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STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
BEFORE R. MICHAEL TURNIPSEED, STATE ENGINEER

In the Matter of Application
Number 9405.

Ruling No.
#4281

TRANSCRIPT OF PROCEEDINGS - VOLUME I
PUBLIC HEARING
TUESDAY, JANUARY 9, 1996
CARSON CITY, NEVADA

APPEARANCES:

For the Applicant:

WOODBURN AND WEDGE
Attorneys at Law
BY: GORDON H. DePAOLI
DALE FERGUSON
One East First Street
Reno, Nevada

For the Protestant:

MICHAEL B. JACKSON
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446 West Main Street
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ZEH, POLAHA, SPOO & HEARNE
Attorneys at Law
BY: TREVA J. HEARNE
575 Forest Street
Reno, Nevada

Reported by:

MARY E. CAMERON, CCR, RPR
Nevada CCR #98

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STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
BEFORE R. MICHAEL TURNIPSEED, STATE ENGINEER

In the Matter of Application
Number 9405.

TRANSCRIPT OF PROCEEDINGS - VOLUME II
PUBLIC HEARING
WEDNESDAY, JANUARY 10, 1996
CARSON CITY, NEVADA

APPEARANCES:

For the Applicant:	WOODBURN AND WEDGE Attorneys at Law BY: GORDON H. DePAOLI DALE FERGUSON One East First Street Reno, Nevada
For the Protestant:	ZEH, POLAHA, SPOO & HEARNE Attorneys at Law BY: TREVA J. HEARNE 575 Forest Street Reno, Nevada MICHAEL B. JACKSON Attorney at Law 446 West Main Street Quincy, California
Reported by:	MARY E. CAMERON, CCR, RPR Nevada CCR #98 197

1 Users Association.

2 Finding of fact number 10. The State Engineer
3 finds that issues related to the Walker River Irrigation
4 District easement, water quality, evaporation, uses of the
5 land and whether or not they have obtained all of the
6 permits necessary to build the dam are irrelevant and not a
7 part of the due diligence test.

8 Under conclusions, number 1, the State Engineer
9 has jurisdiction as prescribed in NRS Chapter 533.380.

10 Number 2, the State Engineer concludes that the
11 Walker River Irrigation District has proceeded in good faith
12 and with reasonable diligence to resolve the obstacles
13 preventing them from building this dam. The State Engineer
14 further concludes that there is good cause shown to grant
15 the application for extension of time filed in 1993, '94 and
16 '95.

17 The ruling is the applications for extension of
18 time filed in March of 1993, March of 1994 and March of 1995
19 are granted to March 18th, 1996. I should warn the
20 District, however, that you should continue to proceed with
21 reasonable diligence in perfecting this water right and
22 resolving the issues that have prohibited construction of
23 this dam to date. Are there any questions on the ruling?
24 Hearing none, this hearing will be closed.

25 (The proceedings concluded at 2:50 p.m.)

1 STATE OF NEVADA,)
2 CARSON CITY.) ss.

3 I, MARY E. CAMERON, Official Court Reporter for
4 the State of Nevada, Department of Conservation and Natural
5 Resources, Division of Water Resources, do hereby certify:

6 That on Tuesday and Wednesday, the 9th and 10th
7 days of January, 1996, I was present at the Division of
8 Water Resources, 123 West Nye Lane, Carson City, Nevada for
9 the purpose of reporting in verbatim stenotype notes the
10 within-entitled public hearing;

11 That the foregoing transcript, consisting of pages
12 1 through 296, inclusive, includes a full, true and
13 correct transcription of my stenotype notes of said public
14 hearing.

15
16 Dated at Carson City, Nevada, this 17th day
17 of January, 1996.

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Mary E. Cameron
MARY E. CAMERON, CCR, RPR
Nevada CCR #98