

ORIGINAL

BEFORE THE STATE OF NEVADA DIVISION OF WATER RESOURCES

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PUBLIC HEARING BEFORE THE STATE ENGINEER

IN THE MATTER OF:

CANCELLED PERMIT #30324

WEDNESDAY, DECEMBER 21, 1983

STATE EMPLOYEES' RETIREMENT SYSTEM

CONFERENCE ROOM

CARSON CITY, NEVADA

APPEARANCES:

For the State of Nevada
Division of Water
Resources:

PETER G. MORROS, State Engineer
and Hearing Officer

-and-

HUGH RICCI, P.E., Chief,
Engineering Division
Nye Building
Capitol Complex
201 South Fall Street
Carson City, Nevada

For the Applicant:

JONES & TURNER ENGINEERING
BY: Ernie Jones, P.E.
KJER Center
298 Kingsbury Grade
Stateline, Nevada

Reported by:

MARY E. BELL, CSR #98

CAPITOL REPORTERS

OFFICIAL AND GENERAL COURT REPORTERS

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1 notice of cancellation.

2 MR. RICCI: Seems to me it kind of crossed.

3 MR. JONES: I think we probably crossed in the mail.

4 THE HEARING OFFICER: So we have not taken any
5 action on 47432 until we dispose of this cancellation
6 then? You're changing all of the points of diversion
7 from this well?

8 MR. JONES: Yes. The point of diversion of the
9 well amounts to a matter of more precise survey on the
10 actual location of the well as it's installed. It's about
11 a one degree barring change and a small amount in
12 distance is the extent of the diversion change.

13 MR. RICCI: So it's not that you are really
14 changing the physical location of the well, but you
15 are changing the survey, the record of survey?

16 MR. JONES: That's correct. The record of
17 survey is a matter of, as I say, a degree or so of barring
18 and a few feet in distance to correct the survey data.

19 THE HEARING OFFICER: Is there anything further
20 you want to offer, Mr. Jones?

21 MR. JONES: That's the only thing I have to offer
22 at this time.

23 THE HEARING OFFICER: Okay. I think that I'm
24 prepared to go ahead and rule in this matter.

25 Based upon the testimony received here today, I
26 will rule that, in fact, the applicant has demonstrated

1 good faith and due diligence to the degree where the
2 cancellation of permit 30324 can be and will be rescinded
3 with the understanding that the owner of record, James
4 K. Johnson, et al., will file with the State Engineer
5 within 15 days of this date an application for extention
6 of time.

7 The rescinding of the cancellation is subject to
8 the provisions of NRS 533.395 (3) which states:

9 "If the decision of the State Engineer
10 modifies or rescinds the cancellation of
11 the permit, the effective date of the
12 appropriation under the permit is vacated
13 and replaced by the date of the filing of
14 the written petition with the State
15 Engineer."

16 And the records of the State Engineer's office will reflect
17 that the petition for the public hearing in the matter of
18 the cancellation of permit 30324 was received in the office
19 of the State Engineer on November 21st, 1983.

20 In effect, the new priority date under this permit
21 will be November 21st, 1983, as set forth under the
22 Statute.

23 Any questions?

24 MR. JONES: Not at this time.

25 THE HEARING OFFICER: Okay.

26 (A discussion was held
off the record.)

1 THE HEARING OFFICER: We'll be back on the record.
2 State of Nevada Exhibits 1 through 4 will be received
3 into the record was evidence.

4 (State's Exhibits 1 through 4
5 were admitted into evidence.)

6 THE HEARING OFFICER: I'll declare the
7 hearing closed.

8 (Whereupon the hearing was
9 duly concluded.)

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