

Exhibit 7

Notice of Hearing, Nevada State Engineer

STEVE SISOLAK
Governor

STATE OF NEVADA

BRADLEY CROWELL
Director

ADAM SULLIVAN, P.E.
Acting State Engineer



**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

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<http://water.nv.gov>

June 16, 2021

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Re: In the matter of Protested Applications 89681 - 89684, and 89991 - 90006

On April 14, 2021, the Division of Water Resources held a prehearing conference with representatives of the Applicant and Protestants. At that time, Protestants requested that the hearing be scheduled to accommodate additional discovery related to groundwater levels and response to pumping at the proposed points of diversion. The Division accepted written statements from Protestants, and a response from the Applicant, concerning the need for additional discovery and the scheduling of the hearing on the protested applications.

Protestants' Request for Prehearing Discovery

Protestants requested that the hearing be scheduled with time to accommodate extensive prehearing discovery, including seeking evidence from the Applicants and field work to be completed during August and September. Prehearing discovery is not a matter of right, but may be conducted in compliance with a stipulation between the parties or upon order of the State Engineer. Nevada Administrative Code (NAC) § 533.160. The State Engineer declines at this time to enter into an order to compel prehearing discovery. However, a motion may be made pursuant to NAC 533.142 for further consideration.

Scheduling of the Hearing

The State Engineer has determined that the hearing will be held in December 2021. This set of dates reserved at the prehearing conference accommodates the demands of the agricultural season while not unnecessarily delaying the administrative proceedings. The *Notice of Hearing* is sent with this letter of decision.

MELISSA L. FLATLEY, Esq.
Chief, Hearing Section

cc: O. Kent Maher

**IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA**

IN THE MATTER OF APPLICATIONS 89681)
THROUGH 89684, AND 89991 THROUGH 90006)
FILED TO CHANGE THE POINT OF DIVERSION,)
PLACE OF USE AND MANNER OF USE OF)
PORTIONS OF THE UNDERGROUND WATERS)
PREVIOUSLY APPROPRIATED WITHIN THE)
QUINN RIVER VALLEY-OROVADA SUBAREA)
(033A), HUMBOLDT COUNTY, NEVADA.)

NOTICE OF HEARING

HEARING DATE:
9:00 a.m., December 1, 2021

I.

PLEASE TAKE NOTICE that pursuant to the authority set forth in NRS 533.365, the State Engineer hereby sets a hearing to consider the matter of protested Applications 89681 through 89684 filed by Lithium Nevada Corporation, and Applications 89991 through 90006 filed by Home Ranch, LLC to commence at **9:00 a.m., on Wednesday, December 1, 2021, and continuing to Friday, December 10, 2021, if necessary, to be held at the Nevada Division of Water Resources, Tahoe Hearing Room, 2nd Floor, 901 S. Stewart Street, Carson City, Nevada.**

II.

EXCHANGE OF EVIDENCE AND WITNESS LISTS

Initial Evidentiary Exchange: The parties are hereby ordered to serve on each other and the State Engineer in Carson City, Nevada, no later than **Friday, July 30, 2021**, a witness list that includes a reasonably detailed summary of the testimony of each witness, and one copy of any documentary evidence intended to be introduced into the hearing record accompanied by an index of the evidence as further described below. If a witness is not identified as testifying on direct examination regarding a certain topic, the witness may not be allowed to testify as to unidentified topics in his or her direct testimony. If a witness is intended to provide expert testimony, the evidentiary exchange shall include a written report prepared and signed by the witness, which shall contain a complete statement of all opinions to be expressed and the basis and reasons for those opinions, the data or other information considered by the witness in forming the opinions, any exhibits to be used as a summary of or in support of the opinions and a statement of qualifications of the witness.

Second Evidentiary Exchange: The parties are hereby ordered to serve on each other and the State Engineer in Carson City, Nevada, no later than **Wednesday, October 27, 2021**, an additional exhibit list, witness list, witness testimony summaries, or documentary evidence intended to be introduced at the administrative hearing in rebuttal to the first evidentiary exchange. Any expert witness reports provided in the first evidentiary exchange may be supplemented at this time.

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In addition to the hard copies of the lists, summaries and evidence to be served on the State Engineer in Carson City, Nevada, the **parties are hereby ordered to also file in the Office of the State Engineer in Carson City, Nevada, one electronic copy of all documentary exhibits, including their exhibit list in Microsoft Excel format using the exhibit numbers assigned below.**

Each electronically submitted exhibit must be saved as a separate .pdf file, with the name of the party presenting the exhibit, the exhibit number and a short description of the document in the title. For example, a document identified as Exhibit No. 1 submitted by the Nevada State Engineer would be identified as "*NSE Ex. No. 1 Notice of Hearing.*"

The parties may agree among themselves to conduct any evidentiary exchange by electronic means. Additionally, the parties are encouraged to confer prior to the hearing to determine which, if any, exhibits the parties are willing to stipulate to the admission of at the commencement of the hearing.

III.

PREHEARING MEMO

The parties may submit a prehearing memo not later than **5:00 p.m. on November 22, 2021.** The memo is intended to address relevant evidentiary and legal issues for the upcoming hearing, and is limited to not more than 15 pages. The memo may be sent via e-mail to the hearing officer at MLFlatley@water.nv.gov.

IV.

EXHIBITS AND COMPUTER EQUIPMENT

Nevada Administrative Code § 533.290 requires that exhibits introduced into evidence must be in a readily reproducible form, on paper that is 8½" x 11" or foldable to that size. Larger charts, maps, drawings and other material will not be admitted into evidence but may be used for demonstrative purposes. The submission of exhibits in a medium other than paper that is 8½" x 11" or foldable to that size will be considered on a case-by-case basis. Facilities are not available for copying documents during the hearing.

For the presentation of excerpts from large documents, the State Engineer will allow the submission of excerpts, but upon request, the person or entity serving such document must make the entire document available to whomever requests it. If excerpts from a larger document are served and the person upon whom it is served requests to have the entire document in either a hard copy or in a digital format, the person serving said document has 10 days from the date of receipt of the request to place the requested copy in the U.S. Mail or actually provide it to the requestor.

Any document, report, etc. that any participant intends to refer to must be provided as an exhibit during the administrative hearing and be served upon the other participants and the State Engineer in advance.

Visual Aids must be provided to the Division no later than **5:00 p.m., Monday, November 29, 2021,** by e-mail, in .pdf format, to the hearing officer at MLFlatley@water.nv.gov and a copy to MBarnes@water.nv.gov. Hard copies of any documents used as a visual aid, including PowerPoint presentations, are discouraged.

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V.

ORDER OF PRESENTATION

Following opening statements, Applicant Lithium Nevada Corporation will present its case first in support of its applications to change appropriated water. For each testifying witness, there shall be direct examination, cross-examination, re-direct examination limited to issues raised on cross-examination and re-cross examination limited to issues raised on re-direct. Protestants will then present their case in support their protests to the applications. The same order of examination will apply to their witnesses. There is no rebuttal case; all evidence in support of the application or protest must be presented during the respective party's case presentation. Closing statements may be requested to be made in writing following the transcripts of the hearing being made available. Public comment will be taken prior to the hearing being closed and submitted to the State Engineer for decision.

VI.

EXHIBIT NUMBERS

The following exhibit numbers are assigned:

State Engineer	Exhibits 1-99
Applicant	Exhibits 100-299
Protestants	Exhibits 300-499

To avoid duplication of exhibits, the State Engineer intends to mark the exhibits identified on Appendix A.

VII.

RULES OF EVIDENCE

Pursuant to NRS 533.365(4), the technical rules of evidence do not apply to administrative hearings before the State Engineer.

VIII.

COST OF REPORTING OF HEARING

As set forth in Nevada Administrative Code § 533.220, the hearing will be reported by a certified court reporter. The court reporter will file an original and one copy of the transcripts with the State Engineer. The costs of the transcript will be borne by the Applicant and the Protestants on a pro-rata basis. Anyone wanting a copy of the transcript should make separate arrangements with the court reporter.

IX.

ATTENDANCE AND REPRESENTATION

You or your designated representative should plan to attend the hearing for the purposes of presenting evidence or testimony in support of your position concerning the applications or the protests. Legal counsel not licensed to practice law in the State of Nevada, are required to comply with Nevada Supreme Court Rule 42. The Verified Application to Associate form that must be filed with the Nevada State Bar can be found on the Nevada Division of Water Resources website at <http://water.nv.gov> Forms Tab - Miscellaneous Forms. Nevada Supreme Court Rule 43 provides an exception for lawyers employed by, or representing, the United States Government.

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X.

REASONABLE ACCOMMODATIONS

We are pleased to make reasonable accommodations for members of the public who are disabled and wish to view the hearing. If special arrangements for the hearing are necessary, please notify Melissa Flatley at the Nevada Division of Water Resources, 901 South Stewart Street, Suite 2002, Carson City, Nevada, 89701, or by calling (775) 684-2882.



MELISSA L. FLATLEY, Esq.
Chief, Hearing Section

Dated this 16th day of

June, 2021.

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Appendix A

1. Application 89681
2. Application 89682
3. Application 89683
4. Application 89684
5. Application 89991
6. Application 89992
7. Application 89993
8. Application 89994
9. Application 89995
10. Application 89996
11. Application 89997
12. Application 89998
13. Application 89999
14. Application 90000
15. Application 90001
16. Application 90002
17. Application 90003
18. Application 90004
19. Application 90005
20. Application 90006
21. Protest by Bartell Ranch, LLC (identical filing for each application)
22. Protest by Kings River Land and Cattle Co. (identical filing for each application)
23. Notice of Hearing, dated June 15, 2021

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CERTIFICATE OF SERVICE

I hereby certify that a copy of Notice of Hearing in the matter of Protested Applications 89681 through 89684, and 89991 through 90006 was served by U.S. certified mail, postage prepaid, on June 16, 2021, on the following:

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Juanita Mordhorst AAIH
Hearings Section

cc: Capitol Reporters, E-mail
Glen C. Armstrong, US Geomatics