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STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
BEFORE THE HEARING OFFICER, JONATHAN C. PALM

-oOo-

In the Matter of the)
PERMIT NUMBERS 17417,)
18764, 24725, AND 26283.)
_____)

Ruling No.
4446

REPORTER'S TRANSCRIPT OF PROCEEDINGS
HEARING ON POSSIBLE FORFEITURE OF WATER RIGHTS
THURSDAY, OCTOBER 10, 1996
LAS VEGAS, NEVADA

Reported By: KAREN YATES, RPR
Nevada CCR No. 195



1 consecutive years on the part of a water rightholder to use
2 beneficially all or any part of the underground water for
3 the purpose for which the right was acquired works a
4 forfeiture of that right. That is in conformance with the
5 Nevada Revised Statutes 533.090. Because the law disfavors
6 a forfeiture, there must be clear and convincing evidence of
7 the statutory period of non-use for the State Engineer to
8 declare a forfeiture.

9 In this particular case I found that the evidence
10 does not meet this clear and convincing standard that the
11 Supreme Court promulgated in their Town of Eureka decision.
12 Therefore, I conclude that these water rights should not be
13 declared forfeited.

14 The ruling. The right to beneficially use the
15 water under these water rights identified by the Permit
16 Numbers 17417, 18764, 24725, and 26283, is not declared
17 forfeited on the grounds that the evidence of the possible
18 forfeiture is not clear and convincing, and the record shows
19 that water was indeed used under these water rights during
20 the alleged period of forfeiture.

21 I will declare this hearing closed.

22 (The hearing concluded at 12:05 p.m.)
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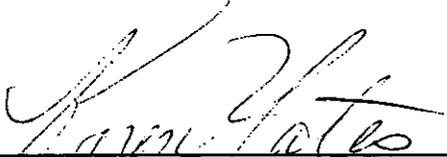
STATE OF NEVADA,)
)
CARSON CITY.) ss.

I, KAREN YATES, a Certified Court Reporter in
and for the State of Nevada, do hereby certify:

That I was present at a meeting of the Nevada
Department of Conservation and Natural Resources, Division
of Water Resources, on Thursday, October 10, 1996, at the
Grant Sawyer State Office Building, Las Vegas, Nevada, and
took verbatim stenotype notes of the proceedings had upon
the hearing in the matter of Permits 17417, 18764, 24725,
and 26283, and transcribed them into typewriting as herein
appears,

That the foregoing transcript, consisting of
pages 1 through 74, is a full, true and correct
transcription of my stenotype notes of said hearing.

DATED at Carson City, Nevada, this 16th day of
October, 1996.



KAREN YATES, RPR
Nevada CCR No. 195