 21;144:20 <b>geologists (1)</b> 8:21 <b>geology (37)</b> 6:7;9:7,22;14:10; 17:1;18:19;20:13; 21:11;22:2;25:21;26:3; 29:6,12,22;30:10; 32:13;33:5;34:14,18; 45:19,23;47:17,20; 48:3,13,24;50:22;54:3, 4;60:2;69:24;70:7; 143:7;144:2,8,10; 145:22 <b>geophysical (9)</b> 12:3,7,8,11,14; 13:23;17:15;21:8;29:1 <b>geophysicist (1)</b> 13:22 <b>geophysics (3)</b> 12:5;21:5,11 <b>geothermal (1)</b> 96:1 <b>Gerald (2)</b> 128:8,10 <b>germane (1)</b> 56:19 <b>gestured (1)</b> 154:12 <b>Gifford (2)</b> 128:8,10 <b>given (6)</b> 10:18;20:17;41:16; 58:20;110:1;114:8 <b>glean (1)</b> 117:5 <b>goes (11)</b>		
		<b>G</b>	
		<b>gain (1)</b> 139:9 <b>gained (2)</b> 24:24;41:11 <b>Garnet (1)</b> 142:15 <b>Garnet-Black (1)</b>	

<p>21:4;24:17;26:14; 33:5;55:14;79:2;138:4; 142:17,17,17,17 <b>Gold (3)</b> 82:6,8;83:3 <b>Good (9)</b> 5:11;8:11;15:2; 19:16;25:17;27:13; 81:19;121:5,6 <b>gosh (1)</b> 103:15 <b>Goshute (2)</b> 36:11,11 <b>government (1)</b> 63:14 <b>governmental (1)</b> 96:4 <b>graciously (1)</b> 75:7 <b>grad (2)</b> 74:20;84:6 <b>GRADE (4)</b> 72:4;84:5,8,9 <b>graduate (5)</b> 66:6,10;70:2;76:22; 79:16 <b>graduated (1)</b> 142:23 <b>grammar (2)</b> 146:15,18 <b>grant (1)</b> 109:2 <b>granted (2)</b> 44:22;103:17 <b>granting (1)</b> 109:1 <b>gratitude (1)</b> 155:8 <b>grayness (1)</b> 52:6 <b>great (5)</b> 30:11;32:14;45:15; 82:20;155:8 <b>greater (1)</b> 101:18 <b>ground (2)</b> 40:22;100:22 <b>grounds (1)</b> 98:16 <b>groundwater (215)</b> 6:20;9:11,13,23,24; 10:3,15,16,18;11:2,4, 10,10,13,15;12:11,15, 17;13:19,20;14:2; 15:21;16:4,21,21;19:3, 18,19,22,23;20:6,8; 25:22;26:4,5,7;27:16; 28:3,24;29:1,5,7,7,8,8, 11,12,20,22;30:7,10, 13,14,17,20;31:4,10, 13,20;32:12,13,16,17, 20,22,22;33:6,9,13,15; 34:14,16,17,23,24;</p>	<p>35:1,11,13,14,23;36:5, 8,15,17,24;37:9,13,14; 38:7,9;40:4,4,11,13; 41:10,10,20;42:2,6,9; 43:10;44:9;45:13,16, 17;46:1,5;47:17,17,20, 21,23;48:4,13,14,19, 24;49:5;50:2,3,4,22,23; 51:5,6,7,12,15,23;52:5, 7,14,17;53:1,1;54:6; 55:9;56:1,13;57:1,12, 19,23;58:2,22;59:19; 63:5,13,14,20,24;64:6, 8,10,22,23;65:2,4,6,11, 23;67:13,16,21,24; 68:14;69:9,24;70:2,6, 10,15;71:2,7,10,72:18, 24;73:1,5,13,14;74:8; 75:13;79:23;80:5; 84:24;87:2;92:23,24; 94:4;99:4,5,13,14,18; 100:18,22;105:24; 112:10;117:22;120:5, 10,19;121:14;129:18; 130:16,21;131:8; 143:15;147:20,24; 149:13,15;154:8,15 <b>groundwater/surface (4)</b> 67:19;97:15;108:10; 109:6 <b>groundwater-related (1)</b> 74:14 <b>groups (1)</b> 93:18 <b>growth (1)</b> 137:16 <b>guess (8)</b> 58:5;65:19;68:9; 108:11;111:8;119:24; 123:7;144:23 <b>guys (1)</b> 155:11</p>	<p><b>happens (1)</b> 19:22 <b>happy (1)</b> 29:16 <b>HARRISON (2)</b> 5:16,17 <b>hats (1)</b> 32:24 <b>head (5)</b> 14:19;136:15; 137:20;138:17;140:17 <b>headings (1)</b> 81:24 <b>health (1)</b> 137:14 <b>hear (7)</b> 53:7;125:23;134:10; 139:21;148:12;149:17; 150:20 <b>heard (3)</b> 28:21,23;133:21 <b>HEARING (130)</b> 4:4,7,11;5:3,14,19; 7:4,16,19,22;8:6; 14:18;19:2;20:24; 25:11,14;30:23;31:1,8; 36:12,21;38:7,9;46:10, 22;49:22;50:5,5,7,19; 51:8;52:1;53:6,11; 54:1,8,19;55:12;58:17; 59:4,9,12,21,24;60:5, 11,24;61:3,10,12,16, 19;62:2,5,8,14,21; 75:17;85:15,18,21,24; 86:21,24;87:8,10,14, 15,21;88:3,10;89:7,11, 15;90:11;97:4,5; 103:12;105:2;108:1, 12,20;113:15;114:19, 23;116:6,9,12,15,21; 117:12,16;119:15,18; 120:17,21;121:15; 122:9;123:4,5,8,12,16; 124:11,14,20;125:10, 20;127:4;128:19; 129:2,6,9;139:15,24; 140:20;141:17;142:6; 150:6;151:1;152:16, 23;153:9;154:3,6,19, 23;155:1,7,13 <b>hearings (15)</b> 4:12,14;9:20;14:14; 94:2;97:6;108:24,24; 118:15;131:19;135:23, 24;136:17;147:19; 149:22 <b>hears (1)</b> 109:18 <b>hearsay (2)</b> 128:14;141:11 <b>heavily (1)</b> 54:16 <b>held (3)</b></p>	<p>72:8;92:2;103:12 <b>helpful (1)</b> 74:10 <b>here's (3)</b> 24:5,6,6 <b>HERREMA (11)</b> 4:22,22;26:9;30:23; 31:3,22;53:5,7;59:18, 23;60:4 <b>Hidden (1)</b> 23:15 <b>high (2)</b> 11:21,24 <b>higher (2)</b> 121:1;137:17 <b>Highways (1)</b> 91:21 <b>Hill (3)</b> 66:24;73:1,3 <b>himself (1)</b> 121:4 <b>hired (13)</b> 13:23;37:19;38:1; 72:11,19,24;73:1,3; 88:19,21;94:18;111:1; 136:20 <b>history (2)</b> 64:15;145:23 <b>hold (4)</b> 18:9;19:3;77:24; 111:23 <b>holders (1)</b> 98:18 <b>Honor (2)</b> 7:13;108:19 <b>hope (4)</b> 25:20;26:13;27:23; 117:8 <b>hours (1)</b> 155:10 <b>Howdy (1)</b> 61:18 <b>HRT (1)</b> 69:12 <b>Hugh (7)</b> 6:17;88:6,14;131:15; 133:2;135:22;136:3 <b>Humboldt (4)</b> 37:23;38:4;138:13, 13 <b>hundred (1)</b> 86:16 <b>Hydraulic (4)</b> 65:9;93:2;129:13,13 <b>hydraulics (2)</b> 127:18;143:20 <b>hydro (2)</b> 70:23;143:6 <b>hydrogeologic (4)</b> 30:18;74:8;114:2,8 <b>hydrogeologist (3)</b> 63:13;70:5;84:20 <b>hydrogeologists (2)</b></p>	<p>13:6;114:16 <b>hydrogeology (17)</b> 30:22;33:5;34:14; 40:4;45:19,23;57:22; 59:17;60:3,4,5;75:2; 113:20;143:5,9,11,13 <b>hydrograph (5)</b> 130:13,14,17 <b>hydrographic (1)</b> 135:11 <b>hydrographs (3)</b> 129:21;130:21;150:2 <b>hydrologic (50)</b> 58:11;65:5;66:13; 68:4,19;69:12;70:10; 71:17;72:12;74:13; 79:22;81:6;83:10,17; 92:21;93:1;94:4;96:23; 97:2,14;99:1,14,18; 100:9;102:24;105:5,6; 106:3,6,7,15;108:9; 109:5;114:1,8;115:24; 117:20;121:3;126:13; 132:16,17;133:4; 136:7;137:23;139:2,2; 147:8;148:7,9;149:7 <b>hydrological (2)</b> 20:13;83:16 <b>hydrologist (30)</b> 63:5,12,13,15,15; 65:20,23;67:13;69:9; 72:8,17,23;73:1,2,4; 75:13;77:24;79:23; 111:1,5,5,13;113:3,8; 119:3;131:2;136:21, 22,24;144:24 <b>hydrologist/hydrogeologist (1)</b> 73:7 <b>hydrologist/modeler (3)</b> 72:11,19,24 <b>hydrologists (4)</b> 13:6;114:15;118:3, 13 <b>hydrology (138)</b> 6:8,15,21;9:9;13:9; 15:18;25:22;26:3,7,9; 29:6,8,8,12,22;30:10, 14;31:10,11,32;12,13, 17,22,22;33:5;34:18; 39:21;40:4;45:18,23; 47:17,20;48:4,13,24; 50:22;56:23;57:1,5,11, 11,15,15,17;58:10,22; 59:17;60:2;63:21,23; 64:10,10,22,22,23; 67:5;70:1,2,6,7;71:2; 73:14;78:1,4;87:2; 93:3;97:21;98:6,14,16, 22;107:14;111:6,23, 24;112:5,7,8,10; 113:10,20;116:20,23; 117:6;118:2;119:23; 120:6,10,19;121:15;</p>
	<b>H</b>			
	<p><b>habitat (2)</b> 23:12;67:19 <b>half (2)</b> 65:16;67:6 <b>hand (1)</b> 129:21 <b>handle (1)</b> 49:3 <b>hands-on (1)</b> 69:9 <b>handy (1)</b> 95:14 <b>hanging (1)</b> 155:9 <b>happen (3)</b> 103:10,16;104:6 <b>happening (1)</b> 133:17</p>			

127:6,17,18,18;128:2,6,9;134:22;135:3;138:8;141:5,6,10,22;142:11,13,13,14,19,21,22,23;143:1,2,3,3,10,17,19,21,21,24;144:1,1,7,10,15,17;145:5,12,22;146:5;147:4,20,20;148:1;154:8,8,15	<b>included (13)</b> 12:18;25:3;35:7;44:23;64:6;67:7;74:8;92:5;97:14,15;144:5;145:23;146:5	149:20;150:6	23	4,7;94:17;115:5,6;154:20
<b>hydrotech (4)</b> 72:14;126:16;138:7,9	<b>includes (3)</b> 39:21;45:21;73:15	<b>initially (1)</b> 67:15	<b>interpretation (19)</b> 54:24;65:5,9;67:24;68:4;70:9,12;74:9,24;79:14,21;80:5;83:15,17;92:22;93:24;104:11;115:7;131:14	<b>involving (1)</b> 92:9
<b>I</b>	<b>including (1)</b> 74:13	<b>inside (1)</b> 24:23	<b>insignificant (1)</b> 149:10	<b>Iran (1)</b> 21:6
<b>idea (4)</b> 9:15;143:8,12;148:18	<b>incorporate (1)</b> 33:16	<b>inspect (1)</b> 23:8	<b>interpretations (2)</b> 83:9;146:12	<b>Iraq (1)</b> 21:6
<b>ideas (2)</b> 21:21;33:16	<b>increase (1)</b> 139:10	<b>inspected (1)</b> 23:10	<b>interpreting (3)</b> 81:6;109:23;121:24	<b>issue (10)</b> 10:15;17:10;25:5;38:9;51:7;103:8,8;119:6;132:2,9
<b>identified (8)</b> 6:24;23:6;49:19,24;52:13,21;73:11;90:18	<b>increased (2)</b> 131:5;133:24	<b>install (1)</b> 130:11	<b>interpretive (5)</b> 74:24;78:16;79:17;86:9,15	<b>issued (9)</b> 43:15;44:17;96:22,22;98:23;100:15;103:5,9;104:7
<b>identifies (1)</b> 50:24	<b>independent (11)</b> 91:11;115:1,8;121:3;131:6;133:4,7;134:8,11,19;151:19	<b>instance (5)</b> 25:4;51:8;96:15;101:1;114:12	<b>Interra (1)</b> 72:10	<b>issues (29)</b> 11:5;20:12;22:13,15;45:7,13;46:16;49:5,6,19;51:9;54:13,15,23;55:15;56:7,14,19;59:8,16;61:8;67:5;77:12;80:6;92:8;93:23;121:20;122:8;123:22
<b>identify (6)</b> 7:7;12:15;14:5;17:10;21:8;50:1	<b>independently (9)</b> 107:10,11;135:14,15;149:13;153:5,6,15,21	<b>instances (3)</b> 81:7;101:2;104:17	<b>interrelationships (1)</b> 57:3	<b>Item (1)</b> 46:15
<b>ignorance (1)</b> 117:2	<b>Indian (1)</b> 19:16	<b>instrumentation (1)</b> 127:15	<b>interrupt (1)</b> 85:16	<b>items (2)</b> 34:5;84:3
<b>II (2)</b> 129:14;134:16	<b>indicate (2)</b> 76:18;129:13	<b>integrated (1)</b> 54:23	<b>interrupting (1)</b> 140:22	<b>J</b>
<b>immediately (1)</b> 48:12	<b>indicated (9)</b> 50:9,16;76:2;78:7;79:1;92:5;128:13;135:8;141:13	<b>intend (6)</b> 9:6;27:6;28:3;49:17;80:4;90:18	<b>into (13)</b> 33:5,17;40:20,22;51:3,3;55:7;57:19;86:10;105:23,23;121:12;128:16	<b>James (1)</b> 50:3
<b>impact (14)</b> 17:23;20:7;47:9,11;57:23;58:2;94:8;97:18;99:2,3;105:13,14,15;109:3	<b>indicates (2)</b> 92:2;121:2	<b>intended (2)</b> 80:14;90:5	<b>introduced (1)</b> 129:3	<b>Jason (2)</b> 104:7;130:10
<b>impacts (24)</b> 11:3;13:20;16:16;17:11;20:1;68:7;71:7,12;82:24;99:14,18;100:6;117:21,24;132:13,16;137:17,22,23,23,24;139:9,10;146:12	<b>indicating (1)</b> 151:14	<b>intends (1)</b> 56:3	<b>inventories (3)</b> 129:18;138:15;146:21	<b>Jay (1)</b> 88:24
<b>impair (2)</b> 132:3,5	<b>individual (3)</b> 56:24;96:19;115:22	<b>intent (1)</b> 55:6	<b>inventory (2)</b> 138:16,17	<b>Jean (3)</b> 6:4;59:15,22
<b>impeachment (4)</b> 141:20,24;142:3,4	<b>individualized (1)</b> 55:19	<b>intention (5)</b> 54:19;55:3,10,12;56:5	<b>investigated (1)</b> 67:1	<b>Jersey (1)</b> 5:18
<b>implement (1)</b> 69:13	<b>individuals (3)</b> 107:1;120:23;121:7	<b>interaction (5)</b> 73:6,13;97:15;108:10,10	<b>investigation (6)</b> 17:15;23:5;65:2,10;67:16;73:15	<b>job (9)</b> 63:7,14;93:16;103:1;108:8;111:17;122:21;123:1;134:15
<b>implications (1)</b> 56:1	<b>infiltration (1)</b> 58:5	<b>interactions (4)</b> 57:13;65:4;67:19;109:6	<b>investigations (4)</b> 130:6;147:8;148:7,9	<b>joined (1)</b> 91:23
<b>important (3)</b> 30:17;144:9;148:3	<b>influence (1)</b> 32:16	<b>interbasin (3)</b> 104:20;137:13;138:19	<b>Investments (2)</b> 4:21;103:13	<b>joining (1)</b> 4:15
<b>impression (1)</b> 108:24	<b>informal (1)</b> 128:15	<b>interest (2)</b> 31:15;75:1	<b>Investments' (1)</b> 6:3	<b>joint (4)</b> 70:8,11;79:21;153:6
<b>improper (1)</b> 52:13	<b>informal/formal (1)</b> 130:6	<b>interesting (2)</b> 17:8;32:19	<b>inviting (1)</b> 56:12	<b>jointly (4)</b> 81:12;153:3,3,19
<b>include (3)</b> 28:1;52:5;76:13	<b>information (46)</b> 16:20;17:2,16;19:24;22:9;27:23;34:11;35:4;44:8,10,15,19;45:1,8,11;49:2;69:18;73:12,22;82:21;94:2,3,9;96:17;97:10;103:14,16;109:5;110:1,8;112:12;118:5,7,8,19;119:6;129:3,18;131:14;133:15;135:2;136:2;148:4,6;150:2	<b>interests (1)</b> 132:4	<b>involve (4)</b> 73:12;93:9;115:6;147:9	<b>judge (13)</b> 17:19;108:12;109:17,18,19,19,22,23;110:9,17,18;122:19;123:14
	<b>initial (5)</b> 9:1;26:21;28:12;	<b>Interior (2)</b> 6:11;61:21	<b>involved (27)</b> 9:19;14:15;19:11,14;37:17;70:7;81:4;82:15;94:11;97:4;98:8,22;104:18,19;105:1,5;120:23;135:8;136:16;138:8,20,22;148:10,13,20,24;150:6	<b>July (8)</b> 16:19;49:3,9;69:3;73:19;135:21,21;136:10
		<b>intermediary (1)</b> 88:24	<b>involvement (10)</b> 13:14,18;20:14;91:2,	<b>June (4)</b>
		<b>intermountain (1)</b> 67:7		
		<b>internally (1)</b> 98:11		
		<b>international (2)</b> 84:7,10		
		<b>internationally (1)</b> 64:1		
		<b>interpret (4)</b> 68:19;81:11;84:17,		

135:20,20,21;136:10 <b>junior (1)</b> 72:16 <b>jurisdiction (5)</b> 77:4,22;78:2;144:21, 24 <b>jurisdictions (1)</b> 77:10 <b>jury (1)</b> 109:20 <b>Justice (2)</b> 37:19;39:11 <b>justify (2)</b> 47:15;101:17 <b>Justina (1)</b> 5:12	66:14,18 <b>lack (1)</b> 6:20 <b>lacks (1)</b> 6:14 <b>Lake (1)</b> 9:19 <b>lane (1)</b> 55:13 <b>large (7)</b> 55:20;66:22;74:2; 80:2,6;82:16;83:21 <b>larger (3)</b> 55:20,23;115:18 <b>largest (1)</b> 66:23 <b>Las (9)</b> 5:8;6:5;25:18;43:16; 87:7;124:10;131:7; 135:10;155:9 <b>last (9)</b> 19:6;21:12;58:12; 61:23;65:15;88:14; 106:9;146:17;153:9 <b>lastly (1)</b> 65:17 <b>later (4)</b> 49:14;51:10;56:15; 103:17 <b>Laurel (1)</b> 150:4 <b>law (23)</b> 5:1;15:23;17:5; 24:20;42:9;56:17; 109:23,23;110:2; 111:9;121:23,24; 122:16,17,19,21,24; 124:4,5;127:14; 154:16;155:3,4 <b>laws (1)</b> 120:7 <b>leaned (1)</b> 54:15 <b>learn (1)</b> 117:6 <b>learned (2)</b> 48:8,11 <b>least (5)</b> 68:21;70:4;74:5; 80:11;101:23 <b>leave (1)</b> 76:20 <b>left (5)</b> 64:3;66:6;72:3; 122:6;150:12 <b>legal (7)</b> 122:1,2,2,4,6,6; 123:13 <b>lengths (1)</b> 44:21 <b>less (1)</b> 86:11 <b>lesser (1)</b>	101:23 <b>letter (6)</b> 128:10,11,13,24; 140:17;142:22 <b>letterhead (2)</b> 89:21;140:17 <b>level (12)</b> 17:15;57:4;64:24; 70:10;72:17,23;74:19; 79:21;80:9;121:1; 130:9;131:4 <b>levels (11)</b> 11:4,10,13;12:15; 13:20;16:6,22;20:8; 21:16;73:16;86:12 <b>license (5)</b> 18:11;19:4,6;40:7; 94:22 <b>licensed (11)</b> 18:20,21;39:14; 51:15;110:24;111:10, 12;113:8,10;144:12,24 <b>licenses (2)</b> 18:9,15 <b>licensing (3)</b> 96:1;144:16,18 <b>life (1)</b> 21:12 <b>lifetime (1)</b> 21:10 <b>light (1)</b> 134:2 <b>liken (2)</b> 108:8,12 <b>limit (6)</b> 35:23,24;36:1,5; 50:13;51:18 <b>limitation (1)</b> 50:8 <b>limited (14)</b> 5:21;10:22;58:24; 60:7;66:9;78:7;89:22; 92:6;122:12;123:20; 154:18,22;155:5,6 <b>Lincoln (7)</b> 5:1;6:12,18;75:22; 92:12;108:5;139:20 <b>line (9)</b> 31:5,9,11,14,19; 45:5;55:13,14;121:17 <b>lines (1)</b> 79:3 <b>links (3)</b> 44:13,16,17 <b>list (4)</b> 53:20;79:18;81:21; 127:12 <b>listed (14)</b> 37:15;67:15,20; 71:22;76:8;81:23;83:4; 84:3;112:1,16;131:2; 145:15,17;147:17 <b>listened (1)</b>	97:6 <b>listens (1)</b> 109:19 <b>lists (1)</b> 92:3 <b>literature (4)</b> 72:4;84:5,8,9 <b>lithologic (4)</b> 84:22;85:2;86:9,14 <b>little (18)</b> 4:15;21:13;54:16; 59:2;66:15;69:17;71:2, 5;74:23;92:11;119:20; 127:7;133:14;134:22; 135:1;150:12;153:2; 155:9 <b>LLC (2)</b> 4:21;126:16 <b>local (1)</b> 65:3 <b>locate (1)</b> 105:21 <b>located (6)</b> 38:3,16;44:24;45:1, 4,5 <b>locating (1)</b> 92:20 <b>location (9)</b> 23:9,12;29:2,3; 44:11,11;47:12;55:23; 81:13 <b>locations (2)</b> 28:24;67:17 <b>log (5)</b> 84:22,22;85:2,7; 86:14 <b>logging (4)</b> 84:21,21;85:1;86:9 <b>logical (1)</b> 83:13 <b>logs (1)</b> 44:13 <b>long (11)</b> 20:17;36:20;37:3,5; 43:13;44:14;64:4,13; 92:11;106:19;136:21 <b>longer (1)</b> 89:22 <b>longstanding (1)</b> 15:22 <b>look (19)</b> 21:1;23:8;24:5,9; 29:9;33:12,13;45:19; 57:21;79:18,23;82:4; 91:16;96:15,17;98:24; 133:10;137:14;141:9 <b>looked (11)</b> 11:9;13:19;14:14; 22:12;43:14,14; 102:14;114:5;137:20, 22;140:16 <b>looking (22)</b> 10:23;11:1;20:10;	23:23,23;24:4,20;29:1; 38:14;57:11,14,15; 68:20;80:18;94:2,11; 97:20;133:11;137:22; 141:2,7;146:11 <b>looks (2)</b> 99:7;152:2 <b>lot (18)</b> 10:24;16:14;22:19; 28:21;34:2,3;68:3,6, 12;76:2;129:20;131:4; 133:12,13;136:14; 138:11;139:1,4 <b>low (1)</b> 130:9 <b>Lower (8)</b> 11:8;13:21;22:10; 27:8;28:4;35:5;44:1; 71:5 <b>lowering (1)</b> 132:11 <b>Luke (3)</b> 5:6;61:20;78:11 <b>lull (1)</b> 133:20
<b>K</b>				<b>M</b>
<b>Karen (4)</b> 4:24;75:21;108:5; 139:19 <b>keep (5)</b> 19:12;52:16;80:4; 87:17;100:5 <b>Kent (1)</b> 4:20 <b>kept (1)</b> 84:13 <b>key (3)</b> 20:16;69:12,16 <b>kind (23)</b> 11:5;19:11;20:1,10; 24:20;30:16;31:5; 32:19,24;39:23;46:22; 54:13,16;58:4;64:16; 66:6;70:21;72:16; 75:10;77:24;130:7; 141:12;146:16 <b>kindly (1)</b> 154:12 <b>kinds (3)</b> 67:17;77:11;129:17 <b>King (3)</b> 104:8;149:20,21 <b>knew (2)</b> 49:7;52:12 <b>knowledge (19)</b> 15:16,17;16:11;20:5, 20;21:14,18;28:23; 34:17;35:21;45:2,4,22; 57:3,24;92:17;112:4; 113:12;121:8 <b>knowledgeable (1)</b> 117:6			<b>ma'am (6)</b> 126:3;143:16;145:3; 148:12;149:17;150:20 <b>Mackenzie (1)</b> 5:1 <b>Madam (2)</b> 30:23;53:5 <b>mainly (1)</b> 108:24 <b>maintain (3)</b> 25:5;52:3;55:13 <b>maintained (1)</b> 44:6 <b>major (1)</b> 83:19 <b>makes (3)</b> 22:16;27:24;122:19 <b>making (17)</b> 5:15,16,21;57:21; 63:10;84:13;92:8;94:2; 95:7;98:9;100:8; 104:18;109:14;123:11, 19;124:2;130:8 <b>man (1)</b> 51:21 <b>manage (7)</b> 16:5,6,10;27:8;28:4; 45:19;52:10 <b>managed (2)</b> 11:2;20:3 <b>management (71)</b> 9:11,23,24;10:3,15, 16,18,23;11:15;12:12; 14:2;15:6,21;16:2; 19:3,18,19;24:4;26:4;	
<b>L</b>				
<b>la (1)</b> 139:10 <b>labeled (1)</b> 75:14 <b>laboratory (2)</b>				

27:16;28:3;29:9,11,20; 30:8,13,17,20;31:5,13, 20;32:16,20;33:9,13, 15;34:14,16;37:23; 45:13,16,17;46:1,5; 47:17,21,23;48:14,19; 49:6;50:2,3,4,23;51:5; 52:5,7,14,17;53:2; 54:6;55:9;56:13;59:19; 65:17;92:23;93:10; 112:19;115:18;121:13; 127:15	<b>mean (29)</b> 32:24;44:13;45:9,16; 47:21,23;51:20;71:2; 78:6;80:1;85:16;87:16; 108:14;110:17;111:8; 112:9;115:10;117:1; 119:5;122:15;133:12, 15;138:3;140:17; 142:20;143:10;146:14; 148:23;149:8	67:5	<b>monitoring (10)</b> 23:9;65:5,6,11; 67:23,24;83:16,17; 95:21;96:3	108:16
<b>management-based (1)</b> 32:12	<b>means (2)</b> 43:21;65:10	<b>might (12)</b> 17:1;19:24;24:5,7, 10;34:9;43:24;54:12; 67:12;82:12;104:6; 117:10	<b>Monroe (1)</b> 59:22	<b>must (1)</b> 103:23
<b>manager (3)</b> 19:22,23;134:16	<b>meant (1)</b> 152:9	<b>mill (1)</b> 72:4	<b>month (2)</b> 133:16,18	<b>mute (1)</b> 154:11
<b>managing (2)</b> 33:17;121:12	<b>measure (6)</b> 11:5;35:22;36:1,2,4; 51:17	<b>MILLER (17)</b> 5:6,6;7:6;61:17,18, 20,20;62:3,7,10,22,23; 63:2;75:9;86:21,23; 87:4	<b>Moran (6)</b> 6:4,8;59:23,24;60:1, 23	<b>MX-5 (1)</b> 130:4
<b>manner (1)</b> 54:14	<b>measured (1)</b> 129:22	<b>Mines (5)</b> 12:2,6;14:10;68:6; 80:2	<b>Moran's (1)</b> 6:7	<b>myself (7)</b> 68:3,19;99:24;114:5, 13;124:1;151:17
<b>many (17)</b> 21:2;23:3;65:21; 73:17;81:7;82:20; 93:23;97:5,14;100:15; 104:17;132:23;133:8, 10;136:22,22;142:21	<b>measurement (1)</b> 86:12	<b>mind (3)</b> 25:12;110:23;116:4	<b>more (29)</b> 21:14;32:11,13;33:9; 34:12;40:10;41:2; 57:22;58:15;59:3;67:4; 68:3;73:4;79:14;97:4; 98:8;101:13;127:7; 131:5;133:14,19; 134:5,6;135:19; 136:14;144:9;150:19, 21;151:14	<b>N</b>
<b>mapping (1)</b> 92:22	<b>measurements (3)</b> 80:9;130:16,24	<b>mining (1)</b> 82:22	<b>morning (1)</b> 5:11	<b>name (14)</b> 4:10;8:12;25:17; 61:20;62:11;88:13,14, 14;119:8;126:10,15; 138:18;142:11,22
<b>maps (2)</b> 23:6;74:6	<b>measuring (1)</b> 129:24	<b>minor (1)</b> 130:22	<b>Most (8)</b> 9:18;19:13;23:20; 39:22;58:11;67:14; 74:1;122:18	<b>name's (1)</b> 75:21
<b>Margarita (2)</b> 15:24;24:17	<b>medical (2)</b> 110:17,20	<b>minute (1)</b> 63:21	<b>mostly (5)</b> 68:1;91:7;93:21; 105:12;130:21	<b>National (1)</b> 65:14
<b>mark (1)</b> 124:13	<b>meeting (2)</b> 49:7;131:9	<b>minutes (3)</b> 87:12,16;141:19	<b>Mountain (7)</b> 23:15;66:10,15; 72:10,13;74:21;80:12	<b>nationwide (1)</b> 65:23
<b>marked (3)</b> 28:11;31:24;89:14	<b>meetings (1)</b> 104:23	<b>Miss (5)</b> 6:8;46:8;60:12,17,23	<b>Mountains (1)</b> 38:4	<b>natural (2)</b> 65:12;140:19
<b>master (1)</b> 37:23	<b>Melissa (1)</b> 4:12	<b>missing (1)</b> 41:18	<b>move (3)</b> 61:13;124:8;129:9	<b>nature (4)</b> 64:15;124:6;127:21; 137:18
<b>master's (3)</b> 12:7;64:9;74:20	<b>members (1)</b> 15:7	<b>mistake (1)</b> 103:18	<b>moved (1)</b> 136:23	<b>NCA (5)</b> 5:5;90:4,24;107:21; 151:10
<b>material (3)</b> 14:12,13,23	<b>mention (2)</b> 66:6;67:12	<b>mitigate (2)</b> 105:16,19	<b>movement (4)</b> 12:17;33:11;46:17; 56:1	<b>NCA2120 (1)</b> 89:14
<b>materials (1)</b> 141:23	<b>mentioned (9)</b> 24:18;70:14;96:11, 16;98:7,21;102:8; 104:2;118:4	<b>MOA (1)</b> 69:14	<b>moving (4)</b> 46:23;47:4;87:17; 95:20	<b>NCA's (3)</b> 90:6,24;91:2
<b>matriculated (1)</b> 12:1	<b>met (4)</b> 23:10;38:22;115:16; 132:2	<b>Moapa (3)</b> 54:12;69:15,15	<b>Much (13)</b> 16:15;41:3;61:16; 68:21;78:6;86:11;87:3; 97:4;98:7;129:16; 132:22;133:24;153:24	<b>NDWR (3)</b> 129:14;131:2;134:16
<b>matter (8)</b> 7:5,8,8;3;20:10; 62:17;88:7;123:23; 126:5	<b>method (1)</b> 150:1	<b>mod (1)</b> 16:4	<b>Muddy (13)</b> 23:10,16,16;46:18; 47:10,13;69:13; 129:24;130:3,12,22; 149:19;150:4	<b>near (1)</b> 11:24
<b>matters (5)</b> 5:24;6:9;49:13,20; 122:9	<b>methodology (2)</b> 21:22;22:1	<b>model (13)</b> 65:7;66:21;68:1; 71:7,10;72:20;74:9; 82:16,18,19;83:1,21; 149:15	<b>multi-phase (1)</b> 49:4	<b>necessarily (4)</b> 30:20;33:12;56:19; 151:23
<b>may (16)</b> 16:22;30:23;46:8,8; 52:6;86:6;89:20; 108:19;110:5;116:20; 128:1,2,4,5;136:10; 147:4	<b>methods (2)</b> 12:15;73:23	<b>modeling (11)</b> 64:8;65:7;66:11; 70:3;73:2;80:13;83:12, 20,22;97:15;143:15	<b>multiple (4)</b> 27:2;28:17;43:24;	<b>necessary (10)</b> 51:24;54:7;55:16; 57:5;75:3;78:3,10,12; 97:16;120:6
<b>maybe (3)</b> 15:7;66:5;140:10	<b>Mexico (1)</b> 67:8	<b>models (4)</b> 16:4;68:3;83:12; 149:14		<b>need (9)</b> 34:12;40:20,23; 45:24;87:15,21,22; 102:12;114:17
<b>Meadows (1)</b> 104:21	<b>Micheline (2)</b> 4:10;58:16	<b>Molly (2)</b> 6:4;60:17		<b>needed (1)</b> 144:4
	<b>Michelle (2)</b> 4:13;57:10	<b>moment (3)</b> 5:20;91:17;93:6		<b>needs (3)</b> 50:24;52:3;98:14
	<b>micromanage (1)</b> 56:6	<b>Monday (5)</b> 28:7;50:16;53:12; 59:5;155:11		<b>neighboring (1)</b> 132:14
	<b>microphone (1)</b> 139:23			<b>networks (3)</b> 65:5;67:23;83:16
	<b>mid (1)</b> 131:10			<b>NEVADA (97)</b> 4:1;5:9;6:5,16;10:1; 13:11;14:10;19:3,6; 25:4,18;26:16;34:23,
	<b>Midwest (1)</b>			

<p>24;35:12,14,16,23; 36:5,7,8,14,24;37:9,9, 10,11,12;38:7,11;39:6, 14;40:7,11;41:6,9,20, 22;42:3,7,9,12,15,17, 24;43:3,7,9,20;51:15, 16,22,23;56:17;58:14; 59:14;65:20,22;67:10; 69:5;70:17,19;77:1; 88:22;89:1;91:17,23; 105:18;115:1;120:7,7; 121:22,24;122:16,20, 24,24;123:2;124:5; 129:22,23;131:22,23; 135:6,10,16,24;136:19, 24;137:8,8;144:12,18; 154:16,21;155:2,4</p> <p><b>New (9)</b> 67:7;72:17;95:23; 99:16;101:9,14,17; 124:21,22</p> <p><b>next (8)</b> 20:24;47:24;53:19; 54:22;124:8;134:14, 14,15</p> <p><b>nine (1)</b> 129:14</p> <p><b>Nodded (1)</b> 14:19</p> <p><b>none (1)</b> 132:21</p> <p><b>nonetheless (1)</b> 51:11</p> <p><b>nonstop (1)</b> 68:21</p> <p><b>Nope (2)</b> 62:8;85:24</p> <p><b>Northern (3)</b> 104:20;105:18; 136:19</p> <p><b>note (1)</b> 127:24</p> <p><b>noted (1)</b> 76:2</p> <p><b>notes (1)</b> 131:19</p> <p><b>notice (8)</b> 7:18;49:8,22;88:1; 89:5,13,16;140:8</p> <p><b>noticed (2)</b> 4:7;145:9</p> <p><b>notified (1)</b> 90:16</p> <p><b>November (1)</b> 130:2</p> <p><b>NPS (1)</b> 66:3</p> <p><b>NRS (2)</b> 13:11;15:16</p> <p><b>nuclear (2)</b> 65:12;80:1</p> <p><b>number (10)</b> 6:17;54:10,24;63:24;</p>	<p>65:9;66:2;69:14;80:15; 101:10;153:2</p> <p><b>Numbers (1)</b> 88:22</p> <p><b>numerical (15)</b> 16:4;64:8;65:7;68:1, 1;70:3;78:17;82:15,18, 19;83:12,12,20,21,22</p> <p><b>nutshell (1)</b> 64:21</p> <p><b>NV (1)</b> 5:12</p>	<p>35:5</p> <p><b>occurs (2)</b> 33:6;47:12</p> <p><b>O'Connor (4)</b> 5:10,11;61:7,11</p> <p><b>October (8)</b> 10:13;15:5;19:1; 32:6,6,7,8;90:14</p> <p><b>odds (1)</b> 137:5</p> <p><b>off (15)</b> 67:15;90:23;106:22; 120:10,13;121:9; 130:3;135:19;137:19; 138:16;144:3;145:6; 151:6,13;153:18</p> <p><b>offer (6)</b> 9:6;27:6;28:3;46:7; 48:21;51:5</p> <p><b>offered (19)</b> 5:23;9:21;25:24; 26:3,15,22;35:10; 39:19;47:1,48:2,7,9, 11;51:1;52:18;53:1; 112:9;146:20;154:7</p> <p><b>offering (5)</b> 34:24;41:4;120:15, 18;123:6</p> <p><b>office (34)</b> 11:19;15:7;27:24; 55:8,16;57:7;61:21; 78:13;93:19;94:19,24; 95:4;102:9;103:2; 104:12;109:10;111:1, 8,16;114:15;118:14; 119:3,7;129:20;133:9; 135:6,7,17;136:22; 146:23;147:14;149:2; 150:16,16</p> <p><b>OFFICER (92)</b> 4:4,11;5:3,14,19;7:4, 16,19,22;8:6;25:11,14; 30:23;31:1,8;46:10; 53:6;54:1;58:17;59:9, 12,21,24;60:5,11,24; 61:3,10,12,16,19;62:2, 5,8,14,21;75:17;85:15, 18,21,24;86:21,24; 87:8,10,14,15,21;88:3, 10;89:7,11,15;108:1, 20;113:15;114:19,23; 116:6,9,12,15,21; 117:12,16;119:15,18; 120:17,21;123:8,12,16; 124:11,14,20;125:10, 20;127:4;129:2,6,9; 139:15,24;140:20; 142:6;151:1;152:16, 23;153:9;154:3,6; 155:13</p> <p><b>officially (1)</b> 63:15</p> <p><b>oil (2)</b></p>	<p>21:5,9</p> <p><b>old (1)</b> 142:20</p> <p><b>Olympics (1)</b> 17:13</p> <p><b>once (3)</b> 133:15,16;136:23</p> <p><b>one (52)</b> 17:8;18:16;19:2; 22:15;23:5,8,20;29:2; 34:8;45:10;51:24;54:9; 63:24;68:11;72:9,12; 73:17,17;81:13,13; 82:23,24;84:12;89:8, 20;90:9,23;93:18,19; 96:16;105:12,17; 117:2,15;118:16,16,16; 130:10;136:1;137:19; 142:17;145:20,21; 146:3,7,10,13;147:6; 152:15;153:3,9,9</p> <p><b>ones (2)</b> 137:10;153:14</p> <p><b>one's (1)</b> 90:17</p> <p><b>ongoing (3)</b> 34:10;148:11,14</p> <p><b>only (12)</b> 29:20;30:7;49:10; 65:19,23;83:13;97:21; 109:23;114:5;116:19; 125:4;135:15</p> <p><b>onto (1)</b> 124:8</p> <p><b>open (2)</b> 7:11;57:5</p> <p><b>openness (1)</b> 54:16</p> <p><b>operate (1)</b> 95:11</p> <p><b>operation (1)</b> 95:24</p> <p><b>operations (3)</b> 10:23;148:11,14</p> <p><b>opine (1)</b> 47:4</p> <p><b>opining (1)</b> 35:8</p> <p><b>opinion (11)</b> 35:1;40:1;46:23,24; 50:24;71:13;74:4; 107:3,7;115:1,8</p> <p><b>opinions (16)</b> 14:1;22:17;27:7; 28:3;29:10,19,20,21; 30:5;45:6,12;47:15; 48:21;55:16;122:4,6</p> <p><b>opportunity (2)</b> 51:5;93:9</p> <p><b>opposed (1)</b> 32:12</p> <p><b>opposing (1)</b> 53:23</p>	<p><b>order (27)</b> 4:5;6:2;12:15;22:11, 12,13,20;27:5;35:7; 46:4;49:11;50:15,24; 53:12;59:4;66:6;68:4, 10;69:6,11;73:20; 102:10;103:4,9;136:5; 145:19;146:5</p> <p><b>ordered (1)</b> 105:7</p> <p><b>orders (1)</b> 135:9</p> <p><b>origin (1)</b> 137:15</p> <p><b>original (5)</b> 114:8;130:4;135:22, 23;149:21</p> <p><b>originally (1)</b> 94:6</p> <p><b>originates (1)</b> 142:14</p> <p><b>others (6)</b> 81:14;85:8;99:24; 102:9;104:12;114:10</p> <p><b>otherwise (2)</b> 52:16;75:6</p> <p><b>out (37)</b> 17:14;23:1,6,7,10; 29:21;30:7,13;34:11; 38:1,24;58:13;60:10; 66:13,15;70:21;72:12, 15;74:19;76:1;87:19; 88:1;90:10;94:24;96:5; 105:22;119:7;122:1; 129:24;130:2,4; 133:19;136:23;142:2, 17;146:11;155:9</p> <p><b>outdoor (1)</b> 140:9</p> <p><b>outside (6)</b> 48:17;50:11,18;51:7; 115:22;139:6</p> <p><b>over (16)</b> 7:22;58:12;65:15; 67:10;68:8,8;69:17; 75:16;81:12,12,12; 130:14;133:19,22; 148:16;154:11</p> <p><b>overall (4)</b> 83:20;99:4;115:17; 127:8</p> <p><b>overlying (2)</b> 40:22;41:2</p> <p><b>Overton (1)</b> 49:2</p> <p><b>own (8)</b> 81:12;89:12;91:12; 114:5;132:23;134:8, 11;153:15</p>
<b>O</b>				
<p><b>o0o- (1)</b> 4:2</p> <p><b>oath (1)</b> 62:15</p> <p><b>object (11)</b> 6:6;17:24;48:3,12, 17;60:16,16;116:5; 141:11,15;152:21</p> <p><b>objected (8)</b> 6:8,12,18;25:8; 50:17;52:21;92:14; 125:9</p> <p><b>objecting (2)</b> 25:21;125:17</p> <p><b>objection (21)</b> 26:14;31:2;50:9; 52:12;58:21;60:12,19; 64:14;78:18;79:5; 92:12;108:16;111:21; 119:21,22;125:4,6,6,9; 128:14;129:6</p> <p><b>objections (12)</b> 4:6,8;6:24;7:2; 14:24;15:3;18:7;95:17; 104:2;111:22;124:18; 125:16</p> <p><b>observations (2)</b> 16:22,23</p> <p><b>observed (1)</b> 38:24</p> <p><b>obtain (2)</b> 102:2;127:22</p> <p><b>obviously (6)</b> 13:7;47:23;77:17; 119:5;130:9;132:8</p> <p><b>occasion (3)</b> 94:12;100:2;102:3</p> <p><b>occupation (4)</b> 63:4,8;88:16;126:12</p> <p><b>occupy (1)</b> 67:20</p> <p><b>occur (1)</b> 20:2</p> <p><b>occurred (2)</b> 33:24;103:24</p> <p><b>occurrence (1)</b> 12:17</p> <p><b>occurring (1)</b></p>	<p><b>P</b></p>			
<b>P</b>				
<p><b>Pacific (1)</b></p>				

<p>5:18  <b>page (16)</b>                  70:20;74:6;76:11,15;                  78:22;82:4,10,14,19;                  83:2,4,6,23;111:20;                  112:16,17  <b>pages (1)</b>                  132:19  <b>Pahrump (2)</b>                  138:10;139:11  <b>Paint (1)</b>                  142:15  <b>Paiutes (1)</b>                  69:16  <b>Palmer (5)</b>                  6:4,9;60:8,17;61:4  <b>panel (1)</b>                  98:13  <b>paper (6)</b>                  14:9;15:6,9,13;32:1;                  45:4  <b>papers (1)</b>                  14:8  <b>parameter (1)</b>                  132:6  <b>parameters (5)</b>                  132:1;137:11,13;                  138:5;150:7  <b>Pardon (1)</b>                  98:2  <b>Park (6)</b>                  65:14;67:3;72:1,6;                  73:3;136:2  <b>parks (1)</b>                  67:4  <b>part (15)</b>                  12:10;27:19;48:15,                  16;49:14;58:11;69:2,                  18;87:24;90:6;97:13;                  106:12;115:10;121:4;                  141:17  <b>participant (2)</b>                  69:12,16  <b>participants (5)</b>                  4:19;14:20;49:17;                  56:6,10  <b>participate (2)</b>                  8:24;9:3  <b>participated (1)</b>                  13:7  <b>participating (1)</b>                  106:12  <b>participation (1)</b>                  49:17  <b>particular (50)</b>                  26:10;54:15;55:4,5,                  18;56:7,13,20;61:6;                  67:18;85:6;95:8;96:7,                  16,18;97:7,13;98:12,                  17;99:12;100:14;                  102:10,17,17;103:7;                  105:17,20;107:14,15;                  110:4,6;116:1;118:6;</p>	<p>119:10;121:15,16;                  122:5,8,9,12;123:18,                  18,23;124:2,7;125:13,                  16;127:8;154:18;155:3  <b>particularly (3)</b>                  67:15;69:10;75:1  <b>parties (8)</b>                  6:23;16:9;54:2,22;                  55:3;69:15;125:2,11  <b>partner (1)</b>                  19:22  <b>parts (3)</b>                  21:20,23;23:14  <b>party (1)</b>                  125:17  <b>pass (2)</b>                  25:10;144:4  <b>passed (4)</b>                  19:20;125:1;135:1,2  <b>past (1)</b>                  27:16  <b>Paul (2)</b>                  5:8;25:17  <b>pay (1)</b>                  37:22  <b>PDF (1)</b>                  44:18  <b>PE (1)</b>                  135:2  <b>Pedro (1)</b>                  17:16  <b>peer (4)</b>                  146:20,22;147:5,7  <b>peer-reviewed (3)</b>                  14:8,9,11  <b>pending (1)</b>                  124:5  <b>people (7)</b>                  24:18;39:22;60:13;                  117:5;130:11;145:24;                  146:1  <b>people's (3)</b>                  68:12;81:8;114:13  <b>percent (1)</b>                  86:16  <b>percolating (1)</b>                  40:23  <b>perennial (4)</b>                  101:7,18,23;132:8  <b>Perfect (1)</b>                  59:9  <b>perfected (1)</b>                  41:23  <b>perfection (1)</b>                  41:17  <b>perform (15)</b>                  70:12;71:17;81:12;                  96:6,9;102:7;107:21;                  108:14;109:10;119:4;                  121:3;133:4;134:8,11,                  19  <b>performance (5)</b>                  65:12;66:12;80:1;</p>	<p>115:7;116:1  <b>performed (9)</b>                  13:13;96:20;102:24;                  107:8;118:10;133:6;                  136:8;152:6;153:13  <b>performing (15)</b>                  19:18;97:2,99:21;                  103:6;106:3,6,7,9,10,                  10,15;107:17;115:23;                  118:10;132:16  <b>Perhaps (3)</b>                  102:2;123:3;153:21  <b>period (6)</b>                  41:15,16;99:6,7;                  122:19;133:22  <b>permit (20)</b>                  40:12,14,20,23;41:8,                  10,12;42:10;96:8,22;                  98:12,15,17,20,23;                  99:22;100:4;132:2,9;                  155:3  <b>permits (12)</b>                  93:15;99:5;100:2,15,                  24;103:17;104:7;                  107:16;122:21;124:6;                  131:11;133:21  <b>permitted (2)</b>                  18:5;125:17  <b>permitting (4)</b>                  92:7;93:9;148:10,13  <b>person (8)</b>                  85:1;110:5;118:21;                  122:18;135:15,22;                  137:2;146:17  <b>personal (1)</b>                  149:5  <b>personally (3)</b>                  114:2;146:13;149:6  <b>perspectives (1)</b>                  56:10  <b>pertinent (2)</b>                  12:9;71:23  <b>PETERSON (39)</b>                  4:24,24;75:17,18,20,                  21;85:19;86:2,19;                  89:17;108:1,2,4,5,19,                  21;113:13;128:14,16,                  23;129:2;139:15,16,18,                  19,23;140:1,21;141:1,                  13,20;142:5,7,8,9;                  150:4,23;152:15,18  <b>Peterson's (1)</b>                  152:10  <b>phase (12)</b>                  27:3,5;28:1;47:24;                  48:15;49:6;54:22;                  56:15;123:4,5,18;                  134:14  <b>phases (1)</b>                  27:2  <b>PhD (8)</b>                  64:2,3,5;76:3,7,19,                  20,21</p>	<p><b>phedozone (1)</b>                  70:3  <b>phone (1)</b>                  53:23  <b>physical (7)</b>                  11:6;16:16,16;21:14;                  33:10;35:4;48:23  <b>physically (1)</b>                  22:21  <b>piece (1)</b>                  73:17  <b>pieces (1)</b>                  82:21  <b>pipeline (3)</b>                  136:16,17,19  <b>place (2)</b>                  4:7;44:12  <b>Plan (4)</b>                  10:23;19:18,21;24:4  <b>planning (2)</b>                  127:17;143:19  <b>plans (1)</b>                  93:1  <b>plead (1)</b>                  117:2  <b>please (17)</b>                  7:23;8:11;10:21;                  11:19;13:17;17:7;22:4;                  23:18;59:13;62:10,15,                  22;88:13;108:20;                  126:10;127:11;129:9  <b>pleasure (1)</b>                  25:19  <b>plot (1)</b>                  130:14  <b>PM (5)</b>                  4:1;59:11;119:17;                  154:5;155:14  <b>point (15)</b>                  11:2;23:24;24:3;                  30:17;41:8;44:12;                  72:17;90:17,22;                  104:10;117:10;123:6,                  7;136:20;150:9  <b>points (2)</b>                  38:17;43:24  <b>policy (18)</b>                  32:13;33:9,12,13,14,                  18,19;49:5,14,18;                  54:20,21;55:7;56:14;                  98:16,21,22;155:1  <b>political (2)</b>                  146:11,12  <b>portion (3)</b>                  58:5;116:19;123:11  <b>portions (2)</b>                  34:20;75:3  <b>position (18)</b>                  8:21;15:13;52:8;                  56:12;63:7,12,16,18;                  67:13;68:2,7,12,23;                  81:7;115:15;132:18,                  21;136:24</p>	<p><b>positions (5)</b>                  66:2;72:6,8;73:11;                  92:3  <b>positive (1)</b>                  15:9  <b>possibly (2)</b>                  101:9;118:8  <b>potential (2)</b>                  82:24;114:11  <b>practice (2)</b>                  18:20;40:8  <b>practicing (1)</b>                  21:11  <b>precip (2)</b>                  20:7;129:22  <b>precipitation (4)</b>                  21:17,17;57:18;58:4  <b>pre-computers (1)</b>                  129:19  <b>predict (1)</b>                  71:7  <b>predicting (1)</b>                  150:1  <b>predictions (2)</b>                  71:12;83:2  <b>pre-Excel (1)</b>                  129:19  <b>preference (1)</b>                  7:13  <b>prehearing (3)</b>                  49:8,12;54:10  <b>preliminary (1)</b>                  7:5  <b>premise (1)</b>                  23:4  <b>preparation (3)</b>                  8:24;69:10;135:9  <b>prepare (3)</b>                  21:22;43:17;78:12  <b>prepared (8)</b>                  17:18;29:15;71:7,13;                  91:1;129:17;149:16,18  <b>preparing (2)</b>                  75:8;147:10  <b>prerequisite (1)</b>                  81:9  <b>present (5)</b>                  5:4;22:21;56:7;                  87:22;90:14  <b>presentation (1)</b>                  61:23  <b>presented (6)</b>                  14:13,14,20,23;37:5;                  59:6  <b>pretty (9)</b>                  16:14;33:3;68:21;                  74:17;78:6;129:16;                  132:22;133:24;139:1  <b>previous (4)</b>                  14:12,14;66:2;                  140:24  <b>previously (5)</b>                  39:17;48:19;55:8;</p>
--	---	--	--	---

69:23;96:20 <b>Prieur (1)</b> 50:3 <b>primarily (3)</b> 64:16;68:1;72:19 <b>principal (3)</b> 8:19;138:7,9 <b>principles (6)</b> 16:14,15;22:2;33:10; 48:24;142:24 <b>prior (1)</b> 14:18 <b>prioritize (1)</b> 138:15 <b>priority (3)</b> 41:22;51:9;138:14 <b>private (3)</b> 88:19,21,23 <b>privately (1)</b> 147:16 <b>probabilities (2)</b> 127:19;143:21 <b>probably (2)</b> 104:15;128:1 <b>problem (8)</b> 68:17,19;71:2;81:3, 4,6,13;87:24 <b>problems (4)</b> 64:8;65:21,24;79:22 <b>proceed (3)</b> 62:22;88:10;125:20 <b>proceeding (25)</b> 5:21;9:4,17;10:17; 15:18;16:1;26:21,22; 27:11,12;28:7;39:2; 48:15,16,20,23;49:15; 50:13;52:4,11;53:2; 122:12;123:18;124:3,7 <b>proceedings (18)</b> 4:11;26:3;49:21,23; 56:14,20;58:18,20; 59:1,1,22;60:1,7; 123:20;125:3,13; 126:20;155:14 <b>proceeds (1)</b> 123:23 <b>process (12)</b> 14:15;38:21;42:14; 49:4;97:4,5;98:8; 103:21;118:6;120:23; 121:20;131:20 <b>produced (2)</b> 14:9;141:17 <b>product (1)</b> 141:23 <b>production (1)</b> 23:9 <b>profession (1)</b> 73:24 <b>professional (14)</b> 4:14;13:3;18:13,22, 24;77:21;92:17; 110:24;112:4,7;	134:17;135:4,6;144:20 <b>professions (1)</b> 111:16 <b>Professor (1)</b> 128:8 <b>proffer (1)</b> 75:13 <b>proffered (7)</b> 6:1;10:6;92:18,19; 120:4;122:23;154:14 <b>proffering (2)</b> 56:16;120:2 <b>program (8)</b> 63:24;65:18;66:20; 72:22;131:8;135:11, 12;140:5 <b>programmatic (1)</b> 71:13 <b>prohibiting (1)</b> 56:12 <b>project (21)</b> 28:1;41:18;66:10; 70:15;71:14;72:10; 74:8;81:23;82:6,22; 83:3,20;84:7;96:21; 97:8,8,9;105:23; 135:16;136:17;149:1 <b>projects (22)</b> 19:11,13;73:10;80:3, 19,21;81:21;96:3; 105:13;107:15;131:7; 133:11,12,20;137:1,2, 3,4;139:6;148:20; 149:3,6 <b>promoted (1)</b> 135:5 <b>proof (1)</b> 41:23 <b>proper (1)</b> 51:4 <b>property's (1)</b> 130:7 <b>proposal (1)</b> 60:15 <b>proposed (5)</b> 71:8;82:16,22,24; 147:19 <b>protection (4)</b> 65:13,18;66:20; 91:18 <b>protest (2)</b> 139:11,11 <b>Protestant (1)</b> 103:15 <b>Protestants (2)</b> 107:13;109:4 <b>protesting (1)</b> 102:2 <b>prove (1)</b> 132:22 <b>proved (1)</b> 41:23 <b>provide (14)</b>	5:23;16:19;17:2; 19:23;25:7;27:23; 29:13;35:3;55:15;57:6; 82:21;89:6;109:5; 121:23 <b>provided (16)</b> 27:15,15,18;38:23; 74:7;75:7;90:4;101:10; 106:13;107:9,12; 118:2,19;124:15; 133:5;136:2 <b>provides (2)</b> 110:2;115:17 <b>providing (2)</b> 35:8;96:3 <b>province (1)</b> 21:7 <b>provisions (1)</b> 144:17 <b>public (4)</b> 75:6;96:4;103:10; 132:4 <b>publication (1)</b> 72:4 <b>publications (10)</b> 14:3;71:22;72:3; 84:4;145:15;146:4,19, 24;147:1,3 <b>publicly (1)</b> 74:2 <b>publish (1)</b> 147:1 <b>published (3)</b> 14:8;74:5;75:6 <b>pump (7)</b> 103:23,23;104:9; 130:4;136:6;150:8,11 <b>pumpage (1)</b> 146:21 <b>pumped (2)</b> 100:14,14 <b>pumping (28)</b> 10:24;11:4,6,10; 13:19,20;16:7,21; 17:11;20:7,9;21:15; 28:24;29:2;47:2,3,9, 10;55:23;56:2,2;57:13, 23;58:2;68:4;71:8; 105:22;148:23 <b>punctuation (2)</b> 146:15,18 <b>purpose (9)</b> 33:15;35:3;55:10; 58:17,19;123:17; 154:22;155:1,5 <b>purposes (13)</b> 7:6;54:7;59:4,22; 60:1;91:5;121:15; 141:21,24;154:6,13,18, 18 <b>pursuant (1)</b> 60:6 <b>put (5)</b>	32:19;37:5;83:13; 104:6;148:3  <b>Q</b> <b>qualification (2)</b> 59:6;60:19 <b>qualifications (20)</b> 4:9;9:17;17:24; 31:10,20;42:19;52:1; 53:2;54:3;56:24;58:21; 60:12;90:3;92:13; 124:19;125:15;152:22; 154:7,14;155:6 <b>qualified (32)</b> 7:10;10:9;17:5;19:1; 28:2;31:4,6,21;36:14; 38:20;39:1;42:17;43:2; 50:21,21;51:21,23; 53:16;55:8;60:2;61:5; 70:5;77:17;106:24; 107:5;119:22;122:14, 16,18;123:11,15; 147:24 <b>qualifies (1)</b> 122:4 <b>qualify (15)</b> 4:7;7:8,14;35:21; 54:3;56:18;59:19;87:1; 121:16,20;122:5; 124:3;128:18,19; 154:21 <b>qualifying (2)</b> 13:12;155:4 <b>qualitative (5)</b> 71:17;78:17;82:20, 23;83:9 <b>qualities (1)</b> 121:5 <b>quality (4)</b> 65:7;127:16,16; 139:1 <b>quantified (1)</b> 43:9 <b>quantifying (1)</b> 95:21 <b>quantity (2)</b> 51:9;55:21 <b>quarterly (1)</b> 104:23 <b>quickest (1)</b> 30:4 <b>quite (5)</b> 28:23;44:20;56:23; 82:13;122:3 <b>quotation (1)</b> 74:12  <b>R</b> <b>raised (6)</b> 6:24;92:12;119:21; 125:4,7,16	<b>range (8)</b> 44:19;74:13;79:22; 80:3;127:18;143:2,21; 144:1 <b>rate (1)</b> 130:18 <b>rated (1)</b> 63:24 <b>rates (1)</b> 129:23 <b>reached (3)</b> 59:15;102:11,15 <b>react (2)</b> 21:15,15 <b>reacts (1)</b> 34:7 <b>read (8)</b> 43:4;53:11,18;92:15; 110:20;111:19,21; 132:19 <b>reading (2)</b> 128:23;144:3 <b>reads (2)</b> 110:17;111:23 <b>ready (1)</b> 61:19 <b>real (4)</b> 71:1;119:24;142:1,3 <b>realize (2)</b> 89:5;117:1 <b>really (24)</b> 17:8;20:10;21:18; 22:17;24:18;25:1;27:4; 29:18;32:15,18,18,23; 33:20;34:6;43:15;48:5; 52:3;55:14;74:23;80:3; 82:23;84:18;117:3; 147:18 <b>reason (5)</b> 53:3;103:3,9;122:23; 132:10 <b>reasonable (1)</b> 132:11 <b>reasons (1)</b> 52:2 <b>rebuttal (13)</b> 9:3;28:12;90:24; 91:2,5;102:11;107:21; 113:2;115:2,6,10; 144:11;151:10 <b>recall (11)</b> 10:1,5;38:2,10;39:1, 5;54:11;114:7;117:3; 121:17;137:19 <b>receive (4)</b> 14:24;15:14;93:24; 126:22 <b>received (6)</b> 12:6;15:2;94:1; 119:24;124:17;126:24 <b>recently (2)</b> 9:18;19:19 <b>recess (6)</b>
---	---	---	--	--

59:10,11;60:10; 119:16,17;154:5 <b>recharge (10)</b> 20:6;57:18;100:12, 13,18,22;105:21;131:8, 11;135:11 <b>recharge/discharge (1)</b> 101:5 <b>recognizance (1)</b> 101:5 <b>recognize (2)</b> 54:5;90:3 <b>recognized (1)</b> 113:7 <b>recognizes (2)</b> 26:13;111:8 <b>recollection (4)</b> 37:20;38:8,14,22 <b>recommendation (1)</b> 136:3 <b>recommendations (4)</b> 92:8;106:13;130:8; 131:14 <b>recon (1)</b> 101:15 <b>record (15)</b> 4:18;9:22;27:20; 28:11;59:13;62:11; 88:13;119:19;122:15; 125:6,12,23;126:10; 128:23;144:19 <b>recorders (1)</b> 130:23 <b>records (1)</b> 96:3 <b>recovery (5)</b> 148:11,14,17,19,21 <b>recreation (1)</b> 140:9 <b>RECROSS-EXAMINATION (1)</b> 152:17 <b>redirect (6)</b> 46:8,9,12;117:18; 151:4;153:11 <b>redo (1)</b> 103:19 <b>redundancy (1)</b> 75:10 <b>refer (2)</b> 36:3;116:19 <b>referencing (2)</b> 72:6;112:6 <b>referral (1)</b> 128:11 <b>referring (3)</b> 131:24;141:13; 151:10 <b>refers (1)</b> 15:16 <b>reflect (1)</b> 23:21 <b>reflected (1)</b> 10:12	<b>reflects (1)</b> 33:19 <b>refraction (1)</b> 12:14 <b>refuge (1)</b> 23:11 <b>regard (14)</b> 9:17;14:1;15:18; 20:13;22:6;27:1;31:7; 36:24;56:11;57:12; 59:15;137:8;145:5; 147:4 <b>regarding (12)</b> 27:7;31:20;35:4; 37:12;38:6,7,11;45:7, 12;48:23;60:17;114:10 <b>regards (5)</b> 56:16,22;57:10; 137:11,17 <b>region (3)</b> 55:23;67:5,7 <b>regional (3)</b> 65:3;67:16;71:4 <b>regions (2)</b> 65:22;66:18 <b>registered (7)</b> 18:13;77:21;134:16; 135:4;144:20,24;145:2 <b>registration (1)</b> 135:5 <b>regular (3)</b> 137:11;138:5;143:10 <b>regulating (1)</b> 96:1 <b>regulations (1)</b> 43:4 <b>Reich (20)</b> 6:4,8;7:21;8:2,14; 20:16;23:18;25:17; 26:12;31:3;50:6,21; 51:12,20;53:8,15;55:7; 56:16,18;60:23 <b>R-E-I-C-H (1)</b> 8:14 <b>Reich's (4)</b> 6:6;54:3;56:24; 58:21 <b>reiterate (1)</b> 154:24 <b>reiterated (1)</b> 49:9 <b>rejected (1)</b> 25:8 <b>relate (2)</b> 40:5;118:15 <b>related (7)</b> 11:3;12:16;15:21; 19:14;141:22;146:5; 148:20 <b>relates (5)</b> 69:10,24;73:11,12; 80:6 <b>relating (1)</b>	97:7 <b>relation (1)</b> 73:19 <b>relationship (4)</b> 13:19;16:20;17:17; 47:1 <b>relationships (1)</b> 35:4 <b>relevant (11)</b> 22:6,8,14;26:9; 48:20;63:17;66:5; 68:18;71:23;147:18,21 <b>reliable (7)</b> 14:6,7;21:24;22:7, 17;70:9;81:5 <b>relied (6)</b> 14:2;73:22;75:5; 113:1;121:4;145:4 <b>rely (4)</b> 119:2;121:8;151:13, 16 <b>relying (1)</b> 118:13 <b>remarks (1)</b> 15:9 <b>remediation (1)</b> 65:10 <b>remember (8)</b> 17:13;18:2,18;105:3; 128:7;135:20;138:2; 150:5 <b>render (1)</b> 114:24 <b>rendering (1)</b> 121:8 <b>Reno (1)</b> 38:23 <b>repeated (1)</b> 79:5 <b>repeatedly (1)</b> 123:17 <b>rephrase (2)</b> 142:5,8 <b>replied (1)</b> 50:1 <b>report (69)</b> 7:3;9:1;22:14;26:23; 28:10,12,13;29:13,15, 19;30:5;33:15,19; 43:17;45:7,12;46:2,24; 48:9;54:15;60:18;69:2, 22;70:24;73:19;75:4; 90:24;91:1,5,14; 102:11,14,18;105:10; 106:17,22;107:21; 113:2,2,5;115:2,6,10, 11,12;120:9,11,14,15, 15;139:2;144:11,12; 145:5;147:6,9,10; 149:7;151:6,8,10,17; 152:4,7,11,19;153:19; 154:21;155:6 <b>reporter (1)</b>	7:24 <b>reporting (1)</b> 93:2 <b>reports (45)</b> 7:18;9:3;12:9,19; 16:12,19;17:19;21:23; 27:14;28:14,16,19; 29:10;41:15;49:20; 52:19,20,20,23;53:9, 16;72:5;84:6,9,11; 101:3,5,15,22;106:13; 107:9,11,12;110:17,20; 113:24;118:18;127:20; 131:13;132:18,19,23; 146:13;147:6;149:12 <b>repository (1)</b> 66:12 <b>represent (1)</b> 25:18 <b>representations (1)</b> 154:19 <b>representative (1)</b> 37:4 <b>represented (3)</b> 36:20;37:3;39:5 <b>representing (3)</b> 75:22;108:5;139:19 <b>Republic (1)</b> 5:17 <b>request (1)</b> 59:19 <b>require (3)</b> 45:13,16;132:1 <b>required (10)</b> 18:15;40:12;43:6; 76:6;94:22;98:10; 131:21;132:2;137:24; 138:19 <b>requirement (1)</b> 116:24 <b>requirements (4)</b> 90:9;141:2,7,9 <b>requires (2)</b> 34:17;71:20 <b>research (9)</b> 13:14;43:13;66:13, 18;72:13;84:7;128:2,6; 147:9 <b>researched (1)</b> 43:9 <b>Reservation (5)</b> 36:11;38:3,16,24; 58:18 <b>reserve (1)</b> 24:22 <b>reserved (1)</b> 54:22 <b>resolution (1)</b> 7:2 <b>Resource (9)</b> 41:4;92:23,23,24; 93:10,10;96:3;112:18, 19	<b>resources (26)</b> 11:11,12,12,24;11; 63:23;65:12;68:8;78:5; 90:10;91:24;94:23; 101:2,4;103:5;104:23; 105:7;115:15;121:12; 134:4;135:10,17; 139:12;140:19;149:12, 24;150:6 <b>respect (41)</b> 6:24;11:17;12:23; 13:14;14:23;16:7,7; 18:8;24:13;26:15;35:6; 45:21;46:14,21;47:7, 15;51:6;54:2,13;56:12, 13;57:23;58:19;120:1; 121:11,18,18,20,22,23; 122:12;123:19,22; 124:2,15,21;125:3,11, 12,16;155:2 <b>respond (4)</b> 11:6;29:17;68:10; 69:11 <b>responding (3)</b> 22:14;27:4;40:5 <b>response (10)</b> 15:15;22:10;47:1; 49:10;69:5;73:19; 108:22;124:18;125:9; 151:12 <b>responsibilities (1)</b> 92:5 <b>responsibility (3)</b> 131:5;133:24;136:15 <b>responsible (9)</b> 67:4;95:20;96:12; 99:21;119:8;131:7; 151:24,24;152:3 <b>restrict (1)</b> 52:4 <b>restricted (2)</b> 26:21;27:4 <b>restrictions (1)</b> 56:8 <b>result (3)</b> 16:16;48:7;103:11 <b>resultant (1)</b> 16:21 <b>results (3)</b> 13:23;20:8;82:19 <b>resume (10)</b> 37:15;58:7;83:4,9; 125:14;134:15;147:17; 148:4,8;149:1 <b>resumes (2)</b> 112:1;148:9 <b>retired (4)</b> 88:17;104:1,3; 126:13 <b>review (33)</b> 11:8;13:23;38:1,13; 39:4;65:8;68:1,12,15, 20;69:12;72:19;81:14;
---	---	--	--	---

82:15,18,20;83:12,21; 91:7,9;92:7,7;93:8,8; 102:14;103:12;107:21; 113:5;114:12;115:3,3, 9;134:1 <b>reviewed (20)</b> 10:13;22:12;35:15; 38:18;42:19;52:19; 60:22;81:8;84:4; 102:15;108:11;115:11; 132:20;146:20,22; 147:5,7;149:12;152:1; 153:17 <b>reviewing (14)</b> 25:4;49:14;81:9; 95:22,24;96:2,7; 103:14;112:12;113:24; 114:9;120:22;152:6; 154:1 <b>reviews (4)</b> 134:6,9,12,19 <b>revisit (1)</b> 123:9 <b>Ricci (37)</b> 6:18,20;87:9,10,18; 88:6,14,16,18;89:11, 22;90:2;91:16;93:4; 106:9;108:5,22; 113:19;114:19;115:14; 117:14,20;119:22; 120:2,11,22;121:23; 122:13;123:6,20; 131:15;145:6,23; 151:13,15;152:5,11 <b>R-I-C-C-I (1)</b> 88:15 <b>Ricci's (6)</b> 89:4,14;120:24; 121:2,11;150:13 <b>Rick (2)</b> 137:3;149:24 <b>Ridgecrest (1)</b> 19:17 <b>rig (6)</b> 79:15;80:10;84:14, 16,21;95:9 <b>right (106)</b> 5:19;7:20,22;8:6; 12:21;20:19;24:5,10, 20;26:6;27:14;30:6,9, 15;33:1;34:19;35:23; 36:2,5;37:6;38:9,19; 39:19;40:13;41:5,22; 42:2,4,5,6,15;43:2,18, 23;46:14,22,24;51:15, 16,18;62:21,23;63:13; 64:13;67:22;68:14,24; 69:7,7;71:3,19;72:5; 73:17;75:9;76:10,17, 23;77:8,16;78:13,14, 21;79:6,7;81:9,14,22; 82:4;84:6,8,24;85:3,7; 86:1,10,17,18;87:5;	89:2,6;90:19;96:2; 98:18;107:1;108:15; 109:1,14;110:7,13; 111:15;112:2,5,5,9; 117:16;123:20;128:11, 24;138:12;140:3,16; 143:14;146:3;151:22; 154:3;155:3 <b>rights (85)</b> 9:13;15:22;16:10; 23:19,21,22,23;24:1, 13,14,16,21,22,23; 25:4,5;26:5,16;34:23, 24;35:1,8,11,13,15,17; 36:8,15,17,24;37:9,12, 13,14,22;38:5,7,11,11, 15;40:11;41:2,20; 42:12,17,23;43:7,10, 15;44:9,11;46:17,18; 47:4;51:6,7,8,9,12,22, 24;53:1;56:17,18;94:8; 95:16,21;97:18;100:7; 109:4;114:10,11; 120:6,8;121:19,19,21; 122:24;132:4;138:6, 12;139:8;154:9,15,16 <b>riparian (4)</b> 15:22,23;24:20;42:5 <b>rises (2)</b> 57:4;121:13 <b>River (30)</b> 11:8;13:21;15:24; 17:11,16;22:10;23:10, 16,16;27:8;28:4;35:5; 37:23;38:4;44:1;46:19; 47:10,13;52:10;69:13; 71:6;129:24;130:3,12, 17,18,22;138:13; 149:19;150:4 <b>Robert (4)</b> 6:17;124:9;126:4,11 <b>ROBISON (25)</b> 4:20,20;7:6,12,13,17, 20,24;8:10;25:10;26:2; 31:2;39:13;46:8,11,13; 47:18;59:7,14;60:3,9, 15,24;61:1,15 <b>rock (2)</b> 21:7;75:1 <b>rogue (1)</b> 75:11 <b>role (8)</b> 23:22;37:18;110:7; 117:22,23;121:12; 123:15;136:13 <b>roles (1)</b> 109:21 <b>Ruby (1)</b> 38:4 <b>ruling (6)</b> 50:23;59:7;90:10; 104:5;123:10;141:18 <b>rulings (4)</b>	135:9;137:6,7,9 <b>run (2)</b> 135:6,7  <b>S</b>  <b>Sacramento (1)</b> 66:24 <b>safe (1)</b> 16:6 <b>Salle (1)</b> 139:10 <b>same (27)</b> 11:9;16:10,15;17:14; 50:5;63:7;68:16;71:20; 81:23;82:8;99:19; 100:6;102:23,23,24; 103:1;105:24;107:8, 17;131:4;136:14; 139:11;141:12,18,18; 152:24;153:21 <b>samples (1)</b> 75:11 <b>San (1)</b> 17:16 <b>Santa (2)</b> 15:24;24:17 <b>sat (3)</b> 84:13,16;135:22 <b>satisfied (1)</b> 56:24 <b>saturated (2)</b> 64:7;70:3 <b>save (1)</b> 28:18 <b>saw (2)</b> 55:4;93:4 <b>saying (5)</b> 32:18;103:15; 118:16,17;122:10 <b>scale (6)</b> 19:15;58:12;71:4,5; 80:2;115:19 <b>scales (2)</b> 65:3;67:17 <b>scheduled (1)</b> 20:24 <b>school (9)</b> 11:21,24;12:2,6; 66:7,10;74:20;79:16; 84:6 <b>science (21)</b> 12:3,7;33:10;64:12; 127:1,1,2,4,6,19; 128:10;140:5,6,19; 141:3;142:12;143:4, 22;144:5,7,7 <b>sciences (1)</b> 58:11 <b>scientific (2)</b> 13:13;73:23 <b>scope (10)</b> 10:22;48:17;50:18;	51:8;53:11,18;54:6,7; 122:8;124:7 <b>season (1)</b> 24:6 <b>seat (1)</b> 8:7 <b>Second (4)</b> 6:10;18:24;48:15; 72:12 <b>section (8)</b> 4:13,14;83:8,22; 93:19,19,20;94:12 <b>Sections (9)</b> 69:7;74:6;83:11,15; 151:24;152:1,1,4,19 <b>sediments (1)</b> 17:18 <b>Seeing (2)</b> 7:4;130:7 <b>seek (1)</b> 7:7 <b>seeking (1)</b> 7:9 <b>seemed (2)</b> 83:13;115:12 <b>seismic (1)</b> 12:14 <b>seminars (1)</b> 13:3 <b>senior (6)</b> 46:18;64:24;71:14; 74:19;79:21;137:2 <b>sense (6)</b> 11:2;29:14;42:4; 58:1;81:11;92:14 <b>separate (6)</b> 30:15;32:21,24; 33:20;151:17,18 <b>SEPTEMBER (2)</b> 4:1;128:22 <b>series (2)</b> 26:22;101:2 <b>Service (24)</b> 5:7;61:22;63:6,12; 65:14,15,20;66:1,3; 67:3,10,14;68:2;69:1, 14;72:1,1,7,7;73:3,7; 74:3;136:2,3 <b>Services (3)</b> 5:17;69:2;126:16 <b>Services' (1)</b> 6:11 <b>Service's (2)</b> 65:23;68:14 <b>servng (1)</b> 4:11 <b>set (3)</b> 4:5,7;93:18 <b>settlement (2)</b> 16:1,8 <b>seven (1)</b> 153:3 <b>several (2)</b>	133:18,22 <b>share (1)</b> 37:22 <b>sheet (1)</b> 44:14 <b>shined (1)</b> 134:2 <b>short (2)</b> 19:12;154:4 <b>show (1)</b> 32:2 <b>showed (2)</b> 39:11;101:23 <b>showing (3)</b> 41:11;130:14,17 <b>side (10)</b> 38:4;55:7;101:24; 102:2;103:14,15; 118:16,16,18,21 <b>sideboard (1)</b> 52:16 <b>sideboards (1)</b> 52:3 <b>sides (1)</b> 118:24 <b>sign (2)</b> 106:22;151:13 <b>signature (1)</b> 102:18 <b>signed (7)</b> 90:23;120:10,13; 144:11;145:6;151:6; 153:18 <b>signing (1)</b> 121:9 <b>similar (7)</b> 93:3;106:16;109:17, 21;110:9;150:16; 151:21 <b>simple (3)</b> 33:3;40:16,17 <b>simplify (1)</b> 30:3 <b>simply (5)</b> 7:14;51:20;118:2,13; 119:2 <b>single (3)</b> 55:20;81:3,4 <b>sit (3)</b> 25:12;131:17;133:1 <b>site (5)</b> 44:20;65:3,10;68:17; 72:20 <b>sites (2)</b> 65:22;67:1 <b>sitting (2)</b> 84:21;131:19 <b>six (3)</b> 68:5;153:2,2 <b>skill (2)</b> 20:20;111:3 <b>skills (3)</b> 39:24;71:20;79:15
--	--	--	--	--

<p><b>slew (1)</b> 66:4</p> <p><b>small (2)</b> 127:17;143:18</p> <p><b>smart (1)</b> 51:21</p> <p><b>SNWA (13)</b> 10:15;15:11;50:1; 58:20;60:15;69:15; 71:7;74:2,7;75:6; 136:2,18;149:21</p> <p><b>SNWA's (2)</b> 10:23;70:15</p> <p><b>soft (1)</b> 139:22</p> <p><b>soil (1)</b> 65:6</p> <p><b>soils (3)</b> 65:11;127:13;144:9</p> <p><b>solicitation (1)</b> 49:20</p> <p><b>Solicitor (1)</b> 61:21</p> <p><b>solid (1)</b> 74:17</p> <p><b>somebody (2)</b> 99:2;105:8</p> <p><b>someone (3)</b> 40:12;51:23;119:2</p> <p><b>sometimes (4)</b> 70:11;88:19;133:7; 137:4</p> <p><b>Somewhat (6)</b> 30:1;53:20;54:11; 71:15,19;133:2</p> <p><b>somewhere (1)</b> 142:17</p> <p><b>sorry (26)</b> 13:1,2;19:13;22:24; 23:2;29:14;41:17;63:9; 69:8;85:23;86:1,9;15: 21;103:18;106:21; 116:3,5,14,17;117:8; 127:3;140:2;148:12; 149:21;153:20;154:10</p> <p><b>sort (2)</b> 95:18;100:8</p> <p><b>sought (1)</b> 79:16</p> <p><b>sound (3)</b> 74:17;118:8,9</p> <p><b>Source (2)</b> 65:18;66:19</p> <p><b>sources (7)</b> 14:2,6,7;99:3,19; 105:14,15</p> <p><b>southeastern (1)</b> 21:6</p> <p><b>Southern (13)</b> 5:9;6:5;10:1;25:18; 59:14;67:6;129:22,23; 135:6,10,16,23;136:24</p> <p><b>sovereignty (1)</b></p>	<p>37:21</p> <p><b>speaking (1)</b> 64:10</p> <p><b>special (2)</b> 20:20;37:23</p> <p><b>specialist (3)</b> 51:22,24;68:14</p> <p><b>specialized (6)</b> 15:16,17;16:11; 92:17;112:3;121:7</p> <p><b>species (1)</b> 67:20</p> <p><b>specific (20)</b> 7:7;31:12,16,17; 43:23;45:2;49:1;64:6; 96:21;101:1;115:21; 117:20;120:1;121:14, 18;122:11;127:7; 133:14;138:8;140:16</p> <p><b>specifically (17)</b> 9:18;22:9;24:21; 26:15;29:11,20;49:16, 19;50:3;64:22;92:15; 102:12;112:19;138:22; 147:3;151:24;152:3</p> <p><b>specified (1)</b> 49:23</p> <p><b>speed (1)</b> 78:22</p> <p><b>spell (1)</b> 62:11</p> <p><b>spelled (1)</b> 88:14</p> <p><b>spend (1)</b> 49:17</p> <p><b>spoke (2)</b> 50:5;114:12</p> <p><b>Springs (19)</b> 9:19;10:24;36:11,18; 43:14;50:6,6;70:10,10; 74:14,14;105:19,20; 129:22;130:17;136:17; 149:16,18,23</p> <p><b>SRK (2)</b> 66:21;72:24</p> <p><b>staff (1)</b> 155:9</p> <p><b>stand (1)</b> 122:17</p> <p><b>standard (1)</b> 61:8</p> <p><b>standards (1)</b> 73:23</p> <p><b>standing (1)</b> 80:9</p> <p><b>standpoint (2)</b> 60:21;99:1</p>	<p><b>start (4)</b> 11:21;63:19;85:22; 131:17</p> <p><b>started (10)</b> 4:5;6:22;7:5;15:20; 25:1,1;91:17;129:23; 133:23;150:11</p> <p><b>starting (6)</b> 39:9,9;76:1;130:2; 134:23;154:11</p> <p><b>starts (1)</b> 28:7</p> <p><b>State (142)</b> 4:16;8:11;9:16;10:9; 11:19;15:7;16:20;17:2; 18:10,14;19:7;20:23; 25:5;26:21;27:7,7,19, 23;28:4;31:4;35:3,16; 36:8,21;37:9,10;39:5, 17;40:6;41:3,7,20; 42:23;44:2,6,20;45:7; 46:16;47:24;49:1,9,11, 22;50:12,15,20;52:2; 54:18;55:2,8,15;56:3, 5;59:2;62:11;63:3; 66:18;67:17,21;69:5; 70:19;72:22,23;77:1,4, 9,18;78:1;88:13;92:8; 93:22;94:6,19,24;95:3, 7,19;96:6,9,11;97:3,11, 22;98:8,10;99:6;101:9, 10;103:2,6,24;104:8, 19;106:10,11,14,14,15; 107:9,10,12,13;108:11, 23;109:9,14;111:1,9; 113:7;114:14;115:16, 16;117:22,23,23; 118:14;119:1,7;121:5, 6,13;122:21,22;123:1, 3;125:1;126:10,18,24; 127:3;133:2,9;136:11; 137:6;139:6;140:4; 144:12,18;146:23; 147:13;149:2;150:16</p> <p><b>stated (4)</b> 22:13;123:17,19; 129:16</p> <p><b>statement (8)</b> 33:4;34:15,16;75:14; 90:4;93:4;100:19; 120:3</p> <p><b>statements (2)</b> 33:24;37:4</p> <p><b>States (8)</b> 6:10;21:19;61:13; 66:4;76:22;77:7; 104:22;122:18</p> <p><b>State's (1)</b> 119:2</p> <p><b>statewide (2)</b> 65:18;66:19</p> <p><b>statute (4)</b> 110:5;132:11;</p>	<p>137:24;138:3</p> <p><b>statutes (9)</b> 94:7;110:2;123:2; 131:22,24;137:8,8,11, 20</p> <p><b>statutory (1)</b> 123:1</p> <p><b>stay (1)</b> 59:8</p> <p><b>step (1)</b> 87:19</p> <p><b>Stephen (3)</b> 6:4;8:2,13</p> <p><b>S-T-E-P-H-E-N (1)</b> 8:13</p> <p><b>stepped (1)</b> 88:1</p> <p><b>Stetson (6)</b> 8:16,18,19,9:1; 19:10;21:4</p> <p><b>Steve (2)</b> 5:10;7:21</p> <p><b>still (4)</b> 71:20;74:9;103:24; 119:19</p> <p><b>stipulate (2)</b> 53:10;61:2</p> <p><b>stipulated (6)</b> 10:2,16;11:14;19:2; 26:4;59:16</p> <p><b>stipulation (2)</b> 59:15;60:6</p> <p><b>stood (1)</b> 79:15</p> <p><b>stop (1)</b> 19:7</p> <p><b>straight (3)</b> 74:19,24;80:12</p> <p><b>stream (14)</b> 16:7;17:18,23;20:6, 7;21:16;47:2,4;57:18; 58:3;68:21;129:22; 130:17;150:1</p> <p><b>stress (5)</b> 68:9;74:19;82:15; 83:11,15</p> <p><b>stresses (2)</b> 17:2;83:9</p> <p><b>stretched (1)</b> 133:19</p> <p><b>stretches (1)</b> 67:6</p> <p><b>strictly (1)</b> 64:10</p> <p><b>structural (2)</b> 12:16;17:1</p> <p><b>structure (2)</b> 47:12;71:10</p> <p><b>structures (1)</b> 21:9</p> <p><b>studied (4)</b> 22:8;127:8,14; 134:24</p>	<p><b>studies (17)</b> 34:10,12;58:13; 92:24,24;93:2;96:19, 20,23;97:2,14;100:19; 105:5,6;108:9,10; 109:5</p> <p><b>study (5)</b> 84:10;104:21,24; 105:1,10</p> <p><b>studying (2)</b> 128:9;135:2</p> <p><b>stuff (14)</b> 129:20,24;130:4,22; 132:18;133:11;134:2; 138:10,11,13;139:5,5, 12;153:18</p> <p><b>sub (1)</b> 58:2</p> <p><b>subdiscipline (1)</b> 31:16</p> <p><b>subdivision (2)</b> 92:7;93:8</p> <p><b>subdivisions (1)</b> 95:23</p> <p><b>subflow (1)</b> 17:9</p> <p><b>sub-flow (2)</b> 40:20,21</p> <p><b>subject (5)</b> 5:24;42:10;55:9; 86:12;90:17</p> <p><b>subjective (5)</b> 53:21;86:10,11,11, 15</p> <p><b>subjects (2)</b> 48:6,9</p> <p><b>submission (2)</b> 125:7;146:4</p> <p><b>Submit (4)</b> 47:18;101:8;140:18; 141:23</p> <p><b>submitted (13)</b> 7:18;9:1,4;15:5; 16:13;22:14;78:13; 90:24;97:11;115:10; 126:18;128:22;154:21</p> <p><b>submitting (1)</b> 98:10</p> <p><b>subregional (2)</b> 71:5,6</p> <p><b>subsequent (2)</b> 27:11;52:11</p> <p><b>subsequently (5)</b> 51:10;97:11;103:17; 104:7;105:2</p> <p><b>substantially (1)</b> 10:17</p> <p><b>subsurface (1)</b> 143:17</p> <p><b>successfully (1)</b> 25:8</p> <p><b>succinctly (1)</b> 65:1</p>
--	--	---	--	--

<p><b>Sue (3)</b> 6:12;62:12,16</p> <p><b>surface (1)</b> 57:19</p> <p><b>sufficient (3)</b> 53:8;78:5;136:4</p> <p><b>sufficiently (1)</b> 53:15</p> <p><b>suggest (1)</b> 50:20</p> <p><b>suggested (1)</b> 54:13</p> <p><b>suggestion (1)</b> 100:17</p> <p><b>suit (1)</b> 39:11</p> <p><b>Sullivan (4)</b> 4:16;56:21;113:18; 154:11</p> <p><b>summaries (1)</b> 131:13</p> <p><b>summarize (2)</b> 64:24;68:22</p> <p><b>summary (1)</b> 75:14</p> <p><b>Superior (1)</b> 17:19</p> <p><b>supervise (1)</b> 8:21</p> <p><b>supervised (1)</b> 28:18</p> <p><b>supervising (3)</b> 4:13;13:4,5</p> <p><b>supplied (4)</b> 101:17,22;115:12; 125:14</p> <p><b>supply (4)</b> 8:22;19:14;71:8; 80:2</p> <p><b>support (3)</b> 34:9;40:1;74:3</p> <p><b>supporting (1)</b> 19:21</p> <p><b>sure (23)</b> 26:8;52:7;53:17; 62:12;63:10;64:18; 78:24;80:22;82:5; 83:24;87:13,20,23,24; 99:22;114:21;119:9; 123:10;137:15;145:20; 147:1;153:20,24</p> <p><b>surely (2)</b> 112:12,12</p> <p><b>surface (30)</b> 6:21;57:13,24;58:3; 65:4,6;67:21,24;68:7; 73:5,13;80:6;92:6,24; 93:7;94:4;99:3,19; 105:14,15;112:10; 120:5,10,18;121:14; 147:20,24;149:23; 154:8,15</p> <p><b>survey (3)</b></p>	<p>13:23;101:4;104:22</p> <p><b>surveyor (4)</b> 42:12,15,18;51:16</p> <p><b>surveyors (1)</b> 96:2</p> <p><b>surveys (1)</b> 23:14</p> <p><b>sustainability (1)</b> 20:2</p> <p><b>sustainable (4)</b> 11:2;15:6;19:19; 27:16</p> <p><b>sustainably (1)</b> 55:21</p> <p><b>sustained (1)</b> 129:7</p> <p><b>swear (3)</b> 62:6;88:2;126:3</p> <p><b>sworn (6)</b> 8:1,4;62:18;88:4,8; 126:6</p> <p><b>Sylvia (1)</b> 5:17</p> <p><b>synthesis (2)</b> 71:16;121:1</p> <p><b>system (27)</b> 11:5,6,9,11;13:21; 17:4;22:10,10;24:19; 27:8,9;28:5,5;29:1; 33:6;34:7;35:5,5;44:1, 3;52:10;58:3;66:12; 71:6,18;132:14;148:17</p> <p><b>systems (5)</b> 21:15;65:2;67:16; 148:21;150:2</p>	<p><b>team (7)</b> 69:12,17;84:10; 106:12;121:4,6;136:15</p> <p><b>technical (6)</b> 13:13;69:17;93:2; 96:4;127:20;146:23</p> <p><b>techniques (4)</b> 12:11,14;21:8;27:17</p> <p><b>Te-Moak (3)</b> 37:15,21;38:3</p> <p><b>tend (1)</b> 80:10</p> <p><b>term (1)</b> 43:20</p> <p><b>terms (27)</b> 11:9;13:18;17:3,16; 20:1;22:13;24:1,14,14, 15;27:14;28:4;31:16; 38:23;64:21;69:8; 84:23;95:19;96:6; 97:19;115:21,23; 117:20;127:7;131:10, 10;152:6</p> <p><b>test (20)</b> 18:16,17,18,19,22, 23,24;42:16,20;65:9; 68:4,5;92:21;97:2; 103:23;104:9;134:24; 135:2;136:6;150:8</p> <p><b>testified (21)</b> 8:5;17:19;18:4;26:2; 35:16;36:7,10;37:8,11; 38:5;50:10;62:19; 76:24;77:3,7,9,13; 88:9;126:7;141:6; 145:7</p> <p><b>testify (18)</b> 7:8;8:1;17:22;18:5; 20:13;38:6,6;43:18; 46:21;48:9,10;53:9,16; 60:20;61:4;91:1; 120:11;122:17</p> <p><b>testifying (2)</b> 6:9;38:10</p> <p><b>testimony (29)</b> 5:24;6:7,7;16:13; 21:24;25:7;46:2,16; 47:6,8;49:10;50:10,18; 51:5;55:14;56:3,12; 58:23;59:5;60:17;97:6; 98:10;105:4;121:2,18, 23;129:5;145:10; 150:13</p> <p><b>testing (3)</b> 66:14;91:11;92:22</p> <p><b>tests (6)</b> 18:23;22:22;93:2; 103:24;130:5;150:11</p> <p><b>Texas (2)</b> 66:3;77:6</p> <p><b>that'll (1)</b> 122:6</p> <p><b>This (1)</b></p>	<p>139:9</p> <p><b>therefore (1)</b> 85:9</p> <p><b>thesis (1)</b> 84:4</p> <p><b>thinking (1)</b> 57:22</p> <p><b>though (2)</b> 48:18;119:2</p> <p><b>thought (9)</b> 15:8;53:15;78:9; 104:16;118:6;124:1; 127:13;132:24;133:3</p> <p><b>thousands (2)</b> 132:19,19</p> <p><b>three (1)</b> 72:2</p> <p><b>three-year (1)</b> 104:21</p> <p><b>threshold (1)</b> 49:13</p> <p><b>thresholds (3)</b> 19:24;34:3,4</p> <p><b>throughout (11)</b> 11:11;13:3,7,20; 21:12,19;24:24;35:16; 44:1;129:22;134:13</p> <p><b>THURSDAY (1)</b> 4:1</p> <p><b>tied (1)</b> 16:8</p> <p><b>Tim (1)</b> 5:10</p> <p><b>times (9)</b> 23:3;79:5;97:5,14; 132:24;133:8,10,18; 146:22</p> <p><b>title (3)</b> 63:7,10,11</p> <p><b>titled (1)</b> 63:14</p> <p><b>today (14)</b> 4:12,5;20;6:3;10:13; 29:15;45:17;53:13,17; 90:2;103:9;128:21; 131:18;140:10;145:7</p> <p><b>together (6)</b> 16:8;21:21;22:20; 81:5;82:20;83:14</p> <p><b>told (4)</b> 87:24;118:14;125:2; 137:10</p> <p><b>tons (2)</b> 129:17;146:22</p> <p><b>took (16)</b> 17:16;23:5;58:10; 68:2;114:4;118:4; 119:5;132:21;134:24; 142:21;143:2,18,23; 144:4,9;146:11</p> <p><b>tools (3)</b> 16:1,3,5</p> <p><b>top (4)</b></p>	<p>24:22;112:16; 137:19;138:17</p> <p><b>total (5)</b> 43:20,22;55:20,21; 66:11</p> <p><b>toured (1)</b> 23:11</p> <p><b>towards (2)</b> 45:19;76:19</p> <p><b>town (1)</b> 138:18</p> <p><b>train (1)</b> 132:24</p> <p><b>training (9)</b> 12:22,24;20:21; 24:12;46:20;47:14; 70:2;113:21;122:2</p> <p><b>transcript (1)</b> 10:12</p> <p><b>transcripts (2)</b> 18:3;39:4</p> <p><b>transfer (4)</b> 104:20;130:22; 138:19;139:8</p> <p><b>transfers (2)</b> 107:15;137:13</p> <p><b>transition (1)</b> 57:19</p> <p><b>translates (1)</b> 121:12</p> <p><b>transport (5)</b> 64:7,7;66:11;70:3; 80:13</p> <p><b>Tribe (2)</b> 37:21;38:11</p> <p><b>Tribes (1)</b> 36:11</p> <p><b>tributary (1)</b> 38:4</p> <p><b>tried (1)</b> 128:24</p> <p><b>triggers (3)</b> 20:1;34:3,5</p> <p><b>Truckee (3)</b> 12:1,1;104:21</p> <p><b>true (3)</b> 51:2;86:4;145:8</p> <p><b>truly (1)</b> 67:20</p> <p><b>try (3)</b> 55:13;64:20,20</p> <p><b>trying (13)</b> 16:18,19;17:10; 27:14;30:12,12;33:20; 69:19;78:22;128:16, 18;141:23;147:23</p> <p><b>Tucson (2)</b> 63:23;64:11</p> <p><b>Turkey (1)</b> 21:6</p> <p><b>turn (2)</b> 75:15;95:9</p> <p><b>Turnipseed (1)</b></p>
---	--	--	--	--

<p>131:15 <b>two (13)</b> 12:9;32:24;33:20; 52:1;73:6;93:18;94:5; 97:17;100:6;106:24; 117:15;122:3;145:14 <b>two-year (1)</b> 103:23 <b>type (8)</b> 11:9;12:18;24:6; 40:14;44:12;94:9; 102:23,24 <b>types (9)</b> 17:17;21:3;67:14; 75:11;86:11;93:21; 107:17;122:7;150:22 <b>typically (3)</b> 14:8,10;19:15 <b>typographical (1)</b> 128:2</p>	<p>55:10 <b>unrelated (1)</b> 84:18 <b>unreliability (1)</b> 83:1 <b>unsaturated (1)</b> 64:7 <b>up (27)</b> 7:11;15:8;38:22; 39:11;41:15;50:18; 55:17;93:18;102:16; 103:15;104:4,16; 124:13;125:23;131:18; 134:13,24;136:19; 137:2,5;142:17; 146:10,15,18;148:5; 150:8;151:18 <b>updates (1)</b> 104:24 <b>upon (7)</b> 50:1;73:22;96:12; 119:22;121:8;151:13; 154:19 <b>usage (1)</b> 93:8 <b>use (23)</b> 13:10;21:22;23:24, 24:24;2,6,6;37:22; 38:2,5;41:13,23;44:12, 13;51:19;84:17;85:2,4, 7,8;89:6;95:21;110:1 <b>used (4)</b> 16:4;24:7;46:3; 101:2 <b>useful (1)</b> 86:6 <b>uses (1)</b> 92:7 <b>USGS (9)</b> 14:8;66:13,16;72:2, 7,12,15,16,18 <b>using (8)</b> 12:13,14;16:23;21:7; 38:15;86:7;117:24; 150:1 <b>usually (1)</b> 78:5 <b>Utah (2)</b> 126:24;140:4 <b>utilized (1)</b> 16:12 <b>utilizing (1)</b> 105:22</p>	<p><b>valuable (1)</b> 34:6 <b>values (1)</b> 11:7 <b>various (4)</b> 14:2;92:2,4;98:6 <b>Vegas (9)</b> 5:9;6:6;25:19;43:16; 87:7;124:10;131:7; 135:10;155:9 <b>vehicle (1)</b> 23:14 <b>vested (4)</b> 42:2,4,6;51:14 <b>Vidler (6)</b> 5:2;6:13,19;75:23; 108:6;139:20 <b>view (4)</b> 11:3;30:17;51:4; 52:9 <b>VII (1)</b> 10:12 <b>virtue (1)</b> 70:1 <b>visited (2)</b> 23:2,3 <b>voice (2)</b> 139:22;146:10 <b>voir (1)</b> 125:18 <b>Volume (2)</b> 10:12;76:14</p>	<p>66:19;67:19;68:1,8; 69:15;71:8;73:5,13,16; 75:22,23;78:5;80:2,6, 9;86:12;90:10;91:23; 92:7,22,23,24;93:8; 94:4,7,23;95:7,16,21, 21,22,23;96:1,2,7,17; 97:15,17;98:18;99:3, 19;100:6,8,13;101:2,4, 7;103:5;104:20,23; 105:7,14,15,22;107:15; 108:6,6,10;109:1,2,2,6, 14;112:10,18,19; 114:10,11;115:15,18; 120:5,6,7,7,10,18; 121:12,13,14,19,19,21, 22,24;122:16,17,19,20, 24,24;124:4,5;127:13, 16,16,16;130:7;131:8; 132:3,11;135:10,16,24; 136:4;137:12,15,21; 138:4,6,11,12,12; 139:1,1,3,8,12,20,20; 149:12,19,23,24;150:6; 154:8,8,15,15,16,16; 155:2,3,4 <b>water/groundwater (1)</b> 67:21 <b>Waterfalls (1)</b> 142:16 <b>water-related (2)</b> 8:22;11:12 <b>watershed (26)</b> 57:16;65:3;67:17; 127:1,2,4,15,15,16,17, 17,19;128:10;140:6, 19;141:3;142:12,14,15, 16;143:3,18,18,19,22; 144:7 <b>watersheds (1)</b> 142:16 <b>watershed-wide (1)</b> 58:13 <b>way (12)</b> 23:20;32:19,24; 60:13,21;63:16;65:1; 83:13;87:17;104:15; 105:19;123:14 <b>wealth (2)</b> 44:10;137:14 <b>weather (1)</b> 127:14 <b>website (1)</b> 45:1 <b>week (5)</b> 20:24;50:15,16; 53:19;130:1 <b>well-known (1)</b> 15:22 <b>well-recognized (1)</b> 22:1 <b>Wells (18)</b> 19:16;23:8,9;38:8;</p>	<p>46:17,18;47:7,8,10; 73:13,16;80:9;92:21; 94:23;95:1;98:18; 132:5,14 <b>weren't (3)</b> 53:23;77:20;118:13 <b>west (1)</b> 58:13 <b>western (3)</b> 21:19;38:3;82:16 <b>what'd (1)</b> 146:9 <b>What's (10)</b> 18:15;31:24;41:9; 88:16;103:16;126:12, 15;130:7,13;131:21 <b>Wherever (1)</b> 11:23 <b>White (8)</b> 11:8;13:21;22:10; 27:8;28:4;35:5;44:1; 71:5 <b>whiz (1)</b> 68:4 <b>whole (11)</b> 57:12,15;66:4;74:13; 98:8;103:3,21,21; 138:12;148:8;149:10 <b>whoops (1)</b> 103:18 <b>who's (2)</b> 4:13;87:6 <b>wide (2)</b> 39:20;44:19 <b>widespread (1)</b> 44:14 <b>wide-varying (1)</b> 21:2 <b>wild (1)</b> 127:16 <b>Wildlife (24)</b> 5:7;6:11;23:11; 61:14,22;63:6,11; 65:15,20,22;66:1,3; 67:9,14;68:2,14;69:1,2, 14;72:1,7;73:7;74:3; 136:3 <b>wish (2)</b> 88:18;150:10 <b>withdraw (1)</b> 59:18 <b>withdrawal (2)</b> 99:14,19 <b>withdrawn (1)</b> 58:21 <b>within (14)</b> 17:11;48:5;55:22,23; 58:6;59:8;61:5;97:5; 102:9;115:14;121:13; 130:1;132:10;142:16 <b>without (13)</b> 30:13,21;32:16; 39:11;40:8;64:3;74:20;</p>
<b>U</b>				
<p><b>ultimately (2)</b> 60:22;151:21 <b>Um-hum (17)</b> 58:8;69:4,20;70:16, 18;71:19,19;73:21; 75:24;76:4,23;77:16; 80:17,20;84:7,11,15 <b>unappropriated (1)</b> 132:3 <b>under (23)</b> 10:24;13:4,4,5;16:5; 18:20;19:18,21;38:19; 41:3;42:9;48:21;52:20; 81:23;84:4;89:2;94:6, 6;119:7;124:24;140:8, 12,16 <b>underground (2)</b> 92:6;93:7 <b>underlying (1)</b> 110:15 <b>understood (5)</b> 50:8;53:14;61:23; 119:9;152:5 <b>unit (3)</b> 22:22;55:20;140:19 <b>United (5)</b> 6:10;21:19;61:13; 104:21;122:18 <b>units (1)</b> 55:19 <b>University (5)</b> 63:22;76:23;78:4; 126:24;140:4 <b>unless (1)</b> 87:22 <b>unlike (1)</b> 71:5 <b>unnecessary (2)</b> 53:2;75:5 <b>unqualifying (1)</b></p>	<p><b>Valley (22)</b> 5:9;6:6;9:20;10:24; 13:24;19:17;23:15,17; 25:19;36:12,18;43:14, 16;50:6;54:12;69:15; 131:8;135:11;136:18; 142:15,15;150:7</p>	<b>W</b>		
	<b>V</b>			
		<p><b>waiting (1)</b> 61:1 <b>Walsh (1)</b> 155:8 <b>wants (2)</b> 46:16;48:21 <b>Washoe (1)</b> 104:20 <b>waste (2)</b> 65:12;80:1 <b>Water (225)</b> 5:1,2,9,9;6:5,6,13,13, 18,19,21;8:22;10:2; 15:22;16:6,9;17:15,23; 19:14;21:15;23:19,21, 22,23;24:1,5,8,13,14, 16,20,21,22;25:18,19, 20;26:12,16;33:10; 35:8,15,17;37:12,22; 38:2,5,8,11,11,15,16, 19;39:21;41:3,22;42:9, 12,14,17,23;43:2,7,15, 16,23;44:11,13;46:14, 17,22,24;47:4;51:15, 18,22;52:10;53:7,14; 54:12;55:9,21;56:17, 17,18;57:13,19;59:14; 63:23;65:4,6,7,18;</p>		

81:4;94:8,8;104:11,11; 142:15 <b>witness (41)</b> 7:14;8:3;21:23; 25:10;48:7;52:13,14; 61:5;62:4,6,12,17; 75:14,16;85:17,20,23; 86:1,20;88:2,4,7;89:6, 8,10,20;90:4,5,6; 108:18;114:21;116:18; 117:10;120:3,11; 126:1,3,5;140:23; 153:1;155:12 <b>witnesses (9)</b> 4:6,8,5;22;6:17; 37:5;50:2,9;97:7;120:4 <b>wondering (2)</b> 31:5;114:7 <b>word (1)</b> 41:18 <b>wording (1)</b> 138:2 <b>work (74)</b> 6:14;12:9;15:1; 21:15;57:24;58:9; 60:10,17;63:20;64:4, 15,21,24;65:14;66:16; 67:14;68:6;69:9,19; 70:4,20,23;74:17,24; 78:16,16;79:12,13,17; 80:3;88:23,24;91:2,14; 92:18;93:1,3,95:19; 100:18;106:24;107:6; 108:14;109:10;110:15; 111:24;113:22,23; 114:9;120:23;127:10; 130:2;138:12,20,22; 141:22,23;142:21; 147:4,9,11,12,13; 149:20;150:8,21,22; 151:14,17;152:6,19; 153:24;154:1,20,20 <b>worked (18)</b> 13:2,4,6,22;17:9; 21:2,5;23:20;24:15; 65:21,21,24;66:3;84:7; 106:16;137:1,3;153:2 <b>working (19)</b> 12:5;13:5;19:16; 21:19;25:2,35:14; 67:10;72:5;84:6,10,10; 100:24;109:9;114:14; 128:7,8;131:6,6; 135:15 <b>works (6)</b> 17:4;30:22;72:3; 74:15;89:1;114:13 <b>workshop (1)</b> 14:15 <b>workshops (2)</b> 14:21,24 <b>world (1)</b> 21:20	<b>Wow (1)</b> 74:11 <b>wrapping (1)</b> 131:20 <b>write (4)</b> 28:16;33:1,18; 131:13 <b>writer (1)</b> 145:18 <b>writing (3)</b> 33:15;93:1;127:20 <b>written (3)</b> 15:3,3,14 <b>Wrong (5)</b> 62:7;78:12;85:10; 86:3;141:7 <b>wrote (3)</b> 78:9;128:10;145:19	111:20;112:16 <b>1.1 (1)</b> 69:7 <b>1.5 (1)</b> 69:7 <b>1.7 (1)</b> 69:7 <b>1:30 (1)</b> 4:1 <b>11 (3)</b> 65:15;69:17;136:5 <b>1169 (6)</b> 68:4;103:9;136:6; 145:19;146:6;150:8 <b>12 (1)</b> 64:6 <b>13 (1)</b> 64:6 <b>1303 (11)</b> 22:11,12;27:5;35:7; 48:18;49:11,24;59:4; 68:10;69:6;73:20 <b>14 (3)</b> 64:6;76:15;83:23 <b>15 (3)</b> 84:1;103:1;105:3 <b>16 (6)</b> 84:1;99:9,10;103:1; 112:12;113:23 <b>18 (1)</b> 37:20 <b>19 (2)</b> 4:1;37:20 <b>1974 (1)</b> 91:18 <b>1980 (4)</b> 128:1,2,4;140:11 <b>1981 (14)</b> 91:24;93:7,11,17; 97:20,21,23,24;127:23; 128:5,11;129:12; 130:19;142:19 <b>1982 (1)</b> 140:11 <b>1990 (5)</b> 129:12;130:19; 131:1;133:23;134:5 <b>1991 (9)</b> 35:15;93:17,22;98:1, 2,4,5;99:6;149:22 <b>1992 (2)</b> 24:16;25:1 <b>1994 (1)</b> 66:11 <b>1995 (2)</b> 15:21,21 <b>1996 (2)</b> 17:13;131:1 <b>1997 (1)</b> 18:11 <b>1998 (1)</b> 18:11	<b>2</b> <b>2 (7)</b> 28:11,12;29:11; 78:22;88:22;111:20; 112:17 <b>2:42 (1)</b> 59:11 <b>20 (3)</b> 74:17;79:20;149:11 <b>200 (1)</b> 93:16 <b>2000 (10)</b> 92:3,10;93:7,12,22; 95:20;97:20,21,22; 136:10 <b>2001 (1)</b> 135:22 <b>2006 (5)</b> 74:7;95:20;99:7; 134:17;136:10 <b>2010 (2)</b> 136:10;138:7 <b>2011 (1)</b> 36:21 <b>2017 (4)</b> 9:19;10:13,22;19:1 <b>2018 (1)</b> 32:6 <b>2019 (3)</b> 4:1;13:24;49:9 <b>2121 (1)</b> 89:14 <b>22 (5)</b> 64:24;68:22;70:4; 74:18;79:20 <b>24 (5)</b> 64:23;68:17;70:4,4; 74:18 <b>24th (1)</b> 49:3 <b>25 (1)</b> 74:17 <b>25th (1)</b> 49:9 <b>28 (2)</b> 8:20;20:18 <b>29 (1)</b> 25:6 <b>2's (1)</b> 6:17	<b>3rd (3)</b> 10:13;69:3;90:14 <b>4</b> <b>4 (4)</b> 46:15;70:20;153:3,5 <b>4,000-foot (1)</b> 149:7 <b>4:15 (1)</b> 119:17 <b>4th (2)</b> 32:7,8 <b>5</b> <b>5 (2)</b> 153:3,5 <b>5:06 (1)</b> 154:5 <b>5:15 (1)</b> 155:14 <b>50.275 (2)</b> 13:11;15:16 <b>55 (1)</b> 117:2 <b>6</b> <b>6 (2)</b> 153:3,6 <b>6th (1)</b> 128:22 <b>7</b> <b>7 (3)</b> 149:11;153:4,6 <b>8</b> <b>8 (4)</b> 82:10,14;83:2,6 <b>81 (4)</b> 92:3,10;93:16;130:2 <b>9</b> <b>96 (1)</b> 134:17
	<b>X</b>			
	<b>XY (1)</b> 130:14			
	<b>Y</b>			
	<b>year (3)</b> 69:5;133:16;134:23 <b>years (43)</b> 8:20;12:5;13:3,7; 20:18;21:12;25:1,6; 37:20;58:13;64:23,24; 65:14,16;68:5,17,22; 69:17;70:4,4;74:17,18; 79:20;92:10,18;99:9, 10;100:18;102:22; 103:1,17;106:11; 107:8;112:12;113:23; 117:2;129:14;133:22; 134:23;136:23;149:2, 11,11 <b>Yep (4)</b> 64:9;76:17;77:11; 140:15 <b>yield (5)</b> 16:6;101:7,18,23; 132:8 <b>younger (1)</b> 13:5 <b>Yucca (6)</b> 66:10,15;72:10,13; 74:21;80:12			
	<b>Z</b>			
	<b>zone (2)</b> 40:20,21			
	<b>1</b>			
	<b>1 (10)</b> 6:17;28:11,12;29:10; 82:4,19;83:4;88:22;			
			<b>3</b> <b>3 (1)</b> 32:1 <b>30 (3)</b> 21:12;58:13;149:2 <b>3D (1)</b> 74:8 <b>3M (1)</b> 10:23	