



MEETING MINUTES

October 7, 2019 – 1:00 PM

Currant Creek Community Center-Railroad Valley

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. **1:00 PM Call to Order – Pledge of Allegiance**
2. **1:03 PM Roll Call –Present:** RW Carver, Bill Knecht, Walt Kuver, Dennis Gaddy and Jim Weeks. Absent: Dave Hall and Joe Westerlund
3. **1:04 PM Mission Statement – “Provide, protect and preserve water resources within Nye County.”**
4. **1:05 PM 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.**

Kym Williams addressed that when the monitoring well program was adopted, water levels were to be measured 4 times per year (same time – every time). However, this did not occur for the last measurement, as the local sub-contractor (Jesse Norcutt) was not available. Kym contacted Oz, who did the measurements. Oz also stated that Jesse is sub to him, Oz covered the measurement within 2 weeks of date, which is close enough to the mark.

5. **1:07 PM Approval or modifications of the Agenda for the Water District Meeting of October 7, 2019.**

Vice-Chairman Dennis Gaddy called for any modifications to the agenda. As there were none, meeting continued with agenda as posted.

6. **1:08 PM For Possible Action – Discussion, deliberation and decision regarding Approval of Minutes for July 29, 2019.**

Bill Knecht made a motion to approve the minutes from July 29, 2019 as presented. Jim Weeks seconded the motion. **The vote was approved 5-0.**

7. **1:09 PM Correspondence and Announcements.**

None

8. **1:09 Ex-Parte Communications and Conflict of Interest Disclosure Statements.**

None.

9. **1:10 PM For Presentation – Presentation by Kyle Roerink, Executive Director, Great Basin Water Network who will provide an update on the Southern Nevada Water Authority filings in Railroad Valley.**

Kyle Roerink, Executive Director of Great Basin Water Network, expressed how many parts of rural Nevada including Railroad Valley have been “held hostage” by the Southern Nevada Water Authority (SNWA) filings. As long as applications are out there, they pose a constraint on future, economic development. Kyle introduced Simeon Herskovits who is providing legal counsel on behalf of Great Basin Water Network, opposing the water grab efforts of SNWA. Great Basin Water Network will be back in the 7th District Judicial Court in Ely on 11/12/2019 to argue the status of SNWA’s applications in Spring, Cave, Dry Lake and Delmar Valleys.

What we know in Railroad Valley, is that SNWA has applications for 15,928 AFA in Basin 173A and 95,568 AFA in Basin 173B. Not only is there insufficient water for this, senior water rights would be harmed. In addition, it would be detrimental to public interest, wildlife habitat and ability to grow businesses in Railroad Valley. Also, there would be degradation of air quality, scenic and recreational values, water quality and of cultural resources.

Kyle Roerink provided a fact sheet (included in minutes) that spoke about Great Basin Water Network's legal efforts in conjunction with White Pine County and upcoming court hearing in Ely on 11/12-11/13/2019. He encouraged all from neighboring counties and those present in Railroad Valley to attend and show support.

A motion was made by Bill Knecht that we accept the 1-page fact sheet from Great Basin Water Network for informational purposes. Walt Kuver seconded the motion. **The vote was approved 5-0.**

Attorney Simeon Herskovits stated he has been working since 2005 with ranchers, farmers, local governmental entities, water companies / districts and various activists. As background information, the SNWA did not exist in 1989 when the filings were made. It was then the Las Vegas Water District who filed hundreds of applications across rural Nevada. These applications were made to support a 3-phase project to sink wells and extend pipeline, capturing all the available water throughout rural Nevada including Railroad Valley. This month marks the 30th year anniversary of these applications. Simeon has been involved in the opposition for 15 years.

In 2004 SNWA really ramped up energy and efforts to get these applications approved. What they have been focused on is Phase 1 of their project that would extend to Snake, Spring, Cave, Dry Lake and Delmar Valleys that are in both Lincoln and White Pine counties. Great Basin Water Network has successfully defeated them in court a number of times, however the project has not yet been defeated. The upcoming court hearing in Ely (White Pine County) is an attempt to defeat the project. It will be heard by Judge Estes who ruled in GBWN favor (2013). This hearing is a petition for judicial review. It will ultimately determine if SNWA can pursue its project. As phase 2 of SNWA project includes Railroad Valley, the hope is to 'kill' the project in phase 1 so there are no additional phases.

Simeon encouraged the residents of Railroad Valley to stay alert and engaged in what is happening with the SNWA filings. He invited all those present to attend the 11/12-11/13 hearing in Ely. It's important for the Judge to see a representation of rural Nevada. There will be 3 key issues that will be discussed for consideration. They are:

1. What is the meaning of Perennial Yield (PY) and what is the standard that must be met to determine if the water that has been applied for is available for appropriation? This pertains to primarily Spring Valley.
2. Is there any evidence that shows that the water SNWA is proposing to pump can be taken without capturing water that is already subject to senior, existing water rights in down-gradient basins? This pertains primarily to Cave, Dry Lake and Delmar Valleys (what is known as the White River flow system).
3. The Monitoring, Management and Mitigation (3M) Plan of SNWA. Whether or not the State Engineer found that their plan is sufficient to guarantee or provide a reasonable basis for a court or the State Engineer to decide that SNWA can pump the water connected to their project without conflict to existing water rights or without destroying protected environmental resources.

10. 1:55 PM For Possible Action – Discussion, deliberation and possible action regarding the established water level monitoring program in Railroad Valley. NCWD staff will provide a program report to include maps and hydrographs.

John Klenke presented information and a map of the Railroad Valley water level monitoring program in Basin 173B. The Nye County Water District is measuring 14 wells in addition to 6 wells being monitored by Nevada Division of Water Resources and the USGS. The 14 wells under the Water District's purview, are located mainly in agricultural areas. A spreadsheet available on these wells includes: well location, who is performing the water level measurements, ground elevation, depth of well and where the streams are located. Although some wells have seen ups and downs, we will need to build the data set before conclusions can be made.

John left the poster to be displayed at the Current Creek Community Center. It will be updated annually. If members of the public would like copies, they can contact Christal Behrends to receive. All data collected will be shared with the Nevada Division of Water Resources and those who would like it, as it is public information.

2:07 PM – 2:20 PM BREAK

11. 2:20 PM For Presentation – Discussion facilitated by Doug Busselman, Nevada Farm Bureau which will include a legislative update.

Doug Busselman, Executive Vice President of the Nevada Farm Bureau, has been a Nevadan since 1988. The 1989 legislative session was the first session he served as a lobbyist. At the end of the 1989 session is when Las Vegas Water District (SNWA) filed the majority of the previously spoken about water applications. These applications encompassed all the available water in 3 northern counties. Doug knew from a Farm Bureau standpoint, that something had to be done to defend rural Nevada. He filed 10 applications for protest. It just so happens that 2 of those protests are in areas affected in the current lawsuit (11/12/19 court case presented by Great Basin Water Network).

A shift in water law occurred in 2015 when the Governor convened a drought forum. Much of the agenda that was dealt with in the 2017 legislative process was driven by the philosophy coming from this drought forum. This included the philosophy that the State Engineer has to have flexibility to make decisions as they pertain to water management. During the 2017 session a lot of hours were spent on the concept of 3M (monitoring, management and mitigation). The bill that introduced this died. In the 2019 session, the State Engineer's office proposed 3 bills. One of them once again dealing with 3M, a second with conjunctive management and the third, dealing with timeframes of water use. The bill that dealt with conjunctive management did not pass.

In his opinion, Doug expressed that the monster isn't necessarily Las Vegas, but Nevada in general. Nevada does not have a tax structure that provides all the needed government funding without growth. It takes growth to feed the coffers. And in order to have growth you have to have water. A lot of what will be seen in the 2021 legislative session will be

determined by the 2020 election. A coalition of the: Nevada Farm Bureau, Great Basin Water Network, Central Nevada Regional Water Authority, Humboldt Water Authority, Center for Biological Diversity, Nature Conservancy and various Mining & Environmental Organizations are working together and will continue to do so, in efforts that Nevada Water Law is not changed, and water issues are addressed.

12. 2:55 PM District Member, Staff and Liaison Reports / Comments:

a. Finances (00:33:40)

- I. Savannah Rucker (FY 19 / 20 Budget Status Update)
Although not present, Savannah provided a current fiscal year Expense Status Report and Nye County Water District Fund Balance Report (included in back-up). There were no questions from the Water District Governing Board.

b. Board Reports

- I. LVVWD/SNWA
- II. CNRWA – John Koenig
Nothing to report.

c. Staff Reports

- I. Oz Wichman
In the last 60 days, there has been some citizen discussion about using Rotenone to poison out trout in certain creeks in Central Nevada and replacing them with the Lahontan Cutthroat Trout. There was a fish kill in a private pond that Oz spoke to a biologist at the BLM about. This is a separate issue. There are plans to do a fish kill in the Reese River watershed. However, there are multiple logistics to be worked out with the: Department of Wildlife, Western Watershed (Wyoming), Department of Forestry and the local ranchers. Oz received a commitment from Sean Vogt (Program Director-US Fish and Wildlife) to come to Smokey Valley and have a meeting. Oz will raise the following questions at this meeting:
 1. Why do we need the Lahontan Cutthroat trout?
 2. How do we educate and connect the community to the cause?
 3. How many more streams in Central Nevada will this program impact?

Senator Pete Goicoechea, Assemblyman Gregory Hafen and a local rancher will also be participating in this meeting.

In addition, Oz encouraged all to attend the December 9, 2019 Water District Governing Board meeting. Topic of discussion will be increasing the per parcel fee to fund the carbonate aquifer discovery.

- II. John Klenke
Nothing to report.

- III. Christal Behrends
Provided in backup is a funding matrix that lists all the agencies we have gone to for grant funding re: the carbonate aquifer discovery project. As

mentioned at previous meetings, the 2 main reasons we were not deemed eligible to pursue grant funding with these agencies include:

1. The Nye County Water District is not a purveyor of water.
2. Grant funds are for infrastructure not discovery projects.

Although grant funding options have been exhausted, there are some other options we are still researching. In addition to municipal bonds, these options include collaboration with agencies such as the Army Corp of Engineers (which would require a US Senator backing) and the USGS.

Last week Christal attended the WaterSmart Innovations Conference in Las Vegas. In the conservation realm, there is currently a lot of emphasis on providing rebates to homeowners for: leak detection, turf removal / replacement, pool removal and water softener removal. In networking with water districts that were similar size, most have seen benefits with providing free-of-charge irrigation audits. Also, most communities that have populations of medical marijuana and hemp growth operations have come to the same conclusions that our Board did last time in Railroad Valley. There's a nominal impact of water use within these operations. However, some communities have seen huge increases in the amount of illegal operations and have had to partner with the DEA to curb.

d. Projects Status Reports

I. Staff

Covered Above

e. Board Liaison Reports

I. Commissioner John Koenig

Hemp is like the new "pet rock" for southern Nye County. Commissioner Koenig is working with the State Engineer's office as a lot of the folks growing hemp are on domestic wells or using residential water.

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

**13. 3:12 PM Discussion concerning future Water District Governing Board meeting to include:
12/9/2019 Pahrump**

A 2020 Water District Governing Board meeting schedule will be set at the 12/9/19 meeting.

14. 3:13 PM General Public Comment (Second)

Pat Knight thanked Oz and the Water District Governing Board for having the meeting in Railroad Valley. The information brought to the Valley is much appreciated.

15. 3:15 PM Adjourn

