



MEETING MINUTES

July 27, 2020 – 9:00 AM

REGULAR MEETING - TELECONFERENCE

Members: Richard W. Carver - Area 1 (Currant Creek/Smoky Valley)
Joe Westerlund - Area 2 (Tonopah/Manhattan)
James Weeks - Area 3 (Beatty /Armargosa Valley)
Helene Williams- 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: Debra Strickland

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. **9:02 AM Call to Order / Pledge of Allegiance**
2. **09:03 AM Roll Call –Present:** Dave Hall, Jim Weeks, Helene Williams, Joe Westerlund, Richard Carver and Bill Knecht. Absent: Dennis Gaddy.
3. **09:04 AM Mission Statement – “Provide, protect and preserve water resources within Nye County.”**
4. **09:05 AM 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.**

John Bosta wanted to announce that on 7/21/20 the Pahrump Valley Times had an article about the Peacock Charitable Remainder Unitrust who applied for permit MS-22020503 for wastewater management in the old Horizon Academy in Amargosa Valley. NDEP put out a notice on 7/7/20 but the people in the community did not know anything about this until seeing it in the paper on 7/21. Mr. Bosta requested that the Water District Governing Board alert NDEP (via letter) that ample notice was not received by Amargosa residents.

Ammie Nelson thanked the Board for hosting the meeting via teleconference.

5. **09:07 AM Approval or modifications of the Agenda for the Water District Meeting of July 27, 2020 (Non-action item).**

No modifications to agenda.

6. **09:08 AM For Possible Action – Discussion, deliberation and decision regarding Approval of Minutes for May 22, 2020.**

Bill Knecht made a motion to approve the minutes from May 22, 2020. Richard Carver seconded the motion. **The vote was approved 5-0. Helene Williams abstained.**

7. **09:10 AM Correspondence and Announcements.**

Oz Wichman spoke in regards to hosting the Water District Governing Board meetings via teleconference vs. live meeting. Decision to hold either is made 2-3 weeks in advance of the scheduled meeting. This time frame is required to organize backup and coordinate speakers. We are using the Governor’s directives to guide us through process.

Chairman Dave Hall announced that Nye County has been designated as a primary disaster area for drought because of the absence of rain for most of 2020. More information and farmer relief programs are available on nyecounty.net.

8. 09:14 AM Ex-Parte Communications and Conflict of Interest Disclosure Statements.

Commissioner Strickland disclosed in addition to this Board's liaison and a County Commissioner, she is also the owner of Strickland Construction, T&M Group Realty and Lakeside Storage. She has been a licensed well drilling, pump setting, septic contractor as well as a broker who brokers water rights for 26 years. She will not be voting on items during this meeting. Although she will be able to influence this Board, she does not find this to be a conflict of interest. It is her hope that her knowledge base is of value.

9. 09:15 AM For Presentation –Introduction of new Water District Governing Board member Helene Williams.

Chairman Dave Hall introduced Helene Williams, the new Water District Governing Board member representing the Pahrump Valley (Area 4-Position1). On behalf of the Board, he invited Helene to reach out to any of her fellow Board members and staff, as they all look forward to working with her.

Helene Williams stated she looks forward to serving the members of Nye County and will not be taking a board stipend nor travel reimbursement.

Dave Hall also acknowledged and thanked those board members who got reappointed to their positions to include: Joe Westerlund, Dennis Gaddy and Bill Knecht.

10. 09:18 AM For Possible Action – Discussion, deliberation and decision regarding election of new Water District Governing Board Officers for FY 2020/2021.

- a. Chair**
- b. Vice Chair**
- c. Secretary / Treasurer**

Bill Knecht motioned that the Board extend Dave Hall's leadership as Chairman of the Nye County Water District Governing Board. Dave Hall accepted the nomination. Jim Weeks seconded the motion. Helene Williams motioned to close nominations. **The vote was approved 5-0.** Dave Hall abstained.

Dave Hall motioned and nominated Bill Knecht as the Vice-Chairman of the Nye County Water District Governing Board. Bill Knecht accepted the nomination. Richard Carver seconded the motion. Helene Williams motioned to close nominations. **The vote was approved 5-1.**

Dave Hall motioned and nominated that Savannah Rucker continue her leadership as the Secretary / Treasurer of the Nye County Water District Governing Board. Bill Knecht seconded the nomination. Dave Hall motioned to close nominations. **The vote was approved 5-1.**

11. 09:24 AM For Presentation and Discussion – Jeff Fontaine, Executive Director of the Central Nevada Regional Water Authority.

Jeff expressed his gratitude to the Nye County Water District for their support of CNRWA throughout the years and also the past service of: Commissioner Koenig, Joni Eastley and Midge Carver. Nye County is one of the original 6 counties that came together in 2005 when the cooperative agreement was executed to form CNRWA. Today, CNRWA has 9 member counties that encompass 70% of the land in Nevada. Jeff also recognized Oz Wichman, General Manager of the Nye County Water District, for his participation and deep understanding of water law.

Central Nevada Regional Water Authority's mission is to protect the water in its member counties. The 2019 legislative session left us with very interesting and challenging issues. Starting with SB 150, this was a bill that was brought forward by CNRWA and sponsored by Senator Goicoechea. The bill states that all counties should have a water plan that relates to their land use plans. These plans should identify sustainable water resources for existing and future demand. Nye County's Water Resource Plan is a model for what CNRWA would like to see other plans look like.

AB 62 was a bill that was brought forward by NDWR relating to the application of water for beneficial use. Under current law, an unlimited number of extensions of time are allowed. CNRWA feels this bill is well intended limiting those extensions. This process is ongoing.

SB 140 from last session was enacted. It addresses the over-appropriation of ground water basins. It applies a 10% reserve of basin based on PY.

SB 250 was also enacted. It limits the rights to appropriations that have been dedicated to certain public utilities.

AB 95 was enacted. Coming from the Interim Committee of Public Lands, it states in the event of an order from the office of the State Engineer curtailing existing domestic wells, the owners of the domestic wells would still be allowed a duty of a ½ AFA. To monitor this, a meter would be installed on the domestic well.

Perhaps more importantly are the bills that did not pass and include:

AB 30 which would of authorized the State Engineer under certain circumstances to consider the approval of a proposal to eliminate conflicts between applicants and existing owners of water rights and domestic wells. It is commonly referred to as a 3M plan (measurement, monitoring & mitigation). We may or may not see this bill come back in the 2021 legislative session. It was opposed by CNRWA as well as many others.

AB 51 would have required the State Engineer to adopt regulations relating to conjunctive management of ground water and surface water. Like AB 30, this bill was brought forward by the NDWR and was strongly opposed.

CNWRA is looking forward to the 2021 legislative session. Expect to see bills dealing with: water sustainability initiatives, new water management tools, ground water management plan statute, perennial yield studies, agricultural water conservation credits and reform of Nevada Revised Statute dealing with groundwater appropriations. Lastly, CNWRA is tracking the Nevada Supreme Court case of State Engineer vs. Pahrump Fair Water LLC involving Basin 162 in Pahrump. If interested in more information, the CNWRA website is kept current.

Oz Wichman asked if the Diamond Valley court decision has been appealed to the Nevada Supreme Court. Jeff Fontaine agreed that is his understanding. Oz also made mention of the workshop held by NDWR for AB 62. It contained a variety of administrative items that the participants felt weren't related to the bill.

Commissioner Strickland asked if Jeff was aware of any legislative items that NDWR may be proposing in the next session. Jeff Fontaine expressed that CNRWA has asked to sit down with the State Engineer to gain this information. They are getting ready to send a follow-up letter in regards to this request.

12. 10:00 AM For Possible Action - Discussion, deliberation and decision regarding payment of the annual \$7,500 membership fee to the Central Nevada Regional Water Authority (CNRWA).

Oz mentioned in review, the Nye County Water District took over paying the membership fee for CNRWA years ago. This is an annual agenda item. It is a budgeted item.

Bill Knecht motioned to make payment to CNRWA in the amount of \$7,500 for their annual membership dues. Richard Carver seconded the motion. **The vote was approved 5-1.**

Public Comment

John Bosta asked if the Nye County Water District is a member of the CNRWA and questioned if it's a County membership why is the Nye County Water District paying. He doesn't feel that the Water District has the authority to pay the bill.

13. 10:06 AM For Possible Action- Discussion, deliberation and decision recommending to the Board of County Commissioners, the appointments of Joni Eastley, Midge Carver and Commissioner Debra Strickland to serve as Nye County Representatives for the Central Nevada Regional Water Authority (CNRWA).

Dave Hall motioned that Joni Eastley, Midge Carver and Commissioner Debra Strickland are recommended to the Board of County Commissioners as Nye County Representatives for the Central Nevada Regional Water Authority. Bill Knecht seconded the motion. **The vote was approved 4-1.** Richard Carver abstained.

Public Comment

John Bosta stated that he believes the Water District Governing Board is justified in making recommendations to the Board of County Commissioners, but doesn't believe they should be "paying their bill".

Ammie Nelson asked a question regarding when item will appear on the BoCC agenda.

14. 10:12 AM For Presentation and Discussion - Presentation, update and discussion provided by Frank McDonough, Desert Research Institute, regarding a summary of the Spring Mountains Cloud Seeding Project.

Frank McDonough of the Desert Research Institute provided a presentation summarizing the progress of the Spring Mountains cloud seeding project.

Presentation attached to minutes.

Commissioner Strickland asked if Frank had 5 years of data (Manse generator location) would he / Desert Research Institute be able to use that data to influence NDWR to increase the PY for Basin 162. Frank said the more data (more years) to show, the greater the power of influence. The model for other state cloud seeding programs is that they are state funded with some local water district support.

15. 10:41 AM For Possible Action – Discussion, deliberation and decision regarding the adoption of Nye County's Personnel Policy Manual Section 6 (Leave Plans) and Section 7 (Benefits) as the Leave Plan and Benefits sections of the Nye County Water District Personnel Policy Manual.

As explained by Oz Wichman, The Nye County Water District makes annual updates to their Personnel Policy using the POOL PACT small organizations template. However, language and accrual calculations in the Water District manual did not keep current to those of Nye County, as the Administrative Assistant position was recently approved for full-time (July 1, 2020). As highlighted in the Leave Plans and Benefit sections, Nye County offers an additional week vacation and provides calculations for sick leave and paid time off accrual. It is Oz's recommendation that we match what Nye County is offering and as stated in their Personnel Policy Manual.

Dave Hall motioned to mirror the Leave Plans and Benefit sections of the Nye County Water District Personnel Policy Manual to those sections in the Nye County Personnel Policy Manual. Bill Knecht seconded the motion. **The vote was approved 6-0.**

Helene Williams asked if the current budget reflected these financial changes. Savannah Rucker confirmed it is budgeted.

Public Comment

Herman Lewis commented that he feels that the government needs to stop spending money. He doesn't feel there are better "deals" at other places. He thinks the government is out of control with: waste, over-compensation, over-benefits, over days off, too much of everything. He stated that the Board needs to tighten their boot straps they are acting like a bunch of snowflakes. "When everything comes crashing down in November you're not going to have a choice".

16. 10:49 AM District Member, Staff and Liaison Reports/Comments:

a. Finances

As presented by Savannah Rucker and included in backup, is the Nye County Water District Fund Balance Report as of June 30, 2020. This is the summary of the budget as submitted to the Department of Taxation. No contingency funds were used in fiscal year 2020. The budgeted ending balance is \$153,125. The actual ending balance is \$429,884, reflecting that the Water District lives well within their means and is fiscally healthy. The next time the Board sees this report (end of August) all accounts payable will be entered and paid.

The Water District Expense Status Report is also through 6/30/2020. The report outlines the operating project budget. With a Grand Total of \$391,950, the project budget provides lead way in the event we need to modify the legal budget provided to the State.

Helene Williams asked a question regarding the Legal Services line item (0002-0230). Oz responded that when the Nye County Water District was formed, Nye County provided (via MOU), legal services for the Water District. When DA Angela Bello was elected, these services ceased. We then established an annual contract with Kaempfer Crowell (Sev Carlson residing in Carson City). The budgeted \$50,000 is used / billed on an as needed basis only. We spend a small fraction of this budgeted amount.

Savannah did state that the Water District Governing Board will have to schedule a December 2020 meeting for audit approval.

b. Board Reports

I. LVVWD/SNWA

II. CNRWA

Oz called SNWA (Andy Belanger) and asked about their action to abandon the pipeline project and when the Railroad Valley water rights applications would be withdrawn. Contact stated that this will occur in July. Oz will confirm this occurs.

c. Staff Reports

I. Oz Wichman

As the Board is aware, we budgeted a water level measurement program in Railroad Valley. Oz subcontracted to Jessie Norcutt. When SNWA chose to abandon the pipeline project, Oz told Jessie to preform bi-annually (versus quarterly) water level measurements. These were done in January and July 2020.

Helene Williams suggested that we add Board Reports to our agenda. Oz stated that Helene, Chairman Hall and himself will discuss further.

II. John Klenke

John reported that he has been working on the deepening vs. reconditioning well report that Commissioner Strickland had asked for. He has expanded this research to include all wells across Basin 162 / Pahrump Valley. He will be giving a presentation on this data at a later meeting. In addition, he will send the data to DRI to incorporate in their model.

III. Christal Behrends

Providing background on the Volunteer Domestic Well Metering Program, we have data dating back to 2009. Looking at previous year to this year (July 2019-2020), we have had a 25% increase in program participation. Even with an increase in participation, we still saw a 14% decrease in water usage and a 15% decrease in AFA. Oz mentioned that he has heard reference to this program in legislative sessions, NDWR staff meetings and in the Supreme Court arguments in regards to Order 1293A.

Secondly, Christal discussed the Water Conservation Ordinance Compliance Program. In May of 2017, the Board of County Commissioners adopted Ordinance 514, which is Nye County's Water Conservation Ordinance. From the point of adoption on, every new build is bound by this ordinance. Via aerial compliance, we view the new builds based off a Certificate of Occupancy list generated by Building and Safety. In addition we provide water conservation packets to Building and Safety that contain a full copy of the ordinance and a drought resistant landscape list. These are hung on the new homeowners door before they take occupancy of home. To best inform the public, we have also made these packets available to all area: realtors, builders, landscapers, home improvement stores and nurseries.

In 2019, there were 359 certificates of occupancy issued. That figure dropped to 225 in 2020. In 2020, 89% of the new builds occurred in Master Plan Communities with smaller lots, HOA's, CCR's and utility service. All of which have additional water conservation guidelines. Out of the certificates of occupancy issued in 2020, only 3 are on our watch list.

d. Projects Status Report

I. Staff

e. Board Liaison Reports

I. Commissioner Debra Strickland

Commissioner Strickland mentioned that in the Pahrump Parks and Recreation Committee, John Pawlak came forward representing the Department of Forestry, offering to remove salt cedars in Kellogg Park for no fee.

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

- 17. 11:28 AM Discussion concerning future Water District Governing Board meetings to include:**
08/31/2020 Pahrump Regular Meeting 9am
10/26/2020 Railroad Valley Regular Meeting (time TBD)

As mentioned earlier in the Finance report, we will need to schedule a December 2020 meeting to approve the Water District audit.

18. 11:37 AM General Public Comment (Second)

Herman Lewis wanted to state that even though he seems angry and hostile, he is not, and recognizes that everyone puts in a lot of work. He would like to suggest more testing to protect the water in Basin 162.

John Bosta referenced the financial reports presented by Savannah Rucker and asked what percentage of John Klenke's County wage is paid by the Nye County Water District. He also feels that not having topics listed under Staff Reports is a violation of open meeting law.

Ammie Nelson stated that Helene Williams provided great input and is much appreciated. She also feels that the money spent on legal services would be better spent on the cloud seeding program.

19. 11:41 AM Adjourn