



MEETING MINUTES

February 11, 2019 – 9:00 AM
BOCC Chambers Pahrump, NV

Members: Richard W. Carver - Area 1 (Currant Creek/Smoky Valley)
Joe Westerlund - Area 2 (Tonopah/Manhattan)
James Weeks - Area 3 (Beatty /Armargosa Valley)
Walt Kuver- Area 4, Position 1 (Pahrump Valley)
William Knecht- Area 4, Position 2 (Pahrump Valley)
Dennis Gaddy -Vice Chair- Area 4, Position 3 (Pahrump Valley)
Dave Hall - At Large - Chair

Legal: Sev Carlson

Board of County
Commissioners: John Koenig

Finance: Savannah Rucker

Staff:
Oz Wichman
John Klenke
Christal Behrends

Acronyms: AG - Attorney General
AVSTP - Armargosa Valley Science & Technology Park
BOCC - Board of County Commissioners
BOR - Bureau of Reclamation
CSWP- Community Source Water Protection
CNRWA - Central Nevada Regional Water Authority
DOA - Department of Agriculture
DOI - Department of Interior
EPA - Environmental Protection Agency
GID - General Improvement District
GM - General Manager
GWE- Groundwater Evaluation Grant
GWMP – Groundwater Management Plan
HUD - Housing and Urban Development
IRWMP - Inter Regional Water Management Program
MOU - Memorandum of Understanding
NTS - Nevada Test Site
NCWDGB - Nye County Water District Governing Board
NRWA – Nevada Rural Water Association
NwRA - Nevada Water Resources Association
RFP - Request for Proposals
RNWA - Rural Nevada Water Authority
ROW - Right of Way
SNWA - Southern Nevada Water Authority
USDA - United States Department of Agriculture
UGTA - Underground Test Area

1. **(00:00:30) Call to Order – Pledge of Allegiance**
2. **(00:01:00) Roll Call – Present:** Joe Westerlund, RW Carver, Jim Weeks, Bill Knecht, Walt Kuver, Dennis Gaddy and Dave Hall.
3. **(00: 01:20) Mission Statement – “Provide, protect and preserve water resources within Nye County.”**
4. **(00:01:30) General Public Comment (first): Three-minute time limit per person. Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item.**

None

5. **(00:01:45) Approval or modifications of the Agenda for the Water District Meeting of February 11, 2019.**

Bill Knecht made a motion to approve the agenda as presented. Dennis Gaddy seconded the motion. **The vote was approved 7-0.**

6. **(00:02:45) For Possible Action – Discussion, deliberation and decision regarding Approval of Minutes for December 10, 2018.**

Dennis Gaddy made a motion to approve the Minutes from the December 10, 2018 Governing Board Meeting. Bill Knecht seconded the motion. **The vote was approved 6-0. Walt Kuver abstained as he was not present at December 10, 2018 meeting.**

7. **(00:03:42) Correspondence and Announcements.**

Oz Wichman announced he has received positive feedback from individuals across the State regarding the Water District Governing Board meeting in Railroad Valley (12/10/2018). Chairman Dave Hall also mentioned he too, received positive feedback.

8. **(00:05:05) Ex-Parte Communications and Conflict of Interest Disclosure Statements.**

None.

9. **(00:05:15) TIMED ITEM for 9:00 AM - For Possible Action - Presentation, discussion, deliberation and decision regarding review and approval of the 2018 Nye County Water District Audit presented by Daniel McArthur, Certified Public Accountant.**

Savannah Rucker presented the audit on behalf of Daniel McArthur, highlighting the following:

Page 4: Identifies that the assets of the Water District exceed the liabilities at the close of 2018 with a net position of \$129,187. The net position increased \$52,283 over the period year. At the close of Fiscal Year 2018, the Water District's governmental fund reported a fund balance of \$318,415, which was an increase from the previous fiscal year of \$31,447. The District's government wide expenses were \$250,808, a decrease of \$89,957 from the previous fiscal year.

Page 15: This is the statement of revenue / expenditures and changes in fund balance, which provides a comparative analysis of original budget (final). Real property parcel assessment fee revenues generated \$286,818. Negative investment income on behalf of the Water District totaled \$1,786, for total revenue of \$285,032. Total expenditures are \$253,585, providing an excess of revenue over expenditures of \$31,447. The beginning fund balance being \$286,968 plus revenues minus expenditures, give the District a fund balance at the end of the year of \$318,415. This is higher than the last fiscal year and shows that the Water District is operating within its annual revenues generated.

Last Page: Independent auditor's comments, shows that the Nye County Water District conformed to all statutory constraints on its financial administration during the year. There were no findings this fiscal year or last fiscal year. This is a "clean" audit report showing the Water District in excellent financial standing. The Water District operates within its means and continues to increase ending fund balance year after year.

Dennis Gaddy made a motion to accept the audit as presented. Bill Knecht seconded the motion. **The vote was approved 7-0.**

10. (00:13:45) For Possible Action- Discussion, and deliberation to set a date, time, and location for approval of the Fiscal Year 2019-2020 tentative budget by the Water District Governing Board (Must Occur Prior to 4/15/19).

Dave Hall made a motion that the next Water District Governing Board Meeting and tentative budget hearing be set for Monday, March 25, 2019 at 9 am in Pahrump. Dennis Gaddy seconded the motion. **The vote was approved 7-0.**

11. (00:18:47) For Presentation – Presentation, Discussion presented by Jeff Fontaine of Central Nevada Regional Water Authority (CNRWA), providing legislative and other regional updates.

AB 30- Would help eliminate conflicts between existing water right holders and domestic well users. This will allow the State Engineer to appropriate water in basins that are not fully appropriated. An option of adopting a monitoring, management and mitigation plan is also mentioned.

AB 51- Deals with groundwater and senior surface water rights. This is an area of conflict in the Humbolt River basin. It promotes conjunctive management and also allows the State Engineer to levy an assessment against groundwater pumpers.

AB 62- Speaks to extensions of work for the diversion of water. Would allow multiple extensions for municipalities not to exceed 15 years and between 5-10 years for other users including agricultural users. The CNRWA does have some concern with the 15-year timeframe for municipalities, as they may not be able to put water to beneficial use in 15 years.

Bill Draft Request 775- Requested by CNRWA, requiring all Counties and Cities to have a water resource element that address three items: 1. Known legally/physically available

ground and surface water affluent supplies, 2. Demand resulting from future growth projected in master plan and 3. Analysis of how the demand for water will result in future growth.

AB 95 (just came out last week)- Was introduced by the Public Lands Committee, which would enforce restrictions on domestic wells to ½ AFA use in critical management basins. This would require domestic well owners in these basins to install a water meter.

Other recommendations made by CNRWA:

- Drought initiative grants-through the Department of Agriculture
- Continued support for cloud seeding activity

CNRWA also tracking:

1. Diamond Valley Plan (Order 1302), as this is currently the only State Engineer designated critical management area.
2. Walker River Supreme Court decision regarding Public Trust Doctrine.

Additional discussion took place regarding subdivision maps and water dedication. Primarily, it's correlation to the Ground Water Management Plan.

12. (01:07:41) For Possible Action - Discussion, deliberation and possible decision to adopt a revised Records Retention Policy for the Nye County Water District to assure compliance with all applicable legal, historical, administrative and fiscal requirements for record-keeping as set forth in federal, state and local statutes.

Christal Behrends spoke that the Nye County Water District adheres to the State of Nevada Records Retention policy. There was a recent revision to this policy. The full, revised, manual is available via the backup on-line. Discussed was the amended schedule that highlights all changes and deletions completed in the latest revision. Also, for review and adoption is a Nye County Water District records retention map, displaying where files are kept.

Bill Knecht motioned to update the Records Retention Policy as required by statute and proposed by staff. Dennis Gaddy seconded the motion. **The vote was approved 7-0.**

13. (01:11:18) District Member, Staff and Liaison Reports / Comments:

a. Finances

I. Savannah Rucker

At the 3/25/19 meeting, Savannah will provide a project status update report reviewing our current budget.

b. Board Reports

I. LVVWD/SNWA

II. CNRWA – John Koenig

None

c. Staff Reports

I. Oz Wichman

- Update on Order 1293A Supreme Court Appeal
Oz expects that we will be hearing more this Summer.
- New State Engineer
Oz will be having a discussion with the acting interim State Engineer Tim Wilson, about the Pahump Ground Water Management Plan.
- Nevada Water Resources Association Panel Info
Oz was asked to participate on the Ground Water Management Plan Panel at the Nevada Water Resources Association. He received positive response.

Oz also mentioned he will be doing a performance review for Christal Behrends today and will be administering a pay raise (already included in budget).

II. John Klenke

- Railroad Valley Water Level Monitoring
John performed GPS on the wells 1/17-1/18/19. There were 13 wells that were surveyed. A map was provided to show all well locations and current levels. Initially, these wells will be measured quarterly. Division of Water Resources is interested in having us add a few wells in specified areas. Basin 175(b) has a perennial yield of 75,000 AFA. Currently under 32,000 AFA are appropriated.
- BLM Grant Update
We did not receive grant / funding for the additional monitoring wells. The wells are still scheduled to go in, but we will not be performing our QA monitoring. We will receive data directly from the USGS.

III. Christal Behrends

- Conservation Ordinance Compliance
Between 7/1/2018 and 12/31/2018, there were 225 Certificates of Occupancy (COO's) issued. We were able to perform aerial research on all, however, most photographs showed the lots still empty, as the most recent assessor uploads were in March of 2018. These photos should be updated this March (2019). The majority of the properties do reside in planned communities with CCR's and smaller lot sizes (i.e. Mountain Falls, Artesia, Desert Greens). As a result, our main focus will be on 53 properties. We will be monitoring not only turf restrictions, but also be looking to see if there are: salt cedars present, multiple structures and elaborate water features.
- Carbonate Aquifer Funding Update
Due to the government shut down earlier this year, we just now are starting to receive NFO's (notice of funding opportunities). We will continue to investigate and collaborate with those we work with.
- POOL / PACT for Governing Board Information

Christal will be forwarding a copy of the POOL / PACT 101 for Governing Boards presentation that she attended, to all Water District Governing Board members.

d. Projects Status Reports

I. Staff

Covered Above

e. Board Liaison Reports

I. Commissioner John Koenig

None

f. Report from other individuals, groups and or agencies regarding water-related Issues; for informational purposes only.

Chairman Dave Hall shared some information he received at a recent workshop held in Fish Lake Valley. Copies of the presentation (relating to water level monitoring) were made for Oz and John Klenke.

Board Member Joe Westerlund shared that he monitors wells in Tonopah every quarter, sharing the information with the Division of Water Resources.

14. For Possible Action- Discussion, deliberation and possible decision concerning future Meetings / Workshops. As previously set in agenda item 10, the next Water District Governing Board meeting will be Monday, March 25 at 9am in Pahrump.

15. (01:54:17) General Public Comment (Second)

None

16. (01:54:38) Adjourn