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STATE OF NEVADA
DIVISION OF WATER RESOURCES

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, SEPTEMBER 25, 1984
1:00 P.M.

AT THE DIVISION OF WATER RESOURCES
1515 EAST TROPICANA
SUITE 375
LAS VEGAS, NEVADA

REPORTED BY: LISA K. STEVENS
C.S.R. NO. 133

1 MS. THIEL: I DON'T HAVE ANY OTHER QUESTIONS.

2 DO YOU HAVE ANY OTHER QUESTIONS, TOM?

3 MR. SMALES: NO.

4 MS. THIEL: REFERRING TO THE PROVISIONS OF
5 533.395 AND IN CONSIDERATION OF YOUR TESTIMONY AND YOUR
6 EXHIBIT REGARDING THE CIRCUMSTANCES REGARDING THE
7 CANCELLATION OF PERMIT 26358, BEFORE I MAKE THE RULING, I
8 GUESS I SHOULD SAY THAT THE STATE ENGINEER HAS GIVEN ME
9 THE AUTHORITY TO ACT IN HIS BEHALF AND RULE ON WHETHER THIS
10 PERMIT CAN BE REINSTATED OR THE CANCELLATION UPHELD.

11 IN OTHER WORDS, IT IS, THEREFORE, MY
12 RULING BASED ON YOUR TESTIMONY THAT THE CANCELLATION OF
13 PERMIT 26358 IS HEREBY RESCINDED AND YOU WILL BE REQUIRED
14 TO FILE WITHIN 30 DAYS OF TODAY'S DATE EITHER AN APPLICATION
15 FOR EXTENSION OF TIME OR THE PROOF OF BENEFICIAL USE IN
16 ORDER TO KEEP YOUR PERMIT IN GOOD STANDING.

17 I'D LIKE TO ALSO DIRECT YOUR ATTENTION
18 TO THE PROVISIONS IN N.R.S. 533.395, SECTION 3. IT SAYS:

19 "IF THE DECISION OF THE
20 STATE ENGINEER MODIFIES OR RESCINDS
21 THE CANCELLATION OF A PERMIT, THE
22 EFFECTIVE DATE OF THE APPROPRIATION
23 DATE OF THE PERMIT IS VACATED AND
24 REPLACED BY THE DATE OF THE FILING
25 OF THE WRITTEN PETITION WITH THE STATE

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ENGINEER."

LOOKING AT THE DATE THAT YOU FILED, THAT
PETITION WAS RECEIVED IN OUR OFFICE APRIL 19, 1984, AND
THAT NOW BECOMES THE DATE OF PRIORITY OF YOUR PERMIT.

UNLESS THERE IS ANYTHING FURTHER, DO YOU
HAVE ANYTHING FURTHER TO ADD?

MR. MORIN: NO. IT'S JUST THAT I THINK I WOULD
HAVE LOST MY JOB IF I WOULD HAVE LOST THIS PERMIT.

MS. THIEL: NOTHING FURTHER, I'LL DECLARE THE
HEARING CLOSED.

(WHEREUPON, THE HEARING CONCLUDED.)