

**BASIN 162 GROUNDWATER MANAGEMENT  
ADVISORY COMMITTEE**

**MEETING MINUTES**

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**August 25, 2015 – 9:00 AM  
BOCC Chambers, Pahrump, NV**

Regular Members: Gregory Hafen II – Chair  
Gregory Dann– Vice Chair  
Lenny Badger  
Wendy Barnett  
Kristian Bentzen  
Walt Kuver  
Mike Floyd

Alternate Members: Kenny Bent  
Judith Holmgren

Legal: Marla Zlotek

Finance: Amy Fanning

Staff: Darrell Lacy  
Oz Wichman  
Levi Kryder  
Teddi Osburn

Acronyms: AG - Attorney General  
AVSTP - Amargosa 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  
USGS - United States Geological Survey  
WD - Water District

## **BASIN 162 GROUNDWATER MANAGEMENT PLAN ADVISORY COMMITTEE**

1. **(00:00:03) Call to Order – Pledge of Allegiance**
2. **(00:00:37) Roll Call – Present:** Gregory Hafen II, Greg Dann, Wendy Barnett, Walt Kuver, Lenny Badger, Mike Floyd, Kenny Bent (Alternate) **Absent:** Kristian Bentzen
3. **(00:00:56) 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.**

Kenny Bent related that at the last meeting he had requested an item be added to the current agenda that would address the inclusion of additional items in the Groundwater Management Plan Draft. This was not done. He also requested that public comment be taken following committee deliberation for each item in the draft plan.
4. **(00:02:14) For Possible Action – Deliberation and decision regarding the placement of alternates to fill temporary vacancies for the current meeting.**

Due to the absence of regular member Kristian Bentzen, Greg Dann made a motion that Kenny Bent fill-in as a temporary replacement for Mr. Bentzen for the current meeting. Walt Kuver seconded the motion. The motion passed with a vote of 4-2 in favor of approval. Wendy Barnett and Gregory Hafen II cast the dissenting votes. Mr. Bent proceeded to assume the vacant seat of Kristian Bentzen.
5. **(00:03:22) Approval or Modifications of the Agenda for the Groundwater Management Plan Advisory Committee Meeting of August 25, 2015.**

Gregory Hafen II related that new items may not be added to the agenda at this time as per open meeting law regulation. Additional items proposed for inclusion can be addressed during discussion of Item 10.
6. **(00:04:15) For Possible Action – Approval of Minutes for July 28, 2015.**

Wendy Barnett made a motion to approve the minutes for July 28, 2015. Lenny Badger seconded the motion. The motion was approved with a vote of 7-0 in favor.
7. **(00:05:01) Correspondence and Announcements**

Wendy Barnett related her recent experience at the Nevada Drought Forum. At the forum she gave a presentation on behalf of private utilities in Nevada where she related impacts that the drought has had upon their industry. Ms. Barnett has also been asked to participate at a 3 day symposium being held in September that will deal with drought forum findings. She will represent private utilities and will discuss water issues of rural Nevada. Dates of the symposium will be forthcoming.

Oz Wichman related that the DWR remains supportive of this committee and noted that Rick Felling feels this group has exceeded his expectations. It is important to continue to work in concert with the DWR.
8. **(00:07:37) Ex-Parte Communications and Conflict of Interest Disclosure Statements**

None

**9. (00:07:45) For Possible Action – Presentation, deliberation and decision regarding water conservation tips and information.**

Gregory Hafen II discussed conservation information that had been provided to the committee and noted that this information is available to the public at the Co-Operative Extension office. He suggested that information on how to read a meter be added to the groundwater plan. Wendy Barnett briefly addressed the conservation education program that UICN is providing for Nye County elementary school students. Kenny Bent discussed detecting leaks in homes and will provide information regarding that topic at the next meeting.

**10. (00:15:38) For Possible Action – Presentation, deliberation and decision regarding the third draft of the Groundwater Management Plan for Basin 162.**

Greg Dann pointed out an error on the title page. Gregory Hafen II noted that the table of contents will be corrected to reflect accurate numbering after the entire document is finalized.

Beginning with Page 4, Mr. Hafen began to address modifications or changes that had been incorporated into the latest draft (#4) of the Groundwater Management Plan. Walt Kuver questioned the statement on Page 7 which states that “over-dedicated water rights will continue to lie in limbo.” Oz Wichman explained that the State Engineer does not allow excess over-dedicated amounts to be transferred for use at another location. Hence, extensions of time for those rights must continue to be filed into eternity even though they can never be put to use. There was some discussion regarding over dedication vs. over allocation of water rights.

It was noted during discussion that there are currently 8,500 approved vacant lots of sufficient size in the Pahrump Valley that are entitled to drill a domestic well. Changes in language on Page 8 and 9 were discussed. Oz Wichman related that he would go back and fix some of the mathematical errors that were flagged in Tables 1a and 2. Kenny Bent was concerned that the 8,000 AF that are uncaptured and leaving the basin are still being figured into the perennial yield number of 20,000 AF.

Gregory Hafen II, referring to Page 12, noted that the Nye County Code has not yet been updated on the county website with regards to the dedication of water rights for parceling of land. Therefore, the draft plan contains incorrect language which must also be updated since it was copied directly from the website.

Greg Dann wanted to add an additional bullet point to Page 13 (under Redistribution of Pumping Wells) which would refer to a recent order from the State Engineer that allows for the transfer of water rights from the valley floor to the fan. The Chair directed Mr. Dann to supply language for the new item. Wendy Barnett cautioned that if a new source of water was made available on the fan, UICN would not necessarily utilize it if costs to ratepayers increased. Ms. Barnett stressed that she has to protect her rate payers.

Gregory Hafen II explained that the item “Aggressive Water Education” was moved to the top position in Chapter 5 as it can be immediately implemented and may encourage conservation discussion within the community. It was noted that since the items in Chapter 5 are not necessarily listed in order of importance, the word “Priority” should be removed from the chapter title. At the request of Rick Felling of the DWR, an estimate of water savings is included in some of the conservation topics. Oz Wichman noted that it was a lot easier for a utility company to estimate water savings impacts from conservation than it would be to make an estimate for the entire valley because the utility meters each customer.

Under “Education in Schools” Mr. Hafen inserted a line about UICN’s involvement with water education for children in the elementary schools of Nye County. It was noted that the Nye County Water District has budgeted funds to pay transportation costs for conservation related field trips for students in the 5<sup>th</sup> grade on a county wide basis.

There was discussion about whether or not there exists a need for an informational brochure that addresses septic system care and maintenance. This issue will be discussed at the next meeting. Wendy Barnett stressed the need for an aggressive marketing program to get information out about water and conservation in the valley. This may necessitate the hiring of a professional marketing firm.

The committee debated whether or not to allow existing water features to be exempt from proposed regulations or code. Wendy Barnett felt that the section on "Water Application" should apply to everyone and not just new applications. Gregory Hafen II noted that the first three bullet points should apply only to new systems. Greg Dann questioned who would enforce code restrictions. Mr. Hafen related that regulations can be enforced at the building permit stage during construction. Oz Wichman suggested that a note be included in the "Enforcement" section that instructs the public on how they can report wasting of water to the DWR.

Dan Schinhofen noted that the BOCC would make the final decision on whether or not to fund a Code Enforcement position. Wendy Barnett added that UICN handles its own water policy enforcement. During discussion about the Nye County Water District offering monetary incentives to conserve water, the consensus was that this matter could not be addressed within the confines of the current budget for FY16. Gregory Hafen II suggested that deed restrictions could help with the enforcement of landscape codes. There was discussion about the removal of Salt Cedars from vacant land before allowing construction to occur. Preventing local nurseries from selling plants listed on the prohibited list was a topic of discussion. It was emphasized that there should not be any restrictions on the type of plants in a vegetable garden.

Water Importation is a project that will require many years to come to fruition and it is never too soon to begin working on an implementation plan. Gregory Hafen II related that John Klenke from the NCWD is currently working on a project that shows projected water level changes for the next 50 years in Basin 162.

During discussion of Rapid Infiltration Basins, Kenny Bent expressed concerns about medical wastes infiltrating the aquifer. Mr. Hafen stressed that at this point we were only discussing run-off and flood control. Walt Kuver emphasized that without floods there is no recharge. Levi Kryder explained that artificial recharge of potable water via an injection well had nothing to do with flood control, even though a RIB can be considered as a form artificial recharge. Potable water can be injected into areas of the valley floor where water levels continue to decline.

Wendy Barnett explained that Section H has become overly complicated and she would like to rewrite this section to clean-up some of the language. Gregory Hafen II directed Ms. Barnett to consult with staff on this issue.

Discussion continued regarding incentives to encourage people to connect to a public water system. Oz Wichman and John Guillory from the DWR discussed water right dedication requirements for a well owner when connecting to a utility system. Mr. Wichman suggested that an explanation of a "Domestic Well Credit" be included in Section I in order to clarify this very confusing concept. Some older parcel maps may never have had water rights relinquished as water dedication requirements did not exist at the time. In this situation new water rights must be purchased to be relinquished to a utility company. John Guillory noted that in Las Vegas there is a tax on every well owner and water right holder that goes toward a fund that pays for the abandonment of wells and utility hook-ups throughout the valley.

The cost for plugging a well and purchasing additional water rights was discussed. Walt Kuver suggested including cost estimations in Section I. Gregory Hafen II felt that this issue could be

addressed at a later date. Greg Dann related that it is up to individuals to decide the best course of action to take. Wendy Barnett felt that providing monetary incentives helps in making a decision to connect to a public utility. Darrell Lacy discussed some federal grants that might be available to help people pay for the rehabilitation of failed wells.

Greg Dann questioned the reasoning behind keeping the conservation credit concept in the plan as it had failed to pass during the last legislative session. Oz Wichman explained that he was given very clear direction by Groundwater Management Plan Committee Members that this concept should continue to be part of the plan. Wendy Barnett and Walt Kuver agreed that this is a good idea and the concept should be pursued during the next legislative session in 2017.

Gregory Hafen II explained the additional language regarding cluster development that was added to Section K. Kenny Bent felt that the minimum lot size allowed in new development agreements should be significantly increased by eliminating VR-8, 10 and even VR-20 lot sizes. Mr. Hafen related that the RPC is currently working on defining new lot size requirements. Darrell Lacy stated that the cost for infrastructure increases as lots become larger. This is where cluster development becomes a more favorable option. There was continued discussion about changes being made to the Master Plan that coincide with items proposed in the Groundwater Management Plan.

Gregory Hafen II went back to page 16 and related that the DWR has requested a reference be included to explain where the water usage calculations originated, i.e., from staff calculations, USGS numbers or from DWR sources, all of which vary about 10%. Oz Wichman suggested that DWR numbers be used since the State Engineer is familiar with those figures.

Mr. Hafen noted that there were no changes in the Growth Control Section L. He also suggested that the original long list of proposed items be placed in Section M so people realize that the plan may continue to evolve. Walt Kuver suggested that the current version be referred to as "stage one." Oz Wichman felt that about 150 of those proposed items overlapped with each other.

After discussion, it was determined that the Groundwater Committee shall have a final review of the plan (Draft 4) at the next meeting in September due to the number of changes made during the current meeting. A joint meeting between the Groundwater Committee and the Water Board will follow sometime in October so that the Water Board can review and comment on the finished product.

Kenny Bent suggested additional items that should be included in this plan. Walt Kuver wished to see a regrouping by priority of objectives in Chapter 5 that will make the plan easier to understand. He will relay his suggestions to staff. Gregory Hafen had concerns with reopening a "can of worms" by setting priorities for each item. This could lead to further delays in finalizing the document. He noted that all of the 13 items were equally important. More discussion ensued among staff and members about adding additional items. Mr. Hafen explained that implementation of the current plan will determine when a "stage two" may become necessary. Mr. Bent felt that time should be taken to consider other ideas and the committee did not need to rush this plan along in order to begin implementation.

Oz Wichman emphasized that the ultimate customer was Jason King and his staff. We have utilized Jason King's guidance in formulating this document and continue to do so. The plan gives the community an opportunity to have some control over the future of water resources in Basin 162. Before sending the plan to Mr. King it must be reviewed by the Water District Governing Board and BOCC. We take the risk that everything can become unraveled during either of these reviews if there is a vote by those boards to deny the plan. He related that most of this document gets implemented by the DWR and PRPC through county code. The final goal is to have the plan

adopted by the DWR as a plan for the entire community. (Ms. Barnett excused herself from the remainder of the meeting at this time.)

Gregory Hafen explained that Nye County was directed to come up with a plan by the State Engineer in order to prevent Basin 162 from being declared a Critical Management Area under the auspices of AB 419. Mr. Wichman was not sure if that was the case, but he was certain that a groundwater management plan must be accepted by the State within 10 years of the basin being declared a CMA. There was continued discussion about whether or not Mr. King had given an ultimatum to Nye County.

Mr. Wichman asked John Guillory from the DWR if Basin 162 would be designated a CMA in the future. Mr. Guillory could not answer that question but he knew Jason King was looking forward to reviewing the plan. Mr. King is giving the community an opportunity to find solutions on a local level so that the State does not have to intervene.

Frank Carbone discussed the timeline for completion of the plan if additional items continue to be added to the priority list. Walt Kuver questioned how some of the priority items could be implemented. Mr. Carbone related that the BOCC is the group that will control the implementation process.

**11. (03:07:00) For Possible Action – Presentation, discussion and possible decision regarding ongoing and short-term projects of the Nye County Water District.**

None

**12. (03:07:07) Staff Reports/Comments:**

- A. Darrell Lacy
- B. Oz Wichman
- C. John Klenke
- D. Levi Kryder

No reports or comments were forthcoming.

**13. (03:07:33) For Possible Action – Discussion, Direction and Possible Decision Concerning Future Meetings/Workshops.**

*The next scheduled meeting of the Basin 162 Groundwater Management Plan Committee is September 29, 2015, commencing at 2 PM.*

It was decided that a joint meeting between the Groundwater Management Plan Advisory Committee and the Nye County Water District Governing Board will be planned for mid-October in order for both parties to review the final version of the Groundwater Management Plan for Basin 162.

**14. (03:09:00) General Public Comment (second) - (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

**15. (03:09:23) Adjourn**

Gregory Hafen adjourned the meeting.