



MEETING MINUTES

March 25, 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. **(00:00:03) Call to Order – Pledge of Allegiance**
2. **(00:00:44) Roll Call – Present:** RW Carver, Jim Weeks, Bill Knecht, Walt Kuver, Dennis Gaddy and Dave Hall. Joe Westerlund was absent.
3. **(00: 01:00) Mission Statement – “Provide, protect and preserve water resources within Nye County.”**
4. **(00:01:07) 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. **(00:01:12) Approval or modifications of the Agenda for the Water District Meeting of March 25, 2019.**

Chairman Hall suggested that Savannah speak to her Budget Status Report after Agenda Item 9, so she would be free to return to work.

6. **(00:01:49) For Possible Action – Discussion, deliberation and decision regarding Approval of Minutes for February 11, 2019.**

Dennis Gaddy made a motion to approve the Minutes from the February 11, 2019 Governing Board Meeting. Bill Knecht seconded the motion. **The vote was approved 6-0.**

7. **(00:02:35) Correspondence and Announcements.**

Chairman Hall made mention that he will be working with the public re: Amargosa water quality questions which may increase call-in volumes to the Water District.

8. **(00:03:16) Ex-Parte Communications and Conflict of Interest Disclosure Statements.**

None.

TIMED ITEM 9:00 AM

9. **(00:03:25) For Possible Action- Deliberation, discussion and decision regarding:**

1. **Nye County Water District Tentative Budget for FY 2019/2020**
2. **To set date, time and location of Public Hearing on the Final FY 2019/2020 Nye County Water District Budget. Proposed date Thursday, May 30, 2019, 9am at the Pahrump BOCC chambers.**

Savannah Rucker stated per NRS, the final budget for the Nye County Water District FY 2019/2020, needs to be heard by the Water District Governing Board between the 3rd Monday in May and the final day in May. The proposed date of 5/30/19 falls within these parameters. The tentative budget prepared by Oz in which the final budget will be built was discussed. Oz’s tentative budget spreadsheet contains four (4) columns highlighting:

Current FY budget, 12- month projections, FY 19/20 proposed totals and FY19/20 proposed actuals. Regarding expenditures, the major changes revolve around Contract Staff Salary (Oz's-GM) and Travel Expense. Oz projects to cut his contract staff salary to 40k from 90k. This 50k decrease is due to no foreseeable large projects / sub-contracting, and Christal picking up a large portion of work efforts. The Travel Budget is expected to double, as the Water District has taken the Water District Governing Board meetings on the road, representing the entire Nye County. Two (2) line items have been added. They are Audit Expense (Daniel McArthur, CPA annual audit) and Software / Licensing (John Klenke's ESRI License).

Chairman Hall added the possibility of a projected increase in the Water Quality Sampling / Studies line item due to possible sampling studies within Basin 230 (Amargosa) and increased mining efforts in Railroad Valley.

Board member Walt Kuver also suggested adding some line items that would stay within revenue projections not requiring any augmentation.

Dennis Gaddy moved that the tentative budget for FY 2019 / 2020 be approved as presented. Bill Knecht seconded the motion. **The vote was approved 6-0.**

It was also motioned by Walt Kuver, that the Public Hearing for the Final FY 2019 / 2020 Budget be held Thursday, May 30, 2019, 9am at the Pahrump BOCC chambers. Dennis Gaddy seconded the motion. **The vote was approved 6-0.**

10. (00:28:45) For Possible Action- Update, discussion, deliberation and requested action regarding current water bills being presented in the 80th (2019) Nevada legislative session to include: AB30, AB51, AB62, AB95, AB163, AB233, AB 265, SB140, SB150, SB236 and SB 250.

Oz Wichman, GM provided an overview of the named bills as follows:

AB 30: Known as the "3M Bill", is somewhat confusing. Not sure how it would be applied. Oz / Water District has been generally silent on it.

AB 51: Involves conjunctive management, treating surface and groundwater together vs. separate. Oz doesn't have an issue with conjunctive management, but like AB 30, bill is wordy and complicated. Both CNRWA & Humboldt Water Authority have voted not to support either AB 51 or AB 30.

AB 62: Limiting extensions of time, the Water District generally supports with the notion we should not be granting extensions of time in perpetuity. Nevada Water Law states you either put the water to use or "get out the way", so your useful neighbor can file and put the water to use.

AB 95: Introduced by Assemblywoman Heidi Swank, it proposes that in times of curtailment, the State Engineer cannot reduce the amount of water drawn out of a domestic well to less than ½ AFA. Oz is on the record that he supports this bill. As in the past, there has been opposition. Mainly with domestic well owners who want to be left alone. However, have to remember when we work the Ground Water Management Plan, we are working the averages.

AB 163: Requires municipalities to submit water conservation plans that include water loss in the system. Also mandates Water Sense fixtures to be placed in new construction after 1/1/2020. Generally, we support the bill.

AB 233: Provides an option for Counties to pay individuals working on a Groundwater Board. This does not include water boards formed under an act (such as the Nye County Water District Governing Board).

AB 265: Allows DRI to conduct studies of water treatment and recycling with the instruction that DRI gets funding for such from grants.

SB 250: Introduced by Senator Settlemeier, the bill basically states once the water is dedicated to a subdivision, it stays there in perpetuity. Oz has weighed in heavily on this bill and strongly supports.

SB 140: Proposed to preserve 10% of the perineal yield in basins that are not already over-appropriated. What the bill doesn't say, is this is water for the environment. It's Oz's understanding that the State Engineer currently has tools to assess water for the environment.

SB 150: Would require counties, cities and large municipalities to maintain a water resource plan. We currently have one. Oz was asked to respond to this bill, and he provided Jeff Fontaine (CNRWA) the cost of our plan which was 80k. To update would cost approximately 125k. The bill asks for this to be done once every 10 years, which the Water District supports.

SB 236: Sponsored by Senator Pete Goicoechea dealing with points of diversions. The bill states that if the point of diversion occurs on your own property / production well, you would not have to submit a change application to Nevada Division of Water Resources. However, if you move across a quarter / quarter line in a section, you would have to file a change application. Oz / Water District has been generally silent on the bill, but support it.

11. (00:55:17) District Member, Staff and Liaison Reports / Comments:

a. Finances (00:24:00)

I. Savannah Rucker

Reviewing the current FY 2018/2019 Fund Balance Report, the Water District's projected beginning balance was \$292,691 with actual at \$318,415 which was due to FY 18 ending better than anticipated. Approximately 90% of revenues have been received thus far, amounting to \$257,779. Regarding expenditures, the amount of \$532k is not the operational budget number, but what is sent on the legal document to the Department of Taxation. It allows for any contingencies that may arise. Actual expenditures YTD are \$151,047. The ending fund balance (actual) is \$250,111, confirming that the Water District operates within its current year revenues.

The second report discussed was the Water District Expense Status Report. Only one item has a percent used in excess, which is travel. Oz has explained this is due to the Water District taking its Governing Board meeting on the

road. The Membership Fees line item is at 95%. Overall, the operational budget is well within its means.

b. Board Reports

I. LVVWD/SNWA

II. CNRWA – John Koenig

Commissioner Koenig attended the last CNRWA meeting via phone, in which there were a lot of technical difficulties. He will wait for the minutes to be published to provide an update.

c. Staff Reports

I. Oz Wichman

• Update on Order 1293A Supreme Court Appeal

The State's Attorney General office has filed their arguments to the Supreme Court. Opposing counsel (Taggart / Taggart) has not yet filed their arguments. A lot of State officials are dialed in following this case. Oz will continue to provide updates.

• Groundwater Management – Diamond Valley

The Diamond Valley Ground Water Management Plan was approved by the Nevada Division of Water Resources and has been challenged in court. Oz will continue to update the Board. Regarding our Ground Water Management Plan (Basin 162), Oz is still waiting for a formal approval. He did see an extension of time application for Basin 162 last week which referenced the GWMP. He thinks once 1293A has run its course, we'll receive a formal acknowledgement,

II. John Klenke

The DRI model is in the transient phase which means they are using past data and calibrating it to current water level measurements. We should have something to look at this summer. Also, DRI has taken on a subsidence study in Pahrump. They are giving a presentation on it at the Devil's Hole conference (May 1-3) and then a presentation at our next meeting (5/30).

John has been approached by members of the public (Amargosa) who are concerned about arsenic in their well. Chairman Hall mentioned he will be presenting information at the Amargosa town meeting on Thursday, (3/28). He will direct folks to the Nye County Water District website and administrative offices for further info.

III. Christal Behrends

Earth Day will be celebrated 4/20/19 this year at Discovery Park in Pahrump from 10am-3pm. The Water District was asked by the Event Chair (Debby Woodland-Great Basin Water Company) to have our own booth. We have purchased some branded items including: 5-minute shower times, water conservation coloring books and crayons to pass out. We have also obtained an abundance of free resources from the USDA, EPA and Private Well Class Organization.

Per Chairman Hall's request, Christal added Testing Your Water Info under the Domestic Wells tab of our website.

Regarding the Medical Marijuana Establishment Ordinance, all changes have been placed on hold by the District Attorney's office till further notice. Although the BOCC is aware that the Water District Governing Board approved the Water District discontinuing monitoring / requesting information from MME's, no formal changes to the ordinance have yet been made.

d. Projects Status Reports

I. Staff

Covered Above

e. Board Liaison Reports

I. Commissioner John Koenig

None

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

12. **(01:27:33) For Possible Action- Discussion, deliberation and decision concerning future Water District Governing Board Meetings. Proposal to schedule the following:**
- | | |
|------------------|---|
| 5/30/2019 | Pahrump- Proposed Budget Hearing |
| 7/29/19 | Tonopah |
| 9/30/2019 | Pahrump |
| 12/9/2019 | Railroad Valley |

As some members of the Water District Governing Board expressed travel concerns going to Railroad Valley in December, Oz proposed that the schedule remain the same, with the 12/9/19 meeting to be held in Pahrump.

Dennis Gaddy moved we accept the schedule as discussed. Bill Knecht seconded the motion. **The vote passed 6-0.**

13. **(01:31:48) General Public Comment (Second)**

None

14. **(01:32:00) Adjourn**