

ORIGINAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

*Ruling No.
4451*

In the Matter of Applications
61995, 61995-T.

_____ /

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

October 30, 1996

Carson City, Nevada

APPEARANCES:

For the State:	Susan Joseph-Taylor, Esq. Deputy Attorney General Carson City, Nevada
For the Applicant:	James E. Turner, Esq. Assistant Regional Solicitor Sacramento, California
For the Protestants:	Richard Campbell, Esq. Ryan T. Campbell, Esq. Campbell & Campbell Reno, Nevada
Reported by:	KATHRYN TERHUNE, CCR, RPR Nevada CCR #209

1 There is no or little evidence to show that there
2 will be any depletion of groundwater. There are no -- there
3 was no evidence to show that there are unmitigated economic
4 impacts. The numbers were 19,000 plus dollars in lieu of
5 taxes versus \$32,000 if it had remained, or all of the
6 transfer lands had remained as taxable irrigated farmland.
7 It's a little hard for me to address the indirect benefits of
8 those tax dollars but it seems to me like it will be a long
9 time before those two lines would cross, as Mr. Imus
10 stated. And then if there is inflation factor built in for
11 those in lieu of taxes, by reassessing those properties every
12 five years, that would seem to take care of that.

13 As far as these two applications are concerned I
14 think there is sufficient groundcover to prevent dust hazard.
15 I didn't see and I was kind of curious as to but there again
16 it applied to overall cumulative impacts, total acres of dirt
17 roads in Fallon area versus total acres of land stripped to
18 date.

19 They appeared from the photos to be fairly well
20 sealed. And they have invading annual plants with some
21 invasion of perennial plants. I believe that will continue.

22 And I'm leading up to the ruling. Therefore, I
23 approve Application 61995 as there is no threat to prove
24 detrimental to the public interest, and overrule the protest.

25 At this point I didn't know what to do with the

1 temporary application. Is it too late in the season to make
2 a water call on that temporary application. I believe that
3 the last time to order water out of Lahonton Dam has passed.

4 MR. TURNER: I think in light of your ruling on
5 61995 we would be willing to withdraw 61996T.

6 THE STATE ENGINEER: All right. Then the record
7 reflect that 61996T is withdrawn.

8 Are there any questions on the ruling?

9 MR. CAMPBELL: Yes.

10 THE STATE ENGINEER: Mr. Campbell.

11 MR. CAMPBELL: I'd like to inquire as to whether
12 that will be considered the written final order.

13 THE STATE ENGINEER: Yes, it will.

14 MR. CAMPBELL: From this proceeding, only written
15 document will be then transcript, not going to issue a
16 separate order with findings of fact, conclusions of law?

17 THE STATE ENGINEER: No. That will be the final
18 ruling of course subject to appeal under 533.550.

19 MR. CAMPBELL: That time starts today.

20 THE STATE ENGINEER: That time starts today.

21 Any other questions on the ruling?

22 Hearing none, the hearing is closed.

23

24 (The proceedings concluded.)

25

1 STATE OF NEVADA,)
2) ss.
3 CARSON CITY.)
4
5
6
7

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

11 That on October 30, 1996, I was present at 123 Nye
12 Lane for the purpose of reporting in stenotype notes the
13 within-entitled public hearing;

14 That the foregoing transcript, consisting of pages
15 1 through 144, inclusive, includes a full, true and correct
16 transcription of my stenotype notes of said public hearing.
17

18 Dated at Carson City, Nevada, this 18th day
19 of November, 1996.
20
21

22 
23 KATHRYN TERHUNE, CCR, RPR
24 Nevada CCR #209
25