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STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
BEFORE JON PALM, HEARING OFFICER

In the Matter of Permits
48179, 48180, 48181, 48384,
48385, 48386 and 49088

Ruling
4303

TRANSCRIPT OF PROCEEDINGS
HEARING
WEDNESDAY, FEBRUARY 21, 1996
CARSON CITY, NEVADA

APPEARANCES:

For the State: SUSAN JOSEPH-TAYLOR, Esq.
123 West Nye Lane
Carson City, NV 89710

For the Permittee: GEORGE BENESCH, Esq.
210 Marsh Avenue
Reno, NV 89503

REPORTED BY: KATHRYN TERHUNE,
Nevada CCR #209

1 Kathy.

2 MR. BENESCH: The Permittee has certain exhibits
3 that were offered and not admitted at this point in time. I
4 will withdraw those exhibits based on the agreement that was
5 reached to settle and otherwise conclude this matter.

6 THE HEARING OFFICER: Let's go off the record one
7 more time.

8 (Off record.)

9 THE HEARING OFFICER: Let's go back on the record.
10 For the record, I'm going to summarize the ruling.
11 The cancellation of Bacon's portion of 34762 and all of
12 Permits 48179, 48180, 48181, 48384, 48385, 48386, and 49088
13 is hereby rescinded. The new priority date for all of these
14 permits is November 6, 1995.

15 The new filing date for the proof of beneficial use
16 is now changed to April 14th of 1996. At that time the State
17 Engineer will, or when he receives the application for
18 extension of time which is due on that date, the State
19 Engineer has agreed to approve the extension of time for a
20 three-year period, until April 14th of 1999.

21 Certain conditions related to that approval are
22 that the water rights will not be changed from this land,
23 cannot be severed from this land, cannot be sold to another
24 property unless it's sold with the land.

25 The five acre-feet of water right that was not

1 cancelled in the State Engineer's letter October 27th, 1995
2 had been required by May 26th, 1996 to file beneficial use,
3 that day is now vacated. The five acre-feet that was not
4 cancelled will now be placed with your other water rights, so
5 that April 14th, 1996 is now the required date for filing
6 extension of time which I referred to earlier.

7 The exhibits have been withdrawn. And therefore,
8 this hearing is closed.

9 (The proceedings concluded.)

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

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I, KATHRYN TERHUNE, Official Court Reporter for the State of Nevada, Department of Conservation and Natural Resources, Division of Water Resources, do hereby certify:

That on 21st day of February, 1996, I was present for the purpose of reporting in stenotype notes the within-entitled public hearing;

That the foregoing transcript, consisting of pages 1 through 60, inclusive, includes a full, true and correct transcription of my stenotype notes of said public hearing.

Dated at Carson City, Nevada, this 19th day of March, 1996.

Kathryn Terhune
KATHRYN TERHUNE, CCR, RPR
Nevada CCR #209