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STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
BEFORE LARRY REYNOLDS, HEARING OFFICER

In the Matter of Application)
56141-T)
_____)

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

May 24, 1991

Elko, Nevada

APPEARANCES:

For the State:

JONATHAN PALM
123 W. Nye Lane
Carson City, Nevada

WAYNE TESTOLIN
BARBARA KIGHTLINGER
P.O. Box 911
Elko, Nevada

For the Applicant:

ROBERT GOICOECHEA
Goicoechea & DiGrazia
P.O. Box 1358
Elko, Nevada

Reported by:

LINDA C. MEAD, CSR #323

PENGAD/WEST. PRESNO. CA 93725

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(A discussion was held off the record.)

THE HEARING OFFICER: We'll be back on the record. Mr. Testolin is the supervising water commissioner on the Humboldt River system as well as the entire State of Nevada.

Mr. Testolin, do you have any, if this application were would be granted, would you have any problem in your disposition?

MR. TESTOLIN: No, I wouldn't, because you would not -- In fact, your downstream users to that point it would not be harmful to them.

THE HEARING OFFICER: Okay. Thank you. All right. The record will reflect that the State Engineer's authorized me to take appropriate action on 56141-T, the temporary application.

After reviewing the entire record, the testimony of Mrs. Tipton, and the lack of testimony by Mr. Key, who did not choose to show up today for an unexplained reason as far as I'm concerned, I believe that, first of all, the State Engineer does have jurisdiction over this application in that it is one of the applications prescribed in NRS Chapter 533 on which he must act, under which he has lawfully been given a duty to act.

When acting upon an application, whether it's temporary or permanent, he must find, or an application to change, which this is, this proposed application is an

1 application to change a portion of the water already
2 appropriated under a decree right, being 00370 in the
3 Humboldt adjudication.

4 In that case, the two issues to be found are, are
5 there any conflicts with existing rights or are there any
6 proposed use or whatever that threatens to be detrimental to
7 the public interest.

8 I find no conflict under the evidence before me
9 today showing any conflict with existing rights, and I
10 further find no threat to any that might prove detrimental to
11 the public interest.

12 Therefore, I hereby order that the application
13 56141-T will be granted upon payment of the statutory permit
14 fees, which I don't know what they are frankly.

15 Mr. Palm, do you know?

16 MR. PALM: No, we haven't calculated those at this
17 time.

18 THE HEARING OFFICER: We can calculate it. We'll
19 be going back to Carson today and -- Do you have to send out
20 a formal notice for the deed?

21 MR. PALM: Yes, we'll send you a fee letter.

22 THE HEARING OFFICER: Actually, you're not
23 authorized to use it until the permit fees are paid.

24 MS. TIPTON: Okay.

25 THE HEARING OFFICER: I further order that the

1 water right, the portion of, proof of claim of 00370 will be.
2 transferred to Otis and Marilyn Tipton as shown as the
3 present-day owners of that portion of that proof 00370.

4 As I said, before we have the fees and we have the
5 deeds, the certified copies, so it's hereby ordered that that
6 portion of that proof will stand out in the name of Tiptons.

7 Anything further?

8 MR. GOICOECHEA: No.

9 THE HEARING OFFICER: Hearing nothing further, this
10 hearing will be declared closed. Thank you very much.

11 MR. GOICOECHEA: Thank you.

12 (The proceedings were concluded.)

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