

CARSON WATER SUBCONSERVANCY DISTRICT  
 BOARD OF DIRECTORS MEETING  
 June 17, 2015, 6:30 P.M.  
 Minutes

Directors present:

Karen Abowd, Vice Chairman  
 Brad Bonkowski  
 Carl Erquiaga  
 Ray Fierro, Treasurer  
 Don Jardine  
 Greg Lynn, Chairman  
 Barry Penzel  
 Ernie Schank  
 Fred Stodieck

Directors not present:

Don Frensdorff  
 Doug Johnson  
 Austin Osborne, Storey County  
 Mary Rawson  
 Chuck Roberts

Staff present:

George Benesch, Legal Counsel  
 Edwin James, General Manager  
 Toni Leffler, Administrative Assistant/Board Secretary  
 Debbie Neddenriep, Water Resource Specialist

Also present:

Christie James, private citizen  
 Cindy Penzel, private citizen

Chairman Lynn called the meeting to order at 6:43 p.m. in the Churchill County Commission Chambers, 155 N. Taylor St., Fallon, Nevada. The CWSD/Alpine County Joint Powers Board was convened. Roll call was taken and a quorum was determined to be present. The Pledge of Allegiance was lead by Director Jardine.

Item #5 - Approval of Agenda. Director Bonkowski requested that Item #13 be pulled from the Consent Agenda for hearing. *Director Schank made the motion to approve the agenda as modified. The motion was seconded by Director Jardine and unanimously approved by the Board.*

Item #7 - Approval of the Board Meeting Minutes from May 20, 2015. - *Director Penzel made the motion to approve the Minutes of the Board Meeting on May 20, 2015. The motion was seconded by Director Stodieck and unanimously approved by the Board.*

Item #7 - Public Comment None

## CONSENT AGENDA

Item #8 - Approval of Treasurer's Report for May 2015.

Item #9 - Payment of Bills for May 2015.

Item #10 - Discussion for possible action regarding approval of the Agreement #2015-2 with **River Wranglers** for the Carson River Work Days and Vegetation Management Projects.

Item #11 - Discussion for possible action regarding approval of Agreement #2015-3 with **Alpine Watershed Group** to Help Fund the Upper Carson River Watershed Programs.

Item #12 - Discussion for possible action regarding approval of Interlocal Contract #2015-4 with **Carson Valley Conservation District** for Bioengineering and Erosion Control Along the Carson River through Carson Valley.

Item #14 - Discussion and possible action regarding approval of Interlocal Contract #2015-5 with **Dayton Valley Conservation District** for Noxious Weed Control in Storey County.

Item #15 - Discussion and possible action regarding approval of Interlocal Contract #2015-6 with **Lahontan Conservation District** for Clearing and Snagging on the Carson River Below the Diversion Dam.

Item #16 - Discussion for possible action regarding approval of Interlocal Contract #2015-7 with **Lahontan Conservation District** for Sand Bar Removal Along the Carson River in Churchill County.

Item #17 - Discussion for possible action regarding approval of Interlocal Contract #2015-8 with **Churchill County** to Assist in the Lahontan Valley Water Level Measurement Program.

Item #18 - Discussion and possible action regarding approval of Interlocal Contract #2015-9 with **Douglas County** for to Help Cover Some of the Costs for an Intertie Between Sierra Country Estates and Foothill Water Systems.

Item #19 - Discussion for possible action regarding approval of an Agreement #2015-10 with **Sierra Nevada Journeys** to Help Fund Three "Family Watershed Nights."

Item #20 - Discussion for possible action regarding approval of Interlocal Contract #2015-11 with **Lyon County** to Assist with Middle Carson River Corridor High Resolution Imagery Project.

*Director Schank made the motion to approve the consent agenda items #8-20, absent #13. The motion was seconded by Director Penzel and unanimously approved by the Board. There was no public comment.*

**\*\*END OF CONSENT AGENDA\*\***

Item #13 - Discussion and possible action regarding approval of an Addendum to Interlocal Contract #2014-8 with Dayton Valley Conservation District for Middle Carson River Clearing, Snagging, and Maintenance Projects. Director Bonkowski requested correction to the draft contract shown on page 58 of the Board package. He noted that the Contract number is #2014-8 but is written as #2014-5 in the second Whereas paragraph.

*Director Bonkowski made the motion to approve the Addendum to Interlocal Contract #2014-8 with Dayton Valley Conservation District as corrected. Director Abowd seconded the motion which was unanimously approved by the Board.*

Item #21 - Discussion for possible action regarding an update on the June 9-10, 2015, "Get on the Bus" Watershed Tour. Ed James reported that there were over 50 people participating in the tour last week, with 31 speakers and nine stops. The group was varied and included three planners, a couple teachers, and one county supervisor. On the first day stops included Hope Valley at the Fishing Pier, the STPUD waste water outlet which is a popular stop, the Dangberg Home Ranch which included a tour of the home and the group had lunch, River Fork Ranch which included several speakers and a tour of the river restoration project, and then Baily Pond and Fuji Park where stormwater drain issues were discussed. The second day the tour went to Ambrose Park in Carson City, Ft. Churchill State Park in Lyon County to observe the river restoration projects, Stillwater Wildlife Refuge where the group had lunch, and Lahontan Dam including the gatehouse, which was the most popular stop on the tour.

Evaluation results were handed out to the Board. The tour was well received overall. Most people heard about the tour via email. The Lahontan Dam/Reservoir was most popular stop, with Stillwater second. Lowest ranking was River Fork Ranch so we will modify the questionnaire to determine why for future tours.

*No action was required on this item; receive and file.*

Item #22 - Discussion for possible action regarding the legality of collecting precipitation in Low Impact Development (LID) projects. Mr. James explained that Low Impact Development (LID) projects were talked about at the last meeting. Then on May 31, there was an article in the newspaper mentioning that it is illegal to collect runoff in rain barrels. Staff followed the article with a discussion about it with the State Engineer. He said that under state water law it was illegal to catch and retain rainfall, but collection in small barrels falls under de minimus use. A small rain barrel is okay, but a large collection tank is not legal. With a small collector you are only capturing the natural flow that is already occurring on the property and would seep back into the system. LID does not promote large capture ponds. Staff will be going to the various counties in the future to promote LIDs.

Director Lynn commented that his last two development projects used LID practices but this article caught his attention. Director Erquiaga mentioned that it had to do when water is captured before it hits the ground. Mr. Benesch explained that the law says that any water above or below the surface of the ground belongs to the people of the State of Nevada. You don't really ever own water. It is the use of fractory right. He equated it to driving at 26 mph when the speed limit is 25 mph. It's not really a problem until you are driving much faster than the speed limit. The State Engineer isn't going to do a huge enforcement action unless someone complains about a severe misuse. This is more of an academic issue.

*No action was required on this item; receive and file.*

Item #23 - Discussion for possible action regarding a review of the watershed survey questions.

Mr. James explained that the consultant hired to conduct the watershed survey, Responsive Management, has just completed the beta testing. After three rounds with the consultant and Education Working group the survey was modified from 50 questions to 37 question which only takes about 15-20 minutes. The consultant will contact people in the watershed to get 800 responses. Once the data is collected, we hope to compile it within the next couple of weeks. An intern who is working with staff will take the data to more detail than consultant will. Director Lynn asked who would be called. Mr. James responded that anyone who has a home phone can be called. A question will confirm that they are actually within our watershed to get a statistically relevant sample. We will find out what people do and don't know about the Carson River Watershed which will help with the education programs we do.

Director Schank asked about Question #6, should include drainages as a response. Mr. James explained that this is the full script; the interviewers will ask the questions, and the responses are for them to check off while giving survey.

Director Abowd expressed her concern that they are only contacting a portion of the population with home phones to be surveyed. They are missing a demographic which only has cell phones, most likely young people. Mr. James noted that when the survey is repeated this will have to be addressed since land lines are being phased out. Ms. Neddenriep texted Courtney Walker about the issue of what kind of phones would be included, and Ms. Walker responded that the consultants use electronic white pages which include both cell phones and land lines.

Director Schank suggested that the survey could be given at shopping malls, grocery stores, etc. Mr. James explained that was his original idea but the consultants did not recommend this method. Director Penzel noted that since cell phone numbers can travel with you when you move, you can't use area codes to choose participants. He suggested using Survey Monkey to send the survey on the internet. Mr. James explained that Survey Monkey may not be as random since you can only send Survey Monkey to known participants.

Director Bonkowski asked if it would make more sense to combine Questions #1 and #37, asking whether the participant is over and asking participant's age. Mr. James explained that the first several questions qualify the participant to take the survey, i.e., over 18. Then, after the participant has taken the survey, asking them to identify their age is more comfortable.

*No action was required on this item; receive and file.*

Item #24 - Discussion for possible action regarding a summary of legislative bills being followed by CWSD staff. Mr. James explained that a summary of bills being followed by CWSD is on pages 136-137 of the Board package. Almost every water bill died except for the one that transfers water in the Newlands Project. Most of the bills we were following didn't make it and died or changed at the eleventh hour.

- AB 169 regarding gray water passed both houses and was sent to the Conference Committee where the bill died.
- AB 198 requiring the Legislative Committee on Public Lands to conduct a study of water conservation and alternative sources of water for Nevada communities passed both houses and was signed by the Governor.
- AB 353 would require that professional services be awarded based on competitive bids. This bill died.
- AB 430, introduced by Robin Titus to provide funding for clearing and snagging, died for lack of funding. The good news is that we brought awareness to this issue, so hopefully it will get funding in the next legislative session.
- AB 455 would create a committee to do an interim study on current and future water supplies. This bill died.
- SB 70 making changes to the Open Meeting Law has passed both houses and was signed by the Governor.
- SB 423 was a request for funding for cloud seeding. This bill died.
- SB 476 for conservation districts assessment for noxious weeds was passed both houses and was signed by the Governor.
- SB 485 requiring a claimant of a pre-statutory (1905 for surface water and 1935 for ground water) water right to submit proof of the claim to the State Engineer on or before December 31, 2025, passed the Senate but was not heard by the Assembly.

Public Lands will be discussing water issues in the future. Ed will be attending drought workshops coming up.

*No action was required on this item; receive and file.*

#### Item #25 - Staff Reports

General Manager - Mr. James reported: 1) He met with the State Engineer on 6/15/15 about concerns with water issues in Douglas County about moving wells closer to the river. Mr. James explained that with the counties, anytime there is a request to move water rights all the entities throughout the watershed get together to talk about concerns before filing an application rather than the applicant filing and others protesting. We have had four or five such meetings which were very successful; when applications were filed issues had been worked out before. CWSD has no control over what private individuals do but would have concerns about moving wells closer to the river. The State Engineer has his hands full with the Humboldt and Walker Rivers, so he would like to avert problems on the Carson River. 2) Mr. James recognized CWSD staff for their help with the bus tour. He noted that the planning and execution of this annual endeavor is labor intensive.

Legal –Mr. Benesch reported on an issue that doesn't directly impact the Carson River basin. He explained that the senior federal judge denied two sub-cases in the Walker River litigation.

Correspondence – As included in the Board package and handed out.

Item #26 - Directors' Reports

Director Lynn stressed the importance of each Board member completing the General Manager's evaluation.

Director Schank reported that on 6/13/2016, TCID celebrated the 100<sup>th</sup> anniversary of the completion of Lahontan Dam on 6/30/1916.

Directors Erquiaga, Stodieck, Penzel, Bonkowski, Jardine, Fierro, and Abowd had nothing specific to report but joined in thanking the staff for arranging the tour of the Churchill Vineyards/Frey Ranch Estate Distillery and dinner at Stockman's Coffee Shop preceding the meeting.

Item #19 - Public Comment. None

*There being no further business to come before the Board, Director Abowd made the motion to adjourn, seconded by Director Schank and unanimously approved by the Board. The meeting was adjourned at 7:27p.m.*

Respectfully submitted,

Toni Leffler  
Secretary