

CARSON WATER SUBCONSERVANCY DISTRICT
BOARD OF DIRECTORS AND
CARSON RIVER WATERSHED COMMITTEE MEETING
April 18, 2018, 6:30 P.M.
Minutes

Chairman Abowd called the meeting of the Carson Water Subconservancy District (CWSD) to order at 6:30 p.m. in the Bonanza Room of the Carson City Community Center, 851 E. William St., Carson City, NV. Roll call of the CWSD Board was taken and a quorum was determined to be present.

CWSD Directors present:

Karen Abowd, Chairman
Carl Erquiaga, Vice Chairman
Ken Gray
Barry Penzel
Chuck Roberts
Fred Stodieck
Steve Thaler

Directors not present:

Brad Bonkowski
Don Frensdorff
Doug Johnson
Ernie Schank

Staff present:

Justin Bedocs, AmeriCorps Member
George Benesch, Legal Counsel
Shane Fryer, Watershed Program Specialist
Brenda Hunt, Watershed Program Manager
Edwin James, General Manager
Toni Leffler, Administrative Assistant/Secretary to the Board
Debbie Neddenriep, Water Resource Specialist II

Also present:

Gary Aiuzzi, A.L. Lorman/Virginia Irrigation Co., Inc.
Andy Aldax, A.L. Lorman/Virginia Irrigation Co., Inc.
David Bruketta, Lyon County Utilities
Paul Comba, NV Div. of Environmental Protection, Bureau of Water Quality Protection
Brad Crowell, NV Dept. of Conservation & Natural Resources (DNCR)
Charlie Donohue, NV Div. of State Lands (NDSL)
Dominique Etchegoyhen, DNCR
Micheline Fairbank, NV. Div. of Water Resources (NDWR)
Frank Godecke, farmer
David Griffith, Alpine County
David Hussman, rancher
Kathi Hussman, rancher
Jack Jacobs, Jacobs Family Berry Farm
Don Jardine, Alpine County

Patrick King, Esq., King & Russo
 Steve King, Esq.
 Jim Lawrence, DNCR
 Greg Lovato, NV Div. of Environmental Protection (NDEP)
 Tom Minor, rancher
 Tyler Minor, rancher
 Austin Osborne, Storey County
 Aaron Park, US Army Corps of Engineers
 Scott Russo, Esq., King & Russo
 Bettina Scherer, DNCR
 David Wathen, U.S. Water Master

The Pledge of Allegiance was led by Director Gray.

Item #4 – Discussion Only: Public Comment – Brenda Hunt introduced the new CWSD AmeriCorps member, Justin Bedocs. Mr. Bedocs explained that he is from Ohio and is excited to be learning about the Carson River Watershed as a Watershed Technician. Ed James introduced Dave Bruketta, replacing Mike Workman as Manager of Lyon County Utilities. Mr. Bruketta was formerly with Carson City Public Works.

Item #5 – For Possible Action: Approval of Agenda. *Director Roberts made the motion to approve the agenda. The motion was seconded by Director Penzel and unanimously approved by the CWSD Board.*

Item #6 – For Discussion and Possible Action: Approval of the Board Meeting Minutes from March 21, 2018. *Director Roberts made the motion to approve the Minutes of the Board meeting on March 21, 2018. The motion was seconded by Director Stodieck and unanimously approved by the CWSD Board.*

CONSENT AGENDA

Item #7 – For Possible Action: Approval of Treasurer’s Report for March 2018.

Item #8 – For Possible Action: Payment of Bills for March 2018.

Item #9 – For Possible Action: Approval for Debbie Neddenriep to attend the Floodplain Managers Association’s Annual Conference in Reno, NV on September 4-7, 2018.

There was no public comment. *Director Gray made the motion to approve Items #7-9 of the Consent Agenda. The motion was seconded by Director Stodieck and unanimously approved by the CWSD Board.*

END OF CONSENT AGENDA

Item #10 – For Possible Action: To approve Austin Osborne as the Storey County representative e to the Carson River Watershed Committee. Mr. James explained that the Storey County Commissioners accepted CWSD’s invitation for Storey County to join the Carson River Watershed Committee and appointed Austin Osborne as their representative.

Director Roberts made the motion to approve Austin Osborne as the Storey County representative to the CWSD Carson River Watershed Committee. The motion was seconded by Director Gray and unanimously approved by the Board.

RECESS TO CONVENE AS
THE CARSON RIVER WATERSHED COMMITTEE

Item #11 – Roll Call – Director Abowd convened the Carson River Watershed Committee and a roll call was taken.

Committee Members present:

CWSD Directors as presented in roll call above
David Griffith, Alpine County
Don Jardine, Alpine County
Austin Osborne, Storey County
Ernie Schank (by teleconference)

Committee Members not present:

Brad Bonkowski
Don Frensdorff
Doug Johnson

Item #12 – Discussion Only: Public Comment – None

Item #13 – For Discussion Only: Discussion with Bradley Crowell, Director of the Nevada Department of Conservation and Natural Resources, and possibly the Federal Water Master for the Alpine Decree and a representative from US Army Corps of Engineers regarding river operations and repairs for the Carson River. Mr. James gave a brief background on the issues at hand and introduced Bradley Crowell, Director of the Nevada Department of Conservation and Natural Resources (DCNR). Mr. Crowell commented that he was pleased to come to the CWSD meeting to discuss the issues along the Carson River, specifically in Carson Valley. He thanked Senator Settlemeyer in absentia, for bringing these issues forward.

Director Erquiaga arrived at 6:40 p.m.

Mr. Crowell explained that DCNR's mission is to conserve, protect, manage, and enhance Nevada's natural and cultural resources. The department is comprised of ten divisions, of which five are involved in the current issues. There are several interested parties involved, including federal, state, and local governments, regional agencies, local landowners/general public/other stakeholders, State Legislators, and Tribal governments.

Some of the issues at hand include:

- Water management (Federal Water Master)
- Water rights (Alpine Decree, State Engineer)
- Land ownership: public (= bed and banks of the Carson River) (State Lands) vs. private
- Federal jurisdiction (Army Corps)
- State jurisdiction (DCNR and relevant Divisions)

- River maintenance - Ongoing/routine maintenance vs. disaster recovery (NDEP, State Lands, Army Corps, landowners, others)
- River structures (i.e., diversion dams) – federal permitting, state certification/authorization
- Funding (federal, state, local, private) – State funding within DNCR includes the Channel Clearance Account., NDEP grants, Conservation Bonds, conservation district grants, etc.

How does it all fit together? Federal, state, and local officials all play a role in working with regional agencies, landowners, and other stakeholders. Communication is critical. Communication and coordination at all levels will reduce the burden on landowners while ensuring protection of the river.

Committee comments and discussion:

Mr. Stodieck asked what's happened in about the last five years that's changed the restrictions and requirements for maintenance? No asphalt may be used for riprap, and Fish and Game might require willows to stay. Now landowners must get Army Corps and State Lands permits to do river maintenance. After the 1997 flood, work was done in the river but not maintained. He mentioned that there were four or five areas along his property that have the center of the river filled in with a sandbar. Mr. Crowell responded that nothing had changed in the law, but perhaps all of the state regulations were not fully followed previously. DNCR does not want to bring unreasonable burden on the landowner, but landowners need to meet State requirements. Dealing with the impacts from flood and disasters is different. Mr. Stodieck asked why he has to clean the State's river in order to protect his property. The State needs to maintain the river. Mr. Stodieck has been approval for cost shares to fix his diversion structure, but he has held off doing so because of fear of State reprisal if he doesn't do it right. Mr. Crowell encouraged landowners to come to the State to work out approval to do the work.

Mr. Penzel noted that the big issue with the ag community is that the aggregate that gets into the center of the river, but the landowner can't get into the river to remove it. He asked why the State doesn't maintain the river. Mr. Crowell responded that permits can be customized for each project. There is a route for landowners to do the maintenance with grant funding. Mr. Penzel noted that the Alpine Decree allows for the rancher to access the river to be able to take their water. Do the ranchers have to have all the State permits since the Alpine Decree is a federal decree? Mr. Crowell responded that there is confusion about the role of the Alpine Decree which is about water rights and usage but does not supersede the State requirements for river maintenance.

Mr. Thaler asked what the process is and how long it would take for the landowner to fix a sandbar created by the last flood. Mr. Crowell responded that if Army Corps does not require a 404 permit to get rid of sandbar or get material to fix bank, then a 401 permit is not required by State. A general waterways permit held by conservation districts only requires notifying the State for authorization from State Lands to do work on State Lands. Indemnification or liability issues can be narrowed to be specific to the project. Charlie Donohue, Director of State Lands, explained that after an application is circulated for 30 days to sister agencies to determine concerns, he can give authorization. NRS 322.1007 from 1997 talks about authorization of structures on the river on State property. It gives relief in event of emergency and defines the responsibilities of an authorized holder as to what would be defined as regular maintenance or larger issues; one must give notice. A landowner can't invoke regular maintenance if they haven't received authorization. The authorization can be written so that it can build on a general Nevada Division of Environmental Protection (NDEP) permit and won't have to be revisited every year.

Mr. Stodieck asked about preauthorization. Since, according to Mr. Donohue, all Carson Valley diversion structures need to be authorized, could they be authorized by being grandfathered in since they have been used since the 1860's? Mr. James has been working with the Carson Valley Conservation District (CVCD) to suggest that all structures in Alpine Decree would be considered authorized. They are currently focusing on diversion structures but can also talk about sandbar removal or stream bank preservation. Mr. Crowell emphasized that the conservation districts are key. Mr. Stodieck made a distinction between a diversion structure vs. a ditch to get water to the land. Since none of the structures are identical, each needs to be evaluated. Mr. Thaler asked what defines an authorized structure. Mr. Crowell responded that it is like a pier on Lake Tahoe needing to be authorized. Mr. Stodieck noted that the "high water mark" for determining the State's ownership of the river bed is ambiguous. Mr. Donohue offered for his staff to work with Mr. Stodieck to determine that. Mr. Osborne asked what criteria is required for the structure to be authorized. Mr. Crowell responded that there are no criteria; the authorization needs to be specific to that structure.

Mr. Roberts noted that 35 years ago the State claimed ownership of the riverbed, yet Mr. Stodieck is still confused about authorizing his structure. What would he gain and give up in the exchange? Mr. Crowell responded that Mr. Stodieck would not be giving up anything. Mr. Donohue mentioned that this comes up on a crisis basis whenever there's a flood. After the crisis is met, no one brings it up again until the next crisis. The process is to submit an application to State Lands declaring where the structure is and what it is accomplishing. State Lands would issue an easement or license to allow the structure to occupy State land. When someone questioned the term "license, Mr. Crowell noted that there is flexibility to call it whatever you want; if there is a better legal term or term of art that works better for you, they are looking for whatever meets the threshold of providing authorization for the structure.

Ms. Abowd asked whether there is a fee attached to the application. Mr. Donohue responded that there is an application fee. Mr. Gray asked if there is any circumstance where authorization wouldn't be given. Mr. Crowell responded that there is room for discussion about existing structures vs. new structures. Mr. Benesch asked whether a surveyor must come out to the land or can the landowner give a description? Mr. Donohue responded that there is usually a legal description given, but a Google map location and the footprint of the structure may work. Mr. Crowell noted that having the description of the structure helps to get funding for repair. Mr. Roberts noted that Mr. Crowell and Mr. Donohue are willing to be inordinately flexible. The solution for Mr. James to work with the conservation districts to get the permitting and repairs done.

Dave Wathen, Federal Water Master, explained that structures have been in place since 1850s or 1860s. The Alpine Decree adjudicated the use of the river. The State Engineer recognizes the diversions, so a blanket authorization makes sense to him. Mr. Crowell clarified that the State Engineer recognizes the diversion of water, not the structure. There is room for some grandfathering in of diversion structures. Mr. Thaler asked how many structures are authorized on the Carson River. Mr. Donohue responded that no ag structures are authorized, but there are bridges, etc., which are authorized.

Questions were opened to the audience. Frank Godecke mentioned a meeting that was held in January to determine who had what jurisdiction. Recent tours included most agencies looking at a sizeable gravel bar above the Virginia/Rocky Diversion. The Alpine Decree states that you can't interfere with water users getting their water from the river. When work was done on the structure in 2014, the users could not raise the elevation of the structure higher than its previous height. State

Lands is negligent in not removing the gravel built up in river because that poses a threat to the landowners and people by reducing the river capacity.

David Hussman asked whether authorization is mandated. Mr. Crowell responded that structures occupying State lands is covered by NRS. Mr. Hussman asked whether they have to authorize their structure. Mr. Crowell responded that it is not likely that someone is going to come to the property and fine him if it is not authorized.

Kathi Hussman asked why the State wants authorization. Mr. Crowell responded that it is for the benefit of the landowner. If it is authorized by the State and State understands what it is made from and its specifications, it makes it easier for all other permitting and funding. Mr. Donohue noted that Mr. Hussman received the paperwork for permitting his structure but returned it to the State unsigned. Mr. Hussman explained that he sent the permit back because of language that was included which made him concerned about his liability. Mr. Crowell noted that the boilerplate language can be altered and invited Mr. Hussman to come in to talk with him.

Tom Minor explained that the Army Corps and Bureau of Reclamation came through and straightened the river in 1960s. In Dayton Valley the river considered a dead river and a superfund area because of the mercury. In the 1980s, things changed because the river was in such bad shape. Millions of dollars were spent improving the river system in that area. Everyone wants the same thing...a better river system...so they all just need to get together to get this figured out.

Ms. Abowd noted that the V-Line diversion to avoid flooding in Fallon during the 2017 high water is a good example of everyone working together. She thanked everyone for coming out to talk about this. Mr. Crowell assured everyone that the State wants to make this as easy as possible to make river repairs and as beneficial as possible.

Director Abowd called a five-minute break at 7:50 p.m. to allow for the audience to clear before the next item. The meeting resumed at 7:55 p.m.

Item #14 – For Possible Recommendation: Conduct interviews for selection of an attorney to provide legal services to CWSD. With the retirement of George Benesch as CWSD's legal counsel, a Request for Qualifications was sent to various attorneys and three firms responded. Two were available for interview at this meeting. Mr. James noted that an agreement with whichever attorney is selected tonight will be brought back to the Board at next month's Board meeting.

Ms. Abowd explained the interview process. The Chairperson will have the law firm representative introduce them self and give a brief background on their firm. The Chairperson will ask seven standard interview questions:

- A. Discuss your experience working with the Alpine Decree.
- B. Have you been involved in legal issues related to the Alpine or Orr Decrees, and would any of these activities cause a conflict with CWSD's support for the Alpine Decree and/or individuals who own water rights?
- C. What are your thoughts regarding the interaction (resolving potential conflicts) between the individuals, entities, governments, etc., that use the water, hold water rights, and/or own property along the Carson River?
- D. What work have you done with Northern Nevada water purveyors and/or counties?
- E. Discuss an event where you had to deal with the Nevada Open Meeting Law and how do you stay up on changes to the Open Meeting Law.

- F. Discuss your experience developing Interlocal Contracts.
- G. Discuss your experience working with local government organizations and boards.

Attorney Patrick King introduced himself and his partner, Scott Russo. Mr. King discussed his legal background. He is familiar with the importance of water and its distribution. In his general civil litigation practice he emphasizes ethics, speed, and efficacy. He noted that the District and Federal Judges get to know you and trust your integrity. He has a strong track record of prevailing because he is honest with the Judge. He was asked to be a Supreme Court Settlement Judge for 12 years, mediating appellate cases, and had the highest settlement record. He noted that this experience is valuable because getting people to cooperate is of great importance to CWSD. He worked as Senior Deputy Attorney General (AG) supervising Litigation Division attorneys under AG Frankie Sue Del Papa. He said he felt that this position with CWSD is the culmination to all his past experience.

Mr. King's partner, Scott Russo explained that he has been practicing law for 27 years in Nevada and California. He is a trial lawyer but also a strategist and advisor for a number of service districts. Mr. Russo acknowledged that Mr. King would be CWSD's primary contact with the firm, but he would be available for additional support.

Mr., Patrick King's and Mr. Russo's answers to the interview questions are as follows:

- A. Mr. King responded that he has lived in a neighborhood for 20 years that is impacted by the Alpine Decree but has no formal legal experience with the Alpine Decree.
- B. Mr. Russo Scott responded that he has not been involved in legal issues specifically related to the Alpine or Orr Decrees. He has represented developers, so he is familiar with the decrees but has not been involved in any activities which could cause a conflict with CWSD's support for the Alpine Decree and/or individuals who own water rights.
- C. Mr. King responded that everyone needs water which has different uses and with new industries coming into the watershed we need a plan for compromising to use the water.
- D. Mr. Russo responded that he is familiar with all the Northern Nevada water purveyors and/or counties but has had no specific legal dealings with any of them.
- E. Mr. King responded that he helped to draft the Open Meeting Law (OML) manual through the Attorney General's (AG's) office. AG Adam Laxalt has drafted an updated comprehensive instruction manual which he possesses for reference. He mentioned that he was impressed with the compliance of CWSD's public meeting notice with the OML.
- F. Mr. King responded that he published the AG's opinion on contracts and is familiar with the Nevada Revised Statutes regarding documents. Mr. Russo added that he has worked with Joint Powers Agreements.
- G. Mr. King responded that he has been President of homeowners' associations and charitable organizations and is very familiar with how local governments operate.

Questions from the Board:

Mr. Thaler asked Mr. King what the AG's opinion is on "non-meetings." Mr. King responded that a quorum of a board can be in the same place at the same time when the purpose of the event is unrelated to the authority that the board has. There is a separate exemption for the Board to consult with their counsel.

Mr. Osborne asked how Mr. King would work around complex issues while providing for the Board and staff to do their job. Mr. King responded that it is a matter of understanding their goals and motives. It is important to determine what the right thing to do is and get to the goal in everybody's best interest. Mr. Russo added that some things are absolutes and some things are in gray areas.

Mr. Penzel asked their opinion after listing to the discussion between State Lands and the CWSD Board. Mr. Russo responded that there is no such thing as an easement to State lands. If the State takes over the riverbed, it's their responsibility to keep it up to their standards at their expense. Mr. King added that maybe the State representatives just don't know the problem and what they are supposed to be doing.

Attorneys Patrick King and Scott Russo were dismissed from the interview, and Attorney Steven King was invited into the meeting. Ms. Abowd once again explained the process. By way of introduction, Mr. King explained that he has been involved in matters of the Carson and Truckee Rivers for a very long time. He has been a Lyon County resident since 1991. His experience is with the law firm Mackedon McCormick and King and with the City of Fallon. In 1993, he was involved with the Alpine Decree litigation known as the Petition Cases where the Pyramid Lake Paiute Tribe contested water right transfers. In 1995, he became Assistant District Attorney for the City of Fallon. In 2013, he was able to retire from the City of Fallon and now desires to work with the clients of his choice. He became familiar with CWSD issues during his work with the City of Fallon.

Mr. Steven King's answers to the interview questions are as follows:

- A. Mr. King responded that from 1993 on, he was involved in the Petition Cases, culminating in AB 380 in 1999. He has been involved in transfer cases, bench/bottom administration cases, recoupment litigation, PL 101-618, and the bench trial regarding the NEPA requirements. He was also involved in the Unappropriated Waters from the Truckee River side, as well as Operating Criteria and Procedures (OCAP) litigation for the Newlands Project.
- B. Mr. King responded that he was involved in legal issues and conflict surrounding the Orr Decree. He has been very involved in the Alpine Decree but is not involved in any issues which would be of conflict to CWSD. He did disclose that he has ag interests in the Fallon area but only as a passive owner. After the 1997 flood, the Carson River Coalition (CRC) was formed to look at flood management, which served as the opportunity for all interests to work cooperatively, so there were no conflicts on the Carson River.
- C. Mr. King responded that Agenda Item #13 is a good example of a reason for everyone to come together. The Alpine Decree has a legal description of every water right claim and its point of diversion. PL 101-618 is the final agreement for the State of Nevada to join the Orr and Alpine Decrees. If we start with finding the positions of each party and having a clear understanding of the Alpine Decree, streamlining the permitting process for flood repairs is a good example of local cooperation.
- D. Mr. King responded that he has worked with northern Nevada water organizations and/or counties for many years while working for the City of Fallon. He gave several examples. Fallon's treatment facility was to comply with the 10ppb arsenic standard. He lobbied to get funding to build the treatment facility. He worked on Fallon's wastewater treatment facility expansion and the rates for both facilities, including rate structures and negotiations with the Navy. He also worked with Mineral County for an industrial development on property south of the Navy Base.
- E. Mr. King responded that his job as legal counsel for the City of Fallon included Open Meeting Law (OML) compliance. The Secretary of State has done a great job of keeping the OML Manual updated. His best advice is to be cautious to avoid the appearance of conflict with the OML.
- F. Mr. King responded that he has worked with City of Fallon and Churchill County contracts, as well as with NRS 277 contracts.

- G. Mr. King responded that he has worked with the Lyon County Public Lands Committee as a local government organization.

Questions from the Board:

Mr. Thaler asked whether Mr. King felt that the definition of “non-meeting” clear or ambiguous in the OML Manual. Mr. King responded that it involves sideboards of a meeting where you can’t have a quorum that will be discussing matters before a Board where the Board will be taking action. You can’t have serial meetings. Mr. Thaler asked when you can have a meeting of the Board where the public is excluded. Mr. King responded that an example would be at conferences, like NACO.

Mr. Osborne asked how Mr. King would work around a complex issue where two attorneys have differing opinions, one flexible and one firm on their position. Mr. King responded that it’s important to have good ethics so if a client is trying to accomplish something legally, a higher level of integrity is necessary.

Mr. Penzel asked who Mr. King believed was right after hearing the discussion between State Lands and CWSD. Mr. King responded that collaboration is not going to happen if we go in saying State Lands is wrong, but a better way would be to show how what you want is of benefit. Mr. Penzel asked whether, according to the Open Meeting Law, the Nevada Rules of Professional Conduct is required to be made available by everyone to a perspective client. Mr. King responded that he would make it available to anyone who wants a copy.

In Mr. Steven King’s closing statement, he said he appreciated the opportunity to be considered. His background and interest over many years demonstrates his ability to represent the Board. He is an advocate, not an adversary. Mr. Steve King was dismissed from the interview for Board discussion.

Board comments included:

- The attorneys are very different, personality driven. One is litigatory and one is a research attorney.
- Steven King missed some points, specifically, the non-meeting question and not making his handout available to the public.
- As a research attorney, Steven King has so much experience with our watershed and decrees that he will be able to provide the most complex opinions without racking up as many billable hours. However, his OML background not as strong.
- Steven King has a wealth of knowledge with Nevada Water Law and Federal Water Law and work experience with local governments.
- Either one would do a good job.
- As a litigator/mediator Patrick King can advise the Board on a variety of issues.
- Patrick King would be a better mediator. While Steve King has a lot of experience in water law, he has trouble getting to the point. Both can do the job, but who fits CWSD’s needs better?
- The focus of what we do is not water law. There is a comfort level with Steven King’s experience, but as we go forward CWSD may get into more complex issues, so Patrick King may serve CWSD better.
- Steven King was involved in the issues he spoke of and has more experience and history in Nevada Water Law.
- Steven King will hit the ground running because he understands what we are dealing with and Patrick King will have to be trained.

- If we start with Steven King, can CWSD hire an outside counsel if needed. Mr. Benesch responded that we could.
- Patrick King was engaged in the discussion with State Lands.
- We would have both a mediator and a litigator in one practice with King and Russo.
- These are different times than in the past, so we may need the mediator more.
- It is important to get an attorney who we can understand and can give us a straight answer like Patrick King.
- Steven King is familiar with water law, but CWSD hasn't had to deal with that a lot. Patrick King was involved in getting legislation changed, and that is where we are headed.

Mr. Penzel noted that Patrick King is a mediator with experience in the AG's office and drafting legislation.

Committee Member Penzel made the motion that the Carson River Watershed Committee recommend that the CWSD Board select Patrick King of King and Russo, Ltd. to provide legal services for CWSD. The motion was seconded by Committee Member Griffith and approved by the Carson River Watershed Committee, with Mr. Schank voting nay.

Item #15 – For Possible Recommendation: Possible change in the CWSD Treasurer office holder. Mr. Penzel suggested that with his work load and Mr. Roberts' interest regarding CWSD finances it may benefit CWSD by having Mr. Roberts serve as Treasurer this year. Mr. Roberts is willing to serve. Mr. James mentioned that this will not impact the officers' rotation next year.

Committee Member Thaler made the motion that the Carson River Watershed Committee recommend for the CWSD Board to approve Mr. Roberts to serve as Treasurer for the balance of this year. The motion was seconded by Committee Member Gray and unanimously approved by the Carson River Watershed Committee.

Item #16 – For Possible Recommendation: Approval of the revised Memorandum of Understanding with Alpine County to allow CWSD to receive funds from Alpine County and for CWSD to compensate the Alpine County representatives for attending CWSD Board and Committee meetings. Mr. James explained that the CWSD Board did approve the Memorandum of Understanding (MOU), but when it went to Alpine County, they suggested some changes as represented on pages 59-61 of the Board package. There was no discussion or public comment

Committee Member Thaler made the motion that the Carson River Watershed Committee recommend that the CWSD Board approve the revised Memorandum of Understanding with Alpine County to allow CWSD to receive funds from Alpine County and for CWSD to compensate the Alpine County representatives for attending CWSD Board and Committee meetings. The motion was seconded by Committee Member Gray and unanimously approved by the Carson River Watershed Committee.

Item #17 – Discussion Only: Public Comment. None.

ADJOURN TO RECONVENE AS THE CARSON WATER SUBCONSERVANCY DISTRICT BOARD OF DIRECTORS

Item #18 – For Possible Action: Select an attorney to provide legal services for CWSD. This item was discussed earlier in the meeting under Agenda Item #14. Director Roberts asked Mr. James

if he is comfortable that Patrick King will have time to work with CWSD for ongoing discussions with the State and the Legislature. Mr. James responded that he is. There was no public comment.

Director Thaler made the motion to accept the Carson River Watershed Committee recommendation to select Patrick King of King and Russo, Ltd. to provide legal services for CWSD. The motion was seconded by Director Gray and unanimously approved by the Board.

Item #19 – For Possible Action: Possible change in the CWSD Treasurer office holder.

Item #20 – For Possible Action: Approval of the revised Memorandum of Understanding with Alpine County to allow CWSD to receive funds from Alpine County and for CWSD to compensate the Alpine County representatives for attending CWSD Board and Committee meetings.

Items #19 and #20 were discussed earlier in the meeting under Agenda Items #15 and #16. There were no further Board or public comments, so both items were taken in one motion.

Director Roberts made the motion to approve the Carson River Watershed Committee's recommendations on Items #19 and #20. The motion was seconded by Director Stodieck and unanimously approved by the Board.

Item #21– Discussion Only: Staff Reports

General Manager - Mr. James reported:

- The Budget Hearing for the Tentative FY 2018-19 Budget will be on Tuesday, May 22, 2018. Discussion on the Final Budget will be at the regular Board meeting on May 16.
- CWSD may apply for a Water Smart grant for the potential storage study which will be due in July.
- The Watershed Forum on April 11-12 was attended by 109 people and was well received. Shane Fryer and Brenda Hunt did a great job setting it up.
- Summer meetings which rotate around the watershed preceded by a tour will start in May. The first tour will be of the Minor Family Ranch in Dayton.
- Mr. James thanked Mr. Benesch for providing guidance to CWSD for the past 18 years. Mr. Benesch offered to talk with the new counsel if needed.

Legal –Mr. Benesch had nothing specific to report.

Item #27- Discussion Only: Directors' Reports –

Director Thaler reported:

- Douglas County has committed \$1.1 million for storm water.
- There was a great turn out for the presentation of the Johnson Lane Area Drainage Master Plan.

Item #28 – Discussion Only: Update on activities in Alpine County.

Supervisor Jardine reported:

- There are bond acts in California for water supply and water quality coming down the pike. This could mean hundreds of thousands of dollars in Carson River Watershed.
- The California Regional Water Quality Control Board Chairs meeting in Sacramento, and irrigated ranching topics are coming to the forefront.

Supervisor Griffith reported:

- The Carson River headwaters in Region IV of the US Forest Service. Senator Feinstein's staff working on a Good Neighbor Authority to allow funding and work to be done in the California portions of the Humboldt-Toiyabe Forest.

Item #29 – Discussion Only: Update on activities in Storey County. Committee Member Osborne had nothing to report:

Item #30 – Discussion Only: Public Comment. None.

There being no further business to come before the Board, Director Penzel made the motion and the meeting was adjourned at 10:10 p.m.

Respectfully submitted,

Toni Leffler
Secretary