



MEETING MINUTES

August 31, 2020 – 9:00 AM REGULAR MEETING - TELECONFERENCE

Members: Richard W. Carver - Area 1 (Currant Creek/Smoky Valley)
Joe Westerlund - Area 2 (Tonopah/Manhattan)
James Weeks - Area 3 (Beatty /Armargosa Valley)
Helene Williams- Area 4, Position 1 (Pahrump Valley)
William Knecht- Area 4, Position 2 (Pahrump Valley)
Dennis Gaddy -Vice Chair- Area 4, Position 3 (Pahrump Valley)
Dave Hall - At Large - Chair

Legal: Sev Carlson

Board of County
Commissioners: Debra Strickland

Finance: Savannah Rucker

Staff:
Oz Wichman
John Klenke
Christal Behrends

Acronyms: AG - Attorney General
AVSTP - Armargosa Valley Science & Technology Park
BOCC - Board of County Commissioners
BOR - Bureau of Reclamation
CSWP- Community Source Water Protection
CNRWA - Central Nevada Regional Water Authority
DOA - Department of Agriculture
DOI - Department of Interior
EPA - Environmental Protection Agency
GID - General Improvement District
GM - General Manager
GWE- Groundwater Evaluation Grant
GWMP – Groundwater Management Plan
HUD - Housing and Urban Development
IRWMP - Inter Regional Water Management Program
MOU - Memorandum of Understanding
NTS - Nevada Test Site
NCWDGB - Nye County Water District Governing Board
NRWA – Nevada Rural Water Association
NWRA - Nevada Water Resources Association
RFP - Request for Proposals
RNWA - Rural Nevada Water Authority
ROW - Right of Way
SNWA - Southern Nevada Water Authority
USDA - United States Department of Agriculture
UGTA - Underground Test Area

1. **9:03 AM Call to Order / Pledge of Allegiance**
2. **09:04 AM Roll Call –Present:** Richard Carver, Joe Westerlund, James Weeks, Helene Williams, Bill Knecht and Dave Hall. **Absent:** Dennis Gaddy.
3. **09:05 AM Mission Statement – “Provide, protect and preserve water resources within Nye County.”**
4. **09:06 AM General Public Comment (first): Three-minute time limit per person. Action will not be taken on the matters considered during this period until specifically included on an agenda as an action item.**

Ammie Nelson complimented Chairman Dave Hall for the way he conducts the Water District Governing Board meetings. She also welcomed Helene Williams.

Herman Lewis also thanked Chairman Dave Hall for his opening statement informing the public of the delay in meeting video vs. audio. He also wanted to insure that the public will be able to comment on the presentations. Mr. Lewis also mentioned that Ms. Williams’ name has not yet been added to the County website, only on the Nye County Water District website.

5. **09:09 AM Approval or modifications of the Agenda for the Water District Meeting of August 31, 2020 (Non-action item).**

Chairman Dave Hall stated that the FY 20-21 Budget Status Report will be presented by Savannah Rucker prior to Item 9 on the agenda.

6. **09:11 AM For Possible Action – Discussion, deliberation and decision regarding Approval of Minutes for July 27, 2020.**

Bill Knecht made a motion to approve the minutes from July 27, 2020. Helene Williams seconded the motion. **The vote was approved 6-0.**

7. **09:14 AM Water District Governing Board Member / General Manager Comments (This item limited to announcements or topic/issues proposed for future workshops/agendas).**

Oz Wichman wanted to express a correction regarding the bylaws discussed at the last Water District Governing Board meeting. When the new Nye County Water District website was developed, an old set of bylaws (2009) were posted. Those since have been amended to show the 2012 version.

Helene Williams mentioned that she asked for this specific agenda item to be placed on

future agendas. She believes the Board will find it helpful in raising last minute items.

Commissioner Strickland stated that this morning, Nye County (Board of County Commissioners) received a warning from the Department of Business & Industry (OSHA), reading that employer (Nye County) is not complying with the Governor's COVID 19 mandate specifically, in regards to employees wearing face masks during Commission meetings. She reminded everyone present to keep their face masks on for the duration of today's meeting.

8. 09:21 AM Ex-Parte Communications and Conflict of Interest Disclosure Statements.

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

9. 09:34 AM For Presentation – Discussion regarding water related issues as they pertain to, the Pahrump Master Plan Update (2020 PMPU) to be presented by Walt Kuver.

Presentation prepared and presented by Walt Kuver attached.

Chairman Dave Hall thanked Walt Kuver for all the work he has dedicated to the Pahrump Master Plan Update.

Oz Wichman stated if anyone wants to know what the Nye County Water District is working on the best point of reference is the Groundwater Management Plan. The goals, objectives and priority items of the plan encompass the crux of the Water District's work. The priority items include:

- Population limitations using a 20,000 AFA Perennial Yield
- Water Conservation
- Rapid Infiltration Basins for Storm Water Runoff
- Attrition (forfeitures and cancellations)
- Over Dedication of Water Rights and Support of Development Projects (SB 250)
- Improving the DRI Water Model
- Redistribution of Pumping

Brett Wagoner, Planning Director, mentioned that it's important to watch what is going on with utility usage. Also, he will be providing new maps developed by the GIS Mapping Administrator, showing where new development has occurred over the past 3 years in Pahrump.

Commissioner Strickland stated that she believes we should be requiring the utility districts to assign water rights to the lots that are tariffed. Oz provided background on the efforts he

was aware of in which the private utilities have made in this process.

Darrell Lacy, Director of Natural Resources for Nye County also complimented Walt on his efforts. He stated that Nye County is working towards “smart growth”. Subdivision maps have more layers of review versus parcel maps. Another area of focus is the significant amount of vacant lots that are undevelopable. Understanding the difference between gallons used per capita and residential usage is critical. Knowing the importance of how much water a person actually uses (inside of home and outside of home-parks,etc.) is also key.

Board member Bill Knecht reiterated the importance of understanding and adhering to the existing Groundwater Management Plan.

Board member Helene Williams stated her frustration as the presentation was quite complicated, especially for those who are not engineers. The focus should be on the last seven (7) pages of presentation.

Public Comment:

Ammie Nelson opposes funding for drilling or testing that occurs in Clark County. She is in support of cloud seeding. She encourages other domestic well owners to participate in the Volunteer Domestic Well Metering Program. See additional written comments provided.

Herman Lewis stated that he has learned so much listening to Oz and Darrell Lacy. He thinks there are other conservation options not yet being considered. For example, using grey water on trees and shrubs and not edibles. He also supports testing particularly around Great Basin’s water reclamation plant. Mr. Lewis stated he would like more information on whether septic systems are evaporative and at what rate.

- 10. 11:55 AM For Possible Action - Presentation, update and discussion provided by Frank McDonough, Desert Research Institute, regarding a summary of the Spring Mountains Cloud Seeding Project and all items related there to. Including, at the Boards pleasure, the Nye County Water District’s role in providing potential, future funding not to exceed \$73,000.**

Summary and project options of the Spring Mountains Cloud Seeding Project presented by Frank McDonough, presentation attached.

Oz referenced the fact that the Nye County Water District annually rolls over a small surplus of revenue into their fiscal year budget. Due to the cost share of POOL Pact insurance, this fiscal year will put us at break-even with little or no surplus. Although there is surplus to fund cloud seeding for a few years, funding cloud seeding for the long haul is not sustainable with our current budget structure. Sporadic funding versus long-term funding is not going to make a difference in Basin health. This will show in results / modeling. It is his recommendation that if this is something that the Nye County Water District will be funding long-term, a per parcel fee increase discussion should take place.

Chair Dave Hall mentioned that he spoke with John Klenke on when we might see measurable results correlating to a cloud seeding project. It was his opinion that reasonable data could be obtained after five (5) years.

Board member Helene Williams strongly believes there is a cost benefit to doing the cloud seeding project over other past proposed projects. She asked presenter Frank McDonough, how much (if any) of last year's cloud seeding produced precipitation went to Clark County. To determine that amount, he would have to run additional evaluative measures to the data. Helene also asked about the required timeframe of project. Which Frank responded, November 1- December 1 depending on proposal option.

Board member Joe Westerlund clarified that project comparison cost previously presented by other board members did not consider that cloud seeding would be an annual cost. For accurate cost comparison, total cost (reoccurring each year the cloud seeding project is funded) is what should be compared to the one time capital cost of other proposed programs.

Board member James Weeks fully agrees with what Oz has stated in his summation of the cloud seeding project. There are too many variable for him to get behind it.

Public Comment

Ammie Nelson supports proposal 2 of the cloud seeding project as a private citizen and domestic well owner.

Matt Berg (Private Well Owners Cooperative) read attached letter.

Herman Lewis doesn't believe it will take five (5) years to see results of the cloud seeding project. In his opinion, it seems like the Water District Governing Board is trying to force everyone to have utility service to take away their domestic wells. He encouraged those listening, to rise up against the Chairman Hall and the Water District Governing Board.

*Bill Knecht made a motion to fund project proposal 2 in the amount of \$39,450 to fill and operate Manse Road generator targeting the western Spring Mountains between November 15, 2020 to March 31, 2021 with suggested modifications and annual results review. Helene Williams seconded the motion. **The vote was approved 5-1.**

*This motion/vote was dependent upon legal counsel review of the agenda item construction, which was deemed appropriate on 9/14/2020.

11. District Member, Staff and Liaison Reports/Comments:

a. 09:23 AM Finances

As Savannah mentioned, included in the backup are two (2) financial reports. One of which is for fiscal year 2020, the other fiscal year 2021. The Nye County Water District Fund Balance report for FY 20 (ending June 30, 2020) report summarizes the legal budget adopted by the Nye County Water District Governing Board and sent to the Nevada Department of Taxation. The actual beginning balance was 129% of what was budgeted, showing a carry-over surplus. Positively, revenues show above budget, with expenditures below budget. All leading to an ending balance of \$520,793. At this point, for FY 20, Savannah does not perceive any issues or audit findings.

Regarding the program budget for FY 20 (Water District Expense Report),

expenditures are well within the project budget at 44%. The only line item over budget is Water District Labor (119%) due to overtime and full-time status change adopted in FY 20. However, the overall labor category is well within budget at 81%.

The third report in backup is the Nye County Water District Fund Balance Report, which shows the activity for the first period of FY 2020-21. Most revenues are posted August thru September, and are not yet showing on this report.

On the Water District Expense Report for FY 21, the largest expense reflected as of 7/31/20 is “ Insurance” which is a new expense for the Water District in this fiscal year.

b. 12:58 PM Board Reports

I. LVVWD/SNWA

II. CNRWA

Commissioner Strickland stated that the next CNRWA will be meeting 9/18/20 at 10 am. Jeff Fontaine forwarded her a copy of SB250 and passed along his gratitude to Oz Wichman for his work on it.

c. Staff Reports

I. Oz Wichman

None

II. John Klenke

John reported that he will be meeting with DRI on the Water Model 9/15/20.

III. Christal Behrends

Christal made mention that in May 2020 the call volume received by the Nye County Water District significantly increased. This was due to the upcoming on-line land auction and folks doing their due diligence to see if there was water on the parcels they were looking to acquire. There has also been a significant increase in call volumes this month (August) as a result of folks who did not do their due diligence and have purchased lots trying to acquire water / utility service.

d. Projects Status Report

I. Staff

e. Board Liaison Reports

I. Commissioner Debra Strickland

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

- 12. 1:03 PM For Possible Action- Discussion concerning future Water District Governing Board Meetings to include:
10/26/2020 Railroad Valley Regular Meeting (time TBD)
December 2020 Meeting (12/14 or 12/21)**

Bill Knecht made a motion that we schedule the 10/26/20 Railroad Valley meeting with a temporary time of 11am and a 12/14/20 meeting in Pahrump at 9am pending the audit package. Dave Hall seconded the motion. **The vote was approved 6-0.**

- 13. 1:08 PM General Public Comment (Second)**

Ammie Nelson mentioned that she spoke with the DA who stated that “they could not serve two masters” and it would be difficult for them to serve Nye County and the Nye County Water District Governing Board because of litigation. She also apologized to Board Member Joe Westerlund for stating in an open meeting that he owned a utility. She was corrected.

Herman Lewis thanked everyone for an incredibly productive meeting today. He also reiterated he strongly supports cloud seeding for long-term increase of snowpack / water.

- 14. 1:12 PM Adjourn**