

Pursuant to NRS a joint meeting of the Nye County Board of Commissioners, Nye County Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, as the Governing Body of the Unincorporated Town of Pahrump, as the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and as the Board of Trustees for the Pahrump Pool District, was held at 10:00 a.m. in the Commissioner Chambers, 101 Radar Road, Tonopah, Nevada 89048.

John Koenig, Chair
Dan Schinhofen, Vice-Chair
Lorinda Wichman, Commissioner
Butch Borasky, Commissioner
Donna Cox, Commissioner
Sandra L. Merlino, Ex-Officio Clerk of the Board
Angela Bello, District Attorney
Sharon Wehrly, Sheriff
Tim Sutton, County Manager

Also Present: Lorina Dellinger, Assistant County Manager; Kelly Sidman, Deputy Clerk; Samantha Tackett, Administrative Manager; Savannah Rucker, Comptroller; Ronni Boskovich, Deputy District Attorney

Not Present: Tim Sutton, County Manager; Sharon Wehrly, Sheriff

1. Pledge of Allegiance

The Pledge was recited.

2. Approval of the Agenda for March 12, 2018 (Non-action item)

Lorina Dellinger said items 5 and 16-18 could be removed from the agenda.

3. GENERAL PUBLIC COMMENT (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 (first).

William Dolan said enforcing County regulations on no advertising for brothels was getting better, but there was an individual who continued to advertise on his black SUV for the Crystal brothels as well as on the billboards he purchased which said on the bottom that they were owned by the Bunny Ranch Brothel in northern Nevada. Mr. Dolan stated that was still advertising and needed to be removed. He added this was not political. It was about following the rules and regulations in this County.

Leo Blundo thanked everyone who came to the veterans' fundraiser yesterday at his restaurant as well as the veterans for their service.

3. GENERAL PUBLIC COMMENT (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 (first).-Cont'd.

Dave Stevens thought the County was doing a good job on trying to close the brothels.

4. For Possible Action – Discussion and deliberation of the minutes of the joint meeting of the Nye County Board of Commissioners, Board of Highway Commissioners, Nye County Licensing and Liquor Board, Nye County Board of Health, the Governing Body of Unincorporated Town of Pahrump, the Governing Body of the Unincorporated Towns of Beatty, Belmont, Gabbs, Manhattan, and Railroad Valley, and the Board of Trustees for the Pahrump Pool District regular meeting on February 6, 2018.

Commissioner Wichman made a motion to approve; seconded by Commissioner Schinhofen.

John Bosta requested that his comments be reflected in the minutes and he submitted a copy of his written remarks for inclusion in the minutes (attached). He said he commented at the February 6, 2018, meeting and handed his written comments to the desk to his immediate right to be given to the Clerk to be included in the minutes. His comments were not included in the minutes. NRS required when he made the request to include his papers in the minutes it was to be done. He said his written comments had not been done for several meetings.

Sam Merlino reminded Mr. Bosta she spoke to him last week on this. It was a case of if he announced it in the meeting staff would hear that he wanted it attached, but if he just handed it to the secretary it was not heard. She asked Mr. Bosta to please announce it in the future.

The motion to approve passed with 5 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

5. For Possible Action - Emergency Items

This item was removed from the agenda.

6. Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)

Commissioner Borasky said he was at the Mayor's Challenge to prevent suicide among service members, veterans and their families at the VA hospital in North Las Vegas, and it was a great event.

6. Commissioners'/Manager's Comments (This item limited to announcements or topics/issues proposed for future workshops/agendas)-Cont'd.

Treasurer Pam Webster announced that the Treasurer's trust property public auctions would be held in Tonopah on April 16, 2018, and in Pahrump on April 18, 2018. Registration would start at 8:00 a.m. and the auctions would start at 9:00 a.m. There would also be a pre-registration period at the Treasurer's Office in Pahrump on April 17, 2018, from 1:00 p.m. to 5:00 pm. All bidders must be pre-registered with a photo ID and a \$500.00 deposit. There were approximately 14 parcels available in Tonopah and 247 in Pahrump and the minimum bid was the amount of taxes due including penalties and interest. Purchases must be made by cash, check or money order made out to the Nye County Treasurer. The list of parcels would be available on March 19, 2018.

Commissioner Wichman discussed the trip to Washington, D.C., she and Commissioner Schinhofen took with Tim Sutton, which was very successful. The highlight for her was being able to sit in the gallery during Congressman Shimkus' hour long presentation of the Yucca Mountain bill he had on the floor. She was also able to meet with Secretary Zinke's deputy of government relations Tim Williams, which resulted in a request for Nye County's minor road inventory procedures manual. Commissioner Schinhofen also provided Mr. Williams with the Nye and Lincoln County resolutions to shrink the Basin and Range Monument size, and Commissioner Wichman made that same request during the Public Lands Steering Committee meeting.

Commissioner Schinhofen mentioned the Cooperative Extension that did 4-H master gardeners. He asked staff to make sure \$50,000.00 was put back in the budget so the Board could vote on it along with a possible additional amount from the town that would ensure service in the central and southern parts of the County. He also asked staff to bring back Code changes to make utilities respond to road repairs in a timely fashion.

Sam Merlino advised the County was hosting election equipment training in Tonopah on March 21 and 22, 2018. Esmeralda would attend along with maybe a couple of other counties. Further, from April 30, 2018, through May 4, 2018, she would conduct election worker training in each of the communities. After each training session she would hold an open forum for everyone to look at the equipment and test it out.

Lorina Dellinger reminded everyone this was the only Commission meeting in March as the March 20, 2018, meeting was cancelled.

SITTING AS THE NYE COUNTY BOARD OF HIGHWAY COMMISSIONERS

Commissioner Schinhofen assumed the Chair of the Board of Highway Commissioners.

9. General road report by Acting Public Works Director

Commissioner Schinhofen asked Tim Dahl, Public Works Director, to explain what caused Homestead to take a little longer than expected.

9. General road report by Acting Public Works Director-Cont'd.

Mr. Dahl explained the delays were due to the holidays and rain. He had supported a two week no cost time extension because of scheduling. The contractor could have had an opportunity last week to do some of the striping, but their striping subcontractor was taken away by other projects. Mr. Dahl said the striping should happen this morning along with finishing the ditches and getting approval from VEA for power to the intersection lighting. He did not anticipate it taking any longer than a day or two to complete the project.

Commissioner Schinhofen said there had also been a delay because of a fiber line.

Mr. Dahl said the first change order done was for a fiber line which was discovered in a different location than where it was initially potholed. The change order left the fiber line where it existed and moved the edge of the road out a little bit to accommodate it.

Commissioner Koenig noted none of this cost the County any more money.

Mr. Dahl said they were actually under budget at this point.

Commissioner Koenig asked Mr. Dahl to explain what the problem was on the Homestead and Highway 160 intersection as the way the paper laid it out it was the County's fault.

Mr. Dahl said he took an opportunity to talk to Great Basin with Bill Coates and James Eason to try to eliminate any confusion they might have in what they needed to submit to Public Works to get the job moving forward. His answer to them was to prepare it back the way it was, although there would be some additional work necessary because of the damage the water leak did to the surrounding area. Mr. Dahl said he continued to this day to work with them but they had not submitted anything to Public Works.

Commissioner Koenig mentioned the numerous potholes in Belmont.

Commissioner Cox reminded Mr. Dahl of the requests she had submitted over the last two months.

Mr. Dahl said they would get to the areas she reported.

Commissioner Borasky said potholes were opening up again on Kellogg Road at the intersection of Fox and also at Sand Pebble. He then asked if the flashing light at Crystal Road on Highway 160 was fixed.

Mr. Dahl said as far as he knew it was operating, but he would check on his way home.

Commissioner Koenig asked Mr. Dahl to please get the bamboo cut down as the same people were calling over and over.

9. General road report by Acting Public Works Director-Cont'd.

Richard Goldstein asked Mr. Dahl to look at East Street in front of the cemetery and library as it was getting horrible.

Commissioner Koenig assumed the Chair of the Board of County Commissioners.

SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWN OF PAHRUMP

10. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Pahrump Resolution No. 2018-03: A Resolution to Augment and Amend the 2017-2018 Budget of the Town of Pahrump, County of Nye, State of Nevada.

Commissioner Schinhofen made a motion to adopt Resolution No. 2018-03; seconded by Commissioner Wichman; 5 yeas.

11. For Possible Action – Discussion and deliberation to appoint one (1) member to the Pahrump Arena Advisory Committee due to one (1) vacancy.

Commissioner Cox made a motion to appoint Cody Chappell; seconded by Commissioner Schinhofen; 5 yeas.

12. For Possible Action – Discussion and deliberation to: 1) approve a request from the Pahrump Park and Recreation Advisory Committee for an amount not to exceed \$15,000 for the Pahrump Movies in the Park events that can be funded from Fund 25223 Pahrump Room Tax Fund; and 2) execute an agreement with Entertainment Concepts to provide services for presenting the movies in the event.

Commissioner Schinhofen made a motion to 1) approve \$15,000.00 not to exceed for Pahrump Movies in the Park and 2) execute an agreement with Entertainment Concepts to provide services for presenting the movies in the event; seconded by Commissioner Wichman; 5 yeas.

**SITTING AS THE GOVERNING BODY OF UNINCORPORATED TOWNS OF
BEATTY, BELMONT, GABBS, MANHATTAN, AND RAILROAD VALLEY**

GABBS

13. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Town of Gabbs Resolution No. 2018-01: A Resolution to Augment and Amend the 2017-2018 Budget of the Town of Gabbs, County of Nye, State of Nevada.

Commissioner Schinhofen made a motion to adopt Resolution No. 2018-01; seconded by Commissioner Wichman; 5 yeas.

SITTING AS THE BOARD OF COUNTY COMMISSIONERS

CONSENT AGENDA ITEMS – These are items that Staff recommends for approval. The Board reserves the right to move any consent agenda item to the regular segment of the agenda should issues arise that need to be addressed. Discussion of any item from the Consent Agenda Items that needs review before a decision is made.

14. For Possible Action – Approval of Assessor’s Office Change Requests.

Commissioner Schinhofen made a motion to approve items 14 and 15; seconded by Commissioner Wichman; 5 yeas.

15. For Possible Action – Approval to set the date and location of the second June meeting of the Board of Commissioners for Tuesday, June 19, 2018 in Pahrump, Nevada.

Commissioner Schinhofen made a motion to approve items 14 and 15; seconded by Commissioner Wichman; 5 yeas.

BOARD OF COMMISSIONERS

16. For Possible Action – Closure of meeting, pursuant to NRS 288.220 for purposes of conferring with the County’s management representatives regarding labor negotiations, issues and other personnel matters.

This item was removed from the agenda.

17. Closed meeting, pursuant to NRS 288.220 for purposes of conferring with the County's management representatives regarding labor negotiations, issues and other personnel matters.

This item was removed from the agenda.

18. For Possible Action – Discussion and deliberation on labor negotiations, issues and other personnel matters presented in closed meeting.

This item was removed from the agenda.

COUNTY MANAGER

19. For Possible Action – Discussion and deliberation to ratify the selection of Planning Director.

Commissioner Schinhofen assumed the Chair of the Board of County Commissioners.

Commissioner Koenig made a motion to ratify Brett Waggoner; seconded by Commissioner Wichman.

Commissioner Schinhofen thanked Darrell Lacey for working with Mr. Waggoner.

The motion to ratify Brett Waggoner passed with 5 yeas.

Commissioner Koenig assumed the Chair of the Board of County Commissioners.

Lorina Dellinger told the Commissioners that over the years Mr. Lacy had assumed various appointments. When he was appointed as Planning Director he was the Nuclear Waste Repository Office Director and he would resume that role.

20. For Possible Action – Discussion and deliberation to allow Justice of the Peace Judge Jasperson, as he deems necessary, to invite any available Justice of the Peace, within the confines of NRS 4.340(2), to provide him temporary assistance, until a new Justice of the Peace for the Pahrump Township is elected.

Commissioner Schinhofen made a motion to allow Judge Jasperson to get temporary assistance; seconded by Commissioner Wichman; 5 yeas.

EMERGENCY MANAGEMENT

21. Presentation regarding the Tonopah Ambulance Service status.

Rob Fernandez, the Logistics Officer for Nye County Emergency Management, advised the new ambulance in Tonopah was put into service with a great ceremony and a great turnout. On the same day there were multiple calls for service and the new ambulance

21. Presentation regarding the Tonopah Ambulance Service status.-Cont'd.

was utilized. The other two ambulances were ready for pick-up and final inspection would occur in the beginning of April. Mr. Fernandez said they had spent \$29,855.49 on personnel covering Tonopah and they would continue to cover Tonopah until April 1, 2018, at which time REMSA would take over.

Lorina Dellinger added there were two drivers who went through training and were certified through the State who were now on the schedule.

FINANCE

22. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-14: A Resolution to Augment and Amend the 2017-2018 Budget of Nye County, State of Nevada.

Commissioner Schinhofen made a motion to adopt Resolution No. 2018-14; seconded by Commissioner Wichman; 5 yeas.

23. For Possible Action – Discussion and deliberation to adopt, amend and adopt, or reject budget transfer of appropriations between functions within Nye County Funds: General Fund (10101), Juvenile Probation Fund (10230), Public Improvement Fees Fund (10253) and Capital Fund (10401).

Commissioner Schinhofen made a motion to approve appropriations between functions; seconded by Commissioner Wichman; 5 yeas.

24. For Possible Action – Discussion and deliberation regarding the amendment to Nye County's Corrective Action Letter for the Annual Audit Report for Fiscal Year ending June 30, 2017 to be submitted to the Nevada Department of Taxation.

Commissioner Wichman made a motion to approve; seconded by Commissioner Schinhofen.

Commissioner Wichman asked Savannah Rucker if she received a letter from DTAX asking the County to be at the April meeting.

Mrs. Rucker said she received one for the Hospital District, but not for the County.

The motion to approve passed with 5 yeas.

25. For Possible Action – Discussion and deliberation regarding the budget status through January 2018 for Nye County Fiscal Year 2018 budget projections.

Savannah Rucker stated with the approval of item 23 all departments were in line with the projections. Item 23 cleaned up some of the budgetary issues that had changed

25. For Possible Action – Discussion and deliberation regarding the budget status through January 2018 for Nye County Fiscal Year 2018 budget projections.-Cont'd.

during this fiscal year including the COLA for the NCEA. At this point there were only a couple of departments projected as over budget.

Mrs. Rucker reviewed the budget to actual revenue report for FY18 through January 31, 2018. Fiscal year lapsed was 58% and revenues collected year to date totaled

\$19,006,786.00. She noted expenses were up but revenues were coming in strong. Revenues in excess of budget were anticipated and Mrs. Rucker said she would prepare an augmentation closer to the end of the year.

Mrs. Rucker then discussed the departments with projected overages which were taken care of with item 23. However, she explained the mechanic services and supplies was not corrected at this point as she was not sure where the vehicle expenses and maintenance costs would land. She would bring that back closer to the end of the year. She was also looking into the Emergency Management benefit line as that was still projected to be over budget. She felt there was an underlying issue she had not identified yet and wanted to do that before action was taken.

Mrs. Rucker then addressed the Sheriff's Office. They had not come before the Board to discuss the budgetary issues with regard to the projections at this point. Until that happened Mrs. Rucker would not be able to bring an item forward for the Board to vote on. She explained the bulk of the overage was the need for new radios for the jail and she understood the Undersheriff was here to speak on that item.

Undersheriff Mike Eisenloffel reviewed the non-budgeted expenses as follows:

- Salaries for nine new deputies.
- Use of overtime to fill staff shortages.
- Fulfilling bailiff duties for district court on an almost daily basis which was also paid by overtime. The daily cost associated with that was \$300.00 for a weekly average of approximately \$1,500.00 in bailiff duties. There was no budgetary remuneration available or provided by the courts for that so it came out of the Sheriff's Office budget.
- Corrective actions required in the detention center per NRS along with additional costs at the detention center due to increased population.

25. For Possible Action – Discussion and deliberation regarding the budget status through January 2018 for Nye County Fiscal Year 2018 budget projections.-Cont'd.

- Several after action findings regarding calls for service and the responses to the Nye County School District in 2017 and 2018, including the need for new radios as dispatch radios did not communicate with patrol radios. That unbudgeted life safety purchase was in excess of \$100,000.00.
- Several threats that required multi-use responses and several unscheduled personnel to assist with.
- The costs associated with animals held in protective custody or held as evidence which have exceeded the \$50,000.00 budgeted.
- Replacements of old computers and equipment because currently there was no County replacement plan in place.
- The lack of a County vehicle replacement plan for the aging fleet of patrol and support vehicles as well as the unanticipated and ongoing costs of tow bills for impounded vehicles.

Commissioner Wichman asked if arrangements had been made to meet with the Comptroller to go through the budget issues.

Undersheriff Eisenloffel said he did not know.

Commissioner Wichman wondered if the radios at that amount of money would be a capital improvement expenditure.

Mrs. Rucker said they were, but the Sheriff decided to put it through her regular budget. She advised she sat down with the Sheriff and Detective Burochowitz a month ago to discuss this presentation. At that point they were still identifying some of these items and she did mention the radios. After this presentation Mrs. Rucker said she would schedule some time with the Sheriff to see what they could figure out as far as options to bring to the Board.

Mrs. Rucker then stated the miscellaneous overhead was also not cleared up with item 23. She explained she did not want to correct the retiree insurance line too soon as she wanted to see further into the fiscal year where that landed.

The Board took a brief recess.

PUBLIC PETITIONER

37. 10:15 – For Possible Action – Discussion and deliberation regarding a request for funds for Disabled American Veterans, Chapter 15 (DAV) Service Officer's Office in the amount of \$3,600.00 to be funded from 10210 Veteran Services. The funds would support the Veteran Service Officer (VSO) office located in the Lobby of the Desert View Hospital.

Commissioner Schinhofen made a motion to approve; seconded by Commissioner Wichman.

Bob Hammond, Chapter 15 Service Officer for the Disabled American Veterans, explained they had been in the hospital for about ten years. He said the space was provided by the hospital and they operated by donations. This was an opportunity for them to have those expenses provided for through the County and he thanked the Board for their assistance.

Lorina Dellinger asked that the motion be contingent upon them submitting proof of 501(c)(4) status.

Commissioner Schinhofen amended his motion to approve contingent upon them submitting proof of 501(c)(4) status and that it would come out of fund 10210; Commissioner Wichman amended her second; 5 years.

38. For Possible Action – Discussion and deliberation regarding a request for funds for the Nevada Rural Counties RSVP Program in the amount of \$14,510.00 to assist seniors to remain independent and in their own homes. This can be funded from Fund 10101 Nye County General Fund.

Commissioner Schinhofen made a motion to approve \$14,510.00 for the RSVP Program funded from 10101; seconded by Commissioner Wichman.

Susan Hoss, Executive Director and CEO of the Nevada Rural Counties RSVP Program, expressed her appreciation for the Board's support.

The motion to approve \$14,510.00 for the RSVP Program funded from 10101 passed with 5 years.

TIMED ITEMS

7. 10:45 – For Possible Action – Public Hearing, discussion and deliberation to issue an Outdoor Festival License to Round Mountain Gold Corporation for their 4th of July Annual Picnic to be held on July 4, 2018 at the Hadley Town Park in Round Mountain, Nevada.

Commissioner Schinhofen made a motion to approve; seconded by Commissioner Wichman.

Commissioner Koenig opened and closed the public hearing.

The motion to approve passed with 5 yeas.

8. 10:45 – For Possible Action – Public Hearing, discussion and deliberation to adopt, amend and adopt, or reject Nye County Resolution No. 2018-13: A Resolution Authorizing a Medium-Term Obligation for the Purpose of Purchasing New Fleet Vehicles for Nye County.

Commissioner Schinhofen made a motion to adopt Resolution No. 2018-13; seconded by Commissioner Wichman.

Commissioner Koenig opened and closed the public hearing.

The motion to adopt Resolution No. 2018-13 passed with 4 yeas. Commissioner Koenig voted no.

H/R AND RISK MANAGEMENT

26. For Possible Action – Discussion and deliberation to fill a vacant Deputy District Attorney Position, #00210-007 in the District Attorney’s Office, effective June 3, 2018 due to the employee retiring effective February 23, 2018.

Commissioner Wichman made a motion to approve filling immediately; seconded by Commissioner Schinhofen; 5 yeas.

27. For Possible Action – Discussion and deliberation to fill a vacant Office Assistant Position, #01001-003 in the District Attorney’s Office effective June 11, 2018 due to the employee retiring effective March 31, 2018.

Commissioner Schinhofen made a motion to fill immediately; seconded by Commissioner Wichman; 5 yeas.

PLANNING/BUILDING/CODE COMPLIANCE

28. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Renewal Application MM-2018-000053: a request to approve the annual renewal (pro-rated to June 30, 2019) for a Medical Marijuana Establishment License (dispensary) located at 1541 E. Basin Avenue, Pahrump, NV. Assessor Parcel Number 38-241-23. TGIG, LLC., dba The Grove Wellness Center – Applicant.

Commissioner Schinhofen made a motion to approve; seconded by Commissioner Wichman.

John Bosta requested his comments be reflected in the minutes and submitted a copy of his written comments to include with the minutes (attached). Per AB487, he did not think the County had the authority to collect taxes inside of the town and the County was violating that legislation. He also discussed the required reporting to DTAX. It was Mr. Bosta's opinion that this was a collection of tax of \$10,213.00 by the County that belonged to the Town of Pahrump and this motion was underneath the color of the law.

Ronni Boskovich clarified that SB487 discussed license taxes and the items today discussed license fees. Fees and taxes were two distinct beasts and Nye County did have the authority to impose license fees. As far as his other claims, she advised the District Attorney's Office was researching those and she would provide Mr. Bosta with a response in the next day or so.

Dwight Lilly pointed out that the question Mr. Bosta brought up had been brought up at more than one meeting and the Board had remained silent. Mr. Lilly stated he would appreciate the Board addressing this issue and further issues regarding questions of finances for Pahrump directly and that remaining silent was a dereliction of duty.

Commissioner Koenig commented the District Attorney had just responded.

Amanda Connor, appearing on behalf of the applicant, stated The Grove did not oppose or have any concerns with the license fees assessed for this business license.

The motion to approve passed with 5 yeas.

29. For Possible Action – Discussion and deliberation on Medical Marijuana Establishment License Renewal Application MM-2018-000054: a request to approve the annual renewal (pro-rated to June 30, 2019) for a Medical Marijuana Establishment License (cultivation) located at located at 801 S. Panorama Road, Pahrump, NV. Assessor Parcel Number 35-271-21. Wellness Orchards of Nevada LLC – Applicant. Panorama Won, LLC – Property Owner.

Commissioner Schinhofen advised he and the Chairman went out to see what progress they had made. There were no plants yet, but there were a lot of changes inside the building. He said they looked on track to have their plants going in April.

Commissioner Schinhofen made a motion to approve Application MM-2018-000054; seconded by Commissioner Wichman.

Commissioner Koenig asked if the Board wanted to set an amount of time again.

Commissioner Schinhofen amended his motion to approve Application MM-2018-000054 and within 90 days of today they had to have plants in production; Commissioner Wichman amended her second.

John Bosta requested his comments be reflected in the minutes and submitted a copy of his written remarks to be included in the minutes (attached). He said this application was a request for an annual renewal for cultivation inside of the Town of Pahrump. He discussed SB487 and the required reports for DTAX. He said the County did not have the authority to collect taxes within the Town of Pahrump. He believed this was again a violation of SB487 and that the Board taking action was underneath the color of the law.

Ronni Boskovich said her comments from the previous item were applicable to this item as well.

The motion to approve Application MM-2018-000054 and within 90 days of today they had to have plants in production passed with 5 years.

30. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2018-02: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, relating to Temporary Use Permits; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Schinhofen made a motion based on staff recommendation to schedule the public hearing for April 17, 2018, at 11:00 a.m. in Pahrump, Nevada; seconded by Commissioner Wichman; 5 years.

Commissioner Schinhofen read the title of the bill into the record.

31. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2018-04: A Bill proposing to amend Nye County Code Title 15 Building and Construction, Chapter 15.32 Pahrump Regional Planning District Impact Fees, pertaining to the Impact Fee Deferral Option and the Early Payment Incentive; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Schinhofen made a motion based on staff recommendation to schedule the public hearing for April 17, 2018, at 11:00 a.m.; seconded by Commissioner Wichman; 5 yeas.

Commissioner Schinhofen read the title of the bill into the record.

32. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2018-05: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, relating to the requirement that accessory uses are permitted in conjunction with any principal use; accessory uses or structures are allowed prior to installation of the principal residence; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Schinhofen made a motion based on staff recommendation to schedule the public hearing for April 17, 2018, at 11:00 a.m.; seconded by Commissioner Wichman; 5 yeas.

Commissioner Schinhofen read the title of the bill into the record.

33. For Possible Action – Discussion and deliberation regarding a request to: 1) Set a date, time and location for a Public Hearing on Nye County Bill No. 2018-06: A Bill proposing to amend Nye County Code Title 17, Comprehensive Land Use Planning and Zoning, relating to the definition of Start of Construction and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto; and 2) Read the title of the Bill into the record.

Commissioner Schinhofen made a motion based on staff recommendation to schedule the public hearing for April 17, 2018, at 11:00 a.m.; seconded by Commissioner Wichman; 5 yeas.

Commissioner Schinhofen read the title of the bill into the record.

PUBLIC WORKS

35. For Possible Action – Discussion and deliberation regarding a request to set a date, time and location for a Public Hearing on the results of Public Works identification and determination of improved roads and streets maintained by Nye County during Calendar Year 2017 for the purposes of compliance with Nevada Revised Statutes Chapter 365.550 with respect to Proceeds of Tax Levied pursuant to NRS 365.180; and other matters properly related thereto.

Commissioner Schinhofen made a motion based on staff recommendation to schedule the public hearing for April 3, 2018, at the Board of County Commissioners meeting in Tonopah, Nevada; seconded by Commissioner Wichman; 5 yeas.

34. For Possible Action – Discussion and deliberation to designate a portion of East Wilson Road, South West Street, East First Street and South Center Street as a “School Zone” fronting the Community Christian Academy (CCA).

Tim Dahl explained he was approached by the Sheriff’s Office, the Christian Academy, the School Superintendent, and a couple of other people regarding the signs that were off at the school zone that used to be for Manse Elementary and the high school program. Once those two were shut down the County did not have the authority to regulate the speed limit through those areas anymore. Mr. Dahl’s interpretation of the NRS was he was not allowed to regulate those anywhere else besides a school zone, so this designation would allow him to put signs back up and flashing lights as appropriate.

Commissioner Schinhofen noted the NRS stated the body that designated the school zone and the Department of Transportation shall provide signs to mark the beginning and ending of the school zone. He said to make sure those were obtained from either NDOT or the School District as the Superintendent made the designation.

Commissioner Schinhofen made a motion to approve; seconded by Commissioner Wichman; 5 yeas.

36. For Possible Action – Discussion and deliberation to: 1) relinquish 1,500 acre-feet of water rights to Tonopah Public Utilities for quasi-municipal use for economic development purposes for the benefit of Nye County and the Town of Tonopah; 2) direction to staff to respond to Division of Water Resources with the County’s intention to relinquish the noted water rights to Tonopah Public Utilities; and 3) upon response from DWR, direction to staff to prepare relinquishment deed, authorize the Chairman to execute deed, and record fully executed deed.

Commissioner Wichman explained this was an arrangement made many years ago between Tonopah Public Utilities and the Board of County Commissioners. However, somewhere along the line the deed was lost track of so this needed to be finished up.

36. For Possible Action – Discussion and deliberation to: 1) relinquish 1,500 acre-feet of water rights to Tonopah Public Utilities for quasi-municipal use for economic development purposes for the benefit of Nye County and the Town of Tonopah; 2) direction to staff to respond to Division of Water Resources with the County's intention to relinquish the noted water rights to Tonopah Public Utilities; and 3) upon response from DWR, direction to staff to prepare relinquishment deed, authorize the Chairman to execute deed, and record fully executed deed.- Cont'd.

She said there was no way the County could use that without the help of Tonopah Public Utilities.

Commissioner Wichman made a motion to relinquish the 1,500 acre feet of water rights, to direct staff to respond to the DWR, and with the response in hand from DWR to prepare the relinquishment deeds, and authorize the Chairman to execute the deed and record; seconded by Commissioner Schinhofen.

John Bosta asked that his comments be reflected in the minutes and also submitted them in writing to include in the minutes (attached). He said the application for 1,500 acre feet of water was never approved by the State Engineer and no water was ever dedicated to any permit. He did not see how that could be transferred to someone else because it was not a valid permit and was never perfected. The State Engineer sent a letter stating that the County had two other permits, 22929 and 25630, for a total of

about 38 or 39 acre feet of water and the County had never pumped any water. It was Mr. Bosta's opinion the Board should not approve this permit and should request the water rights of the two permits be forfeited for non-use.

Commissioner Borasky asked if the County had 1,500 of acre feet of water on the books and perfected to give to Tonopah.

Commissioner Wichman said yes and pointed out this was at the request of the Division of Water Resources.

The motion to relinquish the 1,500 acre feet of water rights, direct staff to respond through DWR, and with the response in hand from DWR to prepare the relinquishment deeds and authorize the Chairman to execute the deed and record passed with 3 yeas. Commissioners Borasky and Cox voted no.

39. GENERAL PUBLIC COMMENT (second)

There was none.

40. ADJOURN

Commissioner Koenig adjourned the meeting.

Commissioner Koenig reopened the meeting for public comment.

39. GENERAL PUBLIC COMMENT (second)-Cont'd.

Dwight Lilly said he wanted to speak on the Sheriff's response to the financials.

Commissioner Wichman said that was an item on the agenda and Mr. Lilly should have spoken then.

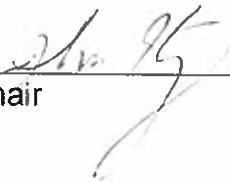
Mr. Lilly wanted the Commissioners to look strongly in the future at taking care of not getting surprises in the fall of the following year like this.

40. ADJOURN-Cont'd.


Commissioner Koenig re-adjourned the meeting.

APPROVED this 3rd day ATTEST:

Of April, 2018.



Chair



Nye County Clerk / Deputy

I request that my comments are reflected in the minutes and I submit a copy of my prepared written remarks for inclusion in the minutes also.

During the Feb. 6, 2018 BoCC meeting I commented on Timed Item No. 7- For Possible Action-Public Hearing, discussion and deliberation to adopt, amend and adopt or reject the Nye County Management Employee Association Agreement and I submitted a written copy for inclusion.

Since the BoCC allows only three minutes for a person to comment and because the chair does not allow the speaker enough time to read all of their written comment, one has to summarize their written comment for inclusion into the minutes. I handed a copy of my prepared written comments to the DA sitting to my right. The DA passed the copy of my comment to BoCC clerk sitting to the far right of the DA. However, the written comments are not included in the minutes of Feb. 6, 2018 presented for approval of Item 4 before you.

I'm not a lawyer, but I can read and interrupt the NRS's

Pursuant to NRS 241.035(d)- The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, **a copy of the prepared remarks if the member of the general public submits a copy for inclusion.** (Emphasis added)

The minutes reflect my verbal comments:

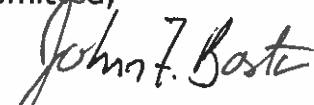
"John Bosta asked what the NRS was for the Local Government Employee Management Relations Act as he could not find it. He also asked what the County's definition of a management employee was as he could not find that either. It was his opinion a County management employee was a supervisor employee defined by NRS 288.075, which may not be a member of an employee organization pursuant to NRS 288.140(4), and that this organization was an invalid organization as it did not conform to the NRS."

But, my prepared written comments are not included.

I request that the attached copy of my prepared written comments dated Feb. 6, 2018 be included into the minutes before you approve Item 4.

Respectfully submitted,

John F. Bosta



What is the NRS for the Local Government Employee-Management Relations Act?

What is Nye County definition of a Management Employee?

The answer to these two question are not included in Definition of NRS 288.020.

Thesaurus provides the list of decision-making (adj.) managerial, administrative, supervisory, & management and a list for manager (n) manager, senior manager, director, administrator, & official.

Therefore, it is my opinion that the County's Management Employee is a "Supervisory employee" defined in NRS 288.075 may not be a member of an employee organization pursuant to NRS 288.140(4).

I have based my opinion upon the following NRS's:

NRS 288.020 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.025 to 288.075, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1969, 1376; A 1971, 1503; 1975, 918; 1981, 1868; 2015, 3845)

NRS 288.050 "Local government employee" defined. "Local government employee" means any person employed by a local government employer.

(Added to NRS by 1969, 1376)

NRS 288.075 "Supervisory employee" defined.

1. "Supervisory employee" means:

(a) Any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday; or

(b) Any individual or class of individuals appointed by the employer and having authority on behalf of the employer to:

(1) Hire, transfer, suspend, lay off, recall, terminate, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or to effectively recommend such action;

(2) Make budgetary decisions; and

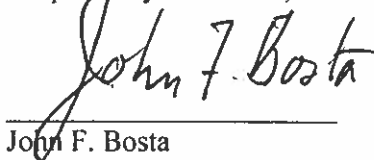
(3) Be consulted on decisions relating to collective bargaining,

↪ *if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday.*

2. Nothing in this section shall be construed to mean that an employee who has been given incidental administrative duties shall be classified as a supervisory employee.

(Added to NRS by 1971, 1509; A 1975, 918; 2011, 2899)

Respectfully submitted,



John F. Bosta

MM-2018-000053 is a request by the Applicant, Grove Wellness Center, to approve the **annual renewal** (pro-rated to June 30, 2019; **\$10,213**) for a Medical Marijuana Establishment License (**dispensary**) located at 1541 E. Basin Ave., Pahrump NV on APN 038-241-21.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

The Amendment No. 1145 to Senate Bill No. SB 487_Second Reprint Enrolled and delivered to Governor June 8th by Legislature; Signed June 12th by the Governor, Chapter 541 with the Effective Date of July 1, 2017:

A_SB487_R2_1145-Final Bill an act requiring each marijuana establishment and medical marijuana establishment to submit to the Department of Taxation a report of information concerning the production and sale of marijuana and establishes limitations on the regulation and taxation of a marijuana establishment or medical marijuana establishment by a city, town or county:

Sec. 3.5 (3). Each medical marijuana dispensary and each retail marijuana store shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

- (a) The amount of marijuana purchased by the dispensary or store from cultivation facilities, marijuana cultivation facilities, facilities for the production of edible marijuana products or marijuana-infused products or marijuana products manufacturing facilities.**
- (b) Sales to consumers by product type;**
- (c) Prices by product type; and**
- (d) Such other information as the Department may require.**

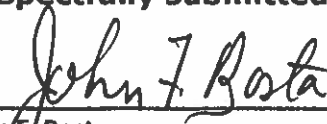
Sec. 15. Chapter 244 of NRS is hereby amended by adding

1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns.

It is my opinion that MM-2018-000053 is an application collecting a tax of \$10,213 by the County that belongs to the Town of Pahrump is under the Color of the Law.

Respectfully submitted;



John F. Bosta

MM-2018-000054 is a request by the Applicant, Wellness Orchards of Nevada LLC, to approve the **annual renewal** (pro-rated to June 30, 2019; **\$2,986**) for a Medical Marijuana Establishment License (**cultivation**) located at 801 S. Panorama Rd., Pahrump NV on APN 035-271-21

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

The Amendment No. 1145 to Senate Bill No. SB 487_Secund Reprint Enrolled and delivered to Governor June 8th by Legislature; Signed June 12th by the Governor, Chapter 541 with the Effective Date of July 1, 2017:

A_SB487_R2_1145-Final Bill an act requiring each marijuana establishment and medical marijuana establishment to submit to the Department of Taxation a report of information concerning the production and sale of marijuana and establishes limitations on the regulation and taxation of a marijuana establishment or medical marijuana establishment by a city, town or county:

Sec. 3.5 (1). Each cultivation facility and each marijuana cultivation facility shall submit a report to the Department that includes the following information, reported separately for each calendar month included in the report:

- (a) The current production of the cultivation facility or marijuana cultivation facility;
- (b) Sales to consumers by product type;
- (c) Prices by product type; and
- (d) Such other information as the Department may require.

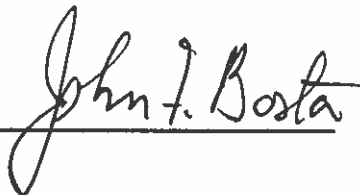
Sec. 15. Chapter 244 of NRS is hereby amended by adding

1. Except as otherwise provided in this section, a board of county commissioners shall not fix, impose or collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county.

2. Except as otherwise provided in subsection 3, a board of county commissioners may fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on a marijuana establishment or medical marijuana establishment located in the county outside of the limits of incorporated cities and towns.

It is my opinion that MM-2018-000054 is an application collecting a tax of \$2,986 by the County that belongs to the Town of Pahrump is under the Color of the Law.

Respectfully submitted;



John F. Bosta

Application 76997 was filed on April 28, 2008 by Nye County Public Works Agent Oscar (Oz) Wichman for 1,500 acre-feet or 2.07 second feet of water from an underground source located in Ralston Valley Hydrographic Basin (Basin #141) which was never completed and approved by the Nevada State Engineer Tracy Taylor.

Nye County's Application 76997 sought to divert the water applied for from Well #1 and associated water system owned and operated by Tonopah Public Utility (TPU) and seeks to use the water applied for in the entire Basin #141; Townsite of Tonopah and the Tonopah Airport property.

Nye County has had numerous recent inquires from the solar power sector as well as interest in the Tonopah Airport for economic development.

December 21, 2017 the Department of Water Resources letter indicated that application 76997 is for a source of water to be appropriated is underground and that the water is to be used for Quasi Municipal purposes within the Ralston Valley Hydrographic Basin. According to a recent review of the database, Nye County currently holds Permit 22929, Certificate 7370, Permit 25630, Certificate 8095 within the Ralston Valley Hydrographic Basin. The total combined duty of Permits 22929 and 25630 is 11.794 million gallons annually which is 36.19 acre-feet annually.

The State Engineer requested the County to provide information regarding:

- Your intentions to move forward with the subject applications; and,
- The current status of your intended project including the approximate number of persons to be served, and the approximate future requirement.

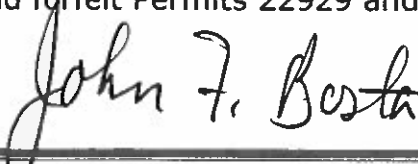
There is no documentation that the County replied to the DWR request for information for the Quasi Municipal use of the water.

There is no Groundwater Pumpage Inventory for Ralston Valley Hydrographic Basin #141 for Permits 22929 and 25630 has been provided by DWR.

The State Engineer should apply the Nevada Supreme Court anti-speculation doctrine adopted in *Bacher v. State Engineer*, 122 Nev. 1110, 146 P.3d 793 (2006). The Nevada Supreme Court has stated "[the anti-speculation] doctrine precludes speculative water right acquisitions without a showing of beneficial use. Precluding applications by persons who would only speculate on need ensures satisfaction of the beneficial use requirement that is so fundamental to our State's water law jurisprudence."

The State Engineer should forfeit Permits 22929 and 25630 for lack of beneficial use.

Respectfully submitted,
John F. Bosta



NYE COUNTY AGENDA INFORMATION FORM

Action
 Presentation
 Presentation & Action

Department: Public Works		Agenda Date:	
Category: Regular Agenda Item		March 12, 2018	
Contact: Tim Dahl, Acting Director		Phone: 775-751-6262	Continued from meeting of:
Return to: Public Works		Location: Tonopah	
		Phone:	
Action requested: (Include what, with whom, when, where, why, how much (\$) and terms) <p>Discussion and deliberation to: 1) relinquish 1,500 acre-feet of water rights to Tonopah Public Utilities for quasi-municipal use for economic development purposes for the benefit of Nye County and the Town of Tonopah; 2) direction to staff to respond to Division of Water Resources with the County's intention to relinquish the noted water rights to Tonopah Public Utilities; and 3) upon response from DWR, direction to staff to prepare relinquishment deed, authorize the Chairman to execute deed, and record fully executed deed.</p>			
Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures) <p>The Division of Water Resources (DWR) has asked us to provide a letter of intent regarding these water rights noted in the 2008 agreement.</p> <p>Requested Action: 1) relinquish 1,500 acre-feet of water rights to Tonopah Public Utilities for quasi-municipal use for economic development purposes for the benefit of Nye County and the Town of Tonopah; 2) direction to staff to respond to Division of Water Resources with the County's intention to relinquish the noted water rights to Tonopah Public Utilities; and 3) upon response from DWR, direction to staff to prepare relinquishment deed, authorize the Chairman to execute deed, and record fully executed deed.</p>			
Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.			
Expenditure Impact by FY(s): (Provide detail on Financial Form) <p style="text-align: right;"><input checked="" type="checkbox"/> No financial impact</p>			

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date: <i>N/A</i>
4.	Date	9. Finance	Date: <i>N/A</i>
5.	Date	10. County Manager	Date

Place on Agenda
ST

ITEM # 34

9/18/08

AGREEMENT

THIS AGREEMENT made and entered into this 16th day of September, 2008, by and between TONOPAH PUBLIC UTILITIES ("TPU"), and NYE COUNTY, (collectively the "Parties").

WITNESSETH:

WHEREAS, TPU is the municipal utility operated by the Town of Tonopah to provide water service to the Town of Tonopah and the Tonopah Airport Complex located in Nye County, Nevada; and

WHEREAS, NYE COUNTY filed Application No. 76997 with the Nevada State Engineer seeking to appropriate 1,500 acre-feet annually or 2.07 second feet of water for quasi-municipal use for economic development purposes for the benefit of NYE COUNTY and the Town of Tonopah; and

WHEREAS, NYE COUNTY's Application No. 76997 seeks to divert the water applied for from Well #1 owned and operated by TPU and seeks to use the water applied for in the entire Ralston Valley Hydrographic Basin (Basin #141) and the Townsite of Tonopah; and

WHEREAS, TPU has concerns that NYE COUNTY's proposed use of any water rights granted pursuant to Application No. 76997 could impact its existing municipal water supply and system and TPU was preparing to file a protest to Application No. 76997 with the Nevada State Engineer; and

WHEREAS the Parties wish to provide for the terms, conditions and manner in which water may be utilized pursuant to NYE COUNTY Application No. 76997 to resolve TPU's concerns and have entered into this Agreement to resolve those concerns so that TPU is not required to file a protest to NYE COUNTY's Application No. 76997; and

WHEREAS, the Parties agree this Agreement shall solely govern the rights and obligations of the Parties with regard to any water rights granted by the Nevada State Engineer under Application No. 76997.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions herein contained, the Parties do hereby agree as follows:

1. The Parties agree that any use of water rights approved by Application No. 76997 in TPU's wells and water system shall be approved by TPU prior to any use of the water by NYE

COUNTY, its successors and assigns. NYE COUNTY, its successors and assigns shall be solely responsible for constructing any infrastructure or works necessary with reasonable diligence to put the water to beneficial use and to prove beneficial use of the water rights in accordance with any terms of any water permit issued by the Nevada State Engineer.

2. The Parties agree that any water rights granted pursuant to Application No. 76997 may be used, subject to TPU's approval set forth in Paragraph 1 above, in TPU's service territory or the Tonopah Airport Complex. Both Parties must agree to any use of the water rights in any other location. Both Parties must agree to any change in the point of diversion, manner of use or location or place of use of water rights applied for or granted under Application No. 76997.

3. NYE COUNTY, its successors and assigns, understand and acknowledge that if TPU is to provide water service in its Townsite service territory or the Tonopah Airport Complex, water rights, infrastructure and easements sufficient to supply water service will be dedicated by NYE COUNTY or its successors and assigns to TPU. Retail water service to be provided to NYE COUNTY, its successors and assigns, shall be subject to the ordinances, rules and regulations for water service adopted by TPU.

4. NYE COUNTY's Application No. 76997 and any change applications thereafter filed to change the point of diversion, place of use or manner of use of said Application No. 76997 shall be subject to the terms of this Agreement. An executed copy of this Agreement shall be provided to the Nevada State Engineer on or before July 7, 2008 for inclusion in his files for Application No. 76997.

5. The Parties understand and acknowledge that the Nevada State Engineer has sole authority to determine whether there is water available to appropriate under Application No. 76997 and may impose terms and conditions in approving Application No. 76997 in addition to any terms and conditions contained in this Agreement.

6. This Agreement may not be modified, or any covenant or provision waived, except by an instrument in writing, signed by the Parties hereto. Each person signing this Agreement warrants and represents he has the authority to sign this Agreement and bind the party executing this Agreement.

7. Except as otherwise provided herein, this Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the Parties.

8. The failure of either party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.


9. NYE COUNTY may not assign its rights under this Agreement without the prior written consent of TPU and unless such assignee expressly assumes and agrees in writing to perform each and every covenant and term of this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year first above written.

TONOPAH PUBLIC UTILITIES

NYE COUNTY

By:


James Eason, Town Manager
Town of Tonopah

By:

 for 9/18/08
Joni Eastley, Chairman
Board of County Commissioners



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>

December 21, 2017

Nye County Board of Commissioners Tonopah
P.O. Box 153
Tonopah, NV 89049-0153
Certified Mail No. 9214 7969 0099 9790 1618 7323 52

Re: Application 76997

Ladies and Gentlemen,

Nye County Board of Commissioners currently holds Application 76997. Application 76997 was filed on April 28, 2008, to appropriate 1500 acre-feet of water of the public waters of the State of Nevada in the Ralston Valley Hydrographic Basin. The application indicates that the source of water to be appropriated is underground and that the water is to be used for Quasi Municipal purposes within the Ralston Valley Hydrographic Basin.

The Office of the State Engineer has created and maintains a water rights database to allow research of existing water rights. According to a recent review of the database, Nye County currently holds Permit 22929, Certificate 7370; Permit 25630, Certificate 8095 within the Ralston Valley Hydrographic Basin. The total combined duty of Permits 22929 and 25630 is 11.794 million gallons annually.

Nevada Revised Statute § 533.370 requires that an applicant provide proof satisfactory of the applicant's intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence and proof of the applicant's financial ability and reasonable expectation to actually construct the works and apply the water to the intended beneficial use with reasonable diligence.

Therefore, the State Engineer is requesting you to provide us with information regarding:

- Your intentions to move forward with the subject applications; and,
- The current status of your intended project including the approximate number of persons to be served, and the approximate future requirement.

DISTRIBUTED

Dr. Jim, Geri, Town of Tonopah
Lorina, Sam, Jaynee
BOCC

RE: Application 76997
December 21, 2017
Page 2

Please provide said information within 30 days of the date of this letter or these applications will be denied. If you are unable to provide the necessary information, we request that the applications be withdrawn.

Sincerely,



Jake Echeverria
Water Resource Specialist II

Cc: George Benesch
Shaner Jim
Oscar Wichman

