

**CARSON WATER SUBCONSERVANCY DISTRICT
BOARD OF DIRECTORS
AND CARSON RIVER WATERSHED COMMITTEE**

NOTICE OF PUBLIC MEETING

DATE: August 15, 2018
TIME: 6:30 P.M.
LOCATION: Churchill County Commission Chambers
155 N. Taylor St.
Fallon, NV

The meeting will be preceded by a tour of the Churchill County Wastewater Treatment Facility, Moody Lane, Fallon, NV at 3:30 p.m., followed by dinner at the Sandwinds Restaurant, 1120 Taylor Place, Fallon, NV at 5:00 p.m. A quorum of the CWSD Directors may be present at the events preceding the board meeting but no action will be taken.

AGENDA

Please Note: The Carson Water Subconservancy District (CWSD) Board may: 1) take agenda items out of order; 2) combine two or more items for consideration; and/or 3) remove an item from the agenda or delay discussion related to an item at any time. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Toni Leffler at (775)887-7450 (<mailto:toni@cwsd.org>), at least three days in advance so that arrangements can be made.

1. Call to Order the CWSD Board of Directors
2. Roll Call
3. Pledge of Allegiance
4. For Discussion Only: Public Comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
5. For Possible Action: Approval of Agenda
6. For Possible Action: Approval of the Board Meeting Minutes of July 18, 2018.

CONSENT AGENDA

Please Note: All matters listed under the consent agenda are considered routine and may be acted upon by the Board of Directors with one action and without an extensive hearing. Any member of the board or any citizen may request that an item be taken from the consent agenda, discussed and acted upon separately during this meeting.

7. For Possible Action: Approval of Treasurer's Report for July 2018.
8. For Possible Action: Payment of Bills for July 2018.
9. For Possible Action: Approve Contract with Horizon Construction, Inc. to install Watershed Signs in an amount not to exceed \$25,000.
10. For Possible Action: Approve the "I Am 65% Carson River" Watershed Awareness Campaign.

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

**RECESS TO CONVENE AS THE
CARSON RIVER WATERSHED COMMITTEE**

11. Roll Call
12. For Discussion Only: Public Comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.

Carson Water Subconservancy District Board of Directors and
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13. For Discussion Only: Presentation by Michael Baker International regarding a revision to the Carson River Watershed Regional Floodplain Management Plan.
14. For Possible Recommendation: Discuss CWSD's position on the use of the Public Trust Doctrine to be applied to water rights already adjudicated and settled under the Doctrine of Prior Appropriation and to submit an Amicus Brief to the Court.
15. For Discussion Only: Review of the current water runoff picture for water year 2018.
16. For Discussion Only: Public Comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.

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

17. For Possible Action: Authorize legal counsel to prepare an Amicus Brief to the Court stating CWSD's opposition to the use of the Public Trust Doctrine to be applied to water rights already adjudicated and settled under the Doctrine of Prior Appropriation.
18. For Discussion Only: Staff Reports - General Manager
 - Legal
 - Correspondence
19. For Discussion Only: Directors Reports
20. For Discussion Only: Update on activities in Alpine County.
21. For Discussion Only: Update on activities in Storey County.
22. For Discussion Only: Public Comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
23. For Possible Action: Adjournment

Supporting material for this meeting may be requested from Toni Leffler at 775-887-7450 (<mailto:toni@cwsd.org>) and is available at the CWSD offices at 777 E. William St., #110A, Carson City, NV 89701 and on the CWSD website at www.cwsd.org.

In accordance with NRS 241.020, this notice and agenda has been posted at the following locations :

-Dayton Utilities Complex
34 Lakes Blvd
Dayton, NV

-Minden Inn Office Complex
1594 Esmeralda Avenue
Minden, NV

-Lyon County Administrative Building
27 S. Main St.
Yerington, NV

-Churchill County Administrative Complex
155 N Taylor St.
Fallon, NV

-Carson City Hall
201 N. Carson St.
Carson City, NV

-Carson Water Subconservancy District Office
777 E. William St., #110A
Carson City, NV

-Alpine County Administrative Building
99 Water St.
Markleeville, CA

-CWSD website:
<http://www.cwsd.org>

-State public meetings website:
<http://notice.nv.gov>

Carson Water Subconservancy District Board of Directors and
Carson River Watershed Committee
8/15/18 Meeting Agenda

AFFIDAVIT OF POSTING

The undersigned affirms that on or before 9:00 A.M. on August 9, 2018, he/she posted a copy of the Notice of Public Meeting and Agenda for the August 15, 2018, regular meeting of the Carson Water Subconservancy District and the Carson River Watershed Committee, in accordance with NRS 241.020; said agenda was posted at the following location:

_____.

SIGNATURE

Name: _____

Title: _____

Date & Time of Posting: _____

AGENDA ITEM #6

**MINUTES OF LAST
BOARD MEETING**

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

Chairman Abowd called the meeting of the Carson Water Subconservancy District (CWSD) to order at 6:30 p.m. at Turtle Rock Park, 17300 St. Rte. 89, Markleeville, CA. Roll call of the CWSD Board was taken and a quorum was determined to be present.

CWSD Directors present:

Karen Abowd, Chairman
Brad Bonkowski
Ken Gray
Doug Johnson
Barry Penzel
Chuck Roberts
Ernie Schank
Fred Stodieck
Steve Thaler

Directors not present:

Carl Erquiaga, Vice Chairman
Don Frensdorff

Staff present:

Shane Fryer, Watershed Program Specialist
Edwin James, General Manager
Patrick King, Legal Counsel
Toni Leffler, Administrative Assistant/Secretary to the Board
Debbie Neddenriep, Water Resource Specialist II

Also present:

David Griffith, Alpine County
Mo Loden, Alpine Watershed Group
Kimra McAfee, AWG
Andrew Roberts, private citizen
Marina Vance, AWG

The Pledge of Allegiance was led by Director Abowd.

Item #4 – Discussion Only: Public Comment – None.

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

Item #6 – For Discussion and Possible Action: Approval of the Minutes from the Special Board Meeting and Public Hearing of the FY 2018-19 Tentative Budget on May 22, 2018, and the Board Meeting of June 20, 2018. *Director Bonkowski made the motion to approve the Minutes of the Special Board Meeting and Public Hearing of the FY 2018-19 Tentative Budget on May 22, 2018, and the Board meeting on June 20, 2018. The motion was seconded by Director Gray and unanimously approved by the CWSD Board, with Directors Penzel and Roberts abstaining for not having been at that meeting.*

CONSENT AGENDA

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

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

Item #9 – For Possible Action: Approval for Debbie Neddenriep to attend the FEMA Cooperative Technical Partners: Special Topics Course in Emmitsburg, MD on August 20, 24, 2018.

Item #10 – For Possible Action: Approval of Interlocal Agreement #2018-10 with Carson Valley Conservation District for Bioengineering, Maintenance and Debris Removal.

Item #11 – For Possible Action: Approval of Interlocal Agreement #2018-11 with Carson Valley Conservation District for Cradlebaugh Bank Stabilization Phase 1.

Item #12 – For Possible Action: Approval of Interlocal Agreement #2018-12 with Lahontan Conservation District for Channel Clearing and Snagging Along the Carson River in Churchill County.

Item #13 – For Possible Action: Approval of Interlocal Agreement #2018-13 with Churchill County to Assist in the Lahontan Valley Water Level Measurement Program.

Item #14 – For Possible Action: Approval of Interlocal Agreement #2018-14 with Sierra Nevada Journeys to Conduct “Family Watershed Nights” for Carson River Watershed Communities.

Director Schank made the motion to approve Items #7-14 of the Consent Agenda. The motion was seconded by Director Stodieck and unanimously approved by the CWSD Board.

END OF CONSENT AGENDA

RECESS TO CONVENE AS THE CARSON RIVER WATERSHED COMMITTEE

Item #15 – Roll Call – Director Abowd convened the Carson River Watershed Committee and a roll call was taken.

Committee Members present:

CWSD Directors as present in roll call above
David Griffith, Alpine County

Committee Members not present:

Carl Erquiaga, Vice Chairman
Don Frensdorff
Don Jardine

Item #16 – Discussion Only: Public Comment – None**Item #17 – For Information Only: Alpine Watershed Group will give a presentation on projects they have accomplished in fiscal year 2017-18 and on their current activities.**

Kimra McAfee, the new Alpine Watershed Group (AWG) Executive Director, introduced herself, Mo Loden, the new Watershed Coordinator, and Marina Vance, Restoration and Monitoring Coordinator (AmeriCorps Member). She also mentioned that AWG staff includes Julia Keane, Education and Outreach Coordinator (AmeriCorps Member), who was not able to be at this meeting. Ms. McAfee thanked CWSD for many years of support for AWG projects.

Ms. McAfee showed a map of Alpine County as the headwater of five watersheds for 5.3 million people in Nevada and California. About 96% of the county is public lands, largely Forest Service, and much of it is designated wilderness. The Carson River Watershed encompasses about two-thirds of Alpine County.

The 2917 AWG accomplishments involved 150 individual volunteers who participated in 40 different restoration and monitoring activities, contributing approximately 780 volunteer hours. A total of 39 volunteers participated in six education and outreach events, contributing approximately 344 hours.

In 2018, AWG conducted the third Earth Day event at Grover Hot Spring State Park. A total of 86 volunteers removed 35 cubic yards of invasive vegetation. Also, 20 children were engaged in a scavenger hunt, a micro-trash clean-up, and invasive weed identification. The AWG Monitor Training in June engaged eight new volunteers.

The US Bureau of Reclamation awarded AWG with a WaterSMART Grant for community outreach and partnership development, information gathering, and restoration planning. Ms. McAfee thanked CWSD for its letter of support for this grant.

AWG also received an Alpine County Community Small Grant to build upon AmeriCorps member Julia Keane's work this year with Diamond Valley School and the Washoe Tribe and to explore opportunities with Bear Valley School which re-opens this fall. Ms. McAfee explained that Ms. Keane splits her time between AWG and River Wranglers.

Mo Loden gave restoration updates in Hope Valley and Grover Hot Springs. The Hope Valley restoration and aquatic habitat enhancement project continues with stabilization of over 800' of

eroding banks along the West Fork of the Carson River and helping to improve aquatic habitat along nearly one-half mile of river within four specific reaches. The proposed one-half mile stretch through lower Hope Valley would be contiguous with the 2015 restoration project and support the 2016 restoration projects conducted by American Rivers. Ms. Loden explained the project's benefits and restoration techniques.

The Grover Meadow Restoration Project is funded through the California Integrated Regional Water Management (IRWM) grant program and will include trail decommissioning, weed management, head cut/meadow repair, and interpretive signage.

Marina Vance, Monitoring Program Manager, explained that while agencies such as the Lahontan Regional Board and USGS have some very important monitoring efforts, they tend to be more targeted. AWG is the only organization consistently monitoring overall water quality and watershed health in the upper reaches of the watershed. AWG monitoring projects include:

- Ambient monitoring four times a year (since 2004)
- Bioassessment every other year (since 2005)
- Bacteria (since 2010)
- Stream flow at Pickett's Junction (since 2011)
- Ground water wells at Indian Valley every month when weather permits (since 2010)

Monitoring data summaries include the California Stream Condition Index (CSCI) Data Summary reviews the bioassessment data accumulated since 2004 at four different sites. "How is the water in Alpine County?" reviews the total data collected since 2004 from AWG ambient monitoring program and compares it to the Regional Water Board's Basin Plan's water quality objectives.

A new monitoring program is measuring contaminants of emerging concern. Pharmaceuticals and Personal Care Products (PPCP) sampling will be ongoing until October 2018. Additionally, there will be Physical Habitat Assessment Monitor Training on July 28 led by Erick Burres, State Water Board Environmental Scientist.

Ms. McAfee extended an invitation for the CWSD Board and staff to join AWG on September 8 for the 19th Annual Markleeville Creek Day at Grover Hot Springs. Meet at the Markleeville Library at 9:00 a.m. The Bear Valley Creek Day will be on September 15 from 9:00 a.m. to noon. The next AWG public meeting will be on September 11, 5:30-7:00 p.m.

Ms. McAfee thanked CWSD again for its funding and support. *No action was taken; receive and file.*

Item #18 – For Information Only: Update on the "I am 65% Carson River" Watershed Literacy Campaign. Shane Fryer reminded the Board that the "I am 65% CR" Campaign direction was brought to the CWSD Board in May. The Watershed Literacy Campaign is funded through the 319 Program for Non-Point Source (NPS) pollution. The water drop in the logo is a symbol of the Carson River Watershed. The idea is to put the symbol on postcard-size cling sticker with information on the back about what citizens can do to protect the watershed. Staff

and NEON have been working on a video PSA including many and diverse people throughout the watershed. The PSA has an apolitical message.

Ms. Abowd suggested including picking up dog poop as an action people can take to protect the Carson River. Mr. Johnson suggested putting the “IAM65CR.ORG” along the bottom of the water drop in larger font to make it easier to read in passing. The 65% is a hook but the website will focus on 100% involvement.

Mr. Penzel noted that 65% bothers him because it could be misconstrued as only a partial commitment when we want 100% involvement. This prompted additional discussion about how the 65% represents the amount of water in the human body.

No action was taken; receive and file.

Item #19 – For Information Only: CRC 20th Anniversary Celebration Update. Mr. Fryer gave a PowerPoint presentation on the Carson River Coalition (CRC) 20th Anniversary Celebration at River Fork Ranch. He noted that 109 people showed up out of the 123 who registered for the event.

Mr. Fryer mentioned that as part of the celebration there were several speakers. Tom Baker, former aid to the former Senator Bryan, talked about origins of the CRC. John Cobourn discussed the mission, goals, and history of the CRC. Ed James explained CWSD’s involvement, and Brenda Hunt noted future plans. Mr. Fryer credited CWSD’s AmeriCorps member, Justin Bedocs, with coordinating the AmeriCorps volunteers to help setup, serve, and clean up for the event.

One highlight of the event was the presentation of a Certificate of Commendation from Senator Catherine Cortez-Masto presented by her aide, Kurt Englehart. Also, Mr. Fryer previewed the new Watershed Literacy Campaign logo “I AM 65% CARSON RIVER” within a blue water drop.

The group was entertained by Caleb Kondor who juggled various objects, some while riding a unicycle. The Sierra Sweethearts provided a wonderful background of music and some dance lessons.

No action was taken; receive and file.

Item #20 – For Possible Recommendation: Approval of a request to pursue NDEP 319 grants for the Watershed Coordinator and Watershed Literacy 4. Mr. Fryer explained that every two years we apply for NDEP 319 grant funding which is key to the Watershed Program and coordination of the CRC. This grant covers three-quarters of Brenda Hunt’s and his salaries. Staff also wants to submit a grant application for Watershed Literacy 4 for \$30,000 which will keep the watershed messaging going.

Mr. Penzel asked what happens if we do not get the grant funding. Mr. James responded that if we don’t get funding, the effort will be more internally driven. Mr. Penzel mentioned the

Truckee Meadows Water Authority's (TMWA) ad and suggested staff get ahold of someone at TMWA to see how effective that is and whether people listen to a PSA slot. Maybe TMWA can share their experiences as guidance.

Committee Member Johnson made the motion that the Carson River Watershed Committee recommend CWSD Board approve the request to pursue NDEP 319 grants for the Watershed Coordinator and Watershed Literacy 4. The motion was seconded by Committee Member Penzel and unanimously approved by the Carson River Watershed Committee.

Item #21 – For Possible Recommendation: Approval of the new Carson Water Subconservancy District logo. Mr. Fryer showed the new CWSD logo and explained that the old logo is hard to use in its rectangular form. NEON started the logo and staff made adjustments.

Pat King asked if the CWSD logo and water drop are being copyrighted. Mr. Fryer responded that copyrighting is part of the agreement with NEON. Mr. Roberts pointed out that we need to be sure we are not infringing on someone else's copyright by using images in the CWSD logo.

Committee Member Thaler made the motion that the Carson River Watershed Committee recommend CWSD Board approve the new Carson Water Subconservancy District logo. The motion was seconded by Committee Member Griffith and unanimously approved by the Carson River Watershed Committee.

Item #22 – For Possible Recommendation: Approval of the General Manager's annual review. Ms. Abowd explained that the Administrative Committee met on July 9 and discussed the Board's evaluations of Mr. James. Ten evaluation sheets were returned. The Committee recommended that Mr. James receive a satisfactory review with accompanying merit increase.

Committee Member Schank made the motion that the Carson River Watershed Committee recommend CWSD Board approve the General Manager's annual review with a satisfactory rating. The motion was seconded by Committee Member Gray and unanimously approved by the Carson River Watershed Committee.

Item #23 – Discussion Only: Public Comment. None.

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

Item #24 – For Possible Action: Approval of a request to pursue NDEP 319 grants for the Watershed Coordinator and Watershed Literacy 4. This topic was discussed earlier in the meeting under Agenda Item #20.

Director Roberts made the motion to authorize staff to pursue the NDEP 319 grants for Watershed Coordinator and Watershed Literacy 4. The motion was seconded by Director Gray and unanimously approved by the Board.

Item #25 – For Possible Action: Approval of the new Carson Water Subconservancy District logo. This topic was discussed earlier in the meeting under Agenda Item #21.

Director Roberts made the motion to approve the new CWSD logo. The motion was seconded by Director Gray and unanimously approved by the Board.

Item #26 – For Possible Action: Approval of the General Manager’s annual review. This topic was discussed earlier in the meeting under Agenda Item #22.

Director Roberts made the motion to approve a satisfactory FY 2017-18 review of the General Manager. The motion was seconded by Director Gray and unanimously approved by the Board.

Item #27– Discussion Only: Staff Reports

General Manager – Mr. James reported:

- Mr. King and Mr. James met with Carson Valley Conservation District (CVCD) staff to go over the proposed language for the permitting agreement with State Lands. CVCD will take it to State Lands for further discussion.
- Former CWSD Director Willis Swan passed away.
- After a great deal of work, Debbie Neddenriep and Mr. James submitted the WaterSMART grant proposal to the Bureau of Reclamation.
- Mr. James reported the Carson River flow averages at various gages. The Carson River is low compared to the long-term average.
- Mr. Fryer and Ms. Hunt went out for bids for placement of the watershed signs. One bid was \$140,000 which is extremely over budget. The original cost estimate from another contractor was for \$25,000. Staff will be talking to this contractor to see how many signs can be installed for \$25,000.
- Mr. James complimented Mr. Griffith on his foresight in including liability coverage in CWSD’s agreements.
- Director Penzel pointed out that the staff report reads that on 7/12/18, Mr. James met with Jim Bybee, but it should be Jim Barbee.

Watershed Program Specialist – Mr. Fryer reported:

- The “Get on the Bus” watershed tour has been scheduled for October 11-12. The tour will include Storey County for the first time. He invited the Board to participate in this fun and informative event.

Item #28- Discussion Only: Directors’ Reports – There were no other Directors’ reports.

Item #29 – Discussion Only: Update on activities in Alpine County. Supervisor Griffith had nothing to report.

Item #30 – Discussion Only: Update on activities in Storey County. Mr. Osborne was not present:

Item #31 – Discussion Only: Public Comment. None.

There being no further business to come before the Board, Director Johnson made the motion to adjourn, and the meeting was adjourned at 7:22 p.m.

Respectfully submitted,

Toni Leffler
Secretary

AGENDA ITEM #7

TREASURER'S REPORT

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

08/01/18

Balance Sheet

Accrual Basis

As of July 31, 2018

	Jul 31, 18
ASSETS	
Current Assets	
Checking/Savings	
1010-00 · Cash in Checking - B of A	51,956.47
1011-00 · Petty Cash	100.00
1014-00 · Local Gov't Inv. Pool-Regular	560,239.54
1029-00 · Bank of America-Savings	148.98
Total Checking/Savings	612,444.99
Other Current Assets	
1055-00 · Payroll Deposit - Carson City	500.00
Total Other Current Assets	500.00
Total Current Assets	612,944.99
TOTAL ASSETS	612,944.99
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
3307-00 · CC Payroll Due	166.43
3360-00 · Accrued Vacation	28,591.67
3362-00 · Accrued sick leave	47,342.91
Total Other Current Liabilities	76,101.01
Total Current Liabilities	76,101.01
Total Liabilities	76,101.01
Equity	
4000-00 · Fund Balance	646,675.51
Net Income	-109,831.53
Total Equity	536,843.98
TOTAL LIABILITIES & EQUITY	612,944.99

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

08/01/18

Profit & Loss YTD Comparison

Accrual Basis

July 2018

	Jul 18	Jul 18
Ordinary Income/Expense		
Income		
5009-00 · Churchill County Ad Valorem	9,509.74	9,509.74
5010-00 · Lyon County Ad Valorem	6,633.96	6,633.96
5011-00 · Douglas County Ad Valorem	484.50	484.50
5031-00 · Interest Income-LGIP Reg.	1,309.34	1,309.34
5045-00 · Interest Income-B of A Savings	0.01	0.01
5058-00 · 208 Water Quality Plan		
5058-04 · NDEP-LID Implementation 2018-19	1,341.41	1,341.41
Total 5058-00 · 208 Water Quality Plan	1,341.41	1,341.41
5060-00 · Misc. Income		
5060-02 · Watershed Tour	260.00	260.00
Total 5060-00 · Misc. Income	260.00	260.00
5097-00 · BLM-Weed Mgmt. Grant	1,187.88	1,187.88
5098-00 · FEMA -MAS #7	3,965.55	3,965.55
6000-00 · FEMA-MAS #8	39,091.21	39,091.21
Total Income	63,783.60	63,783.60
Expense		
7015-00 · Salaries & Wages	29,570.65	29,570.65
7020-00 · Employee Benefits	10,886.34	10,886.34
7021-00 · Workers Comp Ins.	320.26	320.26
7101-00 · Director's Fees		
7101-01 · Director Benefits	15.46	15.46
7101-02 · Director's Fees-Alpine Co.	160.00	160.00
7101-00 · Director's Fees - Other	960.00	960.00
Total 7101-00 · Director's Fees	1,135.46	1,135.46
7102-00 · Insurance	4,958.95	4,958.95
7103-00 · Office Supplies	539.45	539.45
7104-00 · Postage	102.20	102.20
7105-00 · Rent	2,221.71	2,221.71
7106-00 · Telephone/Internet	299.94	299.94
7107-00 · Travel-transport/meals/lodging		
7107-01 · Car Allowance	566.42	566.42
7107-00 · Travel-transport/meals/lodging - Other	1,429.62	1,429.62
Total 7107-00 · Travel-transport/meals/lodging	1,996.04	1,996.04
7114-00 · Outside Professional Services	6,750.00	6,750.00
7116-00 · Legal	2,500.00	2,500.00
7120-00 · Integrated Watershed Programs		
7120-31 · NDEP-WS Program Exp. 2018	211.76	211.76
Total 7120-00 · Integrated Watershed Programs	211.76	211.76
7125-00 · Environmental Ed.Coord.Exp.		
7125-03 · Env. Ed. Coord. Exp. 2017-18	8,430.71	8,430.71
Total 7125-00 · Environmental Ed.Coord.Exp.	8,430.71	8,430.71
7215-00 · Sierra NV Journeys-Family Night	3,000.00	3,000.00
7332-00 · Carson River Work Days		
7332-03 · CR Work Days 2017-18	4,884.35	4,884.35
Total 7332-00 · Carson River Work Days	4,884.35	4,884.35
7337-00 · Carson River Restoration		
7337-03 · Dayton Valley Conserv		
7337-33 · DVCD--Restoration Proj. 2017-19	16,788.28	16,788.28

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

08/01/18

Profit & Loss YTD Comparison

Accrual Basis

July 2018

	Jul 18	Jul 18
Total 7337-03 · Dayton Valley Conserv	16,788.28	16,788.28
Total 7337-00 · Carson River Restoration	16,788.28	16,788.28
7404-00 · Noxious Weeds Control-CR Wtrshd		
7404-03 · Noxious Weed Control-CarsonCity	15,000.00	15,000.00
7404-04 · Noxious Weed Control-Lyon Co.	10.72	10.72
Total 7404-00 · Noxious Weeds Control-CR Wtrshd	15,010.72	15,010.72
7406-00 · 208 Water Quality Mgmt. Plan		
7406-03 · LID Implementation 2018-19	1,154.04	1,154.04
Total 7406-00 · 208 Water Quality Mgmt. Plan	1,154.04	1,154.04
7429-00 · NDEP-Wtrshd Lit.Implementation	2.84	2.84
7431-00 · BLM - Weed Mgmt.	12.39	12.39
7432-00 · FEMA MAS #7		
7432-02 · Johnson Ln. ADMP (JE Fuller)	2,461.35	2,461.35
7432-00 · FEMA MAS #7 - Other	3.82	3.82
Total 7432-00 · FEMA MAS #7	2,465.17	2,465.17
7433-00 · NDEP-WS Lit.Impl.-Phase 3	17,103.85	17,103.85
7434-00 · FEMA MAS #8		
7434-01 · Dayton ADMP(JE Fuller)	15,810.80	15,810.80
7434-02 · Update Floodplain Ord.(Loveberg	2,785.00	2,785.00
7434-04 · School Outreach(River Wranglers	331.31	331.31
7434-00 · FEMA MAS #8 - Other	16.18	16.18
Total 7434-00 · FEMA MAS #8	18,943.29	18,943.29
7436-00 · NDA Weed Mgmt - Starthistle		
7436-01 · CC - Starthistle Mgmt.	296.00	296.00
7436-02 · DVCD - Starthistle Mgmt.	10,494.98	10,494.98
7436-00 · NDA Weed Mgmt - Starthistle - Other	1.41	1.41
Total 7436-00 · NDA Weed Mgmt - Starthistle	10,792.39	10,792.39
7600-00 · Alpine County Projects		
7600-09 · Al.Co.-CASGEM	0.87	0.87
7600-10 · Al.Co.-Mesa GW Monitoring	1.68	1.68
Total 7600-00 · Alpine County Projects	2.55	2.55
7640-00 · Churchill County Projects		
7640-09 · Lahontan Vly.Wtr.Lvl.Measure.	4,745.25	4,745.25
7640-16 · Dixie Vly.Wtr.Lvl.Measurement	8,786.54	8,786.54
Total 7640-00 · Churchill County Projects	13,531.79	13,531.79
Total Expense	173,615.13	173,615.13
Net Ordinary Income	-109,831.53	-109,831.53
Other Income/Expense		
Other Income		
8009-00 · Trans. In-Floodplain Mgmt. Fd.		
Total Other Income		
Net Other Income		
Net Income	-109,831.53	-109,831.53

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

08/01/18

Profit & Loss Budget vs. Actual

Accrual Basis

July 2018

	Jul 18	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
5008-00 · Alpine Co. Joint Powers contrib		9,800.00	-9,800.00	
5009-00 · Churchill County Ad Valorem	9,509.74	201,065.00	-191,555.26	4.7%
5010-00 · Lyon County Ad Valorem	6,633.96	166,458.00	-159,824.04	4.0%
5011-00 · Douglas County Ad Valorem	484.50	551,915.00	-551,430.50	0.1%
5012-00 · Carson City Ad Valorem		412,592.00	-412,592.00	
5022-00 · Water Lease - Mud Lake		55,000.00	-55,000.00	
5031-00 · Interest Income-LGIP Reg.	1,309.34	9,500.00	-8,190.66	13.8%
5045-00 · Interest Income-B of A Savings	0.01	6.00	-5.99	0.2%
5050-00 · Watershed Coordinator				
5050-12 · NDEP-WS Coordinator 2018		121,400.00	-121,400.00	
Total 5050-00 · Watershed Coordinator		121,400.00	-121,400.00	
5058-00 · 208 Water Quality Plan				
5058-04 · NDEP-LID Implementation 2018-19	1,341.41	17,850.00	-16,508.59	7.5%
Total 5058-00 · 208 Water Quality Plan	1,341.41	17,850.00	-16,508.59	7.5%
5060-00 · Misc. Income				
5060-02 · Watershed Tour	260.00	6,000.00	-5,740.00	4.3%
Total 5060-00 · Misc. Income	260.00	6,000.00	-5,740.00	4.3%
5063-00 · Environmental Education Program				
5063-06 · NDEP-Env.Ed.Coord. 2018-19		5,100.00	-5,100.00	
Total 5063-00 · Environmental Education Program		5,100.00	-5,100.00	
5082-00 · Alpine Co.-CASGEM Grant		300.00	-300.00	
5083-00 · Al.Co.-Mesa GW Monitoring Grant		300.00	-300.00	
5095-00 · NDEP-WS Literacy Implementation		26,300.00	-26,300.00	
5096-00 · NFWF-Weed Mgmt.		17,240.00	-17,240.00	
5097-00 · BLM-Weed Mgmt. Grant	1,187.88	750.00	437.88	158.4%
5098-00 · FEMA -MAS #7	3,965.55	82,650.00	-78,684.45	4.8%
5099-00 · NDEP-WS Lit.Implement.-Phase 3		17,670.00	-17,670.00	
6000-00 · FEMA-MAS #8	39,091.21	247,890.00	-208,798.79	15.8%
6002-00 · NDA Weed Mgmt-Starthistle		2,050.00	-2,050.00	
Total Income	63,783.60	1,951,836.00	-1,888,052.40	3.3%
Expense				
7015-00 · Salaries & Wages	29,570.65	385,000.00	-355,429.35	7.7%
7020-00 · Employee Benefits	10,886.34	145,500.00	-134,613.66	7.5%
7021-00 · Workers Comp Ins.	320.26	1,100.00	-779.74	29.1%
7101-00 · Director's Fees	1,135.46	14,500.00	-13,364.54	7.8%
7102-00 · Insurance	4,958.95	6,000.00	-1,041.05	82.6%
7103-00 · Office Supplies	539.45	2,500.00	-1,960.55	21.6%
7104-00 · Postage	102.20	850.00	-747.80	12.0%
7105-00 · Rent	2,221.71	26,555.00	-24,333.29	8.4%
7106-00 · Telephone/Internet	299.94	3,800.00	-3,500.06	7.9%
7107-00 · Travel-transport/meals/lodging	1,996.04	14,000.00	-12,003.96	14.3%
7108-00 · Dues & Publications		1,100.00	-1,100.00	
7109-00 · Miscellaneous Expense		1,000.00	-1,000.00	
7110-00 · Seminars & Education		3,000.00	-3,000.00	
7111-00 · Office Equipment		3,000.00	-3,000.00	
7112-00 · Bank Charges		100.00	-100.00	
7114-00 · Outside Professional Services	6,750.00	10,000.00	-3,250.00	67.5%
7115-00 · Accounting		16,000.00	-16,000.00	
7116-00 · Legal	2,500.00	40,700.00	-38,200.00	6.1%
7117-00 · Lost Lakes Expenses		11,500.00	-11,500.00	
7118-00 · Mud Lake O & M		1,000.00	-1,000.00	
7120-00 · Integrated Watershed Programs				

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

08/01/18

Profit & Loss Budget vs. Actual

Accrual Basis

July 2018

	Jul 18	Budget	\$ Over Budget	% of Budget
7120-07 · Watershed Tour		6,000.00	-6,000.00	
7120-31 · NDEP-WS Program Exp. 2018	211.76	9,850.00	-9,638.24	2.1%
Total 7120-00 · Integrated Watershed Programs	211.76	15,850.00	-15,638.24	1.3%
7125-00 · Environmental Ed.Coord.Exp.				
7125-03 · Env. Ed. Coord. Exp. 2017-18	8,430.71	4,800.00	3,630.71	175.6%
Total 7125-00 · Environmental Ed.Coord.Exp.	8,430.71	4,800.00	3,630.71	175.6%
7215-00 · Sierra NV Journeys-Family Night	3,000.00	3,000.00		100.0%
7332-00 · Carson River Work Days				
7332-04 · CR Work Days 2018-19		26,000.00	-26,000.00	
Total 7332-00 · Carson River Work Days	4,884.35	26,000.00	-21,115.65	18.8%
7337-00 · Carson River Restoration				
7337-01 · Upper Carson River Grant.				
7337-19 · CVCD-Bioengineering, 2018-20		50,000.00	-50,000.00	
7337-91 · CVCD-Cradlebaugh #1, 2018-19		100,000.00	-100,000.00	
Total 7337-01 · Upper Carson River Grant.		150,000.00	-150,000.00	
7337-03 · Dayton Valley Conserv				
7337-33 · DVCD--Restoration Proj. 2017-19	16,788.28	75,000.00	-58,211.72	22.4%
Total 7337-03 · Dayton Valley Conserv	16,788.28	75,000.00	-58,211.72	22.4%
7337-04 · Lahontan Conserv.Dist				
7337-41 · LCD-Clearing & Snagging		20,000.00	-20,000.00	
Total 7337-04 · Lahontan Conserv.Dist		20,000.00	-20,000.00	
Total 7337-00 · Carson River Restoration	16,788.28	245,000.00	-228,211.72	6.9%
7404-00 · Noxious Weeds Control-CR Wtrshd				
7404-01 · Noxious Weed Control-Alpine Co.		15,000.00	-15,000.00	
7404-02 · Noxious Weed Control-Douglas Co		15,000.00	-15,000.00	
7404-03 · Noxious Weed Control-CarsonCity	15,000.00	15,000.00		100.0%
7404-04 · Noxious Weed Control-Lyon Co.	10.72	15,000.00	-14,989.28	0.1%
7404-05 · Noxious Weed Control-Churchill		15,000.00	-15,000.00	
Total 7404-00 · Noxious Weeds Control-CR Wtrshd	15,010.72	75,000.00	-59,989.28	20.0%
7406-00 · 208 Water Quality Mgmt. Plan	1,154.04	30,080.00	-28,925.96	3.8%
7429-00 · NDEP-Wtrshd Lit.Implementation	2.84	25,510.00	-25,507.16	0.0%
7430-00 · NFWF - Weed Mgmt.		15,240.00	-15,240.00	
7432-00 · FEMA MAS #7	2,465.17	75,800.00	-73,334.83	3.3%
7433-00 · NDEP-WS Lit.Impl.-Phase 3	17,103.85	25,260.00	-8,156.15	67.7%
7434-00 · FEMA MAS #8	18,943.29	225,160.00	-206,216.71	8.4%
7436-00 · NDA Weed Mgmt - Starthistle	10,792.39	1,000.00	9,792.39	1,079.2%
7500-00 · USGS Stream Gage Contract				
7500-02 · Stream Gages 2017-19		78,405.00	-78,405.00	
Total 7500-00 · USGS Stream Gage Contract		78,405.00	-78,405.00	
7508-00 · USGS Do.Co.WQ & GW Monitoring				
7508-02 · DoCo WQ/GW Mon. 2017-19		16,890.00	-16,890.00	
Total 7508-00 · USGS Do.Co.WQ & GW Monitoring		16,890.00	-16,890.00	
7524-00 · USGS-GW Lvl & WQ in Ch.Co.				
7524-02 · USGS-GW Lvl & WQ-ChCo 2018-22		5,630.00	-5,630.00	
Total 7524-00 · USGS-GW Lvl & WQ in Ch.Co.		5,630.00	-5,630.00	
7526-00 · USGS-Eagle/Dayton/Ch.Vly.Mon.		27,680.00	-27,680.00	
7527-00 · USGS-Arsenic Data Collection-CV				

Profit & Loss Budget vs. Actual

July 2018

	Jul 18	Budget	\$ Over Budget	% of Budget
7527-01 · USGS-CV Arsenic Study 2018-19		28,055.00	-28,055.00	
Total 7527-00 · USGS-Arsenic Data Collection-CV		28,055.00	-28,055.00	
7528-00 · USGS-Mercury/Arsenic/Lead Mon.		15,000.00	-15,000.00	
7600-00 · Alpine County Projects				
7600-05 · Alpine Watershed Programs		25,000.00	-25,000.00	
7600-09 · Al.Co.-CASGEM	0.87	10.00	-9.13	8.7%
7600-10 · Al.Co.-Mesa GW Monitoring	1.68	10.00	-8.32	16.8%
Total 7600-00 · Alpine County Projects	2.55	25,020.00	-25,017.45	0.0%
7610-00 · Douglas County Projects				
7610-10 · Do.Co.Reg.Pipeline Debt Service		125,000.00	-125,000.00	
Total 7610-00 · Douglas County Projects		125,000.00	-125,000.00	
7620-00 · Carson City Projects				
7620-11 · CC Reg.Pipeline Debt Service		125,000.00	-125,000.00	
Total 7620-00 · Carson City Projects		125,000.00	-125,000.00	
7640-00 · Churchill County Projects				
7640-09 · Lahontan Vly.Wtr.Lvl.Measure.	4,745.25	18,000.00	-13,254.75	26.4%
7640-16 · Dixie Vly.Wtr.Lvl.Measurement	8,786.54	24,400.00	-15,613.46	36.0%
Total 7640-00 · Churchill County Projects	13,531.79	42,400.00	-28,868.21	31.9%
Total Expense	173,615.13	1,943,985.00	-1,770,369.87	8.9%
Net Ordinary Income	-109,831.53	7,851.00	-117,682.53	-1,398.9%
Other Income/Expense				
Other Income				
8005-00 · Beginning Equity		593,258.29	-593,258.29	
Total Other Income		593,258.29	-593,258.29	
Other Expense				
8002-00 · Transfer Out-Acq/Const Fund		50,000.00	-50,000.00	
8008-00 · Preliminary Planning		405,000.00	-405,000.00	
8014-00 · Trans. Out-Floodplain Mgmt. Fd.		50,000.00	-50,000.00	
Total Other Expense		505,000.00	-505,000.00	
Net Other Income		88,258.29	-88,258.29	
Net Income	-109,831.53	96,109.29	-205,940.82	-114.3%

CARSON WTR SUBCONSERVANCY DIST - ACQUISITION/CONSTRUCTION

07/31/18

Balance Sheet

As of July 31, 2018

	Jul 31, 18
ASSETS	
Current Assets	
Checking/Savings	
1013-01 · Local Gov't Inv.Pool-Reserve	700,287.66
Total Checking/Savings	700,287.66
Total Current Assets	700,287.66
TOTAL ASSETS	700,287.66
LIABILITIES & EQUITY	
Equity	
4000-01 · Fund Balance - Capital Project	699,152.73
Net Income	1,134.93
Total Equity	700,287.66
TOTAL LIABILITIES & EQUITY	700,287.66

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CARSON WTR SUBCONSERVANCY DIST - ACQUISITION/CONSTRUCTION

07/31/18

Profit & Loss YTD Comparison

Accrual Basis

July 2018

	Jul 18	Jul 18
Ordinary Income/Expense		
Income		
5032-01 - Interest Income - LGIP Res.	1,134.93	1,134.93
Total Income	1,134.93	1,134.93
Net Ordinary Income	1,134.93	1,134.93
Net Income	<u>1,134.93</u>	<u>1,134.93</u>

Profit & Loss Budget vs. Actual

July 2018

	Jul 18	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
5032-01 · Interest Income - LGIP Res.	1,134.93	9,660.00	-8,525.07	11.7%
Total Income	1,134.93	9,660.00	-8,525.07	11.7%
Expense				
7341-01 · Upsize LyCo/Stagecoach Pipeline		250,000.00	-250,000.00	
7342-01 · Upstream Storage Evaluation		70,000.00	-70,000.00	
7343-01 · Construction Projects		400,000.00	-400,000.00	
Total Expense		720,000.00	-720,000.00	
Net Ordinary Income	1,134.93	-710,340.00	711,474.93	-0.2%
Other Income/Expense				
Other Income				
8000-01 · Beginning Equity		698,161.00	-698,161.00	
8001-01 · Transfer In-General Fund		50,000.00	-50,000.00	
Total Other Income		748,161.00	-748,161.00	
Net Other Income		748,161.00	-748,161.00	
Net Income	1,134.93	37,821.00	-36,686.07	3.0%

Floodplain Management Fund
Balance Sheet
As of July 31, 2018

	Jul 31, 18
ASSETS	
Current Assets	
Checking/Savings	
1013-03 · LGIP - Floodplain	353,032.74
Total Checking/Savings	353,032.74
Total Current Assets	353,032.74
TOTAL ASSETS	353,032.74
LIABILITIES & EQUITY	
Equity	
32000 · Retained Earnings	361,012.84
Net Income	-7,980.10
Total Equity	353,032.74
TOTAL LIABILITIES & EQUITY	353,032.74

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07/31/18
Cash Basis

Floodplain Management Fund
Profit & Loss YTD Comparison
July 2018

	Jul 18	Jul 18
Ordinary Income/Expense		
Income		
5032-03 · Int. Inc.-LGIP-Floodplain	586.03	586.03
Total Income	586.03	586.03
Expense		
7210-03 · CVCD-2017 Flood Damage Assess.	5,445.89	5,445.89
7212-03 · CVCD-2017 Flood Permit/Repairs	3,120.24	3,120.24
Total Expense	8,566.13	8,566.13
Net Ordinary Income	-7,980.10	-7,980.10
Net Income	<u>-7,980.10</u>	<u>-7,980.10</u>

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08/06/18
Cash Basis

Floodplain Management Fund Profit & Loss Budget vs. Actual July 2018

	Jul 18	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
5032-03 · Int. Inc.-LGIP-Floodplain	586.03	5,350.00	-4,763.97	11.0%
Total Income	586.03	5,350.00	-4,763.97	11.0%
Expense				
7203-03 · Reg. Flood Preliminary Planning	0.00	190,000.00	-190,000.00	0.0%
7206-03 · Flood Project Along SR88-Minden	0.00	40,000.00	-40,000.00	0.0%
7210-03 · CVCD-2017 Flood Damage Assess.	5,445.89			
7212-03 · CVCD-2017 Flood Permit/Repairs	3,120.24	70,000.00	-66,879.76	4.5%
7213-03 · DVCD-2017 Flood Permit/Repairs	0.00	30,000.00	-30,000.00	0.0%
7214-03 · ChCo Floodplain Evaluation	0.00	40,000.00	-40,000.00	0.0%
Total Expense	8,566.13	370,000.00	-361,433.87	2.3%
Net Ordinary Income	-7,980.10	-364,650.00	356,669.90	2.2%
Other Income/Expense				
Other Income				
8000-03 · Beginning Equity	0.00	356,264.00	-356,264.00	0.0%
8001-03 · Trans. In- General Fund	0.00	50,000.00	-50,000.00	0.0%
Total Other Income	0.00	406,264.00	-406,264.00	0.0%
Other Expense				
8002-03 · Trans.Out-General Fund	0.00			
Total Other Expense	0.00			
Net Other Income	0.00	406,264.00	-406,264.00	0.0%
Net Income	-7,980.10	41,614.00	-49,594.10	-19.2%

AGENDA ITEM #8

PAYMENT OF BILLS

4:50 PM

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

08/01/18

Transaction Detail by Account

Accrual Basis

July 2018

Type	Date	Num	Name	Memo	Amount	Balance
1010-00 · Cash in Checking - B of A						
Check	07/09/2018	9151	River Wranglers	Inv. #CCRWD 2017-18 #6 6/18-30/18 Work Days	-4,884.35	-4,884.35
Check	07/10/2018	9152	Euronev, Ltd.	July 2018 rent-777 E. William St., #102, #103, #110 & #110A	-2,221.71	-7,106.06
Check	07/10/2018	9153	Warren Reed Insurance, Inc.	FY 2018-19 liab.ins., acct. #CARSO29, inv.#293689	-4,958.95	-12,065.01
Check	07/10/2018	9154	Konica Minolta Business Solutions USA Inc	Acct. #3091, inv. #252717520	-105.79	-12,170.80
Check	07/10/2018	9155	Charter Communications	Acct. #8354 11 001 0917880, 7/13-8/12/18	-299.94	-12,470.74
Check	07/10/2018	9156	King & Russo, Ltd.	June legal fee	-2,000.00	-14,470.74
Check	07/10/2018	9157	King & Russo, Ltd.	June legal services re: river permitting	-500.00	-14,970.74
Check	07/10/2018	9158	Robert Loveberg	Inv. #P18030101-02, 4/1-6/30/18 LID	-1,152.50	-16,123.24
Check	07/10/2018	9159	Robert Loveberg	Inv. #P17111501-04, 4/1-6/30/18 Floodplain Ordinance	-2,785.00	-18,908.24
Check	07/10/2018	9160	Sierra Nevada Journeys	Inv. #3829, FY 2017-18 Family Watershed Nights	-3,000.00	-21,908.24
Check	07/10/2018	9161	JE Fuller Hydrology & Geomorphology, Inc.	Inv. #P2921.01-3, Dayton Vly. Area Drainage Master Plan	-15,810.80	-37,719.04
Check	07/10/2018	9162	JE Fuller Hydrology & Geomorphology, Inc.	Inv. #P2751.01-13, Johnson Ln. ADMP	-2,461.35	-40,180.39
Check	07/10/2018	9163	River Wranglers	Inv. #CWSD-3, 6/1-30/18 FEMA #8-FAW	-331.31	-40,511.70
Check	07/10/2018	9164	River Wranglers	Inv. #EE-6, 6/1-30/18, Environmental Ed.	-1,739.62	-42,251.32
Check	07/11/2018	9165	Postmaster	3 rolls \$0.49 stamps & 30 x \$0.21 stamps	-153.30	-42,404.62
Check	07/12/2018	9166	River Wranglers	Inv. #EE-2018-4, 4/1-30/18, Environmental Ed.	-6,676.87	-49,081.49
Check	07/12/2018	9167	Nevada Retail Network SIG	2nd qtr. 2018 pmt. online, Pol. #NRN10861	-320.26	-49,401.75
Check	07/12/2018	9168	Carson City	Reimb. for 6/22-7/5/18 payroll #14	-20,516.87	-69,918.62
Deposit	07/13/2018			Deposit	39,091.21	-30,827.41
Deposit	07/17/2018			Deposit	3,965.55	-26,861.86
Deposit	07/17/2018			Deposit	1,187.88	-25,673.98
Check	07/18/2018	9169	NEON Agency	Invoice #1368	-17,100.00	-42,773.98
Deposit	07/20/2018			Deposit	10,124.24	-32,649.74
Check	07/20/2018	9170	Edwin James	Reimb. for 7/18/18 Bd.dinner-Francisco's	-226.97	-32,876.71
Check	07/20/2018	9171	David Griffith	July 2018 Director Fees	-160.00	-33,036.71
Check	07/20/2018	9172	Chuck Roberts	July 2018 mileage reimb.	-45.89	-33,082.60
Check	07/20/2018	9173	Ernest Schank	July 2018 mileage reimb.	-107.26	-33,189.86
Check	07/23/2018	9174	Office Depot Business Credit	May-June 2018, acct. #6011 5656 1002 0915(pd.by phone)	-289.26	-33,479.12
Deposit	07/23/2018			Deposit	1,341.41	-32,137.71
Deposit	07/24/2018			Deposit	6,763.96	-25,373.75
Check	07/24/2018	9175	Carson City Parks,Rec. & Open Space Dept.	June Yellow Starthistle treatment	-296.00	-25,669.75
Check	07/24/2018	9176	Dayton Valley Conservation District	Inv. #DVCD-1, 4/1-6/30/18 Yellow Starthistle treatment	-10,494.98	-36,164.73
Gener...	07/25/2018			CVCD-Apr.-June flood repairs/permitting	8,566.13	-27,598.60
Transfer	07/25/2018			Funds Transfer to cover checks	51,000.00	23,401.40
Check	07/25/2018	9177	Truckee Meadows Parks Foundation	Inv. #58, 2nd-4th Quarters, AmeriCorps	-6,750.00	16,651.40
Check	07/25/2018	9178	Churchill County	Apr.-June 2018, Lahontan Vly. Wtr. Lvl. Meas.	-4,745.25	11,906.15
Check	07/25/2018	9179	Churchill County	Apr.-June 2018, Dixie Vly. Wtr. Lvl. Meas.	-8,786.54	3,119.61
Check	07/25/2018	9180	Carson City Parks,Rec. & Open Space Dept.	FY 2017-18 weed treatment	-15,000.00	-11,880.39
Check	07/25/2018	9181	Carson Valley Conservation District	Inv. #7-17-2018, 4/1-6/30/18 flood projects/permitting	-3,120.24	-15,000.63
Check	07/25/2018	9182	Carson Valley Conservation District	Inv. #7-11-2018, 4/1-6/30/18 flood repairs	-5,445.89	-20,446.52
Check	07/26/2018	9183	Bank of America	July 2018-acct. #4024 4910 0003 3949	-1,174.57	-21,621.09
Check	07/26/2018	9184	Dayton Valley Conservation District	Inv. #DVCD-2, 4/1-6/30/18 noxious weed abatement	-10.72	-21,631.81
Check	07/26/2018	9185	Dayton Valley Conservation District	VOID: Inv. #DVCD-4, 4/1-6/30/18 river restoration(wrong amt.)		-21,631.81
Check	07/26/2018	9186	Dayton Valley Conservation District	Inv. #DVCD-4, 4/1-6/30/18 river restoration	-16,788.28	-38,420.09
Transfer	07/31/2018			Funds Transfer to cover checks	70,000.00	31,579.91
Check	07/31/2018	9187	ABC Fire & Cylinder Service	annual fire ext. serv., inv. #IN00118343	-72.36	31,507.55
Check	07/31/2018	9188	Carson City	Reimb. for 7/6-19/18 payroll #15	-21,482.00	10,025.55
Total 1010-00 · Cash in Checking - B of A					10,025.55	10,025.55
1014-00 · Local Gov't Inv. Pool-Regular						
Deposit	07/01/2018			Interest	1,309.34	1,309.34
Transfer	07/25/2018			Funds Transfer to cover checks	-51,000.00	-49,690.66
Transfer	07/31/2018			Funds Transfer to cover checks	-70,000.00	-119,690.66
Total 1014-00 · Local Gov't Inv. Pool-Regular					-119,690.66	-119,690.66
1029-00 · Bank of America-Savings						
Deposit	07/31/2018			Interest	0.01	0.01
Total 1029-00 · Bank of America-Savings					0.01	0.01
3307-00 · CC Payroll Due						
Check	07/12/2018	9168	Carson City	Reimb. for 6/22-7/5/18 payroll #14	20,516.87	20,516.87
Gener...	07/13/2018			7/13 SF,BH,EJ,TL,DN	-20,516.87	
Gener...	07/27/2018			7/27 SF,BH,EJ,TL,DN; July-KA,BB,KG,DJo,WP,CR,ES,FS,ST	-21,648.43	-21,648.43
Check	07/31/2018	9188	Carson City	Reimb. for 7/6-19/18 payroll #15	21,482.00	-166.43
Total 3307-00 · CC Payroll Due					-166.43	-166.43
5009-00 · Churchill County Ad Valorem						
Deposit	07/20/2018	112844	Churchill County	Apr.-June	-9,509.74	-9,509.74
Total 5009-00 · Churchill County Ad Valorem					-9,509.74	-9,509.74
5010-00 · Lyon County Ad Valorem						
Deposit	07/24/2018	129366	Lyon County	Apr.-June 2018	-6,633.96	-6,633.96
Total 5010-00 · Lyon County Ad Valorem					-6,633.96	-6,633.96
5011-00 · Douglas County Ad Valorem						
Deposit	07/20/2018	679361	Douglas County	June	-484.50	-484.50
Total 5011-00 · Douglas County Ad Valorem					-484.50	-484.50
5031-00 · Interest Income-LGIP Reg.						
Deposit	07/01/2018			Interest	-1,309.34	-1,309.34
Total 5031-00 · Interest Income-LGIP Reg.					-1,309.34	-1,309.34
5045-00 · Interest Income-B of A Savings						
Deposit	07/31/2018			Interest	-0.01	-0.01

4:50 PM

08/01/18

Accrual Basis

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND **Transaction Detail by Account**

July 2018

Type	Date	Num	Name	Memo	Amount	Balance
Total 5045-00 · Interest Income-B of A Savings					-0.01	-0.01
5058-00 · 208 Water Quality Plan						
5058-04 · NDEP-LID Implementation 2018-19						
Deposit	07/23/2018	9290...	NV Div. of Environmental Protection	Apr.-June 2018, Inv. #2 818-022	-1,341.41	-1,341.41
Total 5058-04 · NDEP-LID Implementation 2018-19					-1,341.41	-1,341.41
Total 5058-00 · 208 Water Quality Plan					-1,341.41	-1,341.41
5060-00 · Misc. Income						
5060-02 · Watershed Tour						
Deposit	07/20/2018	4184	Suzanne Johnson	10/11/18 bus tour-S.Johnson	-130.00	-130.00
Deposit	07/24/2018	1004	Matthew McMackin	10/11/18 bus tour-M.McMackin	-130.00	-260.00
Total 5060-02 · Watershed Tour					-260.00	-260.00
Total 5060-00 · Misc. Income					-260.00	-260.00
5097-00 · BLM-Weed Mgmt. Grant						
Deposit	07/17/2018		US Bureau of Land Management/ASAP	Inv. #4	-1,187.88	-1,187.88
Total 5097-00 · BLM-Weed Mgmt. Grant					-1,187.88	-1,187.88
5098-00 · FEMA -MAS #7						
Deposit	07/17/2018		FEMA	Draw #15	-3,965.55	-3,965.55
Total 5098-00 · FEMA -MAS #7					-3,965.55	-3,965.55
6000-00 · FEMA-MAS #8						
Deposit	07/13/2018		FEMA	Draw #4	-39,091.21	-39,091.21
Total 6000-00 · FEMA-MAS #8					-39,091.21	-39,091.21
7015-00 · Salaries & Wages						
Gener...	07/13/2018			7/13 S.Fryer	2,737.03	2,737.03
Gener...	07/13/2018			7/13 B.Hunt	2,656.14	5,393.17
Gener...	07/13/2018			7/13 E.James	5,011.64	10,404.81
Gener...	07/13/2018			7/13 T.Leffler	2,399.53	12,804.34
Gener...	07/13/2018			7/13 D.Neddenriep	2,007.07	14,811.41
Gener...	07/27/2018			7/27 S.Fryer	2,423.01	17,234.42
Gener...	07/27/2018			7/27 B.Hunt	2,563.07	19,797.49
Gener...	07/27/2018			7/27 E.James	5,256.23	25,053.72
Gener...	07/27/2018			7/27 T.Leffler	2,489.55	27,543.27
Gener...	07/27/2018			7/27 D.Neddenriep	2,087.90	29,631.17
Gener...	07/27/2018			July meals	-60.52	29,570.65
Total 7015-00 · Salaries & Wages					29,570.65	29,570.65
7020-00 · Employee Benefits						
Gener...	07/13/2018			7/13 S.Fryer	407.11	407.11
Gener...	07/13/2018			7/13 B.Hunt	992.62	1,399.73
Gener...	07/13/2018			7/13 E.James	1,872.98	3,272.71
Gener...	07/13/2018			7/13 T.Leffler	1,132.63	4,405.34
Gener...	07/13/2018			7/13 D.Neddenriep	1,016.91	5,422.25
Gener...	07/27/2018			7/27 S.Fryer	354.83	5,777.08
Gener...	07/27/2018			7/27 B.Hunt	977.78	6,754.86
Gener...	07/27/2018			7/27 E.James	1,940.78	8,695.64
Gener...	07/27/2018			7/27 T.Leffler	1,154.21	9,849.85
Gener...	07/27/2018			7/27 D.Neddenriep	1,036.49	10,886.34
Total 7020-00 · Employee Benefits					10,886.34	10,886.34
7021-00 · Workers Comp Ins.						
Check	07/12/2018	9167	Nevada Retail Network SIG	2nd qtr. 2018 pmt. online	320.26	320.26
Total 7021-00 · Workers Comp Ins.					320.26	320.26
7101-00 · Director's Fees						
7101-01 · Director Benefits						
Gener...	07/27/2018			July- K.Abowd	2.32	2.32
Gener...	07/27/2018			July- B.Bonkowski	1.16	3.48
Gener...	07/27/2018			July- K.Gray	2.54	6.02
Gener...	07/27/2018			July- D.Johnson	1.38	7.40
Gener...	07/27/2018			July- W.Penzel	1.38	8.78
Gener...	07/27/2018			July- C.Roberts	1.38	10.16
Gener...	07/27/2018			July- E.Schank	1.38	11.54
Gener...	07/27/2018			July- F.Stodieck	1.38	12.92
Gener...	07/27/2018			July- S.Thaler	2.54	15.46
Total 7101-01 · Director Benefits					15.46	15.46
7101-02 · Director's Fees-Alpine Co.						
Check	07/20/2018	9171	David Griffith	July 2018 Director Fees	160.00	160.00
Total 7101-02 · Director's Fees-Alpine Co.					160.00	160.00
7101-00 · Director's Fees - Other						
Gener...	07/27/2018			July- K.Abowd	160.00	160.00
Gener...	07/27/2018			July- B.Bonkowski	80.00	240.00
Gener...	07/27/2018			July- K.Gray	175.13	415.13
Gener...	07/27/2018			July- D.Johnson	95.13	510.26
Gener...	07/27/2018			July- W.Penzel	95.13	605.39
Gener...	07/27/2018			July- C.Roberts	95.13	700.52
Gener...	07/27/2018			July- E.Schank	95.13	795.65

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND Transaction Detail by Account

08/01/18

Accrual Basis

July 2018

Type	Date	Num	Name	Memo	Amount	Balance
Gener...	07/27/2018			July- F.Stodieck	95.13	890.78
Gener...	07/27/2018			July- S.Thaler	175.13	1,065.91
Gener...	07/27/2018			July meals	-105.91	960.00
Total 7101-00 · Director's Fees - Other					960.00	960.00
Total 7101-00 · Director's Fees					1,135.46	1,135.46
7102-00 · Insurance						
Check	07/10/2018	9153	Warren Reed Insurance, Inc.	FY 2018-19 liab.ins	4,958.95	4,958.95
Total 7102-00 · Insurance					4,958.95	4,958.95
7103-00 · Office Supplies						
Check	07/10/2018	9154	Konica Minolta Business Solutions USA Inc	6/1-30/18 copies	105.79	105.79
Check	07/23/2018	9174	Office Depot Business Credit	May office supplies	61.48	167.27
Check	07/23/2018	9174	Office Depot Business Credit	June office supplies	227.78	395.05
Check	07/26/2018	9183	Bank of America	Symantec	224.00	619.05
Check	07/26/2018	9183	Bank of America	Microsoft-Office 365 Pro	5.00	624.05
Check	07/26/2018	9183	Bank of America	Microsoft-Office 365 Pro	62.50	686.55
Check	07/31/2018	9187	ABC Fire & Cylinder Service	annual fire extinguisher service	72.36	758.91
Gener...	07/31/2018			July copies reimb. from grants	-219.46	539.45
Total 7103-00 · Office Supplies					539.45	539.45
7104-00 · Postage						
Check	07/11/2018	9165	Postmaster	200 x \$0.49 & 20 x \$0.21 stamps (general use)	102.20	102.20
Total 7104-00 · Postage					102.20	102.20
7105-00 · Rent						
Check	07/10/2018	9152	Euronev, Ltd.	July 2018 rent-777 E. William St., #102, #103, #110 & #110A	2,221.71	2,221.71
Total 7105-00 · Rent					2,221.71	2,221.71
7106-00 · Telephone/Internet						
Check	07/10/2018	9155	Charter Communications	July 2018 internet & phones	299.94	299.94
Total 7106-00 · Telephone/Internet					299.94	299.94
7107-00 · Travel-transport/meals/lodging						
7107-01 · Car Allowance						
Gener...	07/13/2018			7/13 E.James	283.21	283.21
Gener...	07/27/2018			7/27 E.James	283.21	566.42
Total 7107-01 · Car Allowance					566.42	566.42
7107-00 · Travel-transport/meals/lodging - Other						
Check	07/20/2018	9170	Edwin James	Reimb. for 7/18/18 Bd.dinner-Cutthroat	226.97	226.97
Check	07/20/2018	9172	Chuck Roberts	July 2018 mileage reimb.	45.89	272.86
Check	07/20/2018	9173	Ernest Schank	July 2018 mileage reimb.	107.26	380.12
Check	07/26/2018	9183	Bank of America	Nat'l.Emergency Training-DN meals	123.47	503.59
Check	07/26/2018	9183	Bank of America	American Air-DN flight	330.80	834.39
Check	07/26/2018	9183	Bank of America	American Air-DN flight	428.80	1,263.19
Gener...	07/27/2018			July meals	166.43	1,429.62
Total 7107-00 · Travel-transport/meals/lodging - Other					1,429.62	1,429.62
Total 7107-00 · Travel-transport/meals/lodging					1,996.04	1,996.04
7114-00 · Outside Professional Services						
Check	07/25/2018	9177	Truckee Meadows Parks Foundation	2nd-4th Quarters, AmeriCorps	6,750.00	6,750.00
Total 7114-00 · Outside Professional Services					6,750.00	6,750.00
7116-00 · Legal						
Check	07/10/2018	9156	King & Russo, Ltd.	June legal fee	2,000.00	2,000.00
Check	07/10/2018	9157	King & Russo, Ltd.	June legal services re: river permitting	500.00	2,500.00
Total 7116-00 · Legal					2,500.00	2,500.00
7120-00 · Integrated Watershed Programs						
7120-31 · NDEP-WS Program Exp. 2018						
Check	07/11/2018	9165	Postmaster	100 x \$0.49 & 10 x \$0.21 stamps (newsletters)	51.10	51.10
Gener...	07/31/2018			July copies	160.66	211.76
Total 7120-31 · NDEP-WS Program Exp. 2018					211.76	211.76
Total 7120-00 · Integrated Watershed Programs					211.76	211.76
7125-00 · Environmental Ed.Coord.Exp.						
7125-03 · Env. Ed. Coord. Exp. 2017-18						
Check	07/10/2018	9164	River Wranglers	Inv. #EE-6, 6/1-30/18, Environmental Ed.	1,739.62	1,739.62
Check	07/12/2018	9166	River Wranglers	Inv. #EE-2018-4, 4/1-30/18, Environmental Ed.	6,676.87	8,416.49
Gener...	07/31/2018			July copies	14.22	8,430.71
Total 7125-03 · Env. Ed. Coord. Exp. 2017-18					8,430.71	8,430.71
Total 7125-00 · Environmental Ed.Coord.Exp.					8,430.71	8,430.71
7215-00 · Sierra NV Journeys-Family Night						
Check	07/10/2018	9160	Sierra Nevada Journeys	FY 2017-18 Family Watershed Nights	3,000.00	3,000.00
Total 7215-00 · Sierra NV Journeys-Family Night					3,000.00	3,000.00
7332-00 · Carson River Work Days						

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND **Transaction Detail by Account**

08/01/18

Accrual Basis

July 2018

Type	Date	Num	Name	Memo	Amount	Balance
7332-03 · CR Work Days 2017-18						
Check	07/09/2018	9151	River Wranglers	Inv. #CCRWD 2017-18 #6 6/18-30/18 Work Days	4,884.35	4,884.35
Total 7332-03 · CR Work Days 2017-18					4,884.35	4,884.35
Total 7332-00 · Carson River Work Days					4,884.35	4,884.35
7337-00 · Carson River Restoration						
7337-03 · Dayton Valley Conserv						
7337-33 · DVCD--Restoration Proj. 2017-19						
Check	07/26/2018	9185	Dayton Valley Conservation District	4/1-6/30/18 river restoration	16,788.28	16,788.28
Check	07/26/2018	9186	Dayton Valley Conservation District	4/1-6/30/18 river restoration		
Total 7337-33 · DVCD--Restoration Proj. 2017-19					16,788.28	16,788.28
Total 7337-03 · Dayton Valley Conserv					16,788.28	16,788.28
Total 7337-00 · Carson River Restoration					16,788.28	16,788.28
7404-00 · Noxious Weeds Control-CR Wtrshd						
7404-03 · Noxious Weed Control-CarsonCity						
Check	07/25/2018	9180	Carson City Parks, Rec. & Open Space Dept.	FY 2017-18 weed treatment	15,000.00	15,000.00
Total 7404-03 · Noxious Weed Control-CarsonCity					15,000.00	15,000.00
7404-04 · Noxious Weed Control-Lyon Co.						
Check	07/26/2018	9184	Dayton Valley Conservation District	4/1-6/30/18 nox. weed abatement	10.72	10.72
Total 7404-04 · Noxious Weed Control-Lyon Co.					10.72	10.72
Total 7404-00 · Noxious Weeds Control-CR Wtrshd					15,010.72	15,010.72
7406-00 · 208 Water Quality Mgmt. Plan						
7406-03 · LID Implementation 2018-19						
Check	07/10/2018	9158	Robert Loveberg	4/1-6/30/18 LID	1,152.50	1,152.50
Gener...	07/31/2018			July copies	1.54	1,154.04
Total 7406-03 · LID Implementation 2018-19					1,154.04	1,154.04
Total 7406-00 · 208 Water Quality Mgmt. Plan					1,154.04	1,154.04
7429-00 · NDEP-Wtrshd Lit.Implementation						
Gener...	07/31/2018			July copies	2.84	2.84
Total 7429-00 · NDEP-Wtrshd Lit.Implementation					2.84	2.84
7431-00 · BLM - Weed Mgmt.						
Gener...	07/31/2018			July copies	12.39	12.39
Total 7431-00 · BLM - Weed Mgmt.					12.39	12.39
7432-00 · FEMA MAS #7						
7432-02 · Johnson Ln. ADMP (JE Fuller)						
Check	07/10/2018	9162	JE Fuller Hydrology & Geomorphology, Inc.	6/1-30/18 services	2,461.35	2,461.35
Total 7432-02 · Johnson Ln. ADMP (JE Fuller)					2,461.35	2,461.35
7432-00 · FEMA MAS #7 - Other						
Gener...	07/31/2018			July copies	3.82	3.82
Total 7432-00 · FEMA MAS #7 - Other					3.82	3.82
Total 7432-00 · FEMA MAS #7					2,465.17	2,465.17
7433-00 · NDEP-WS Lit.Impl.-Phase 3						
Check	07/18/2018	9169	NEON Agency	brand identity, filming video	17,100.00	17,100.00
Gener...	07/31/2018			July copies	3.85	17,103.85
Total 7433-00 · NDEP-WS Lit.Impl.-Phase 3					17,103.85	17,103.85
7434-00 · FEMA MAS #8						
7434-01 · Dayton ADMP(JE Fuller)						
Check	07/10/2018	9161	JE Fuller Hydrology & Geomorphology, Inc.	6/1-30/18 services	15,810.80	15,810.80
Total 7434-01 · Dayton ADMP(JE Fuller)					15,810.80	15,810.80
7434-02 · Update Floodplain Ord.(Loveberg)						
Check	07/10/2018	9159	Robert Loveberg	4/1-6/30/18 Floodplain Ord.	2,785.00	2,785.00
Total 7434-02 · Update Floodplain Ord.(Loveberg)					2,785.00	2,785.00
7434-04 · School Outreach(River Wranglers)						
Check	07/10/2018	9163	River Wranglers	Inv. #CWSD-3, 6/1-30/18 FEMA #8-FAW	331.31	331.31
Total 7434-04 · School Outreach(River Wranglers)					331.31	331.31
7434-00 · FEMA MAS #8 - Other						
Gener...	07/31/2018			July copies	16.18	16.18
Total 7434-00 · FEMA MAS #8 - Other					16.18	16.18
Total 7434-00 · FEMA MAS #8					18,943.29	18,943.29
7436-00 · NDA Weed Mgmt - Starthistle						
7436-01 · CC - Starthistle Mgmt.						
Check	07/24/2018	9175	Carson City Parks, Rec. & Open Space Dept.	June Yellow Starthistle treatment	296.00	296.00

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND
Transaction Detail by Account

08/01/18

Accrual Basis

July 2018

Type	Date	Num	Name	Memo	Amount	Balance
Total 7436-01 · CC - Starthistle Mgmt.					296.00	296.00
7436-02 · DVCD - Starthistle Mgmt.						
Check	07/24/2018	9176	Dayton Valley Conservation District	4/1-6/30/18 Yellow Starthistle treatment	10,494.98	10,494.98
Total 7436-02 · DVCD - Starthistle Mgmt.					10,494.98	10,494.98
7436-00 · NDA Weed Mgmt - Starthistle - Other						
Gener...	07/31/2018			July copies	1.41	1.41
Total 7436-00 · NDA Weed Mgmt - Starthistle - Other					1.41	1.41
Total 7436-00 · NDA Weed Mgmt - Starthistle					10,792.39	10,792.39
7600-00 · Alpine County Projects						
7600-09 · Al.Co.-CASGEM						
Gener...	07/31/2018			July copies	0.87	0.87
Total 7600-09 · Al.Co.-CASGEM					0.87	0.87
7600-10 · Al.Co.-Mesa GW Monitoring						
Gener...	07/31/2018			July copies	1.68	1.68
Total 7600-10 · Al.Co.-Mesa GW Monitoring					1.68	1.68
Total 7600-00 · Alpine County Projects					2.55	2.55
7640-00 · Churchill County Projects						
7640-09 · Lahontan Vly.Wtr.Lvl.Measure.						
Check	07/25/2018	9178	Churchill County	Apr.-June 2018, Lahontan Vly.	4,745.25	4,745.25
Total 7640-09 · Lahontan Vly.Wtr.Lvl.Measure.					4,745.25	4,745.25
7640-16 · Dixie Vly.Wtr.Lvl.Measurement						
Check	07/25/2018	9179	Churchill County	Apr.-June 2018,Dixie Vly.	8,786.54	8,786.54
Total 7640-16 · Dixie Vly.Wtr.Lvl.Measurement					8,786.54	8,786.54
Total 7640-00 · Churchill County Projects					13,531.79	13,531.79
8009-00 · Trans. In-Floodplain Mgmt. Fd.						
Gener...	07/25/2018			CVCD-Apr.-June flood repairs/permitting	-8,566.13	-8,566.13
Check	07/25/2018	9181	Carson Valley Conservation District	4/1-6/30/18 flood projects/permitting	3,120.24	-5,445.89
Check	07/25/2018	9182	Carson Valley Conservation District	4/1-6/30/18 flood repairs	5,445.89	
Total 8009-00 · Trans. In-Floodplain Mgmt. Fd.						
TOTAL						

King & Russo, Ltd.

123 West Nye Lane, Suite 711
Carson City, NV 89706

Invoice submitted to:

CWSD
Attn: Edwin D. James, P.E., General
Manager
777 E. William Street
Suite 110A
Carson City, NV 89701

July 1, 2018

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
6/12/2018-6/27/2018 Meeting with Dominick of NDEP regarding license agreement, drafted agreement sent same to client for further review	2.00 250.00/hr	500.00
For professional services rendered	2.00	\$500.00
Previous balance		\$250.00
Accounts receivable transactions		
6/7/2018 Payment - Thank You		(\$250.00)
Total payments and adjustments		(\$250.00)
Balance due		<u><u>\$500.00</u></u>

pd. 7/10/18
ck. #9157

#7116-00 Legal

FY 17-18

OK to pay
Edwin James
7-9-18

King & Russo, Ltd.
123 West Nye Lane, Suite 711
Carson City, NV 89706

Invoice submitted to:

CWSD
Attn: Edwin James, P.E., General Manager
777 East William Street
Ste. 110a
Carson City, NV 89701

July 1, 2018

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
5/31/2018	FLAT FEE for May		2,000.00
6/30/2018	FLAT FEE for June		2,000.00
For professional services rendered		0.00	\$4,000.00

Accounts receivable transactions

6/4/2018	Payment from account	(\$2,000.00)
Total payments and adjustments		(\$2,000.00)

Balance due

\$2,000.00

Client funds transactions

Previous balance of Client Trust

6/4/2018	Payment to account	\$0.00
6/4/2018	Payment from account	\$2,000.00
		(\$2,000.00)

New balance of Client Trust

\$0.00

pd. 7/10/18
OK # 9156

#7116-00 Legal

FY 17-18

OK to pay
Edwin James
7-9-18

AGENDA ITEM #9

**CARSON WATER SUBCONSERVANCY DISTRICT
CARSON RIVER WATERSHED COMMITTEE**

TO: COMMITTEE MEMBERS

FROM: EDWIN JAMES

DATE: AUGUST 15, 2018

SUBJECT: Agenda Item #9 - For Possible Recommendation: Approve Contract with Horizon Construction, Inc to install Watershed Signs in an amount not to exceed \$25,000.

DISCUSSION: As presented at the July board meeting, staff requested bids for installation of the Watershed Signs which are part of the Watershed Literacy Program. Four local construction firms were contacted. Staff only received one bid which was not itemized and way over the project budget. Therefore, staff rejected all bids, and contacted Horizon Construction, Inc., from whom we received the original estimate for this task to include in the grant proposal. Horizon Construction is willing to install the signs for an amount not to exceed \$24,800.04. See attached draft Contract.

STAFF RECOMMENDATION: Approve Contract with Horizon Construction, Inc to install Watershed Signs in an amount not to exceed \$24,800.04.

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR
FOR 2018 CWSD WATERSHED SIGNAGE PROJECT**

Agency Name:	Carson Water Subconservancy District
Address:	777 E. William St., #110A
City, State, Zip Code:	Carson City, NV 89701
Contact:	Edwin James, General Manager
Phone:	775-887-7450
Fax:	775-887-7457
Email:	edjames@cwsd.org

Contractor Name:	Horizon Construction, Inc.
Address:	PO Box 942
City, State, Zip Code:	Carson City, NV 89702
Contact:	Brian Smith, President
Phone:	775-885-7700
Fax:	
Email:	horizoninc@me.com

WHEREAS, it is deemed that the service of Contractor is both necessary and in the best interests of Carson Water Subconservancy District (CWSD).

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. **CONTRACT TERM.** This Contract shall be effective as noted below, unless sooner terminated by either party as specified in *Section 5, Contract Termination*. Contracts requiring approval of the CWSD Board and are not effective until such approval has occurred; however, after such approval, the effective date will be the date noted below.

Effective from:	Date August 16, 2018	To:	Date December 31, 2018
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2. **NOTICE.** All communications, including notices, required or permitted to be given under this Contract shall be in writing and directed to the parties at the addresses stated above. Notices may be given: (i) by delivery in person; (ii) by a nationally recognized next day courier service, return receipt requested; or (iii) by certified mail, return receipt requested. If specifically requested by the party to be notified, valid notice may be given by facsimile transmission or electronic mail to the address(es) such party has specified in writing.
3. **SCOPE OF WORK.** The scope of work is described below, which is incorporated herein by reference.

DESCRIPTION OF SCOPE OF WORK:

Installation of 22 roadside signs marking the entry and exit points of the Carson River Watershed as specified in Exhibit A – Sign Locations, Exhibit B - Contractor's Estimate, and Exhibit C – NDOT Permit.

4. **CONSIDERATION.** The parties agree that Contractor will provide the services specified in *Section 3, Scope of Work* at a cost as noted below:

\$24,800.40	per	Entire contract
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Total Contract or installments payable at:	Completion of contract
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Total Contract Not to Exceed:	\$24,800.40
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CWSD does not agree to reimburse Contractor for expenses unless otherwise specified in the Scope of Work or incorporated attachments (if any).

5. **CONTRACT TERMINATION.**

- A. Termination Without Cause. Regardless of any terms to the contrary, this Contract may be terminated upon written notice by mutual consent of both parties. CWSD unilaterally may terminate this contract without cause by giving not less than thirty (30) days' notice in the manner specified in *Section 2, Notice*. If this Contract is unilaterally terminated by CWSD, Contractor shall use its best efforts to minimize cost to CWSD and Contractor will not be paid for any cost that Contractor could have avoided.
- B. Termination with Cause for Breach. A breach may be declared with or without termination. A notice of breach and termination shall specify the date of termination of the Contract, which shall not be sooner than the expiration of the Time to Correct, if applicable, allowed under subsection 5C. This Contract may be terminated by either party upon written notice of breach to the other party on the following grounds:
- i. If Contractor fails to provide or satisfactorily perform any of the conditions, work, deliverables, goods, or services called for by this Contract within the time requirements specified in this Contract or within any granted extension of those time requirements; or
 - ii. If any state, county, city, or federal license, authorization, waiver, permit, qualification or certification required by statute, ordinance, law, or regulation to be held by Contractor to provide the goods or services required by this Contract is for any reason denied, revoked, debarred, excluded, terminated, suspended, lapsed, or not renewed; or
 - iii. If Contractor becomes insolvent, subject to receivership, or becomes voluntarily or involuntarily subject to the jurisdiction of the Bankruptcy Court; or
- C. Time to Correct. Unless the breach is not curable, or unless circumstances do not permit an opportunity to cure, termination upon declared breach may be exercised only after service of formal written notice as specified in *Section 2, Notice*, and the subsequent failure of the breaching party within fifteen (15) calendar days of receipt of that notice to provide evidence, satisfactory to the aggrieved party, showing that the declared breach has been corrected.

Upon a notice of breach, the time to correct and the time for termination of the contract upon breach under subsection 5B, above, shall run concurrently, unless the notice expressly states otherwise.

6. **INDEMNIFICATION AND DEFENSE.** To the fullest extent permitted by law, Contractor shall indemnify, hold harmless and defend, not excluding CWSD's right to participate, CWSD from and against all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any breach of the obligations of Contractor under this Contract, or any alleged negligent or willful acts or omissions of Contractor, its officers, employees and agents. Contractor's obligation to indemnify CWSD shall apply in all cases except for claims arising solely from CWSD's own negligence or willful misconduct. Contractor waives any rights of subrogation against CWSD. Contractor's duty to defend begins when CWSD requests defense of any claim arising from this Contract.
7. **REPRESENTATIONS REGARDING INDEPENDENT CONTRACTOR STATUS.** Contractor represents that it is an independent contractor, as defined in NRS 333.700(2) and 616A.255, warrants that it will perform all work under this contract as an independent contractor, and warrants that CWSD will not incur any employment liability by reason of this Contract or the work to be performed under this Contract.
8. **INDEMNIFICATION AND DEFENSE.** To the fullest extent permitted by law, Contractor shall indemnify, hold harmless and defend, not excluding CWSD's right to participate, CWSD from and against all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any breach of the obligations of Contractor under this Contract, or any alleged negligent or willful acts or omissions of Contractor, its officers, employees and agents. Contractor's obligation to indemnify CWSD shall apply in all cases except for claims arising solely from CWSD's own negligence or willful misconduct. Contractor waives any rights of subrogation against CWSD. Contractor's duty to defend begins when CWSD requests defense of any claim arising from this Contract.
9. **REPRESENTATIONS REGARDING INDEPENDENT CONTRACTOR STATUS.** Contractor represents that it is an independent contractor, as defined in NRS 333.700(2) and 616A.255, warrants that it will perform all work under this contract as an independent contractor, and warrants that CWSD will not incur any employment liability by reason of this Contract or the work to be performed under this Contract. To the extent CWSD incurs any employment liability for the work under this Contract; Contractor will reimburse CWSD for that liability.
10. **INSURANCE SCHEDULE.** Unless expressly waived in writing by the Contracting Agency, Contractor must procure, maintain and keep in force for the duration of the Contract insurance conforming to the minimum requirements specified below. Each insurance policy shall provide for a waiver of subrogation against CWSD, its officers, employees and immune contractors as defined in NRS 41.0307, for losses arising from work/materials/equipment performed or provided by or on behalf of Contractor. By endorsement to Contractor's automobile and general liability policies, CWSD shall be named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of Contractor. Contractor shall not commence work before Contractor has provided evidence of the required insurance in the form of a certificate of insurance and endorsement to CWSD.

- A. Workers' Compensation and Employer's Liability Insurance.
1. Contractor shall provide proof of worker's compensation insurance as required per Nevada Revised Statutes Chapters 616A through 616D inclusive.
 2. If Contractor qualifies as a sole proprietor as defined in NRS Chapter 616A.310 and has elected to not purchase industrial insurance for himself/herself, the sole proprietor must submit to the contracting agency a fully executed "Affidavit of Rejection of Coverage" form under NRS 616B.627 and NRS 617.210.
- B. Commercial General Liability – Occurrence Form. The Policy shall include bodily injury, property damage and broad form contractual liability coverage.
- | | |
|--|-------------|
| 1. General Aggregate | \$2,000,000 |
| 2. Products – Completed Operations Aggregate | \$1,000,000 |
| 3. Personal and Advertising Injury | \$1,000,000 |
| 4. Each Occurrence | \$1,000,000 |
- C. Automobile Liability. The policy shall cover Bodily Injury and Property Damage for any owned, hired, and non-owned vehicles used in the performance of this Contract.
- | | |
|--------------------------------|-------------|
| 1. Combined Single Limit (CSL) | \$1,000,000 |
|--------------------------------|-------------|

Mail all required insurance documents to the Contracting Agency identified on page one of the Contract.

11. **WAIVER OF BREACH.** Failure to declare a breach or the actual waiver of any particular breach of the Contract or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.
12. **SEVERABILITY.** If any provision contained in this Contract is held to be unenforceable by a court of law or equity, this Contract shall be construed as if such provision did not exist and the non-enforceability of such provision shall not be held to render any other provision or provisions of this Contract unenforceable.
13. **GOVERNING LAW: JURISDICTION.** This Contract and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada, without giving effect to any principle of conflict-of-law that would require the application of the law of any other jurisdiction. The parties consent to the exclusive jurisdiction of and venue in the First Judicial District Court, Carson City, Nevada for enforcement of this Contract, and consent to personal jurisdiction in such court for any action or proceeding arising out of this Contract.
14. **ENTIRE CONTRACT AND MODIFICATION.** This Contract and its scope of work constitute the entire agreement of the parties and as such are intended to be the complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto and approved by CWSD, as required. This form of Contract, including any amendments to the Contract, is not authorized for use if the "not to exceed" value *Section 4*,

Consideration exceeds \$49,999. This Contract, and any amendments, may be executed in counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

HORIZON CONSTRUCTION, INC.

Brian Smith, President

Date

CARSON WATER SUBCONSERVANCY DISTRICT

Karen Abowd, Chairperson

Date

EXHIBIT A

2018 CWSD Watershed Signage Project

2/1/2017

Map #	Road Grouping	Direction	Sign Language	Northing	Westing	Speed Limit	Width	Height	Letter Ht	Post Type	MP	County
1	SR 341 (Geiger)	South Bound	Entering Carson River Watershed	39°20'13.80"	N 119°38'22.87" W	45	60	36	6	3"	6.05	ST
1	SR 341 (Geiger)	North Bound	Entering Truckee River Watershed	39°20'13.56"	N 119°38'22.33" W	45	60	36	6	3"	6.05	ST
2	US 395 (Topaz)	North Bound	Entering Carson River Watershed	38°46'52.85"	N 119°35'14.86" W	55	60	36	6	3"	6.9	DO
2	US 395 (Topaz)	South Bound	Entering Walker River Watershed	38°46'52.55"	N 119°35'15.57" W	55	60	36	6	3"	6.9	DO
3	I-580 (Washoe Valley)	South Bound	Entering Carson River Watershed	39°12'24.45"	N 119°47'54.84 W	65	72	48	8	3"	9.01	CC
3	I-580 (Washoe Valley)	North Bound	Entering Truckee River Watershed	39°12'26.12"	N 119°47'58.97" W	65	78	48	8	3"	9.08	CC
4	US 50 (Spooner)	East Bound	Entering Carson River Watershed	39°06'16.53"	N 119°53'40.98" W	50	60	36	6	3"	13.22	DO
5	US-50A (East of Fernley)	East Bound	Entering Carson River Watershed	39°34'56.60"	N 119° 6'39.93" W	65	72	48	8	3"	21.87	LY
5	US-50A (East of Fernley)	West Bound	Entering Truckee River Watershed	39°34'54.80"	N 119° 6'34.61" W	65	78	48	8	3"	21.95	LY
6	US 50 (Near SR 839)	West Bound	Entering Carson River Watershed	39°16'24.14"	N 118°21'10.63" W	70	60	36	8	3"	50.2	CH
6	US 50 (Near SR 839)	East Bound	Entering Gabbs Valley Watershed	39°16'24.00"	N 118°21'9.94" W	70	60	36	8	3"	50.21	CH
7	SR 207 (Kingsbury)	East Bound	Entering Carson River Watershed	38°58'35.06"	N 119°53'19.65" W	35	60	36	6	3"	3.11	DO
8	US 95 (Just South of I-80)	South Bound	Entering Carson River Watershed	39°49'14.67"	N 118°46'26.72" W	70	60	36	8	3"	50.23	CH
8	US 95 (Just South of I-80)	North Bound	Entering Humboldt River Watershed	39°49'14.65"	N 118°46'26.15" W	70	66	36	8	3"	50.23	CH
9	ALT US 95 (N of Silver Springs)	South Bound	Entering Carson River Watershed	39°30'06.37"	N 119°13'19.68" W	65	60	36	8	3"	6.61	LY
9	ALT US 95 (N of Silver Springs)	North Bound	Entering Truckee River Watershed	39°30'06.45"	N 119°13'18.85" W	65	60	36	8	3"	6.61	LY
10	US 95 (South of Fallon)	South Bound	Entering Dixie Valley Watershed	39°14'06.00"	N 118°45'00.91" W	70	60	36	8	3"	8.98	CH
10	US 95 (South of Fallon)	North Bound	Entering Carson River Watershed	39°14'06.23"	N 118°45'00.37" W	70	60	36	8	3"	8.98	CH
11	ALT US 95 (S of Silver Springs)	South Bound	Entering Walker River Watershed	39°10'58.89"	N 119°12'36.08" W	65	60	36	8	3"	27.15	LY
11	ALT US 95 (S of Silver Springs)	North Bound	Entering Carson River Watershed	39°10'59.02"	N 119°12'35.57" W	65	60	36	8	3"	27.15	LY
12	USA PKWY	South Bound	Entering Carson River Watershed	39°28'40.39"	N 119°24'02.88" W	55	72	48	6	3"	0.9	ST
12	USA PKWY	North Bound	Entering Truckee River Watershed	39°28'40.19"	N 119°24'01.69" W	55	78	48	6	3"	0.9	ST

2018 CWSD Watershed Signage Project

Estimate

Brian Smith, President
 Horizon Construction, Inc.
 PO Box 942
 Carson City, NV 89702
 Office 775-885-7700
 Horizoninc@me.com
 License #: 44837 & 44838

**Project**

2018 CWSD Watershed Signage Project

Customer

Shane Fryer
 Carson Water Subconservancy District
 777 E. William Street, Suite 110A
 Carson City, NEVADA 89701

Office 775.887.9005
 shane@cwdsd.org

Price Includes providing one page typical traffic control plan, One day trip to assist CWSD in their layout of Sign locations, Mobilization and demobilization, traffic control consisting of 8 signs and 30 cones at each location (location includes 2 signs, 1 each side of road). Picking up at NDOT yard and installing 22 owner provided signs, posts, hardware, and concrete footings. Cleaning up and raking around each post.

Price Does Not Include: Permits, permit fees, SWPPP, bonds, testing, engineering, work being done at the direction of CWSD personnel and Horizon Construction Inc. assumes no design liability, surveying, prevailing wages, unexcavatable rock, repairing unmarked underground utilities, off hauling any material rocks or sage brush, welding of posts or bases (posts to be supplied with bases attached and cut to length), items not listed above.

Description	Quantity	Cost
1) Install 22 Owner Supplied Signs		24,800.40
Project Total		24,800.40

We appreciate your business and look forward to working with you.

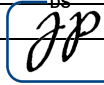
Approved By: _____ Date: 7/31/18

Date: _____

Contractor Brian Smith

Customer _____

Exhibit C - 2018 CWSD Watershed Signage Project

Fee	<u>Waived</u>	Permit No.	<u>208136</u>
Milepost	<u>Various</u>	District	<u>II</u>
District No.:	<u>208136-18</u>		
Applicant:	<u>Carson Water Subconservancy District</u>		
Type of Work:	<u>Place watershed signage</u>		
Work Order #	<u>20151261</u>		
Reviewed By:	<u>07/27/2018</u>		

**REVOCABLE PERMIT FOR OCCUPANCY OF
NEVADA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY**
(Under the provisions of NRS 408.423, 408.210 and NAC 408)

1. Location where excavation, construction, installation and/or occupancy is proposed
Various locations per table on page 2 of this permit

<u>Location name of highway</u>	<u>Street address or nearest cross street</u>
---------------------------------	---

2. Type, scope of work, and any additional information:

Place signage in the locations, and using the sign verbiage, listed in the table on page 2 of this permit.

These signs are for the Watershed Boundary Signage Project for Carson Water Subconservancy District (CWSD). All work shall be in accordance with attached plans by CWSD and NDOT Standards and Specifications.

3. **SPECIFIC TERMS AND CONDITIONS APPURTENANT TO THIS PERMIT ARE LISTED ON PAGES 2 - 11.**

4. Permit Contact Information
Carson Water Subconservancy District
Attn: Edwin James

Name of PERMITTEE

777 E. Williams Street., #110A

Address

Carson City, NV 89701

City, State, Zip

(775) 887-9005

Phone No.

Edjames@cwsd.org

Email

Permittee's I.D. No. or Parcel No.

PERMITTEE: Carson Water Subconservancy DistrictDISTRICT NO. 208136-18**ADDITIONAL TERMS AND CONDITIONS**

1. Place signage in the locations, and using the sign verbiage, listed in the table below.

These signs are for the Watershed Boundary Signage Project for Carson Water Subconservancy District (CWSD). All work shall be in accordance with attached plans by CWSD and NDOT Standards and Specifications. Any conflicts between the attached plans and NDOT Standards and Specifications shall be documented in writing and submitted to the District II Permit Office for acceptance prior to implementation. Written requests to deviate from NDOT Standards and Specifications must identify the standard, identify the proposed deviation, identify any proposed mitigation, suggest how proposed deviation and mitigation meets the intent of NDOT Standards and Specifications and suggest why the deviation is reasonable and safe. Deviation letters must be signed and stamped by an engineer registered in the State of Nevada.

Highway	Direction	Sign Language	Stationing	MP
SR 341 (Geiger)	SB	Entering Carson River Watershed	"GU" 121+14.11	ST 6.05
SR 341 (Geiger)	NB	Entering Truckee River Watershed	"GU" 121+14.11	ST 6.05
US 395 (Topaz)	NB	Entering Carson River Watershed	"L" 374+31.88	DO 6.9
US 395 (Topaz)	SB	Entering Walker River Watershed	"L" 374+31.88	DO 6.9
US 50 (Spoonerville)	EB	Entering Carson River Watershed	"P" 058+58.43	DO 13.22
US-50A (East of Fernley)	WB	Entering Carson River Watershed	"P" 355+86.65	LY 21.87
US-50A (East of Fernley)	WB	Entering Truckee River Watershed	"LE" 059+36.67	LY 21.95
US 50 (Near SR 839)	WB	Entering Carson River Watershed	"C" 347+38.04	CH 50.21
US 50 (Near SR 839)	EB	Entering Gabbs Valley Watershed	"C" 347+38.04	CH 50.21
SR 207 (Kingsbury)	EB	Entering Carson River Watershed	"WR" 184+19.04	DO 3.11
US 95 (Just South of I-80)	SB	Entering Carson River Watershed	"P" 751+83.22	CH 50.23
US 95 (Just South of I-80)	NB	Entering Humboldt River Watershed	"P" 751+83.22	CH 50.23
US 95A (N of Silver Springs)	SB	Entering Carson River Watershed	"D" 349+67.48	LY 6.61
US 95A (N of Silver Springs)	NB	Entering Truckee River Watershed	"D" 349+67.48	LY 6.61
US 95 (South of Fallon)	SB	Entering Dixie Valley Watershed	"P" 1130+93.33	CH 8.98
US 95 (South of Fallon)	NB	Entering Carson River Watershed	"P" 1130+93.33	CH 8.98
US 95A (S of Silver Springs)	SB	Entering Walker River Watershed	"L" 157+63.23	LY 27.15
US 95A (S of Silver Springs)	NB	Entering Carson River Watershed	"L" 157+63.23	LY 27.15
SR 439 (USA Parkway)	NB	Entering Truckee River Watershed	"USA" 509+77.04	ST 0.9
SR 439 (USA Parkway)	SB	Entering Carson River Watershed	"USA" 509+77.04	ST 0.9

PERMITTEE


DATE 07/31/2018

PERMITTEE: Carson Water Subconservancy DistrictDISTRICT NO. 208136-18

2. PERMITTEE shall not use the NDOT right-of-way for truck staging or deliveries. All truck staging and deliveries shall be accomplished outside of the right-of-way.
3. In the event the NDOT right-of-way, encumbered by this permitted encroachment, is needed for future highway purposes, PERMITTEE agrees to modify, adjust, remove or relocate the encroachment authorized herein, at no cost to the State of Nevada.
4. PERMITTEE agrees to indemnify, defend and save harmless the State of Nevada and its officers, agents, and employees against any and all liability, loss, damage, cost and expense which it or they may incur, suffer, or be required to pay by reason of death, disease, or bodily injury to any person or persons, or injury to, destruction of, or loss of use of any property, including property belonging to the State of Nevada, arising out of or incident to activities contemplated by this permit, and proximately caused, in whole or in part, by any act or omission of the PERMITTEE, or its contractors, agents, or the employees of any one or all of them, or by the officers, agents, or employees of the State of Nevada, unless it is established by the PERMITTEE that the proximate cause was the willful misconduct or gross negligence of the officers, agents, or employees of the State of Nevada. Costs and expenses will include but are not limited to, the amount of the judgment, court costs, litigation expenses, expert witness fees, and reasonable attorney fees.
5. Advertising within the NDOT right-of-way is restricted per NRS 405.110. It is the PERMITTEE's responsibility to understand and comply with all applicable local, state and federal requirements regarding advertising within the right-of-way.

AMENDMENTS AND TIME EXTENSIONS

6. All formal requests shall be processed through the District II Permit Office. This includes, but not limited to, request for a change in the accepted Terms and Conditions such as request to abandon utility and time extensions. A formal request letter shall be addressed to the District Engineer for consideration, signed and submitted by the PERMITTEE, to the District II Permit Office. NDOT will not be responsible for any administration delay as a result of the PERMITTEE or a representative of the PERMITTEE not submitting the formal request to the District II Permit Office for processing.

ADDITIONAL PERMITS AND SURVEYS

7. Trees that are deemed to interfere with the proposed project, shall be identified as to the species, size and location. No removal of any trees will be allowed without prior written approval given by NDOT. To obtain approval, submit formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE, and submitted at least five (5) working days prior to the day requested.

CONSTRUCTION

STANDARDS AND PRACTICES

8. A complete permit package, including the NDOT accepted traffic control plans, shall be available at the job site at all times during construction. All contractors and subcontractors connected with this permitted activity shall have a complete copy of this permit, with the NDOT accepted plans, at the site at all times. The activity may be ordered to cease by NDOT if a copy is not available on-site.

PERMITTEE

A blue ink signature of the District Engineer, consisting of the letters 'DS' above a stylized 'EJ'.DATE 07/31/2018

PERMITTEE: Carson Water Subconservancy DistrictDISTRICT NO. 208136-18

9. All new facilities shall be placed a minimum of three feet (3') clear distance from new or existing NDOT facilities, except in areas where special protection methods have been planned, reviewed and approved by NDOT.
10. PERMITTEE shall submit "As-built" plans to the District II Permit Office showing the exact locations and depths, on both plan and profile, within thirty (30) days of completion of construction.
11. **NO POTHOLING OF THE ROADWAY WITHOUT WRITTEN AUTHORIZATION.**
12. PERMITTEE shall not remove or replace storm drain pipe during construction. If field constraints exist requiring the removal of the pipe, the storm drain pipe shall to be replaced with like pipe in material (class IV RCP) and size. The pipe joints shall be per NDOT Standard Detail R-2.1.1. PERMITTEE shall not encase the storm drain, except at joints as per standard.
13. PERMITTEE shall supply a certified testing technician for compaction tests of aggregate base and asphaltic concrete, at the direction of the District Inspector.
14. Concrete mix designs for encroachment permits will be previously approved NDOT mix designs, for each designated application.
15. All backfill material shall conform to the NDOT Standard Specifications: Section 207 for granular backfill and Section 302 for aggregate base. Material shall be from a NDOT source-accepted pit. Submittals for materials, certified by the NDOT Headquarters lab, dated within one year of construction, are due prior to the beginning of construction.
16. **NO PAVEMENT SHALL BE CUT.**
17. PERMITTEE's contractor shall submit material test results, performed or certified by the NDOT Materials Division, dated within one year of the submission, prior to the beginning of construction.
18. For sign replacements, the PERMITTEE shall submit a temporary occupancy permit application for sign work and for new signs. NDOT will provide replacement aluminum signs based on funding availability. For sign replacements, submit your application within eight (8) weeks in advance of anticipated construction due to sign design and fabrication lead time.
19. PERMITTEE shall submit a temporary occupancy permit application for maintenance activities within the NDOT right-of-way, excluding field inspections. This includes, but not limited to, repairing or replacing signage and/or sign structures, and setting up temporary traffic control devices. Please contact the District II Permit Office at (775) 834-8330 for more information.
20. A temporary occupancy permit application is not required for the following maintenance activities within the NDOT right-of-way: Routine inspection visits.
21. Location of the sign placement may be adjusted, at any time, by the inspector in the field.

SITE MAINTENANCE

22. PERMITTEE shall be responsible for maintaining the integrity of the roadway surface during construction. Dust, dirt, mud, gravel, etc. carried onto the roadway surface shall be removed on a regular basis (at least once a day or as requested by NDOT personnel). Failure to comply may result in NDOT having the roadway cleaned and the cost for the clean-up billed to the PERMITTEE.

PERMITTEE

A handwritten signature in blue ink, appearing to be "EJ", enclosed within a blue rectangular box. Above the box, the letters "DS" are printed.DATE 07/31/2018

PERMITTEE: Carson Water Subconservancy DistrictDISTRICT NO. 208136-18

23. PERMITTEE shall maintain an ongoing dust control program, including watering of open areas, conforming to the latest Federal, State, and County air pollution regulations. PERMITTEE shall submit a dust control plan for approval to the appropriate air pollution control division and the approved plan shall be available at the job site, prior to commencement of any work within the right-of-way.
24. PERMITTEE shall ensure that contractors and subcontractors, that are moving equipment and materials from the project site into the right-of-way, where noxious weeds are present, shall wash and clean equipment prior to being moved.
25. PERMITTEE shall remove large rocks four inches (4") or larger unearthed during construction from the surface of the right-of-way area. The rocks shall be disposed of by burying in approved locations or used as riprap in approved drainage locations.
26. PERMITTEE shall not disturb signs, object markers, milepost panels, or guideposts.
27. PERMITTEE shall not store equipment, materials or spoils in right-of-way outside of normal working hours.

RESTORATION

28. PERMITTEE shall return all highway appurtenances, disturbed or destroyed, to a condition equal to or better than the original condition, and in accordance with NDOT Standard Plans and Specifications.

WATER QUALITY

29. Temporary pollution control and erosion control work shall conform to the requirements of NDOT's Construction Site Best Management Practices (BMPs) Manual," hereinafter referred to as the Manual, and addenda thereto issued up to and including, the date the permit is issued. The Manual is available for purchase or can be accessed from NDOT's stormwater management program website. Adhere to the Manual's minimum requirements for the selection and implementation of construction site BMPs. The requirements of the Manual are minimum requirements, and NDOT may require additional BMPs (including maintenance and installation) to meet the requirements specified herein. **Know and fully comply with the provisions of the Manual, and federal, state, and local regulations and ordinances governing stormwater and non-stormwater discharges from both the project site and areas of disturbance outside the project limits during construction.**
30. PERMITTEE shall develop and implement a Runoff Control Plan (RCP) for land disturbance activities (including clearing, grading, excavating, stockpiling of material, and other similar activities) within NDOT right-of-way that are exempt from CGP coverage. At a minimum, the RCP shall contain a description of all PERMITTEE activities; contact information for the individual responsible for stormwater pollution control implementation; a description of temporary and permanent stormwater pollution control measures to be implemented; a topographic map depicting the project area(s), location of all receiving waterbodies within a one (1) mile radius of the project area, NDOT's roadway system, and a north arrow; a plan set depicting the location of all stormwater hydraulic facilities and stormwater discharge points, all temporary and permanent erosion control measures, land disturbance areas including equipment staging and material stockpile areas, and NDOT's right-of-way within the project area(s). Subsequent information may be required based on the information provided. Documented storm water inspections shall be performed by the PERMITTEE once every seven (7) calendar days and within twenty-four (24) hours after a storm event one-half inch (0.5") or greater.

PERMITTEE


DATE 07/31/2018

PERMITTEE: Carson Water Subconservancy DistrictDISTRICT NO. 208136-18

31. If existing temporary or permanent erosion control measures require repair, modification, or maintenance, or if additional erosion control measures are deemed necessary by NDOT, the Nevada Division of Environmental Protection (NDEP) or the Environmental Protection Agency (EPA), implementation shall be completed within seven (7) calendar days or before the next storm event (whichever is sooner).
32. NDOT reserves the right to review and retain copies of any project related permits and associated documentation.
33. RCP implementation shall occur until all permitted work is complete and NDOT acceptance is granted.
34. PERMITTEE shall be responsible for maintaining all storm water pollution control measures, including temporary and permanent BMPs, until final stabilization (as defined in the CGP) and NDOT acceptance is granted. Temporary pollution control measures shall be removed from the NDOT right-of-way at the completion of work authorized under this permit. Temporary pollution control measures treating storm water runoff from land disturbance areas that have not undergone final stabilization shall remain in place.
35. Permanent or post-construction BMPs shall require NDOT's approval prior to construction or installation.
36. In the event PERMITTEE activities result in an illicit discharge into the storm sewer system or a spill/release of reportable quantity (as defined by federal regulation), the PERMITTEE shall immediately cease the activity contributing to the discharge/release and report the incident to the District II Permit Office and the Nevada Division of Environmental Protection's Spill Reporting Hotline (1-888-331-6337) within 24 hours of occurrence. corrective action in response to a discharge/release shall be initiated by the PERMITTEE as soon as possible, but no later than 24 hours upon incident discovery. PERMITTEE shall submit copies of all documentation pertaining to mitigation, cleanup, and/or remedial efforts in response to a discharge/release to the District II Permit Office. An illicit discharge is defined in 40CFR§122.26(b)(2) and refers to any discharge to a municipal separate storm sewer that is not entirely composed of storm water, except discharges authorized under a National Pollutant Discharge Elimination System (NPDES) permit (other than a NPDES permit for discharges from the municipal storm sewer system) and discharges resulting from firefighting activities.
37. Comply with Environmental Laws.
 - a. Environmental Laws refers collectively to any and all federal, state, or local statute, law, ordinance, code, rule, regulation, permit, order, or decree regulating, relating to, or imposing liability or standards of conduct on a person discharging, releasing or threatening to discharge or release or causing the discharge or release of any hazardous or solid waste or any hazardous substance, pollutant, contaminant, water, wastewater or storm water, and specifically includes, but is not limited to: The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act; the Comprehensive Environmental Response, Compensation and Liability Act, as amended; the Toxic Substances Control Act; the Clean Water Act (CWA); the Clean Air Act; the Occupational Safety and Health Act (OSHA); any applicable National Pollutant Discharge Elimination System (NPDES) or discharge permit issued by the Nevada Division of Environmental Protection; any applicable CWA Section 404 permit, state issued 401 Water Quality Certification, or any local pretreatment or environmental nuisance ordinance.
 - b. Specifically agree that in the course of performing any activity for which this Permit is necessary:
 - i. To comply with any and all Environmental Laws

PERMITTEE

A blue ink signature, possibly reading 'EJ', is written inside a blue rectangular box. The box has 'DS' in the top right corner.

PERMITTEE: Carson Water Subconservancy DistrictDISTRICT NO. 208136-18

- ii. To ensure that no activity under this Permit shall cause NDOT to be in violation of any Environmental Laws
- iii. That if the PERMITTEE fails or refuses to comply with any Environmental Laws, or causes NDOT to be in violation of any Environmental Laws, NDOT may at its sole and unreviewable discretion, (1) revoke this Permit; (2) require the PERMITTEE to undertake corrective or remedial action to address any release or threatened release or discharge of the hazardous substance, pollutant or contaminant, illicit discharge, water, wastewater or storm water; and (3) expressly consents to entry of injunctive relief to enforce any listed remedies.
- iv. To indemnify NDOT for any losses, damages, expenses, penalties, liabilities or claims of any nature whatsoever suffered by or asserted against NDOT as a direct or indirect result of the disposal, escape, seepage, leakage, spillage, discharge, emission, or release of any hazardous waste, solid waste, hazardous substance, pollutant or contaminant, water, wastewater or storm water and losses, damages, expenses, penalties, liabilities and claims asserted or arising under the Environmental Laws, or for NDOT's costs in undertaking corrective action pursuant to an order of or settlement with a duly authorized regulatory agency or injured third party or for any penalties associated with PERMITTEE'S activities.

TRAFFIC SAFETY

- 38. PERMITTEE shall contact the District II Permit Office at (775) 834-8330, a minimum of two (2) working days prior to the anticipated beginning of construction and five (5) working days prior to any lane closure in the right-of-way.
- 39. All traffic control shall conform to the *Manual on Uniform Traffic Control Devices*, "Chapter 6," and the *State of Nevada, Standard Plans for Road and Bridge Construction*, 2017 Edition. **Traffic shall not be delayed more than twenty (20) minutes. Failure to adhere to this condition shall result in the immediate suspension of work in the right-of-way.**
- 40. All Category 1 & 2 Traffic Control Devices used on NDOT roadways shall be National Cooperative Highway Research Program (NCHRP) *Report 350* compliant. PERMITTEE and/or contractor shall have manufacturer's certificates of compliance available at the project site.
- 41. All traffic control devices are subject to being rated by the District Inspector for serviceability condition to the current American Traffic Safety Services Association (ATSSA) publication "Quality Standards for Work Zone Traffic Control Devices" which is available from the American Safety Services Association, 15 Riverside Parkway, Fredericksburg, VA 22406, Phone: (540) 368-1701. Any device determined by the Inspector to not meet these quality standards shall be replaced with an acceptable device.
- 42. No work shall be allowed in the NDOT right-of-way from 5:00 AM the working day before a holiday through 7:00 PM the working day after a holiday, unless prior written approval has been given by NDOT. To obtain approval, submit a formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE, and submitted at least five (5) working days prior to the day requested.
- 43. No work shall be allowed the working day before, during, and the working day after scheduled special events, unless prior written approval has been given by NDOT. It is the PERMITTEE's responsibility to become aware of local or special events scheduled in the area of construction. To obtain approval, submit a formal written request to the District II Permit Office. The request letter shall be addressed to the

PERMITTEE


DATE 07/31/2018

PERMITTEE: Carson Water Subconservancy DistrictDISTRICT NO. 208136-18

District Engineer, signed by the PERMITTEE, and submitted at least five (5) working days prior to the day requested.

44. PERMITTEE shall contact the District Inspector, (775) 834-8330, to coordinate sign installations as to not conflict with any ongoing NDOT contract work in the area.
45. Lane closures require five (5) working days prior notification and an accepted traffic control plan.
46. Any appurtenance installed that represents a hazard to the travelling public shall be protected in accordance with the AASHTO *Roadside Design Guide*, current edition, and approved by NDOT prior to installation.
47. All vertical drop-offs three inches (3") or greater, that are within the roadway clear zone, shall be protected by an NDOT approved method.
48. PERMITTEE shall submit a traffic control plan for acceptance by District II Permit Office prior to the permit being issued and commencement of any work in the right-of-way. This traffic control plan shall be available at the job site at all times during construction.
49. Any temporary speed reductions in work zones must be approved by the NDOT Chief Traffic Operations Engineer. Submit requests to the District II Permit Office and allow up to 4 weeks for processing.
50. If an incident (accident/crash) occurs within the placed temporary traffic control, the PERMITTEE shall not modify or tamper with the existing traffic control devices. All traffic control devices shall remain for the incident investigation team. Temporary incident signage (pink color) may be placed to alert motorists of an incident event. The PERMITTEE shall receive verbal or written approval prior to modifying or removing temporary traffic control devices after the incident.
51. PERMITTEE shall maintain two-way traffic at all times during construction.
52. PERMITTEE shall set up traffic control to accommodate for the needs of pedestrians and bicyclists.

HOURS OF OPERATION

53. PERMITTEE's contractor shall contact the District II Permit Office at (775) 834-8330, to have a pre-construction meeting on-site, with the District Inspector, prior to construction.
54. The hours of work shall be from 7:00 AM to 3:30 PM, daily, Monday through Friday, provided all through lanes of traffic are unrestricted by activity in progress. Any change in work hours must receive prior written approval from NDOT. To obtain approval, submit a formal written request to the District II Permit Office. The request letter shall be addressed to the District Engineer, signed by the PERMITTEE, and submitted at least five (5) working days prior to the day you wish to work adjusted hours.
55. The work of setting up and tearing down traffic control devices as required shall be completed each day within the hours specified on the permit and/or on the approved traffic control plan. All traffic control devices shall be completely removed from the roadway and sidewalk at the end of the work period.

ENVIRONMENTAL

56. If any species are listed by either the US Fish and Wildlife (USFWS) or by the State, the PERMITTEE must have a qualified biologist complete a field assessment and determine species presence or absence

PERMITTEE


DATE 07/31/2018

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and contact the appropriate agencies to determine what mitigation methods are required if found. PERMITTEE must submit copies of any reports and documentation of any required agency consultations to NDOT.

57. The PERMITTEE must follow all BMPs to avoid impacts to all federal or state listed species.
58. MIGRATORY BATS: If bats are identified roosting within the project limits contact the Nevada Department of Wildlife (NDOW) for proper guidance. An avoidance area with a one hundred-foot (100') radius must be maintained until formal guidance is received. For information on the closest NDOW office go to: <http://www.ndow.org/Our Agency/Contact Us/>
59. MIGRATORY BIRDS: Vegetation/structure removal shall be conducted to conform with the Migratory Bird Treaty Act (MBTA) to avoid impacts to listed migratory birds (50 CFR 10.13) that may be actively utilizing vegetation or structures for nesting. When possible, vegetation and structure removal should not occur during avian breeding season (generally March 1 through July 31), but raptors and owls may begin nesting as early as January. As these dates are a general guideline, active nests may be observed outside this range.
60. MIGRATORY BIRDS: If vegetation/structure removal must occur during avian breeding season, nesting surveys must be conducted by a qualified biologist. IF nesting sites are found within the project limits, US Fish and Wildlife must be consulted to determine a suitable buffer area around the nest site. Buffer areas around the nest site should be flagged as an avoidance area and no disturbance should occur within the avoidance area while the nest is occupied with eggs and/or young. Once young have left the nest, the avoidance area can be removed and work can resume. For more information on the Migratory Bird Treaty Act go to: <http://www.fws.gov/migratorybirds/regulationspolicies/mbta/mbtintro.html>
61. NOXIOUS WEEDS: Noxious Weeds. The PERMITTEE shall complete the Noxious Weed Management Checklist/Plan (<https://www.nevadadot.com/doing-business/about-ndot/ndot-divisions/engineering/environmental-services/environmental-documents-and-projects>), describing how they will prevent the introduction and spread of noxious weeds. The PERMITTEE must keep a copy of the completed Noxious Weed Management Checklist/Plan on site while working within the Department's right-of-way. At Department's request, the PERMITTEE shall provide a copy of the Noxious Weed Management Checklist/Plan to NDOT Environmental Services for review and approval. For more information Nevada noxious weeds, go to: <http://agri.nv.gov/NoxiousWeeds/>
62. To ensure the protection of cultural resources and to avoid penalties (Public Law 96-95: 16 U.S.C. 470ii), the area outside the permit boundaries must be completely avoided. Do not park, turn around vehicles, stage activity, landscape or otherwise modify any areas outside permit boundaries. If any historical, cultural or paleontological resources are encountered during work, operations must cease immediately within 100 feet of the area of discovery and the surrounding area is to be protected. The NDOT Chief Archaeologist is to be notified immediately for further instructions (775-888-7666).

MAINTENANCE - FACILITY

63. Maintenance and repair of signage and any other facility appurtenances installed in the NDOT right-of-way shall be the responsibility of the PERMITTEE in perpetuity, unless specifically outlined in the following conditions. Any future modifications (sign structure) to these facilities shall require a new encroachment permit.

PERMITTEE



PERMITTEE: Carson Water Subconservancy District

DISTRICT NO. 208136-18


64. PERMITTEE will ensure that the continuing responsibility for upkeep and repair of any facility erected or installed in connection to this permit will be transferred to the PERMITTEE's successors in interest or assigns.

65. NDOT shall provide aluminum signs for PERMITTEE installation and provide replacement signs upon request (pending available funding). Please contact the District II Permit Office and reference this permit.

EMERGENCY WORK

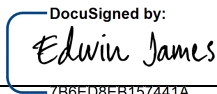
66. During business hours, emergency work on permitted facilities must be authorized by the NDOT District II Permit Inspector, unless identified in an issued temporary occupancy permit. The Emergency Notification Form may be hand delivered, faxed or sent electronic mail.

67. During non-business hours, notify the NDOT District II Utilities 24/7 Hotline at (775) 834-8488. The Emergency Notification Form may be hand delivered, faxed or sent electronic mail.

PERMITTEE  ^{DS}
DATE 07/31/2018

PERMITTEE: Carson Water SubconservancyDISTRICT NO. 208136-18

PERMITTEE hereby acknowledges that he or she has read the *Terms and Conditions Relating to Right-of-Way Occupancy Permits* booklet (2017 ed.) and the Additional Terms and Conditions of this permit. By signing this permit, he or she agrees to all terms and conditions appurtenant to this permit.

Dated 07/31/2018By  7B6ED8EB157441A...Permittee – Edwin James, General Manager
Carson Water Subconservancy District**STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION**

This Right-of-Way Occupancy Permit is granted to the PERMITTEE in accordance with the provisions of Chapter 408 N.R.S. and subject to the TERMS AND CONDITIONS stipulated to perform the work described.

Dated _____

By _____

Director or District Engineer

AGENDA ITEM #10

**CARSON WATER SUBCONSERVANCY DISTRICT
CARSON RIVER WATERSHED COMMITTEE**

TO: COMMITTEE MEMBERS

FROM: EDWIN JAMES

DATE: AUGUST 15, 2018

SUBJECT: Agenda Item #10 - For Possible Recommendation: Approve the "I Am 65% Carson River" Watershed Awareness Campaign.

DISCUSSION: Staff and Neon Agency are ready to implement the "I Am 65% Carson River" Campaign. Actions include trademarking the logo and starting to print campaign materials. Feedback given during the July Board meeting on the URL font size, will be realized by adjusting the dimensions of the web address by appropriate medium, whether it's a window cling, newspaper, or billboards. Other direction like the 65% vs 100% or picking up after your pet will be incorporated in messaging.

STAFF RECOMMENDATION: Approve the "I Am 65% Carson River" Watershed Awareness Campaign

AGENDA ITEM #11

CARSON RIVER WATERSHED COMMITTEE

ROLL CALL

AGENDA ITEM #12

CARSON RIVER WATERSHED COMMITTEE

PUBLIC COMMENT

AGENDA ITEM #13

**CARSON WATER SUBCONSERVANCY DISTRICT
CARSON RIVER WATERSHED COMMITTEE**

TO: COMMITTEE MEMBERS

FROM: EDWIN JAMES

DATE: AUGUST 15, 2018

SUBJECT: Agenda Item #13 - For Discussion Only: Presentation by Michael Baker International regarding a revision to the Carson River Watershed Regional Floodplain Management Plan.

DISCUSSION: For the past two years Michael Baker International has been working with CWSD staff, various floodplain administrators in the watershed, and other interested stakeholders to revise the Carson River Watershed Regional Floodplain Management Plan. At the Board meeting Michael Baker International staff will hand out and review the report. The goal is for this item to be brought back at the September Board for adoption. Once the revised Regional Floodplain Plan has been approved by the CWSD Board, staff will take the plan to the various counties in the watershed for adoption of the revision.

STAFF RECOMMENDATION: Receive the 2018 revision to the Carson River Watershed Regional Floodplain Management Plan.

AGENDA ITEM #14

**CARSON WATER SUBCONSERVANCY DISTRICT
CARSON RIVER WATERSHED COMMITTEE**

TO: COMMITTEE MEMBERS

FROM: EDWIN JAMES

DATE: AUGUST 15, 2018

SUBJECT: Agenda Item #14 - For Possible Recommendation: Discuss CWSD's position on the use of the Public Trust Doctrine to be applied to water rights already adjudicated and settled under the Doctrine of Prior Appropriation and to submit an Amicus Brief to the Court.

DISCUSSION: CWSD received a letter from Gordon DePaoli with Woodburn/Wedge asking if CWSD would be willing to submit an amicus brief opposing the use of the Public Trust Doctrine to be applied to water rights already adjudicated and settled under the Doctrine of Prior Appropriation (see attached letter). Mineral County and the Walker Lake Working have filed lawsuit to intervene in the Walker River Decree to recognize a minimum flow of 127,000 acre/feet per year into Walker Lake using the Public Trust Doctrine (see attached filing).

Although this lawsuit is associated with the Walker River, staff's concern is that this case could set a precedent for someone to use the Public Trust Doctrine to request water already adjudicated under the Alpine Decree. Below are some discussion points opposing this use of the Public Trust Doctrine.

- Water Resource Stability: The reason why the arid western states use the Doctrine of Prior Appropriation is to establish water allocation for all water users in a given watershed to determine how much water they can plan on receiving based on the projected water year runoff. Many of the decreed water rights in given watersheds are based on historic practices that were codified by court action and are used today and into the future. Many water users invest in their infrastructure based on the assurance of the priority of their water right. Using the Public Trust Doctrine to reallocate water will undermine the established practices and create uncertainty to all water right owners.
- Whose Water Will Be Taken? In most years the demand for water on the Walker River exceeds the available water supply. If the court was to grant a minimum flow of 127,000 acre-feet per year, who will lose their water rights? In drought years the flow in both the East and West Walker is less than 127,000 acre-feet.
- A Bi-State Watershed: The Walker River's headwaters start in California and flow into Nevada. The Walker River Decree allocates water in both states. How will the Nevada Public Trust Doctrine be used in the water allocation? Will only the water users in Nevada be impacted?
- How much Is Enough? Mineral County is requesting under the Public Trust Doctrine a minimum of 127,000 acre-feet per year flow into Walker Lake. If this

request is granted, what will stop someone else in the future from requesting more water under the Public Trust Doctrine?

- What Do You Protect, the Flower or the Butterfly? Every watershed in the arid west has been involved in litigation over water rights. On the Walker River this litigation began in 1902. The reason for the litigation is the limited water resources. Over the years the amount of water flowing into Walker Lake has decreased due to the use of water upstream of Walker Lake. The fact is there is not enough water to meet all the water demands on the Walker River system. If one claims the Public Trust Doctrine to get water to Walker Lake, what about the use of the Public Trust Doctrine to maintain riparian corridors established by irrigation upstream of Walker Lake? It gets to the question: “What do you protect, the flower or the butterfly?” If you get rid of either one of them, the other will suffer.\
- Working Within the River Decrees For over twenty years CWSD has been working on projects to enhance river flow for multiple benefits in the Carson River Watershed. An example of this is the water rights that CWSD owns in Lost Lakes Reservoirs. Lost Lakes Reservoirs are located at the headwaters of the West Fork of the Carson River in Alpine County, California. Water is stored during the summer for recreation. In the fall water is released to enhance the stream flow on the West Fork. This water is then used by Carson City or by the farmers in Churchill County. All of this is done in accordance with the Alpine Decree for the Carson River. There are currently programs on the Walker River whose main purpose is to purchase water rights and transfer the water to Walker Lake. Working within the decree enables water users to plan or adapt to change in water allocation.

The Regional Water System and Flood Committee will discuss this item on August 13, 2018 and will give their recommendation to the Carson River Watershed Committee. If the Carson River Watershed Committee and CWSD Board agrees that CWSD should submit an amicus brief, then Patrick King will develop the amicus brief which will be brought back to the September Board meeting.

STAFF RECOMMENDATION: Recommend that Patrick King develop an amicus brief opposing the use of the Public Trust Doctrine to be applied to water rights already adjudicated and settled under the Doctrine of Prior Appropriation.



July 20, 2018

Gordon H. DePaoli
E-MAIL: gdepaoli@woodburnandwedge.com
DIRECT DIAL: (775) 688-3010

Ed James, P.E., General Manager
Carson Water Subconservancy District
777 E. William Street
Carson City, Nevada 89701

Re: ***Mineral County; and Walker Lake Working Group, Appellants vs. Walker River Irrigation District, et al., Respondents, In the Supreme Court of the State of Nevada, Case No. 75917***
Our File No. 1709. 0286

Dear Ed:

We represent the Walker River Irrigation District in the referenced matter. This matter was before the Ninth Circuit Court of Appeals on a Rule 12(b) jurisdictional dismissal from the United States District Court for the District of Nevada. Mineral County contends that fully perfected water rights recognized by and administered under the Walker River Decree, which was entered in 1936, must be modified to preserve minimum levels in Walker Lake. It alleges that those water rights must be modified so that "at least 127,000 acre feet of flows annually [are] reserved from the Walker River" for the benefit of Walker Lake, and that the public trust doctrine mandates that modification.

The Ninth Circuit has certified the following question to the Nevada Supreme Court: "Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?" In addition, if the Nevada Supreme Court determines the public trust doctrine does apply and allows for or requires the reallocation of rights settled under the doctrine of prior appropriation, the Ninth Circuit has also invited the Nevada Supreme Court to consider an additional question. That additional question is "Does the abrogation of such adjudicated or vested rights constitute a "taking" under the Nevada Constitution requiring payment of just compensation?" A copy of the Ninth Circuit's Order is enclosed.

We have now received an Order from the Nevada Supreme Court. It has accepted the first question and has established a briefing schedule. Our brief will be due in about 60 days, assuming this schedule does not change. We will keep you informed of any changes to the schedule. A copy of the Nevada Supreme Court's Order is enclosed.

It is our position that Nevada's comprehensive water law does not provide for involuntary modifications of fully perfected water rights. It is also our position that Nevada's water law does not violate the public trust doctrine because it does not allow for modification of fully perfected water rights. Finally, it is our position that if the Court determines that the public

Ed James, P.E., General Manager, Carson Water Subconservancy District
July 20, 2018
Page 2 of 2

trust doctrine requires that Nevada's water law provide for modification of fully perfected water rights, it is for the legislature, in the first instance, to amend the law to provide the standards for when such modifications would be required and to what extent.

A ruling otherwise from the Nevada Supreme Court would mean that all perfected Nevada water rights, whether perfected under the law prior to Nevada's statutory water law or perfected under that statutory water law, and whether surface or underground water could be involuntarily modified. Such a ruling will substantially undermine the reliability of all Nevada water rights, and that will adversely affect Nevada's present and future economy.

We are asking that you consider submitting an amicus brief on behalf of your entity or agency supporting our position. You should be aware that in the Ninth Circuit, Mineral County had the amicus support of 35 law professors from 33 law schools and from the Sierra Club and the Natural Resources Defense Council. Mineral County may very well receive similar support before the Nevada Supreme Court.

In addition, should it be an issue, we ask that you support the District's position that allowing the modification of fully perfected water rights as Mineral County seeks here would constitute a taking under the Nevada Constitution, and require just compensation. As you can see from the Nevada Supreme Court's Order, it is not yet clear whether it will consider that question. At present, it does not appear that it will consider that issue. We will keep you informed of any changes on that issue.

If you would like to have copies of all of the briefs before the Ninth Circuit, please let us know, and we will provide them to you. In addition, if you have any questions, please do not hesitate to contact us.

Sincerely,



Gordon H. DePaoli

GHD:hd
Enclosures

FILED

MAY 22 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 23 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

No. 75917

No. 15-16342

D.C. No.

3:73-cv-00128-RCJ-WGC

ORDER CERTIFYING A
QUESTION TO THE SUPREME
COURT OF NEVADA

MONO COUNTY, County Counsel,

Plaintiff-Appellee,

MINERAL COUNTY,

Intervenor-Plaintiff-
Appellant,

WALKER LAKE WORKING GROUP,

Defendant-Appellant,

and

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Intervenor-Plaintiff,

v.

WALKER RIVER IRRIGATION
DISTRICT; NEVADA DEPARTMENT
OF WILDLIFE; FENILI FAMILY
TRUST, c/o Peter Fenili and Veronica
Fenili, Trustees; SIX N RANCH, INC., c/o
Richard and Cynthia Nuti; MICHAEL
NUTI, NANCY NUTI; RALPH E. NUTI;

RECEIVED

MAY 23 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

18-19831

MARY E. NUTI; LAWRENCE M. NUTI;
LESLIE NUTI; MICA FARMS, LLC, c/o
Mike Faretto; JOHN AND LURA
WEAVER FAMILY TRUST, c/o Lura
Weaver, Trustee; SMITH VALLEY
GARAGE, INC., c/o Dan Smith and
Shawna Smith; DONALD GIORGI;
LORIE MCMAHON; MERLE
MCMAHON; CENTENNIAL
LIVESTOCK; LYON COUNTY;
ANNETT'S MONO VILLAGE; F.I.M.
CORPORATION; R.N. FULSTONE
COMPANY; JAMES T. FOUSEKIS,
Trustee; CHRIS H. GANSBERG, Jr.;
FAYE E. GANSBERG; TODD
GANSBERG; HUNEWILL LAND &
LIVESTOCK CO., INC.; DAVID
SCEIRINE; PAMELA HAAS; VIRGINIA
LAKE MUTUAL WATER COMPANY,

Defendants-Appellees.

Before: A. Wallace Tashima, Raymond C. Fisher and Jay S. Bybee, Circuit
Judges.

ORDER

Pursuant to Rule 5 of the Nevada Rules of Appellate Procedure, we
respectfully certify to the Supreme Court of Nevada the question of law set forth in
Section III of this order. The answer to the certified question may determine an
issue pending before this court and its resolution will have significant implications

for Nevada state water law. There is no clearly controlling precedent in the decisions of the Nevada Supreme Court.

We hold Mineral County's public trust claim for the reallocation of the waters of Walker River and the Takings Clause claim in abeyance pending the result of certification.

I. Background

The circumstances here are virtually identical to those that led to the Nevada Supreme Court's decision in *Mineral County v. Nevada Department of Conservation & Natural Resources*, 20 P.3d 800, 802-05 (Nev. 2001), in which Mineral County and the Walker Lake Working Group (the "Working Group") brought essentially the same suit as this one. In *Mineral County*, the Nevada Supreme Court ultimately declined to exercise jurisdiction in light of the federal district court's continuing and exclusive jurisdiction over the Walker River Basin litigation. *See id.* at 807. We reproduce the relevant background here in brief.

A. The Walker River Basin and Walker Lake's Decline

The Walker River Basin covers about 4000 square miles, running northeast from its origins in the Sierra Nevada Mountains in California before turning south and ultimately flowing into Walker Lake in Nevada. The first quarter of the basin lies in California, and California accounts for a majority of the precipitation and

surface water flow into the basin. The vast majority of the water is consumed across the border in Nevada.

Walker Lake is about 13 miles long, five miles wide and 90 feet deep – a large lake by most any measure. But its size and volume have shrunk significantly since they were first measured in 1882. By 1996, Walker Lake had retained just 50 percent of its 1882 surface area and 28 percent of its 1882 volume. Today's Walker Lake also suffers from high concentrations of total dissolved solids ("TDS") – meaning it has a high salt content, low oxygen content and a high temperature.

These conditions have drastically degraded the lake's environmental and economic well-being. The high TDS concentrations have proven so inhospitable to fish species that, according to Mineral County, much of the lake's fishing industry "has been eliminated for the time being." Walker Lake's decline also threatens its status as an important shelter for migratory birds, and it has "drive[n] away the many Nevadans and other Americans who used Walker Lake for recreational enjoyment and economically productive activities." Although the parties dispute the cause of Walker Lake's troubles, it seems clear that upstream appropriations play at least some part, together with declining precipitation levels and natural lake recession over time.

B. Litigation Over Water Rights in the Basin

In an effort to protect and rehabilitate Walker Lake, Mineral County intervened in the long-running litigation over water rights in the Walker River Basin. That litigation began in 1902, when one cattle and land company sued another in the United States District Court for the District of Nevada over appropriations from the Walker River. After considerable back and forth in state and federal court – including a Supreme Court decision holding that the Nevada federal court had prior, exclusive jurisdiction over the action, *see Rickey Land & Cattle Co. v. Miller & Lux*, 218 U.S. 258, 262 (1910) – the case ended in 1919.

Five years later, the United States brought a new action in Nevada federal court, seeking to establish the water rights of the Walker Lake Paiute Tribe. After 12 more years of litigation – bringing us to 1936 – that proceeding resulted in the Walker River Decree. The Walker River Decree adjudicated the water rights of hundreds of claimants under the doctrine of prior appropriation.¹ The Decree also created the Walker River Commission and the United States Board of Water

¹ Under the doctrine of prior appropriation, “[t]he first appropriator of the water of a stream passing through the public lands . . . has the right to insist that the water shall be subject to his use and enjoyment to the extent of his original appropriation, and that its quality shall not be impaired so as to defeat the purpose of its appropriation.” *Lobdell v. Simpson*, 2 Nev. 274, 277-78 (1866) (quoting *Butte Canal & Ditch Co. v. Vaughn*, 11 Cal. 143, 153-54 (1858)).

Commissioners. The federal district court in Nevada has maintained jurisdiction over the Decree and its administration ever since.

In 1987, the Paiute Tribe intervened in the Walker River litigation to establish procedures for reallocating water rights under the Decree. Since that proceeding's conclusion in 1988, the Nevada State Engineer reviews all applications to change allocations under the Decree in Nevada, subject to review by the Nevada federal district court. It appears that Nevada's prior appropriation law, which has largely been codified, governs the Engineer's decisions and the district court's review. *See, e.g., Nev. Rev. Stat. § 533.370; see also Greg Walch, Water Law: Treading Water Law — A Nevada Water Rights Primer*, 6 Nev. Law. 18, 18 (Nov. 1998) (discussing the history of prior appropriation and its codification in Nevada). Next, in 1991, the Paiute Tribe and the United States sought recognition of the Tribe's right to a certain additional amount of water from the Walker River, under a principle that Native American tribes have superior water rights based on their relationship to the federal government. That case is pending before this panel. *See United States v. Walker River Irrigation Dist.*, No. 15-16478.

C. Mineral County's Intervention

In 1994, Mineral County moved to intervene in the Decree litigation. The district court granted the motion in 2013. The amended complaint in intervention alleges that “[a]ctivities and businesses attributable to the presence and use of Walker Lake represent[] approximately 50% of the economy of Mineral County.” The complaint asks the Decree court, “pursuant to its continuing jurisdiction under . . . the . . . Decree, [to] reopen and modify the final Decree to recognize the rights of Mineral County . . . and the public to have minimum levels [of water] to maintain the viability of Walker Lake.” Mineral County seeks recognition “that a minimum of 127,000 acre/feet [of water] per year to Walker Lake is . . . required under the doctrine of maintenance of the public trust.”²

The Working Group – already a party to this litigation as a right-holder under the Decree – supports Mineral County’s position. Because of the posture of this case, the Working Group is considered a defendant as to Mineral County’s intervention. But the Working Group “always has supported efforts to transfer

² Under the public trust doctrine, states hold navigable waterways within their borders in trust for the good of the public. *See Lawrence v. Clark County*, 254 P.3d 606, 607 (Nev. 2011); *see also Mineral County*, 20 P.3d at 807 (Rose, J., concurring) (“In its most fundamental terms, the public trust doctrine provides that . . . all of a state’s navigable waterways are held in trust by the state for the benefit of the people and that a state official’s control of those waters is forever subject to that trust.”).

water rights for use in Walker Lake . . . and has supported the enforcement of the public trust doctrine for this same purpose.”

In 2015, the district court dismissed the amended complaint in intervention. First, the district court held Mineral County lacked standing to assert its public trust claim. It concluded Mineral County’s claim “was based purely on a *parens patriae* theory” of standing – i.e., that Mineral County did not assert any of its own interests, only those of its citizens – and that a county lacks the ability to sue as *parens patriae*.

Notwithstanding its conclusion on standing, the district court also addressed the merits of Mineral County’s public trust claim. It concluded the public trust doctrine may factor into *future* allocations of water, but that using the doctrine to reallocate rights already adjudicated under the Decree would constitute a taking and require just compensation. Invoking the political question doctrine, the court concluded it lacked authority to order Nevada to effectuate such a taking. The district court also held, without analysis, that Walker Lake is not part of the Walker River Basin under the Decree, and therefore that the Decree prohibits allocating any water specifically to the lake.

Mineral County timely appealed. We have concluded the district court erred in dismissing the amended complaint in intervention for lack of standing.³ The remaining issue – whether the Walker River Decree can be amended to allow for certain minimum flows of water to reach Walker Lake – depends on whether the public trust doctrine applies to rights previously adjudicated and settled under the doctrine of prior appropriation and permits alteration of prior allocations.⁴ This is an important question of Nevada water law we believe should be decided by the Nevada Supreme Court.

II. Discussion

The Nevada Supreme Court expressly recognized the public trust doctrine under Nevada law in *Lawrence v. Clark County*, 254 P.3d 606 (Nev. 2011). *Lawrence* involved an attempt by the Nevada legislature to transfer state-owned land to Clark County. *See id.* at 608. Because the land may have been a navigable waterway when Nevada joined the United States, the Nevada State Land Registrar refused to transfer title, citing the public trust's prohibition on alienating land held

³ In a concurrently filed memorandum disposition, we hold Mineral County has standing to assert its public trust claim. Furthermore, we have concurrently decided that Walker Lake is within the Walker River Basin. *See United States v. U.S. Bd. of Water Comm'rs*, No. 15-16316.

⁴ We hold the subsequent takings claim in abeyance pending the result of certification.

in trust for the public. *See id.* The Nevada Supreme Court remanded after setting out a three-part test for assessing whether the public trust doctrine permits alienation of state land. *See id.* at 616-17.⁵

Lawrence, although formally recognizing the doctrine for the first time, traced public trust principles in Nevada law back to the state's founding, concluding the doctrine was "based on a policy reflected in the Nevada Constitution, Nevada statutes, and the inherent limitations on the state's sovereign power." *Id.* at 613. The court also noted it had applied public trust principles in several of its earlier decisions. One of those decisions, *Mineral County v. Nevada Department of Conservation & Natural Resources*, appears to be particularly relevant here.

Mineral County involved the very case now under consideration, filed by Mineral County and the Working Group directly in the Nevada Supreme Court while the county's motion to intervene in this case was pending. Although the Nevada Supreme Court dismissed the action based on the federal court's prior exclusive jurisdiction, two aspects of *Mineral County* are relevant here. First, the

⁵ This test appears to be of limited relevance here because it addresses alienation of trust lands. The issues here involve the scope of the public trust doctrine and its relationship to the doctrine of prior appropriation and Nevada's statutory water law.

Nevada Supreme Court effectively invited the federal court to certify the public trust question at issue here. *See Mineral County*, 20 P.3d at 807 n.35 (“[Mineral County and the Working Group] argue that if their motion to intervene in the federal court is eventually granted, they will seek to have this court decide the scope of the public trust doctrine pursuant to the federal abstention doctrine. If the federal court reviews this question, it can certify a question regarding the public trust doctrine pursuant to NRAP 5; therefore, the issue need not necessarily be addressed via the extraordinary remedy of a writ.”).

Second, in *Mineral County*, Justice Rose (joined by Justice Shearing) wrote a concurrence addressing in broad strokes the public trust doctrine’s application in this case. Justice Rose opined:

Although the original objectives of the public trust were to protect the public’s rights in navigation, commerce, and fishing, the trust has evolved to encompass additional public values – including recreational and ecological uses. Additionally, although the original scope of the public trust reached only navigable water, the trust has evolved to encompass non-navigable tributaries that feed navigable bodies of water. This extension of the doctrine is natural and necessary where, as here, the navigable water’s existence is wholly dependent on tributaries that appear to be over-appropriated.

. . . [T]he existence of the public trust doctrine in Nevada appears to be beyond debate. . . . This court has itself recognized that . . . public ownership of water is the

most fundamental tenet of Nevada water law. Additionally, we have noted that those holding vested water rights do not own or acquire title to water, but merely enjoy a right to the beneficial use of the water. This right, however, is forever subject to the public trust, which at all times forms the outer boundaries of permissible government action with respect to public trust resources. In this manner, then, the public trust doctrine operates simultaneously with the system of prior appropriation.

....

If the current law governing the water engineer does not clearly direct the engineer to continuously consider in the course of his work the public's interest in Nevada's natural water resources, then the law is deficient. It is then appropriate, if not our constitutional duty, to expressly reaffirm the engineer's continuing responsibility as a public trustee to allocate and supervise water rights so that the appropriations do not substantially impair the public interest in the lands and waters remaining.

Id. at 807-09 (footnotes and internal quotation marks omitted). No Nevada Supreme Court decision has formally adopted Justice Rose's concurrence, but *Lawrence* discussed it as persuasive authority in the development of Nevada's public trust law. *See* 254 P.3d at 610-11.

In light of *Lawrence*, all parties agree the public trust doctrine exists in Nevada. They disagree, however, over the doctrine's scope and whether it permits reallocation of rights settled under the separate doctrine of prior appropriation by

the Walker River Decree. No controlling Nevada precedent reconciles these doctrines, and the parties advance conflicting proposals.

Mineral County, for example, contends the public trust doctrine requires the State Engineer to reconsider previous allocations and, in doing so, to reserve a specified minimum flow for Walker Lake regardless of any other rights or considerations. Although Mineral County points to a number of general principles suggesting the public trust doctrine applies to Walker Lake in *some* form, it has not presented authority for a version of the doctrine that holds absolute supremacy over the competing doctrine of prior appropriation.

The Lyon County appellees sit at the opposite end of the spectrum. They contend, essentially, that once water rights have been adjudicated and settled by decree, they are vested and no longer within the purview of the public trust doctrine. Lyon County is correct that Nevada considers water rights settled by decree “vested.” *See* Nev. Rev. Stat. § 533.090 *et seq.* (entitled “Adjudication of Vested Water Rights”). Nevada law refers to water rights settled by decree as “final” and “conclusive,” *id.* § 533.210, and the Nevada State Engineer – charged with administering Nevada’s statutory water law – may neither “carry out his or her duties . . . in a manner that conflicts with any . . . decree or order issued by a state or federal court,” *id.* § 533.0245, nor authorize any change in water use that

“is inconsistent with any applicable federal or state decree,” *id.* § 533.3703. There is, moreover, significant authority stressing the importance of finality in the adjudication of water rights. *See, e.g., Arizona v. California*, 460 U.S. 605, 620 (1983) (“Certainty of rights is particularly important with respect to water rights in the Western United States. . . . The doctrine of prior appropriation . . . is itself largely a product of the compelling need for certainty in the holding and use of water rights.”).

Lyon County’s position nonetheless appears to suffer from the same shortcoming as that of Mineral County. It does not explain why the public trust doctrine must completely yield to the doctrine of prior appropriation (or, more precisely, to the decrees resulting from adjudications under the prior appropriation doctrine and Nevada’s statutory water law). The principles of finality on which Lyon County rests are encapsulated in Nevada’s statutes and endorsed by the Supreme Court, but it is not clear they would compel Nevada to conclude that rights already adjudicated are exempt from the public trust.

There is significant authority suggesting rights already adjudicated may not be always and forever exempt from the public trust. For example, the Nevada Supreme Court has held:

the most fundamental tenet of Nevada water law [is that] “the water of all sources of water supply within the boundaries of the state whether above or beneath the surface of the ground, *belongs to the public*.” Indeed, even those holding certificated, vested, or perfected water rights do not own or acquire title to water.

Desert Irrigation, Ltd. v. Nevada, 944 P.2d 835, 842 (Nev. 1997) (alteration omitted) (quoting Nev. Rev. Stat. § 533.025). Based on this statement, Justice Rose concluded in *Mineral County* that even “those holding vested water rights” hold “[t]his right . . . forever subject to the public trust.” 20 P.3d at 808. Quoting Justice Rose, *Lawrence* said the same thing in its exposition of the public trust doctrine (albeit without holding that vested water rights are subject to the public trust). See 254 P.3d at 611; see also *Mineral County*, 20 P.3d at 808-09 (Rose, J., concurring) (opining that “the public trust doctrine operates simultaneously with the system of prior appropriation” and urging the Nevada Supreme Court “to expressly reaffirm the [Nevada State] [E]ngineer’s continuing responsibility as a public trustee to allocate and supervise water rights [pursuant to the public trust doctrine]”). Thus, Nevada might not altogether exempt vested, adjudicated rights from the public trust doctrine.

Under Justice Rose’s view, that water rights have been settled by adjudication and decree may be relevant to balancing the public trust doctrine

against competing principles of Nevada water law. But it does not necessarily mean the public trust – itself a fundamental principle of law – cannot disturb them.

Faced with a similar question in *National Audubon Society v. Superior Court*, 658 P.2d 709 (Cal. 1983), the California Supreme Court outlined the competing values underlying the public trust doctrine and doctrine of prior appropriation and, rather than deeming one doctrine supreme, balanced them:

This case brings together for the first time two systems of legal thought: the appropriative water rights system which since the days of the gold rush has dominated California water law, and the public trust doctrine which, after evolving as a shield for the protection of tidelands, now extends its protective scope to navigable lakes. Ever since we first recognized that the public trust protects environmental and recreational values, the two systems of legal thought have been on a collision course. They meet in a unique and dramatic setting which highlights the clash of values. Mono Lake is a scenic and ecological treasure of national significance, imperiled by continued diversions of water; yet, the need of Los Angeles for water is apparent, its reliance on rights granted by the board evident, the cost of curtailing diversions substantial.

... The prosperity and habitability of much of this state requires the diversion of great quantities of water from its streams for purposes unconnected to any navigation, commerce, fishing, recreation, or ecological use relating to the source stream. The state must have the power to grant nonvested usufructuary rights to appropriate water even if diversions harm public trust uses. Approval of such diversion without considering public trust values, however, may result in needless destruction of those values.

Id. at 712 (citations omitted). This approach appears similar to the one Justice Rose described – albeit in only general terms – in his *Mineral County* concurrence. An approach along these lines would permit, but not require, reallocation of water rights that were previously settled. *See Mineral County*, 20 P.3d at 808-09 (Rose, J., concurring) (the two systems operate simultaneously, and the State Engineer must at least “consider” the public trust in making allocation decisions).⁶

We conclude that whether, and to what extent, the public trust doctrine applies to appropriative rights settled under the Walker River Decree is an open question. Because this question has significant implications for Nevada’s water laws and because we cannot be certain how the Nevada Supreme Court would resolve this matter, certification on this question of law is appropriate.

III. Question Certified to the Nevada Supreme Court

The question of law we certify is:

⁶ Lyon County and the Nevada Department of Wildlife (NDOW) also suggest Nevada law already incorporates the public trust doctrine by requiring that appropriated water be put to a “beneficial use.” The Nevada Supreme Court has not yet considered this question. As in *National Audubon*, “no responsible body has ever” expressly considered the public trust in making allocation decisions. *Nat’l Audubon*, 658 P.2d at 728; *see also Mineral County*, 20 P.3d at 808 (Rose, J., concurring) (“If the current law governing the water engineer does not clearly direct the engineer to continuously consider . . . the public’s interest in Nevada’s natural water resources, then the law is deficient.”).

Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?⁷

IV. Conclusion

Mineral County's appeal presents an open and important question under Nevada law that may be determinative of an issue essential to the resolution of the claims raised in the present case. We therefore respectfully request that the Supreme Court of Nevada accept and decide the question certified. "We recognize that the [Nevada Supreme] Court may, in its discretion, reword the certified question." *Progressive Gulf Ins. Co. v. Faehnrich*, 627 F.3d 1137, 1140 (9th Cir. 2010). We further agree to abide by the decision of the Nevada Supreme Court as specified in Rule 5 of the Nevada Rules of Appellate Procedure, which states "[t]he written opinion of the Supreme Court stating the law governing the questions certified . . . shall be res judicata as to the parties." Nev. R. App. P. 5(g).

In light of our decision to certify the issue set forth above, the submission of this appeal for decision is withdrawn, and all further proceedings in this case before our court are stayed pending final action by the Supreme Court of Nevada,

⁷ If the Nevada Supreme Court determines the public trust doctrine applies and allows for reallocation of rights settled under the doctrine of prior appropriation, it may wish to answer a further question: does the abrogation of such adjudicated or vested rights constitute a "taking" under the Nevada Constitution requiring payment of just compensation?

save for any petition for rehearing regarding this order or the concurrently filed memorandum disposition. The Clerk is directed to administratively close this docket, pending further order. The Clerk of this court shall forward a copy of this order, under official seal, to the Supreme Court of Nevada, along with copies of all briefs and excerpts of record that have been filed with this court. The parties shall notify the Clerk of this court within 14 days of any decision by the Nevada Supreme Court to accept or decline certification. If the Nevada Supreme Court accepts certification, the parties shall then notify the Clerk of this court within 14 days of the issuance of the Nevada Supreme Court's opinion.

Supplemental Material

Pursuant to Rule 5 of the Nevada Rules of Appellate Procedure, we include here the designation of the parties who would be the appellants and respondents in the Nevada Supreme Court, as well as the names and addresses of counsel.

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QUESTION CERTIFIED; PROCEEDINGS STAYED.


Jay S. Bybee
United States Circuit Judge, Presiding

IN THE SUPREME COURT OF THE STATE OF NEVADA

MINERAL COUNTY; AND WALKER
LAKE WORKING GROUP,
Appellants,

vs.

LYON COUNTY; CENTENNIAL
LIVESTOCK; BRIDGEPORT
RANCHERS; SCHROEDER GROUP;
WALKER RIVER IRRIGATION
DISTRICT; STATE OF NEVADA
DEPARTMENT OF WILDLIFE; AND
COUNTY OF MONO, CALIFORNIA,
Respondents.

No. 75917

FILED

JUL 18 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER ACCEPTING CERTIFIED QUESTION AND
DIRECTING BRIEFING*

This matter involves a legal question certified to this court under NRAP 5 by the United States Court of Appeals for the Ninth Circuit. Specifically, the Ninth Circuit has certified the following question of law to this court:

Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?

In determining whether to accept a certified question, this court considers three factors: (1) will this court's answer be determinative of part of the federal case, (2) is there any clearly controlling Nevada precedent, and (3) will the answer help settle important questions of law. *Volvo Cars of N. Am. v. Ricci*, 122 Nev. 746, 137 P.3d 1161 (2006). We conclude that those factors are met with respect to the above question. *See Mineral Cty. v. Nev. Dep't of Conserv. & Natural Res.*, 117 Nev. 235, 237, 245 n.35, 20 P.3d 800, 801, 807 n.35 (2001) (refusing to entertain writ petition raising this question because case was pending in another forum (federal district

court) that had exclusive jurisdiction and observing that federal court could certify the legal issue to this court); *id.* at 246, 248, 20 P.3d at 807, 808 (Rose, J., concurring) (discussing importance of the legal issue regarding the public trust doctrine and its impact on adjudicated water rights, particularly those that impact the continued viability and existence of Walker Lake). Accordingly, we accept the certified question.¹

Appellants shall have 30 days from the date of this order to file and serve an opening brief addressing the certified question. Respondents shall have 30 days from the date the opening brief is served to file and serve answering briefs. Appellants shall then have 20 days from the last-filed answering brief to file and serve any reply brief. The parties' briefs shall comply with NRAP 28, 28.2, 31, and 32. *See* NRAP 5(g)(2). The parties may file a joint appendix containing any portions of the record before the Ninth Circuit that are necessary to this court's resolution of the certified question and were not already provided to this court with the Certification Order. *See* NRAP 5(d), (g)(2).

It is so ORDERED.²

Douglas, C.J.

¹The Certification Order mentions a second legal question in a footnote: "Does the abrogation of such adjudicated or vested rights constitute a 'taking' under the Nevada Constitution requiring payment of just compensation?" But, we do not read the Certification Order as certifying that question. If the Ninth Circuit intended to do so at this time, we would entertain an amended Certification Order.

²The clerk of this court shall not charge a filing fee in this case. *See* NRS 2.250(1)(d)(1).

cc: Mineral County District Attorney
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Woodburn & Wedge
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Roderick E. Walston
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Clerk, Ninth Circuit Court of Appeals

AGENDA ITEM #15

**CARSON WATER SUBCONSERVANCY DISTRICT
CARSON RIVER WATERSHED COMMITTEE**

TO: COMMITTEE MEMBERS

FROM: EDWIN JAMES

DATE: AUGUST 15, 2018

SUBJECT: Agenda Item #15 - For Discussion Only: Review of the current water runoff picture for water year 2018.

DISCUSSION: Staff will give a brief overview of the water picture for 2018.

STAFF RECOMMENDATION: Receive and file.

AGENDA ITEM #16

CARSON RIVER WATERSHED COMMITTEE

PUBLIC COMMENT

AGENDA ITEM #17

**CARSON WATER SUBCONSERVANCY DISTRICT
BOARD OF DIRECTORS**

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES

DATE: AUGUST 15, 2018

SUBJECT: Agenda Item #17 – For Possible Action: Authorize legal counsel to prepare an Amicus Brief to the Court stating CWSD's opposition to the use of the Public Trust Doctrine to be applied to water rights already adjudicated and settled under the Doctrine of Prior Appropriation.

DISCUSSION: This topic was discussed under Agenda Item #14.

STAFF RECOMMENDATION: Follow the recommendation of the Carson River Watershed Committee.

STAFF REPORTS

CARSON WATER SUBCONSERVANCY DISTRICT

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES

DATE: AUGUST 15, 2018

SUBJECT: Agenda Item #18 - For Information Only: Staff report

DISCUSSION: The following is a list of meetings/activities attended by Ed James and staff since the last Board meeting on July 18, 2018:

- 7/23/18 – Ed participated in a conference call with Fred Stodieck and Rich Wilkinson and Mike Hayes of Carson Valley Conservation District (CVCD) regarding Mr. Stodieck's diversion repairs.
- 7/23/18 – Brenda and Shane met with Birgit Widegren of Nevada Division of Environmental Protection (NDEP) regarding Snapshot Day and other grant management questions.
- 7/24/18 – Staff met to discuss workloads, etc.
- 7/24/18 – Ed, Brenda, and Debbie met with Rob Loveberg regarding the Floodplain Ordinance and Low Impact Development (LID) Ordinance development.
- 7/25/18 – Ed, Brenda, and Shane will meet with Kurt Englehart of Catherine Cortez-Masto's staff regarding supporting CWSD.
- 7/25/18 – Debbie participated in the 2018 Flood Awareness Week (FAW) planning meeting.
- 7/25/18 – Brenda and Shane met with Randy Pease of NEON regarding the Watershed Literacy Campaign video progress.
- 7/26/18 – Justin demonstrated the floodplain model at Carson City's Safety Day event at Fuji Park.
- 7/31/18 – Debbie participated in a FMA panelist preparation conference call.
- 8/6/18 – Ed and Debbie met with Mark Gookin of Cardno and Robb Fellows of Carson City regarding the Dayton Valley Area Drainage Master Plan (ADMP).
- 8/7/18 – Ed attended the CVCD Board meeting.
- 8/7/18 – Ed gave a presentation on the water picture to Silver Springs residents.
- 8/7/18 – Shane and Justin demonstrated the floodplain model at National Night Out at Mills Park.
- 8/8/18 – Ed participated in a regional planning meeting with Lyon County and Carson City staffs.
- 8/9/18 – Ed participated in a conference call with Mike Kellogg of J.E. Fuller for a follow-up on the Dayton Valley ADMP meeting.
- 8/13/18 – Ed and Toni participated in a CWSD Regional Water System & Flood Committee meeting.
- 8/14/18 – Ed participated in a Carson Truckee Water Conservancy District (CTWCD) Board meeting.

Meetings/events scheduled during the balance of August:

- 8/21/18 – Ed will participate in a Nevada Water Resource Association (NWRA) Finance Committee conference call.

- 8/21/18 – Brenda will participate in a Growing Resources for Environmental Education in Nevada (GREENevada) meeting in Reno.
- 8/22/18 – Ed will attend the South Tahoe Public Utility District's (STPUD) 50th Anniversary of Recycled Water System celebration in Markleeville.
- 8/24/18 – Debbie will participate in a 2018 Floodplain Managers Association (FMA) Annual Conference call.
- 8/24/18 – Staff BBQ at the James' family home.
- 8/27/18 – Brenda, Shane, and Justin will meet with Matt Richardson of the Douglas County GIS in Minden regarding Stewardship Plan maps.
- 8/28/18 – Brenda, Shane, and Justin will participate in the CRC Education Working Group meeting.
- 8/28/18 – Ed will participate in the NRWA Board meeting.

STAFF RECOMMENDATION: Receive and file.

NO CORRESPONDENCE