

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

NOTICE OF PUBLIC MEETING

DATE: February 20, 2019
TIME: 6:30 P.M.
LOCATION: NAI Alliance Conference Room
1000 N. Division St., #202
Carson City; NV 89703

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 Catrina Schambra at (775)887-7450 (<mailto:catrina@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 January 16, 2019.

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 January 2019.
8. For Possible Action: Payment of Bills for January 2019.

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

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

9. Roll Call
10. 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.
11. For Discussion Only: Discussion by Tom Minor regarding flood preparedness.
12. For Possible Recommendation: Approval of the 2019 Water and Sewer Rate Report.
13. For Possible Recommendation: Approval of an increase to the living stipend for CWSD's AmeriCorps member/Watershed Technician, Justin Bedocs.
14. For Possible Recommendation: Approval of an Agreement with Resource Concepts, Inc. to develop "Geomorphology 101" presentations to county staff and public officials in an amount not to exceed \$10,000.
15. For Possible Recommendation: Provide direction to CWSD Staff regarding the 2019 Nevada Legislative Session.

Carson Water Subconservancy District Board of Directors and
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16. For Possible Recommendation: Discuss and provide input on the draft Amicus Brief for the Walker Lake litigation
17. For Possible Recommendation: Discussion about a possible meeting date for the CWSD Strategic Planning Session.
18. 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

19. For Possible Action: Approval of the 2019 Water and Sewer Rate Report.
20. For Possible Action: Approval of an increase to the living stipend for CWSD's AmeriCorps member/Watershed Technician, Justin Bedocs.
21. For Possible Action: Approval of an Agreement with Resource Concepts, Inc. to develop "Geomorphology 101" presentations to county staff and public officials in an amount not to exceed \$10,000.
22. For Possible Action: Provide direction to CWSD Staff regarding the 2019 Nevada Legislative Session.
23. For Possible Action: Provide direction regarding the draft Amicus Brief for the Walker Lake litigation.
24. For Discussion Only: Staff Reports - General Manager
- Legal
- Correspondence
25. For Discussion Only: Directors Reports
26. For Discussion Only: Update on activities in Alpine County.
27. For Discussion Only: Update on activities in Storey County.
28. 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.
29. For Possible Action: Adjournment

Supporting material for this meeting may be requested from Catrina Schambra at 775-887-7450 (<mailto:catrina@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

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

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

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

-Minden Inn Office Complex
1594 Esmeralda Avenue
Minden, NV

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

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

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

Carson Water Subconservancy District Board of Directors and
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-State public meetings website:
<http://notice.nv.gov>

AFFIDAVIT OF POSTING

The undersigned affirms that on or before 9:00 A.M. on February 13, 2019, he/she posted a copy of the Notice of Public Meeting and Agenda for the February 20, 2019, 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
January 16, 2019, 6:30 P.M.
DRAFT Minutes

Vice Chairman Thaler called the meeting of the Carson Water Subconservancy District (CWSD) to order at 6:30 p.m. in the Conference Room of NAI Alliance, 1000 N. Division St. #202, Carson City, NV. Roll call of the CWSD Board was taken and a quorum was determined to be present.

CWSD Directors present:

Brad Bonkowski, Treasurer
Jack Jacobs
Barry Penzel
Ernie Schank
Fred Stodieck
Steve Thaler, Vice Chairman
Mike Workman

Directors not present:

Carl Erquiaga, Chairman
Don Frensdorff
Ken Gray

Staff present:

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

Also present:

Greg Berggren
Tom Gray, public
Donna Inversin, public
Mark Kimbrough, public
Austin Osborne, Storey County
Catrina Schambra, public
Bettina Scherer, NV Dept. of Conservation & Natural Resources
Bruce Scott, Resource Concepts, Inc.
Kevin Sullivan, public
Lynn Zonge, Resource Concepts, Inc.

The Pledge of Allegiance was led by Director Schank.

Item #4 – Discussion Only: Public Comment – Mr. James introduced the incoming Directors, Jack Jacobs from Douglas County and Mike Workman from Lyon County, and also noted that Director Stodieck was reappointed by Douglas County.

Mr. James introduced Catrina Schambra as the new Administrative Assistant/Secretary to the Board who will replace Toni Leffler upon retirement on February 14, 2019. Ms. Schambra will start on Tuesday, January 22, 2019, to allow for training time with Ms. Leffler.

Item #5 – For Possible Action: Approval of Agenda. Mr. James noted that Item #9 is pulled from the agenda to allow more time to revise the agreement with Resource Concepts Inc. *Director Schank made the motion to approve the agenda. The motion was seconded by Director Stodieck and unanimously approved by the CWSD Board.* Director Bonkowski noted that Building Association of Western Nevada which is mentioned as an entity to which a presentation will be delivered in Schedule A should be referred to as Nevada Building Association.

Item #6 – For Possible Action: Approval of the Board Meeting Minutes of December 19, 2018. *Director Bonkowski made the motion to approve the Board Meeting Minutes of December 19, 2018. The motion was seconded by Director Stodieck and unanimously approved by the Board, with Directors Jacobs and Workman abstaining as not being present at that meeting.*

CONSENT AGENDA

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

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

Item #9 – For Possible Action: Approval of an Agreement with Resource Concepts, Inc. to develop a “Geomorphology 101” presentation for county staff and public officials in an amount not to exceed \$10,000. Pulled; to be addressed at a future meeting.

Item #10 – For Possible Action: Approval to dispose of various pieces of outdated or non-functioning office equipment.

Director Bonkowski made the motion to approve Items #7, 8 and 10 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 #11 – Roll Call – Director Thaler convened the Carson River Watershed Committee and a roll call was taken.

Committee Members present:

CWSD Directors as present in roll call above
Austin Osborne, Storey County

Committee Members not present:

David Griffith, Alpine County

Don Jardine, Alpine County

Item #12 – Discussion Only: Public Comment – None**Item #13 – For Discussion Only: Presentation of the 2018 Andy Aldax Carson River**

Watershed Award to Lynn Zonge. Mr. James explained that he has known Ms. Zonge for many years on both a personal and professional level. He invited the audience to make comment. Mark Kimbrough explained that he is a past recipient of the award and has a special appreciation of its meaning. He worked with Ms. Zonge on the Carson River Trail and produced one of the best white-water segments on the river and a park for the landing. Ms. Zonge helped him write the Carson City Open Space Plan. She also worked on the trail up Kings Canyon to protect the water coming down there. She works on many things as a non-paid volunteer.

Bruce Scott noted that he proud of Ms. Zonge for her dedication to the watershed and resources of Carson City. No other watershed in Nevada has a resource like CWSD, and RCI is very proud of that.

Donna Inversin explained that Ms. Zonge has been very supportive of Muscle Powered and Carson Valley Trails Association, as well as the Sierra Sweethearts Band. She will be calling on Ms. Zonge to help work on the Virginia-Truckee Rail Trail. Debbie Neddenriep noted that Ms. Zonge's band played at the Carson River Coalition's (CRC) 20th anniversary celebration at River Fork Ranch.

Mr. James explained that the Andy Aldax Award was named after an original Board member who was on the CWSD Board for 53 years. The CWSD Board thought it was important to recognize people who have done a lot in the Carson River Watershed. On a personal note, Mr. James joked that Ms. Zonge was so polite on rafting trips that everyone wanted to be in her raft instead of his where he was nicknamed Captain Bligh.

Director Thaler read the list of past recipients of the Andy Aldax Award.

Ms. Zonge explained that when she started working at Resource Concepts Inc (RCI) she noted a great river run in Carson City to Mr. Scott who encouraged her to take groups down the river. He encouraged her to do presentations to the Parks Board and Carson City Supervisors and has always encouraged her to be involved in Carson River watershed projects.

No action was required for this item; receive and file.

Item #14 – For Possible Recommendation: Selection of CWSD committee members for 2019. Mr. James explained that he wants to go by county to ask for requests for committees:

Churchill County:

- Ernie Schank - Finance & Legislative Committees
- Carl Erquiaga – Administrative & Regional Water System Committees

Lyon County:

- Ken Gray – Administrative & Legislative Committees
- Mike Workman – Finance & Regional Water System Committees

Carson City:

- Brad Bonkowski – Finance & Regional Water System Committees
- Karen Abowd's replacement (to be appointed tomorrow) – Administrative & Legislative Committees

Alpine County:

- David Griffith – Regional Water System Committee
- Don Jardine – to be determined

Douglas County:

- Barry Penzel – Legislative & Finance Committees
- Fred Stodieck – Regional Water System Committee
- Steve Thaler – Administrative Committee
- Don Frensdorff – Administrative Committee
- Jack Jacobs – Regional Water System & Legislative Committees

Storey County:

- Austin Osborne – Regional Water System Committee

Mr. James handed out a Request for Qualifications (RFQ) to the Regional Water System Committee members. The Legislative Committee meeting will be on January 28 at 2:00 p.m. for about an hour and a half. The agenda will be sent to the committee tomorrow. Director Schank suggested that legislators for the Carson River Watershed be invited to the meeting. Mr. James noted that they will be invited, along with lobbyists.

No action required; receive and file.

Item #15 – For Possible Recommendation: Submittal of the Amicus Brief regarding the Public Trust Doctrine as it relates to prior appropriation decreed water rights. Mr. King reported that the timing on the brief is not certain because it will depend on when other people file theirs. Mr. James recommended that a draft be available by the beginning of February so the Board can review it and make comment. Mr. King noted that CWSD is uniquely situated to comment so it is important to introduce CWSD and its role and position. In terms of “taking”, Mr. King found a recent Texas decision that a similar situation is a “taking.” It is a spurious argument that someone still owns water but can't use it. With the Water Master already making determination on water rights, it seems that the side with the most money can just keep the litigation going.

Mr. James mentioned that he will be on a panel at the upcoming Nevada Water Resource Association conference that will discuss arguments on “taking.” The difference here is that there are federal funds to purchase water for Walker Lake. The AB380 Program that CWSD

administered in the Newlands Project, provides us with a different perspective. You have to look at the whole picture.

Director Schank commented that CWSD has the opportunity to create good will and promote things on the Carson River to enhance recreation, flood control, etc.

Mr. King explained the history of the public trust doctrine. The government owned water that the public could utilize but couldn't give it away because that would impact those who were already utilizing it. We are looking for the best use of the water. It's not a good idea to take a piecemeal approach. If the public trust doctrine is used as the basis of litigation, it could undo the entire Alpine Decree.

Director Jacobs asked who is going to pay for the amicus brief. Mr. King responded that Gordon Depaoli is the main attorney, with small innocent parties joining in our amicus brief, but they aren't writing it. Mr. King's approach is to promote CWSD's expertise and make the statement that this could have damaging results to all Nevada water rights. Mr. James added that CWSD's exposure is only as a friend of the Court offering the amicus brief but not a party to the litigation. The litigation is primarily funded by the Walker Irrigation District. Mr. King explained that a state agency can file an amicus brief while others can make comment. He is stressing the practical aspects of water issues in Nevada. People need to be educated that if you circumvent prior appropriation documents, how are we going to function?

Director Schank questioned what the impact would be to our economy. He believes the economy could destroy if the court rules in favor of the public trust taking water away from current water right owners.

Mr. King pointed out that various states have addressed aspects of the public trust doctrine. Many feel the same way. Most of the Nevada Supreme Court judges are local and can be convinced. If the Nevada Supreme Court gives an opinion, the Ninth Circuit Court will accept it.

Director Jacobs noted that in the Mono Lake case LA did a lot of work to make their proposal work but lost the water. He considers this case a "taking" with no recoupment for that.

Mr. King noted that the CWSD Board has the benefit of judges who are looking at the big picture, wanting to know what would happen to Nevada if they rule for the public trust doctrine. That's where CWSD's expertise will help.

Discussion only; receive and file.

Item #16 – For Possible Recommendation: Review of the various legislation CWSD staff is monitoring during the 2019 Nevada Legislation Session. Mr. James explained that there are over 974 BDRs now, most of which don't pertain to us. He and Brenda Hunt had meeting with Dominique Etchegoyhen and State Lands to discuss bills submitted by the State Engineer's Office.

SB 47 has to do with the Carson River, particularly conservation district representatives.

AB 84 is a conservation bond initiative, like Question 1 (Q1), for funding river restoration and maybe for conservation easements. They are looking for comments. We may want to ask for \$10 million for the Carson River Watershed.

Director Thaler is concerned that the Clearing and Snagging Account is back in the budget with the new governor. Mr. James confirmed that the budget contains \$250,000 for river restoration.

There are other water right bills being watched that will be discussed with the Legislative Committee. Mr. James will consolidate the thoughts of other interests to bring to the Legislative Committee and at the next Board meeting.

Mr. Schank noted that Brad Crowell, as Director of the Nevada Department of Conservation and Natural Resources, might get rid of the need for the State Engineer to be a Professional Engineer (PE).

Tim Wilson is acting State Engineer. The appointment is to try him out in that position, but if he isn't successful, it could impact his appointment. Director Penzel noted that Brad Crowell seemed reasonable about wanting to know about our position.

Director Jacobs asked if more detail will be given to the Legislative Committee, to which Mr. James responded that it would.

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

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

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

Item #18 – For Possible Action: Selection of CWSD committee members for 2019. This item was discussed earlier in the Agenda as Item #14.

Director Schank made the motion to for committee appointment be as requested under the discussion for Item #14. The motion was seconded by Director Stodieck and unanimously approved by the Board.

Item #19– Discussion Only: Staff Reports

General Manager – Mr. James reported:

- Noted that this will be Toni Leffler's last Board meeting after 20 years. There will be an appetizer pot luck to celebrate her retirement on February 1 from 4:00 – 6:00 p.m. The Board gave Ms. Leffler a standing ovation.
- Staff is planning a Strategic Planning Session in March with a day dedicated to the process instead of trying to have it after a Board meeting like last time.
- Mr. James received a letter from Eric Simmons of FEMA Region IX about an article in the CTP Collaboration Monthly. Region IX would like to nominate CWSD for national recognition for what we have done on a regional level.

- Ms. Neddenriep noted that FEMA has already earmarked funds for CWSD in the next round of Mapping Activity Statement (MAS) funding.
- Director Schank asked if Directors could go to the NWRA Conference. Mr. James responded that funds are available for Directors to go. Directors Schank and Thaler expressed their desire to go. Mr. James noted that several federal speakers will not be able to attend because of partial government shutdown. Ms. Neddenriep mentioned that a Water Rights class is offered at the conference for \$150 which is less than the \$700 cost for a private class. Director Jacobs is interested in the NWRA Conference and the Water Rights class.

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

Item #20- Discussion Only: Directors' Reports –

Director Thaler jokingly cautioned new members not to miss a meeting because they might be appointed to something.

Director Bonkowski reported:

- Carson City has approved money to complete the Douglas County/Carson City Water Line to the Quill Plant which will finish the Carson City system this year.
- Carson City initiated a study for stormwater rates and is looking at various rate systems and requested information from other counties that has worked well for them. Douglas County works on same basis. The people who would be the most impacted are the ones who generate the most income for the county, so you can't present them with a big bill. The county is considering residential vs. commercial rates. The water and sewer rates are completed. Director Stodieck noted that agriculture should get a credit for non-impervious surfaces. Douglas County funded stormwater out of the General Fund; it's a difficult issue to determine.

Item #21 – Discussion Only: Update on activities in Alpine County. No Alpine County Supervisors were present.

Item #22 – Discussion Only: Update on activities in Storey County. Committee Member Osborne nothing to report:

Item #23 – Discussion Only: Public Comment. Brenda Hunt asked Director Bonkowski if Carson City is going to consider Low Impact Development (LID) in incentives. Director Bonkowski responded that it is recommended in the municipal code and as a condition on new projects. A credit is offered for retrofitting projects. Ms. Hunt noted that Rob Loveberg is looking at LID ordinances and different types of incentives. The language needs to be stronger than just an encouragement. Director Jacobs asked if the language is addressing not only building but the maintenance of LID.

Bettina Scherer introduced herself as the State's Conservation Districts Program Manager. She is from Winnemucca where she worked in same position. She is at the meeting to stay aware of partnership opportunities. She mentioned that there is a Request for Proposals (RFP) where the Nevada Grants office hosted the first annual grants writing training and will announce grant opportunities. There will be different tracts for various experience levels of grant writing.

There being no further business to come before the Board, Director Thaler made a motion to adjourn the meeting and it was adjourned at 7:50 p.m.

Respectfully submitted,

Toni Leffler
Secretary

AGENDA ITEM #7

TREASURER'S REPORT

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

02/06/19

Balance Sheet

Accrual Basis

As of January 31, 2019

	Jan 31, 19
ASSETS	
Current Assets	
Checking/Savings	
1010-00 · Cash in Checking - B of A	167,169.19
1011-00 · Petty Cash	179.54
1014-00 · Local Gov't Inv. Pool-Regular	768,887.62
1029-00 · Bank of America-Savings	149.03
Total Checking/Savings	936,385.38
Other Current Assets	
1055-00 · Payroll Deposit - Carson City	500.00
Total Other Current Assets	500.00
Total Current Assets	936,885.38
TOTAL ASSETS	936,885.38
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
3307-00 · CC Payroll Due	2,000.00
3360-00 · Accrued Vacation	33,836.79
3362-00 · Accrued sick leave	48,198.10
Total Other Current Liabilities	84,034.89
Total Current Liabilities	84,034.89
Total Liabilities	84,034.89
Equity	
4000-00 · Fund Balance	634,042.43
Net Income	218,808.06
Total Equity	852,850.49
TOTAL LIABILITIES & EQUITY	936,885.38

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

02/06/19

Profit & Loss YTD Comparison

Accrual Basis

January 2019

	Jan 19	Jul '18 - Jan 19
Ordinary Income/Expense		
Income		
5008-00 · Alpine Co. Joint Powers contrib		9,800.00
5009-00 · Churchill County Ad Valorem	43,626.21	111,220.01
5010-00 · Lyon County Ad Valorem	46,739.56	116,326.36
5011-00 · Douglas County Ad Valorem	68,075.82	387,133.76
5012-00 · Carson City Ad Valorem	89,361.64	287,712.10
5031-00 · Interest Income-LGIP Reg.	1,651.55	7,899.68
5045-00 · Interest Income-B of A Savings	0.01	0.06
5050-00 · Watershed Coordinator		
5050-02 · BLM Grant-Watershed Coord.		1,208.82
5050-12 · NDEP-WS Coordinator 2018	25,455.85	43,765.12
Total 5050-00 · Watershed Coordinator	25,455.85	44,973.94
5058-00 · 208 Water Quality Plan		
5058-04 · NDEP-LID Implementation 2018-19	4,484.91	5,643.60
Total 5058-00 · 208 Water Quality Plan	4,484.91	5,643.60
5060-00 · Misc. Income		
5060-02 · Watershed Tour		5,740.00
5060-00 · Misc. Income - Other		15.00
Total 5060-00 · Misc. Income		5,755.00
5063-00 · Environmental Education Program		
5063-05 · NDEP-Env.Ed.Coord. 2017-18		
5063-06 · NDEP-Env.Ed.Coord. 2018-19		6,976.63
Total 5063-00 · Environmental Education Program		6,976.63
5082-00 · Alpine Co.-CASGEM Grant	615.04	615.04
5083-00 · Al.Co.-Mesa GW Monitoring Grant	793.79	793.79
5095-00 · NDEP-WS Literacy Implementation		
5096-00 · NFWF-Weed Mgmt.		
5097-00 · BLM-Weed Mgmt. Grant		
5098-00 · FEMA -MAS #7	14,991.52	55,643.84
5099-00 · NDEP-WS Lit.Implement.-Phase 3		
6000-00 · FEMA-MAS #8		15,000.00
6000-02 · StCo-Dayton Vly ADMP		
6000-00 · FEMA-MAS #8 - Other	11,546.63	107,275.99
Total 6000-00 · FEMA-MAS #8	11,546.63	122,275.99
6002-00 · NDA Weed Mgmt-Starthistle	15,486.75	15,486.75
6003-00 · FEMA-MAS #9	4,431.20	6,265.30
Total Income	327,260.48	1,184,521.85
Expense		
7015-00 · Salaries & Wages	28,643.04	212,938.09
7020-00 · Employee Benefits	12,073.01	84,068.65
7021-00 · Workers Comp Ins.	36.85	586.71
7101-00 · Director's Fees		
7101-01 · Director Benefits		66.03
7101-02 · Director's Fees-Alpine Co.		640.00
7101-00 · Director's Fees - Other		4,481.16
Total 7101-00 · Director's Fees		5,187.19
7102-00 · Insurance		4,958.95
7103-00 · Office Supplies	463.14	1,553.16
7104-00 · Postage	113.92	491.82
7105-00 · Rent	2,965.00	20,011.71
7106-00 · Telephone/Internet	299.94	2,099.58
7107-00 · Travel-transport/meals/lodging		
7107-01 · Car Allowance	566.42	3,795.01

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

02/06/19

Profit & Loss YTD Comparison

Accrual Basis

January 2019

	Jan 19	Jul '18 - Jan 19
7107-00 · Travel-transport/meals/lodging - Other	-49.42	1,950.55
Total 7107-00 · Travel-transport/meals/lodging	517.00	5,745.56
7108-00 · Dues & Publications	300.00	777.00
7109-00 · Miscellaneous Expense		
7110-00 · Seminars & Education	235.00	565.00
7112-00 · Bank Charges		2.00
7114-00 · Outside Professional Services		5,383.18
7115-00 · Accounting		9,000.00
7116-00 · Legal	2,250.00	15,000.00
7117-00 · Lost Lakes Expenses		556.98
7120-00 · Integrated Watershed Programs		
7120-07 · Watershed Tour		1,701.62
7120-31 · NDEP-WS Program Exp. 2018	145.90	1,699.69
Total 7120-00 · Integrated Watershed Programs	145.90	3,401.31
7125-00 · Environmental Ed.Coord.Exp.		
7125-03 · Env. Ed. Coord. Exp. 2017-18		6,626.77
Total 7125-00 · Environmental Ed.Coord.Exp.		6,626.77
7215-00 · Sierra NV Journeys-Family Night		
7332-00 · Carson River Work Days		
7332-03 · CR Work Days 2017-18		
7332-04 · CR Work Days 2018-19		7,191.70
Total 7332-00 · Carson River Work Days		7,191.70
7337-00 · Carson River Restoration		
7337-01 · Upper Carson River Grant.		
7337-19 · CVCD-Bioengineering, 2018-20		3,983.86
7337-91 · CVCD-Cradlebaugh #1, 2018-19	9,418.72	18,398.72
Total 7337-01 · Upper Carson River Grant.	9,418.72	22,382.58
7337-03 · Dayton Valley Conserv		
7337-33 · DVCD--Restoration Proj. 2017-19		15,152.84
Total 7337-03 · Dayton Valley Conserv		15,152.84
7337-04 · Lahontan Conserv.Dist		
7337-41 · LCD-Clearing & Snagging		
Total 7337-04 · Lahontan Conserv.Dist		
Total 7337-00 · Carson River Restoration	9,418.72	37,535.42
7404-00 · Noxious Weeds Control-CR Wtrshd		
7404-01 · Noxious Weed Control-Alpine Co.		
7404-03 · Noxious Weed Control-CarsonCity		
7404-04 · Noxious Weed Control-Lyon Co.		9,240.44
7404-05 · Noxious Weed Control-Churchill		
Total 7404-00 · Noxious Weeds Control-CR Wtrshd		9,240.44
7406-00 · 208 Water Quality Mgmt. Plan		
7406-03 · LID Implementation 2018-19	4,225.00	5,291.30
Total 7406-00 · 208 Water Quality Mgmt. Plan	4,225.00	5,291.30
7429-00 · NDEP-Wtrshd Lit.Implementation	2,975.00	2,977.84
7430-00 · NFWF - Weed Mgmt.		40.46
7431-00 · BLM - Weed Mgmt.		15.74
7432-00 · FEMA MAS #7		
7432-01 · Voltaire Cyn.(Cardno)	14,627.50	48,121.25
7432-02 · Johnson Ln. ADMP (JE Fuller)		10.48
7432-04 · Discovery/FMP Update(MB)		

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

02/06/19

Profit & Loss YTD Comparison

Accrual Basis

January 2019

	Jan 19	Jul '18 - Jan 19
7432-00 · FEMA MAS #7 - Other		296.68
Total 7432-00 · FEMA MAS #7	14,627.50	48,428.41
7433-00 · NDEP-WS Lit.Impl.-Phase 3		
7433-01 · WS Lit. 3-Match	492.86	3,189.50
7433-00 · NDEP-WS Lit.Impl.-Phase 3 - Other		36,977.17
Total 7433-00 · NDEP-WS Lit.Impl.-Phase 3	492.86	40,166.67
7434-00 · FEMA MAS #8		
7434-01 · Dayton ADMP(JE Fuller)	9,627.70	110,232.60
7434-02 · Update Floodplain Ord.(Loveberg	875.00	6,693.00
7434-03 · Public Outreach-FAW		11,040.71
7434-04 · School Outreach(River Wranglers		947.30
7434-00 · FEMA MAS #8 - Other		145.50
Total 7434-00 · FEMA MAS #8	10,502.70	129,059.11
7436-00 · NDA Weed Mgmt - Starthistle		
7436-01 · CC - Starthistle Mgmt.		4,200.74
7436-02 · DVCD - Starthistle Mgmt.		8,005.02
7436-00 · NDA Weed Mgmt - Starthistle - Other	150.00	161.52
Total 7436-00 · NDA Weed Mgmt - Starthistle	150.00	12,367.28
7437-00 · FEMA MAS #9		71.29
7438-00 · BOR WaterSMART Market Program	50.76	50.76
7500-00 · USGS Stream Gage Contract		
7500-02 · Stream Gages 2017-19		19,601.25
Total 7500-00 · USGS Stream Gage Contract		19,601.25
7508-00 · USGS Do.Co.WQ & GW Monitoring		
7508-02 · DoCo WQ/GW Mon. 2017-19		4,188.00
Total 7508-00 · USGS Do.Co.WQ & GW Monitoring		4,188.00
7524-00 · USGS-GW Lvl & WQ in Ch.Co.		
7524-01 · USGS-GW Lvl & WQ-ChCo 2014-18		1,116.00
7524-02 · USGS-GW Lvl & WQ-ChCo 2018-22		1,408.00
Total 7524-00 · USGS-GW Lvl & WQ in Ch.Co.		2,524.00
7527-00 · USGS-Arsenic Data Collection-CV		
7527-01 · USGS-CV Arsenic Study 2018-19		3,100.00
Total 7527-00 · USGS-Arsenic Data Collection-CV		3,100.00
7528-00 · USGS-Mercury/Arsenic/Lead Mon.		7,000.00
7600-00 · Alpine County Projects		
7600-05 · Alpine Watershed Programs		12,500.00
7600-09 · Al.Co.-CASGEM		5.66
7600-10 · Al.Co.-Mesa GW Monitoring		4.07
Total 7600-00 · Alpine County Projects		12,509.73
7610-00 · Douglas County Projects		
7610-10 · Do.Co.Reg.Pipeline Debt Service		62,500.00
Total 7610-00 · Douglas County Projects		62,500.00
7620-00 · Carson City Projects		
7620-11 · CC Reg.Pipeline Debt Service		62,500.00
Total 7620-00 · Carson City Projects		62,500.00
7640-00 · Churchill County Projects		
7640-09 · Lahontan Vly.Wtr.Lvl.Measure.	3,974.00	8,189.50
7640-16 · Dixie Vly.Wtr.Lvl.Measurement	8,383.48	12,211.23

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

02/06/19

Profit & Loss YTD Comparison

Accrual Basis

January 2019

	Jan 19	Jul '18 - Jan 19
Total 7640-00 · Churchill County Projects	12,357.48	20,400.73
Total Expense	102,842.82	865,713.79
Net Ordinary Income	224,417.66	318,808.06
Other Income/Expense		
Other Income		
8009-00 · Trans. In-Floodplain Mgmt. Fd.		
Total Other Income		
Other Expense		
8002-00 · Transfer Out-Acq/Const Fund		50,000.00
8014-00 · Trans. Out-Floodplain Mgmt. Fd.		50,000.00
Total Other Expense		100,000.00
Net Other Income		-100,000.00
Net Income	224,417.66	218,808.06

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

02/06/19

Profit & Loss Budget vs. Actual

Accrual Basis

July 2018 through January 2019

	Jul '18 - Jan 19	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
5008-00 · Alpine Co. Joint Powers contrib	9,800.00	9,800.00		100.0%
5009-00 · Churchill County Ad Valorem	111,220.01	201,065.00	-89,844.99	55.3%
5010-00 · Lyon County Ad Valorem	116,326.36	166,458.00	-50,131.64	69.9%
5011-00 · Douglas County Ad Valorem	387,133.76	551,915.00	-164,781.24	70.1%
5012-00 · Carson City Ad Valorem	287,712.10	412,592.00	-124,879.90	69.7%
5022-00 · Water Lease - Mud Lake		55,000.00	-55,000.00	
5031-00 · Interest Income-LGIP Reg.	7,899.68	9,500.00	-1,600.32	83.2%
5045-00 · Interest Income-B of A Savings	0.06	6.00	-5.94	1.0%
5050-00 · Watershed Coordinator				
5050-12 · NDEP-WS Coordinator 2018	43,765.12	121,400.00	-77,634.88	36.1%
Total 5050-00 · Watershed Coordinator	44,973.94	121,400.00	-76,426.06	37.0%
5058-00 · 208 Water Quality Plan				
5058-04 · NDEP-LID Implementation 2018-19	5,643.60	17,850.00	-12,206.40	31.6%
Total 5058-00 · 208 Water Quality Plan	5,643.60	17,850.00	-12,206.40	31.6%
5060-00 · Misc. Income				
5060-02 · Watershed Tour	5,740.00	6,000.00	-260.00	95.7%
Total 5060-00 · Misc. Income	5,755.00	6,000.00	-245.00	95.9%
5063-00 · Environmental Education Program				
5063-06 · NDEP-Env.Ed.Coord. 2018-19	6,976.63	5,100.00	1,876.63	136.8%
Total 5063-00 · Environmental Education Program	6,976.63	5,100.00	1,876.63	136.8%
5082-00 · Alpine Co.-CASGEM Grant	615.04	300.00	315.04	205.0%
5083-00 · Al.Co.-Mesa GW Monitoring Grant	793.79	300.00	493.79	264.6%
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		750.00	-750.00	
5098-00 · FEMA -MAS #7	55,643.84	82,650.00	-27,006.16	67.3%
5099-00 · NDEP-WS Lit.Implement.-Phase 3		17,670.00	-17,670.00	
6000-00 · FEMA-MAS #8	122,275.99	247,890.00	-125,614.01	49.3%
6002-00 · NDA Weed Mgmt-Starthistle	15,486.75	2,050.00	13,436.75	755.5%
Total Income	1,184,521.85	1,951,836.00	-767,314.15	60.7%
Expense				
7015-00 · Salaries & Wages	212,938.09	385,000.00	-172,061.91	55.3%
7020-00 · Employee Benefits	84,068.65	145,500.00	-61,431.35	57.8%
7021-00 · Workers Comp Ins.	586.71	1,100.00	-513.29	53.3%
7101-00 · Director's Fees	5,187.19	14,500.00	-9,312.81	35.8%
7102-00 · Insurance	4,958.95	6,000.00	-1,041.05	82.6%
7103-00 · Office Supplies	1,553.16	2,500.00	-946.84	62.1%
7104-00 · Postage	491.82	850.00	-358.18	57.9%
7105-00 · Rent	20,011.71	26,555.00	-6,543.29	75.4%
7106-00 · Telephone/Internet	2,099.58	3,800.00	-1,700.42	55.3%
7107-00 · Travel-transport/meals/lodging	5,745.56	14,000.00	-8,254.44	41.0%
7108-00 · Dues & Publications	777.00	1,100.00	-323.00	70.6%
7109-00 · Miscellaneous Expense		1,000.00	-1,000.00	
7110-00 · Seminars & Education	565.00	3,000.00	-2,435.00	18.8%
7111-00 · Office Equipment		3,000.00	-3,000.00	
7112-00 · Bank Charges	2.00	100.00	-98.00	2.0%
7114-00 · Outside Professional Services	5,383.18	10,000.00	-4,616.82	53.8%
7115-00 · Accounting	9,000.00	16,000.00	-7,000.00	56.3%
7116-00 · Legal	15,000.00	40,700.00	-25,700.00	36.9%
7117-00 · Lost Lakes Expenses	556.98	11,500.00	-10,943.02	4.8%
7118-00 · Mud Lake O & M		1,000.00	-1,000.00	
7120-00 · Integrated Watershed Programs				

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

02/06/19

Profit & Loss Budget vs. Actual

Accrual Basis

July 2018 through January 2019

	Jul '18 - Jan 19	Budget	\$ Over Budget	% of Budget
7120-07 · Watershed Tour	1,701.62	6,000.00	-4,298.38	28.4%
7120-31 · NDEP-WS Program Exp. 2018	1,699.69	9,850.00	-8,150.31	17.3%
Total 7120-00 · Integrated Watershed Programs	3,401.31	15,850.00	-12,448.69	21.5%
7125-00 · Environmental Ed.Coord.Exp.				
7125-03 · Env. Ed. Coord. Exp. 2017-18	6,626.77	4,800.00	1,826.77	138.1%
Total 7125-00 · Environmental Ed.Coord.Exp.	6,626.77	4,800.00	1,826.77	138.1%
7215-00 · Sierra NV Journeys-Family Night		3,000.00	-3,000.00	
7332-00 · Carson River Work Days				
7332-04 · CR Work Days 2018-19	7,191.70	26,000.00	-18,808.30	27.7%
Total 7332-00 · Carson River Work Days	7,191.70	26,000.00	-18,808.30	27.7%
7337-00 · Carson River Restoration				
7337-01 · Upper Carson River Grant.				
7337-19 · CVCD-Bioengineering, 2018-20	3,983.86	50,000.00	-46,016.14	8.0%
7337-91 · CVCD-Cradlebaugh #1, 2018-19	18,398.72	100,000.00	-81,601.28	18.4%
Total 7337-01 · Upper Carson River Grant.	22,382.58	150,000.00	-127,617.42	14.9%
7337-03 · Dayton Valley Conserv				
7337-33 · DVCD--Restoration Proj. 2017-19	15,152.84	75,000.00	-59,847.16	20.2%
Total 7337-03 · Dayton Valley Conserv	15,152.84	75,000.00	-59,847.16	20.2%
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	37,535.42	245,000.00	-207,464.58	15.3%
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	
7404-04 · Noxious Weed Control-Lyon Co.	9,240.44	15,000.00	-5,759.56	61.6%
7404-05 · Noxious Weed Control-Churchill		15,000.00	-15,000.00	
Total 7404-00 · Noxious Weeds Control-CR Wtrshd	9,240.44	75,000.00	-65,759.56	12.3%
7406-00 · 208 Water Quality Mgmt. Plan	5,291.30	30,080.00	-24,788.70	17.6%
7429-00 · NDEP-Wtrshd Lit.Implementation	2,977.84	25,510.00	-22,532.16	11.7%
7430-00 · NFWF - Weed Mgmt.	40.46	15,240.00	-15,199.54	0.3%
7432-00 · FEMA MAS #7	48,428.41	75,800.00	-27,371.59	63.9%
7433-00 · NDEP-WS Lit.Impl.-Phase 3	40,166.67	25,260.00	14,906.67	159.0%
7434-00 · FEMA MAS #8	129,059.11	225,160.00	-96,100.89	57.3%
7436-00 · NDA Weed Mgmt - Starthistle	12,367.28	1,000.00	11,367.28	1,236.7%
7500-00 · USGS Stream Gage Contract				
7500-02 · Stream Gages 2017-19	19,601.25	78,405.00	-58,803.75	25.0%
Total 7500-00 · USGS Stream Gage Contract	19,601.25	78,405.00	-58,803.75	25.0%
7508-00 · USGS Do.Co.WQ & GW Monitoring				
7508-02 · DoCo WQ/GW Mon. 2017-19	4,188.00	16,890.00	-12,702.00	24.8%
Total 7508-00 · USGS Do.Co.WQ & GW Monitoring	4,188.00	16,890.00	-12,702.00	24.8%
7524-00 · USGS-GW Lvl & WQ in Ch.Co.				
7524-02 · USGS-GW Lvl & WQ-ChCo 2018-22	1,408.00	5,630.00	-4,222.00	25.0%
Total 7524-00 · USGS-GW Lvl & WQ in Ch.Co.	2,524.00	5,630.00	-3,106.00	44.8%
7526-00 · USGS-Eagle/Dayton/Ch.Vly.Mon.		27,680.00	-27,680.00	
7527-00 · USGS-Arsenic Data Collection-CV				

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

02/06/19

Profit & Loss Budget vs. Actual

Accrual Basis

July 2018 through January 2019

	Jul '18 - Jan 19	Budget	\$ Over Budget	% of Budget
7527-01 · USGS-CV Arsenic Study 2018-19	3,100.00	28,055.00	-24,955.00	11.0%
Total 7527-00 · USGS-Arsenic Data Collection-CV	3,100.00	28,055.00	-24,955.00	11.0%
7528-00 · USGS-Mercury/Arsenic/Lead Mon.	7,000.00	15,000.00	-8,000.00	46.7%
7600-00 · Alpine County Projects				
7600-05 · Alpine Watershed Programs	12,500.00	25,000.00	-12,500.00	50.0%
7600-09 · Al.Co.-CASGEM	5.66	10.00	-4.34	56.6%
7600-10 · Al.Co.-Mesa GW Monitoring	4.07	10.00	-5.93	40.7%
Total 7600-00 · Alpine County Projects	12,509.73	25,020.00	-12,510.27	50.0%
7610-00 · Douglas County Projects				
7610-10 · Do.Co.Reg.Pipeline Debt Service	62,500.00	125,000.00	-62,500.00	50.0%
Total 7610-00 · Douglas County Projects	62,500.00	125,000.00	-62,500.00	50.0%
7620-00 · Carson City Projects				
7620-11 · CC Reg.Pipeline Debt Service	62,500.00	125,000.00	-62,500.00	50.0%
Total 7620-00 · Carson City Projects	62,500.00	125,000.00	-62,500.00	50.0%
7640-00 · Churchill County Projects				
7640-09 · Lahontan Vly.Wtr.Lvl.Measure.	8,189.50	18,000.00	-9,810.50	45.5%
7640-16 · Dixie Vly.Wtr.Lvl.Measurement	12,211.23	24,400.00	-12,188.77	50.0%
Total 7640-00 · Churchill County Projects	20,400.73	42,400.00	-21,999.27	48.1%
Total Expense	865,713.79	1,943,985.00	-1,078,271.21	44.5%
Net Ordinary Income	318,808.06	7,851.00	310,957.06	4,060.7%
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		100.0%
8008-00 · Preliminary Planning		405,000.00	-405,000.00	
8014-00 · Trans. Out-Floodplain Mgmt. Fd.	50,000.00	50,000.00		100.0%
Total Other Expense	100,000.00	505,000.00	-405,000.00	19.8%
Net Other Income	-100,000.00	88,258.29	-188,258.29	-113.3%
Net Income	218,808.06	96,109.29	122,698.77	227.7%

CARSON WTR SUBCONSERVANCY DIST - ACQUISITION/CONSTRUCTION

02/06/19

Balance Sheet

As of January 31, 2019

	Jan 31, 19
ASSETS	
Current Assets	
Checking/Savings	
1013-01 · Local Gov't Inv.Pool-Reserve	758,269.04
Total Checking/Savings	758,269.04
Total Current Assets	758,269.04
TOTAL ASSETS	758,269.04
LIABILITIES & EQUITY	
Equity	
4000-01 · Fund Balance - Capital Project	699,152.73
Net Income	59,116.31
Total Equity	758,269.04
TOTAL LIABILITIES & EQUITY	758,269.04

Profit & Loss YTD Comparison

January 2019

	Jan 19	Jul '18 - Jan 19
Ordinary Income/Expense		
Income		
5032-01 · Interest Income - LGIP Res.	1,534.74	9,116.31
Total Income	1,534.74	9,116.31
Net Ordinary Income	1,534.74	9,116.31
Other Income/Expense		
Other Income		
8001-01 · Transfer In-General Fund		50,000.00
Total Other Income		50,000.00
Net Other Income		50,000.00
Net Income	1,534.74	59,116.31

Profit & Loss Budget vs. Actual

July 2018 through January 2019

	Jul '18 - Jan 19	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
5032-01 · Interest Income - LGIP Res.	9,116.31	9,660.00	-543.69	94.4%
Total Income	9,116.31	9,660.00	-543.69	94.4%
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	9,116.31	-710,340.00	719,456.31	-1.3%
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		100.0%
Total Other Income	50,000.00	748,161.00	-698,161.00	6.7%
Net Other Income	50,000.00	748,161.00	-698,161.00	6.7%
Net Income	59,116.31	37,821.00	21,295.31	156.3%

Floodplain Management Fund
Balance Sheet
As of January 31, 2019

	Jan 31, 19
ASSETS	
Current Assets	
Checking/Savings	
1013-03 · LGIP - Floodplain	404,897.59
Total Checking/Savings	404,897.59
Total Current Assets	404,897.59
TOTAL ASSETS	404,897.59
LIABILITIES & EQUITY	
Equity	
32000 · Retained Earnings	361,012.84
Net Income	43,884.75
Total Equity	404,897.59
TOTAL LIABILITIES & EQUITY	404,897.59

Floodplain Management Fund

Profit & Loss YTD Comparison

January 2019

	Jan 19	Jul '18 - Jan 19
Ordinary Income/Expense		
Income		
5032-03 · Int. Inc.-LGIP-Floodplain	820.07	4,733.54
Total Income	820.07	4,733.54
Expense		
7210-03 · CVCD-2017 Flood Damage Assess.	0.00	5,445.89
7212-03 · CVCD-2017 Flood Permit/Repairs	275.00	5,402.90
Total Expense	275.00	10,848.79
Net Ordinary Income	545.07	-6,115.25
Other Income/Expense		
Other Income		
8001-03 · Trans. In- General Fund	0.00	50,000.00
Total Other Income	0.00	50,000.00
Net Other Income	0.00	50,000.00
Net Income	<u>545.07</u>	<u>43,884.75</u>

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02/06/19

Cash Basis

Floodplain Management Fund

Profit & Loss Budget vs. Actual

July 2018 through January 2019

	Jul '18 - Jan 19	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
5032-03 · Int. Inc.-LGIP-Floodplain	4,733.54	5,350.00	-616.46	88.5%
Total Income	4,733.54	5,350.00	-616.46	88.5%
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	5,402.90	70,000.00	-64,597.10	7.7%
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	10,848.79	370,000.00	-359,151.21	2.9%
Net Ordinary Income	-6,115.25	-364,650.00	358,534.75	1.7%
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	50,000.00	50,000.00	0.00	100.0%
Total Other Income	50,000.00	406,264.00	-356,264.00	12.3%
Other Expense				
8002-03 · Trans.Out-General Fund	0.00			
Total Other Expense	0.00			
Net Other Income	50,000.00	406,264.00	-356,264.00	12.3%
Net Income	43,884.75	41,614.00	2,270.75	105.5%

AGENDA ITEM #8

PAYMENT OF BILLS

5:17 PM

02/06/19

Accrual Basis

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

Transaction Detail by Account

January 2019

Type	Date	Num	Name	Memo	Amount	Balance
1010-00 · Cash in Checking - B of A						
Check	01/02/2019	9363	Euronev, Ltd.	Jan. 2019 rent-777 E. William St., #110, #110A, #111	-2,965.00	-2,965.00
Check	01/04/2019	9364	Doug Johnson	Travel reimb. for 1/3-4/19 Admin. Asst. interviews	-49.30	-3,014.30
Deposit	01/09/2019			Deposit	33,399.11	30,384.81
Check	01/09/2019	9365	Ponderosa Stamp & Engraving Co. LL	Inv. #109427, AA Award plaques & Workman name plate	-64.45	30,320.36
Check	01/09/2019	9366	Konica Minolta Business Solutions USA Inc	Acct. #3091, inv. #256133300	-87.78	30,232.58
Check	01/09/2019	9367	IPDS	Inv.#3619, Spanish translation of Watershed on-line map	-2,975.00	27,257.58
Check	01/09/2019	9368	Carson City	Reimb. for 12/6-20/18 payroll #26	-21,038.32	6,219.26
Check	01/09/2019	9369	JE Fuller Hydrology & Geomorphology, Inc.	Inv. #P2921.01-9, Dayton Valley ADMP	-9,627.70	-3,408.44
Check	01/09/2019	9370	Nevada Retail Network SIG	Pol. #NRN10861-2018-01, Inv. #519647	-36.85	-3,445.29
Check	01/11/2019	9371	River Wranglers	10/12/18 bus tour lunch	-492.86	-3,938.15
Deposit	01/14/2019			Deposit	68,085.34	64,147.19
Check	01/14/2019	9372	Postmaster	4 rolls \$0.50 stamps & 60 x \$0.21 stamps	-212.60	63,934.59
Check	01/14/2019	9373	Carson City	Reimb. for 12/21/18-1/3/19 payroll #1	-20,718.09	43,216.50
Check	01/14/2019	9374	Charter Communications	Acct. #8354 11 001 0917880, 1/13-2/12/19	-299.94	42,916.56
Check	01/14/2019	9375	Carson Valley Conservation District	Inv. #002, 10/1-12/31/18 Cradlebaugh	-2,929.94	39,986.62
Check	01/14/2019	9376	Carson Valley Conservation District	Inv. #006, 10/1-12/31/18 Flood Assistance	-275.00	39,711.62
Check	01/14/2019	9377	King & Russo, Ltd.	Dec. legal services	-2,250.00	37,461.62
Check	01/14/2019	9378	Robert Loveberg	Inv. #P18030101-04, 10/1-12/31/18 LID	-4,225.00	33,236.62
Genera...	01/15/2019			CVCD-Flood Permitting	275.00	33,511.62
Deposit	01/18/2019			Deposit	4,484.91	37,996.53
Deposit	01/22/2019			Deposit	25,455.85	63,452.38
Deposit	01/22/2019			Deposit	90,365.77	153,818.15
Check	01/23/2019	9379	Cardno, Inc.	Inv. #267983, Proj. #E317101700, Voltaire Restudy	-14,627.50	139,190.65
Check	01/23/2019	9380	Carson Valley Conservation District	Inv. #001 10/1-12/31/18 Cradelbaugh	-6,488.78	132,701.87
Check	01/23/2019	9381	RDM Infinity, LLC	Inv. #1935, 1/16/19 custom programming	-37.50	132,664.37
Check	01/25/2019	9382	Robert Loveberg	Inv. #P17111501 Nov 1 to Dec 31 2018	-875.00	131,789.37
Deposit	01/25/2019			Deposit	14,991.52	146,780.89
Deposit	01/28/2019			Deposit	4,431.20	151,212.09
Check	01/29/2019	9383	Nevada Water Resources Assn.	1/29/19 of 2019 Annual Conf. -E.Schank	-235.00	150,977.09
Check	01/29/2019	9384	Ponderosa Stamp & Engraving Co. LL	Jacobs, Giomi & Schambra name plates	-30.00	150,947.09
Check	01/29/2019	9385	The Office Spot	Inv. #33721, Jan. 2019 office supplies	-179.97	150,767.12
Check	01/29/2019	9386	Nevada Appeal	Acct #1060827, ad #369958-01	-50.76	150,716.36
Check	01/29/2019	9387	Carson City	Reimb. for 1/4-17/19 payroll #2	-20,564.38	130,151.98
Check	01/29/2019	9388	Churchill County	Oct.-Dec. 2018, Dixie Vly. Wtr. Lvl. Meas.	-8,383.48	121,768.50
Check	01/29/2019	9389	Churchill County	Oct.-Dec. 2018, Lahontan Vly. Wtr. Lvl. Meas.	-3,974.00	117,794.50
Check	01/29/2019	9390	Bank of America	Jan. 2019, Acct. #4024 4910 0003 3949	-517.50	117,277.00
Check	01/29/2019	9391	Local Govt Investment Pool	for investment in CCWSD	-40,000.00	77,277.00
Deposit	01/29/2019			Deposit	57,511.36	134,788.36
Deposit	01/29/2019			Deposit	11,546.63	146,334.99
Deposit	01/31/2019			Deposit	15,486.75	161,821.74
Total 1010-00 · Cash in Checking - B of A					161,821.74	161,821.74
1011-00 · Petty Cash						
Genera...	01/31/2019			Jan Petty Cash	-93.96	-93.96
Total 1011-00 · Petty Cash					-93.96	-93.96
1014-00 · Local Gov't Inv. Pool-Regular						
Deposit	01/01/2019			Interest	1,651.55	1,651.55
Check	01/29/2019	9391	Local Govt Investment Pool	for investment in CCWSD	40,000.00	41,651.55
Total 1014-00 · Local Gov't Inv. Pool-Regular					41,651.55	41,651.55
1029-00 · Bank of America-Savings						
Deposit	01/31/2019			Interest	0.01	0.01
Total 1029-00 · Bank of America-Savings					0.01	0.01
3307-00 · CC Payroll Due						
Check	01/09/2019	9368	Carson City	Reimb. for 12/6-20/18 payroll #26	21,038.32	21,038.32
Genera...	01/11/2019			1/11 SF,BH,EJ,TL,DN	-20,718.09	320.23
Check	01/14/2019	9373	Carson City	Reimb. for 12/21/18-1/3/19 payroll #1	20,718.09	21,038.32
Genera...	01/25/2019			1/25 SF, BH, EJ, TL, DN	-20,564.38	473.94
Check	01/29/2019	9387	Carson City	Reimb. for 1/4-17/19 payroll #2	20,564.38	21,038.32
Total 3307-00 · CC Payroll Due					21,038.32	21,038.32
5009-00 · Churchill County Ad Valorem						
Deposit	01/22/2019	115551	Churchill County	Oct.-Dec. 2018	-43,626.21	-43,626.21
Total 5009-00 · Churchill County Ad Valorem					-43,626.21	-43,626.21
5010-00 · Lyon County Ad Valorem						
Deposit	01/22/2019	133844	Lyon County	Oct.-Dec. 2018	-46,739.56	-46,739.56
Total 5010-00 · Lyon County Ad Valorem					-46,739.56	-46,739.56
5011-00 · Douglas County Ad Valorem						
Deposit	01/14/2019	686621	Douglas County	Dec. 2018	-68,075.82	-68,075.82
Total 5011-00 · Douglas County Ad Valorem					-68,075.82	-68,075.82
5012-00 · Carson City Ad Valorem						
Deposit	01/09/2019	383857	Carson City	Oct. & Nov. 2018	-33,259.11	-33,259.11
Deposit	01/29/2019	384346	Carson City	NOV 2018	-56,102.53	-89,361.64
Total 5012-00 · Carson City Ad Valorem					-89,361.64	-89,361.64
5031-00 · Interest Income-LGIP Reg.						
Deposit	01/01/2019			Interest	-1,651.55	-1,651.55

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CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

02/06/19

Transaction Detail by Account

Accrual Basis

January 2019

Type	Date	Num	Name	Memo	Amount	Balance
Total 5031-00 · Interest Income-LGIP Reg.					-1,651.55	-1,651.55
5045-00 · Interest Income-B of A Savings						
Deposit	01/31/2019			Interest	-0.01	-0.01
Total 5045-00 · Interest Income-B of A Savings					-0.01	-0.01
5050-00 · Watershed Coordinator						
5050-12 · NDEP-WS Coordinator 2018						
Deposit	01/22/2019	93920...	NV Bur. of Water Quality Protection	Inv #5, Oct.-Dec. 2018	-25,455.85	-25,455.85
Total 5050-12 · NDEP-WS Coordinator 2018					-25,455.85	-25,455.85
Total 5050-00 · Watershed Coordinator					-25,455.85	-25,455.85
5058-00 · 208 Water Quality Plan						
5058-04 · NDEP-LID Implementation 2018-19						
Deposit	01/18/2019	93918...	NV Div. of Environmental Protection	Inv. #18-022-4, Oct-Dec. 2018	-4,484.91	-4,484.91
Total 5058-04 · NDEP-LID Implementation 2018-19					-4,484.91	-4,484.91
Total 5058-00 · 208 Water Quality Plan					-4,484.91	-4,484.91
5082-00 · Alpine Co.-CASGEM Grant						
Deposit	01/29/2019	261372	Alpine County	7/1-12/31/18, Invoice #2 CASGEM	-615.04	-615.04
Total 5082-00 · Alpine Co.-CASGEM Grant					-615.04	-615.04
5083-00 · Al.Co.-Mesa GW Monitoring Grant						
Deposit	01/29/2019	261372	Alpine County	7/1-12/31/18, Invoice #3 MESA	-793.79	-793.79
Total 5083-00 · Al.Co.-Mesa GW Monitoring Grant					-793.79	-793.79
5098-00 · FEMA -MAS #7						
Deposit	01/25/2019		FEMA	Draw #19	-14,991.52	-14,991.52
Total 5098-00 · FEMA -MAS #7					-14,991.52	-14,991.52
6000-00 · FEMA-MAS #8						
Deposit	01/29/2019		FEMA	Draw #9	-11,546.63	-11,546.63
Total 6000-00 · FEMA-MAS #8					-11,546.63	-11,546.63
6002-00 · NDA Weed Mgmt-Starthistle						
Deposit	01/31/2019	93972...	NV Dept. of Agriculture	Inv #2 (Jul-Dec 2018)	-15,486.75	-15,486.75
Total 6002-00 · NDA Weed Mgmt-Starthistle					-15,486.75	-15,486.75
6003-00 · FEMA-MAS #9						
Deposit	01/28/2019		FEMA	Draw #2	-4,431.20	-4,431.20
Total 6003-00 · FEMA-MAS #9					-4,431.20	-4,431.20
7015-00 · Salaries & Wages						
Genera...	01/11/2019			1/11 S.Fryer	2,231.41	2,231.41
Genera...	01/11/2019			1/11 B.Hunt	2,352.55	4,583.96
Genera...	01/11/2019			1/11 E.James	5,241.10	9,825.06
Genera...	01/11/2019			1/11 T.Leffler	2,474.02	12,299.08
Genera...	01/11/2019			1/11 D.Neddenriep	2,070.53	14,369.61
Genera...	01/25/2019			1/25 S. Fryer	2,231.39	16,601.00
Genera...	01/25/2019			1/25 B. Hunt	2,563.06	19,164.06
Genera...	01/25/2019			1/25 E.James	5,241.10	24,405.16
Genera...	01/25/2019			1/25 T. Leffler	2,165.11	26,570.27
Genera...	01/25/2019			1/25 D. Neddenriep	2,072.77	28,643.04
Total 7015-00 · Salaries & Wages					28,643.04	28,643.04
7020-00 · Employee Benefits						
Genera...	01/11/2019			1/11 S.Fryer	334.71	334.71
Genera...	01/11/2019			1/11 B.Hunt	1,240.76	1,575.47
Genera...	01/11/2019			1/11 E.James	2,340.64	3,916.11
Genera...	01/11/2019			1/11 T.Leffler	1,134.65	5,050.76
Genera...	01/11/2019			1/11 D.Neddenriep	1,014.51	6,065.27
Genera...	01/25/2019			1/25 S. Fryer	334.71	6,399.98
Genera...	01/25/2019			1/25 B. Hunt	1,302.76	7,702.74
Genera...	01/25/2019			1/25 E.James	2,311.42	10,014.16
Genera...	01/25/2019			1/25 T. Leffler	1,043.67	11,057.83
Genera...	01/25/2019			1/25 D. Neddenriep	1,015.18	12,073.01
Total 7020-00 · Employee Benefits					12,073.01	12,073.01
7021-00 · Workers Comp Ins.						
Check	01/09/2019	9370	Nevada Retail Network SIG	4th qtr. 2018 pmt.	36.85	36.85
Total 7021-00 · Workers Comp Ins.					36.85	36.85
7103-00 · Office Supplies						
Check	01/09/2019	9365	Ponderosa Stamp & Engraving Co. LL	AA Award plaques & Workman name plate	64.45	64.45
Check	01/09/2019	9366	Konica Minolta Business Solutions USA Inc	12/1-31/18 copies	87.78	152.23
Deposit	01/14/2019	1177	River Wranglers	Dec. 2018 copies	-9.52	142.71
Check	01/29/2019	9384	Ponderosa Stamp & Engraving Co. LL	Jacobs name plate, inv. #109550	10.00	152.71
Check	01/29/2019	9384	Ponderosa Stamp & Engraving Co. LL	Gioml & Schambra name plates, inv. #109624	20.00	172.71
Check	01/29/2019	9385	The Office Spot	Jan. 2019 office supplies	179.97	352.68
Check	01/29/2019	9390	Bank of America	Microsoft- 395 Pro	62.50	415.18
Check	01/29/2019	9390	Bank of America	Microsoft- 395 Pro	5.00	420.18

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Accrual Basis

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND
Transaction Detail by Account
January 2019

Type	Date	Num	Name	Memo	Amount	Balance
Genera...	01/31/2019			Jan Petty Cash	42.96	463.14
Total 7103-00 · Office Supplies					463.14	463.14
7104-00 · Postage						
Check	01/14/2019	9372	Postmaster	200 x \$0.50 & 20 x \$0.21 stamps (general use)	104.20	104.20
Genera...	01/31/2019			Jan Petty Cash	9.72	113.92
Total 7104-00 · Postage					113.92	113.92
7105-00 · Rent						
Check	01/02/2019	9363	Euronev, Ltd.	Jan. 2019 rent-777 E. William St., #110, #110A, #111	2,965.00	2,965.00
Total 7105-00 · Rent					2,965.00	2,965.00
7106-00 · Telephone/Internet						
Check	01/14/2019	9374	Charter Communications	Jan. 2019 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						
Genera...	01/11/2019			1/11 E.James	283.21	283.21
Genera...	01/25/2019			1/25 E.James	283.21	566.42
Total 7107-01 · Car Allowance					566.42	566.42
7107-00 · Travel-transport/meals/lodging - Other						
Check	01/04/2019	9364	Doug Johnson	Travel reimb. for 1/3-4/19 Admin. Asst. interviews	49.30	49.30
Deposit	01/09/2019	644	Edwin James	12/19/18 Christmas dinner for staff & guest	-140.00	-90.70
Genera...	01/31/2019			Jan Petty Cash	41.28	-49.42
Total 7107-00 · Travel-transport/meals/lodging - Other					-49.42	-49.42
Total 7107-00 · Travel-transport/meals/lodging					517.00	517.00
7108-00 · Dues & Publications						
Check	01/29/2019	9390	Bank of America	Legis. Counsel Bureau-EJ lobbyist fee	300.00	300.00
Total 7108-00 · Dues & Publications					300.00	300.00
7110-00 · Seminars & Education						
Check	01/29/2019	9383	Nevada Water Resources Assn.	2019 Annual Conf.-E.Schank	235.00	235.00
Total 7110-00 · Seminars & Education					235.00	235.00
7116-00 · Legal						
Check	01/14/2019	9377	King & Russo, Ltd.	Dec. legal retainer	2,000.00	2,000.00
Check	01/14/2019	9377	King & Russo, Ltd.	Dec.-Amicus Brief	250.00	2,250.00
Total 7116-00 · Legal					2,250.00	2,250.00
7120-00 · Integrated Watershed Programs						
7120-31 · NDEP-WS Program Exp. 2018						
Check	01/14/2019	9372	Postmaster	200 x \$0.50 & 40 x \$0.21 stamps (newsletters)	108.40	108.40
Check	01/23/2019	9381	RDM Infinity, LLC	1/16/19 custom programming	37.50	145.90
Total 7120-31 · NDEP-WS Program Exp. 2018					145.90	145.90
Total 7120-00 · Integrated Watershed Programs					145.90	145.90
7337-00 · Carson River Restoration						
7337-01 · Upper Carson River Grant.						
7337-91 · CVCD-Cradlebaugh #1, 2018-19						
Check	01/14/2019	9375	Carson Valley Conservation District	10/1-12/31/18 Cradlebaugh	2,929.94	2,929.94
Check	01/23/2019	9380	Carson Valley Conservation District	10/1-12/31/18 Cradelbaugh	6,488.78	9,418.72
Total 7337-91 · CVCD-Cradlebaugh #1, 2018-19					9,418.72	9,418.72
Total 7337-01 · Upper Carson River Grant.					9,418.72	9,418.72
Total 7337-00 · Carson River Restoration					9,418.72	9,418.72
7406-00 · 208 Water Quality Mgmt. Plan						
7406-03 · LID Implementation 2018-19						
Check	01/14/2019	9378	Robert Loveberg	10/1-12/31/18 LID	4,225.00	4,225.00
Total 7406-03 · LID Implementation 2018-19					4,225.00	4,225.00
Total 7406-00 · 208 Water Quality Mgmt. Plan					4,225.00	4,225.00
7429-00 · NDEP-Wtrshd Lit.Implementation						
Check	01/09/2019	9367	IPDS	Spanish translation of Watershed on-line map	2,975.00	2,975.00
Total 7429-00 · NDEP-Wtrshd Lit.Implementation					2,975.00	2,975.00
7432-00 · FEMA MAS #7						
7432-01 · Voltaire Cyn.(Cardno)						
Check	01/23/2019	9379	Cardno, Inc.	Voltaire Restudy through 12/28/18	14,627.50	14,627.50
Total 7432-01 · Voltaire Cyn.(Cardno)					14,627.50	14,627.50
Total 7432-00 · FEMA MAS #7					14,627.50	14,627.50
7433-00 · NDEP-WS Lit.Impl.-Phase 3						
7433-01 · WS Lit. 3-Match						

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02/06/19

Accrual Basis

CARSON WATER SUBCONSERVANCY DISTRICT - GENERAL FUND

Transaction Detail by Account

January 2019

Type	Date	Num	Name	Memo	Amount	Balance
Check	01/11/2019	9371	River Wranglers	10/12/18 bus tour lunch	492.86	492.86
Total 7433-01 · WS Lit. 3-Match					492.86	492.86
Total 7433-00 · NDEP-WS Lit.Impl.-Phase 3					492.86	492.86
7434-00 · FEMA MAS #8						
7434-01 · Dayton ADMP(JE Fuller)						
Check	01/09/2019	9369	JE Fuller Hydrology & Geomorphology, Inc.	12/1-31/18 services, DV ADMP	9,627.70	9,627.70
Total 7434-01 · Dayton ADMP(JE Fuller)					9,627.70	9,627.70
7434-02 · Update Floodplain Ord.(Loveberg)						
Check	01/25/2019	9382	Robert Loveberg	11/1-12/31/18 Floodplain Ordinance	875.00	875.00
Total 7434-02 · Update Floodplain Ord.(Loveberg)					875.00	875.00
Total 7434-00 · FEMA MAS #8					10,502.70	10,502.70
7436-00 · NDA Weed Mgmt - Starthistle						
Check	01/29/2019	9390	Bank of America	PLAYCLEANGO-BH NDA membership	150.00	150.00
Total 7436-00 · NDA Weed Mgmt - Starthistle					150.00	150.00
7438-00 · BOR WaterSMART Market Program						
Check	01/29/2019	9386	Nevada Appeal	RFQ for Watershed Water Market ad	50.76	50.76
Total 7438-00 · BOR WaterSMART Market Program					50.76	50.76
7640-00 · Churchill County Projects						
7640-09 · Lahontan Vly.Wtr.Lvl.Measure.						
Check	01/29/2019	9389	Churchill County	Oct.-Dec. 2018, Lahontan Vly.	3,974.00	3,974.00
Total 7640-09 · Lahontan Vly.Wtr.Lvl.Measure.					3,974.00	3,974.00
7640-16 · Dixie Vly.Wtr.Lvl.Measurement						
Check	01/29/2019	9388	Churchill County	Oct.-Dec. 2018, Dixie Vly.	8,383.48	8,383.48
Total 7640-16 · Dixie Vly.Wtr.Lvl.Measurement					8,383.48	8,383.48
Total 7640-00 · Churchill County Projects					12,357.48	12,357.48
8009-00 · Trans. In-Floodplain Mgmt. Fd.						
Check	01/14/2019	9376	Carson Valley Conservation District	10/1-12/31/18 Flood Assistance	275.00	275.00
Genera...	01/15/2019			CVCD-Flood Permitting	-275.00	
Total 8009-00 · Trans. In-Floodplain Mgmt. Fd.						
TOTAL						

CWSD PETTY CASH TRANSACTION RECORD
January 2019

<u>Date</u>	<u>G/L No.</u>	<u>Description</u>	<u>Debits</u>	<u>Credits</u>	<u>Balance</u>
		12/31/18 cash balance			\$273.50
1/2/19	7103-00	E-Zee Mini Storage	(\$60.00)		\$213.50
	Office Supplies	rental of new storage unit			
1/3/19	7107-00	Papa Johns	(\$16.56)		\$196.94
	Travel	lunch-interviews for Admin. Asst.			
1/4/19	7107-00	Jimmy Johns	(\$24.72)		\$172.22
	Travel	lunch-interviews for Admin. Asst.			
1/7/19	7103-00	from D.Neddenriep		\$18.64	\$190.86
	Office Supplies	copies			
1/9/19	7104-00	PO	(\$10.72)		\$180.14
	Postage	Board packages			
1/9/19	7103-00	Smith's	(\$4.08)		\$176.06
	Office Supplies	Cleaner			
1/14/19	7103-00	from D.Neddenriep		\$0.48	\$176.54
	Office Supplies	copies			
1/15/19	7103-00	from T. Leffler		\$2.00	\$178.54
	Office Supplies	copies			
1/15/19	7104-00	from T. Leffler		\$0.50	\$179.04
	Postage	stamps			
1/25/19	7104-00	from T. Leffler		\$0.50	\$179.54
	Postage	stamps			
1/31/19	1011-00	Balance in Petty Cash			\$179.54
	Petty Cash				

Date: 1/31/19

Prepared by: 

Approved by: 

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

January 8, 2019

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
7/31/2018	FLAT FEE for July		2,000.00
8/31/2018	FLAT FEE for August		2,000.00
9/30/2018	FLAT FEE for September		2,000.00
11/1/2018	FLAT FEE for October		2,000.00
11/30/2018	FLAT FEE for November		2,000.00
12/31/2018	FLAT FEE for December		2,000.00
For professional services rendered		0.00	\$16,000.00

Accounts receivable transactions

6/4/2018	Payment from account	(\$2,000.00)
7/10/2018	Payment from account	(\$2,000.00)
8/10/2018	Payment from account	(\$2,000.00)
9/14/2018	Payment from account	(\$2,000.00)
10/31/2018	Payment from account	(\$2,000.00)
11/27/2018	Payment - Thank You	(\$2,000.00)
12/17/2019	Payment from account	(\$2,000.00)
Total payments and adjustments		(\$14,000.00)

Balance due

\$2,000.00

775-884-0866

#7116-00 Legal

OK to pay
Edwin James

1-9-19

pd. 1-14-19
ck. #9377

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

January 8, 2019

Professional Services

	<u>Hrs/Rate</u>	<u>Amount</u>
12/20/2019-12/31/2019 Amicus Brief Research on Case Law Re: Taking Issue: Forwarded same to Gordon	1.00 250.00/hr	250.00
For professional services rendered	1.00	\$250.00
Previous balance		\$500.00
Accounts receivable transactions		
12/17/2018 Payment - Thank You		(\$500.00)
Total payments and adjustments		(\$500.00)
Balance due		<u><u>\$250.00</u></u>

pd. 1-14-19
ck. #9377

#7116-00 Legal

ok to pay
Edwin James
1-9-19

AGENDA ITEM #9

CARSON RIVER WATERSHED COMMITTEE

ROLL CALL

AGENDA ITEM #10

CARSON RIVER WATERSHED COMMITTEE

PUBLIC COMMENT

AGENDA ITEM #11

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

TO: COMMITTEE MEMBERS

FROM: EDWIN D. JAMES

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item #11 – For Possible Action: Discussion by Tom Minor regarding flood preparedness.

DISCUSSION: Tom Minor, a rancher along the Carson River in Lyon County, wants to discuss with the committee his concerns and ideas regarding flood preparedness along the Carson River.

STAFF RECOMMENDATION: Provide direction to staff as appropriate.

AGENDA ITEM #12

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

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item #12 – For Possible Recommendation: Approval of the 2019 Water and Sewer Rate Report for the Carson River Watershed.

DISCUSSION: Attached is a draft of the 2019 *Water & Sewer Rate Report for the Carson River Watershed*. This is an annual advisory report that CWSD has prepared for several years. It is used by several water purveyors and consultants throughout the watershed. Upon approval by the CWSD Board, the report will be posted on the CWSD website and a link to the report will be sent to all water purveyors in the watershed.

The report lists the residential and commercial water rates and includes base rates, usage rates, and connection and stormwater fees charged by each purveyor in the Carson River Watershed. Entities that changed water rates in 2018 include:

- Churchill County Public Works
- Douglas County Public Works
- Indian Hills GID
- Lyon County Utilities
- Stagecoach Mutual Water Company

Entities that changed sewer rates are:

- Churchill County Public Works
- Douglas County Public Works
- Indian Hills GID
- Lyon County Utilities

The report also includes a water rate comparison of Truckee Meadows Water Authority's (TMWA) water rates as listed on its website.

STAFF RECOMMENDATION: Recommend that CWSD accept and distribute the 2019 *Water and Sewer Rate Report* as presented.

2019 Water and Sewer Rates in the Carson River Watershed

DRAFT

February 8, 2019

Advisory Report prepared by:

Deborah L. Neddenriep, CFM

Carson Water Subconservancy District



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Introduction:

The central purpose of Carson Water Subconservancy District's (CWSD) advisory report "Water and Sewer Rates in the Carson River Watershed" is to collect and publish the water and sewer rates of the 13 major water purveyors in our watershed. This report is made available to each water purveyor and to the general public via our website www.cwsd.org.

We appreciate the time and effort water purveyor staff members in providing and checking the data in this report:

Table 1.1 Major Water Purveyors in the Carson River Watershed

Carson City Public Works	Lyon County Utilities
Churchill County Public Works	Town of Minden
Douglas County Public Works	Minden Gardnerville Sanitation District
City of Fallon	Silver Springs Mutual Water Company
Gardnerville Ranchos General Improvement District	Stagecoach General Improvement
District Gardnerville Water Company	Storey County Public Works
Indian Hills General Improvement District	

This report includes a water data sheet followed by a sewer data sheet for each water purveyor. On the water rate data sheet, general information about each water entity includes:

- ✓ service area population
- ✓ annual demand
- ✓ total service connections separated into customer classes
- ✓ percentage of metered and unmetered connections
- ✓ Number of re-use connections
- ✓ bill frequency
- ✓ unidentified system losses
- ✓ if entity has a conservation plan and reason for doing so
- ✓ date the current water rate became effective

Water rates include base rate and volume charge for water for both residential and commercial users (Appendix A). In addition, connection fees and storm water fees are also listed if applicable. Highlights of changes in water rates follow in the next section, Summary of Water Rate Changes.

Sewer rates are included for each water purveyor in Appendix B. Minden Gardnerville Sanitation District (MGSD) provides sewer service to Gardnerville Ranchos General Improvement District, Gardnerville Water Company, and Town of Minden. MGSD bills Gardnerville and Minden residents directly. However, Gardnerville Ranchos General Improvement District, through an agreement with MGSD, collects sewer fees. The Stagecoach General Improvement District service area only has septic systems; therefore, sewer rates are not applicable. Lyon County provides sewer service in two areas of the county: Dayton, Moundhouse area and within Silver Springs Mutual Water Company's service area.

For information purposes, Truckee Meadow Water Authority's (TMWA) water rates, are included in this report. TMWA also has different rate schedules for former service areas of STMGID and Washoe County. TMWA's latest rate schedule can be accessed via their website, <https://tmwa.com/>, or from hyperlinks listed on the bottom of TMWA's rate sheet page in Appendix A.

Summary of Water Rate Changes:

Several entities increased their water rates over the past year. Of these, several water purveyor's boards have approved water rate increases for multiple years. Indian Hills GID, Stagecoach GID, and Storey County continue to increase water rates annually. Carson City, Douglas County, and Lyon County are currently in the process of evaluating their water and sewer rates. Table 2.1 summarizes water rate changes made in 2018.

Table 2.1 Summary of Water Rate Changes in 2018

2018 Water Rate Changes	
Water Purveyor	Approved Annual Increase Date
Churchill County Public Works	2.5% Annual Increase Effective 1/1
Douglas County Public Works	Increases July 1 annually through 6/30/2019; conducting rate study
Indian Hills General Improvement District	Increase annually 9/1 through 6/30/2019
Lyon County Utilities	Increase annually 7/1 through 6/30/2019; may conduct rate study later in 2019
Stagecoach General Improvement District	Effective July 1, 2019, 2020, 2021 and 2022 a base-rate increase of \$1 to monthly Residential and Commercial Water Service

Table 2.2 Summary of Unchanged Water Rates in 2018

Unchanged Water Rates in 2018	
Water Purveyor	Approved Annual Increase Date
Carson City Public Works	Conducting Rate Study
City of Fallon	
Gardnerville Ranchos General Improvement District	
Gardnerville Water Company	Increased Impact Fees
Town of Minden	
Minden Gardnerville Sanitation District	
Storey County	

Summary of Sewer Rate Changes:

The sewer rate increases over the past year are listed below. Several water purveyors have sewer rate increases that have been approved for multiple years by their respective boards.

Table 3.1 Summary of Sewer Rate Changes in 2018

2018 Sewer Rate Changes	
Water Purveyor	Approved Annual Increase Date
Churchill County Public Works	2.5% Annual Increase Effective 1/1
Douglas County Public Works	Increases July 1 annually through 6/30/2019
Indian Hills General Improvement District	Increase annually 9/1 through 6/30/2019
Lyon County Utilities	Increase annually 7/1 through 6/30/2019.

Table 3.2 Summary of Unchanged Sewer Rates in 2018

Unchanged Sewer Rates	
Water Purveyor	Approved Annual Increase Date
Carson City Public Works	Conducting Rate Study
City of Fallon	
Gardnerville Ranchos General Improvement District	Provided by MGSD
Gardnerville Water Company	Provided by MGSD
Town of Minden	Provided by MGSD
Minden Gardnerville Sanitation District	
Lyon County - Silver Springs	
Storey County	
Stagecoach GID	N/A -Septic Only

Appendix A: Water Rate Sheets

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Carson City Water Rates

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Carson City

Water Rates as of January 2019

Base Rate

Meter Size	Monthly Base Rate:
≤ 5/8"	\$ 27.39
1"	\$ 41.68
1 1/2"	\$ 62.22
2"	\$ 77.41
3"	\$ 113.14
4"	\$ 148.87
6"	\$ 220.33
10"	\$ 547.84
Single Family Residential Usage Chg per k/gal* 0 - 5 @ \$1.76 ≥ 6 ≤ 30 @\$3.07 > 30 @\$4.91	
Multifamily Residential \$ 1.99 per k/gal Base Rate \$9.70 Per Unit	
Commercial \$ 3.53 per k/gal Large Commercial \$ 3.71 per k/gal	Industrial / Manufacturing \$ 3.71 per k/gal

Carson City

Connection Fees:		Residential and Commercial:	
Meter Size			Meter & Service Installation (city installed)
≤ 5/8"	\$2,246.00	≤ 5/8"	\$1,522.50
1"	\$5,342.00	1"	\$1,785.00
1 1/2"	\$3,731.00	1 1/2"	\$2,835.00
2"	\$3,731.00	2"	\$3,675.00
3"	\$3,731.00	3"	\$5,880.00
4"	\$3,731.00	4"	\$9,754.45
6"	\$3,731.00	6"	\$14,280.00
Multifamily per unit	\$710.00		

1 1/2" and larger meter charge is based on maximum day GPM

Stormwater Rates:	N/A
Classification:	Monthly Rate
Single Family Property	\$5.69
Multi Family Property	\$29.33
Public Property	\$32.03
Manufacturing Property	\$38.13
Commercial Property	\$40.96

Questions:

Do you anticipate a rate increase in 2019? Yes

Are rates posted on your website: Yes

https://library.municode.com/nv/carson_city/codes/code_of_ordinances

General information on your service area :

Population of Service Area: 54,115

Annual Demand (AF): 9,960

Service Connections: 17,148

Residential: 15,310

Mutli-Family: Not split out

Commercial: 1,711

Irrigation: not split out

Other: 127

Metered Connections: 100%

Unmetered Connections: 0

Re-Use Connections: 5

Bill Frequency: monthly

Unidentified

System Losses: <7%

Conservation Plan: Yes

Reason for

Water Conservation: Water Conservatic

Churchill County Water Rates

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Churchill County

Water Rates As Of January 2019

Base Rate

Meter Size	Monthly Base Rate:
≤ 5/8"	\$ 51.10
1"	\$ 51.10
1 1/2"	\$ 76.60
2"	\$ 119.40
3"	\$ 249.00
4"	\$ 362.20
6"	\$ 724.30
10"	n/a
Single Family Residential Usage Chg per k/gal* 0 - 6@ \$2.10 ≥ 6 ≤ 20 @\$2.60 > 20 @\$3.15	
Multifamily Residential Usage Chg per k/gal* Meter charge priced based on meter size + \$37.70 0 - 6@ \$2.10 ≥ 6 ≤ 20 @\$2.60 > 20 @\$3.15	
Small Commercial Usage Chg per k/gal* \$ 76.60 base rate 0 - 6@ \$2.10 ≥ 6 ≤ 20 @\$2.60 > 20 @\$3.15	Industrial / Manufacturing Usage Chg per k/gal* \$76.60 base rate 0 - 20k @ .0025 >20k < 40k @ .0030 >40k < 60k @ .0030 >60k @ .0040
Large Commercial Usage Chg per k/gal* \$76.60 base rate	

Churchill County

Connection Fees:

Residential:	≤ 3/4"	\$7,200
	1"	\$7,200
Commercial:	≤ 3/4"	\$7,000
	N/A	\$7,600
	1 1/2"	\$9,200
	2"	\$11,000
Commercial Connection Fees calculated by Water Equivalent Residential Customer (WERC) value: 1 WERC = 550 gpd; fee per WERC = \$454.00		

Stormwater Rates:	N/A
Classification:	Monthly Rate
Single Family Property	\$0.00
Multi Family Property	\$0.00
Public Property	\$0.00
Manufacturing Property	\$0.00
Commercial Property	\$0.00

Questions:

Do you anticipate a rate increase in 2019? 2.5% annually

Are rates posted on your website: Yes/No Yes

<http://nv-churchillcounty.civicplus.com/index.aspx?NID=105>

General information on your service area :

Population of Service Area: 705

Annual Demand (AF): 153

Service Connections: 286

Residential: 272

Mutli-Family: 3

Commercial: 11

Irrigation: 0

Other: 0

Metered Connections: 286

Unmetered Connections: 0

Re-Use Connections: 0

Bill Frequency: monthly

Unidentified

System Losses: 8.20%

Conservation Plan: Yes, 2014

Reason for

Water Conservation: Long-term sustainability

Douglas County Water Rates

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Douglas County - Carson Valley

Water Rates As Of January 2019 (Effective July 1, 2018 - June 30, 2019)

Residential Base Rate

Meter Size	Monthly Base Rate:
≤ 5/8"	\$ 25.62
3/4"	\$ 25.62
1"	\$ 52.96
1 1/2"	\$ 97.87
2"	\$ 153.29

Commercial Base Rate

Meter Size	Monthly Base Rate:
≤ 5/8"	\$ 29.98
3/4"	\$ 29.98
1"	\$ 63.86
1 1/2"	\$ 119.69
2"	\$ 188.19
3"	\$ 383.60
4"	\$ 588.39
6"	\$ 1,153.94
8"	\$ 1,831.62

Irrigation Base Rate

Meter Size	Monthly Base Rate:
≤ 5/8"	\$ 16.04
3/4"	\$ 16.04
1"	\$ 29.01
1 1/2"	\$ 49.98
2"	\$ 76.65
3"	\$ 160.54
4"	\$ 239.85

Douglas County - Carson Valley

Single Family Residential Usage Chg per k/gal* 0≥8@\$2.58 >9-24@ \$3.21 >24@\$4.63
Multifamily Residential Usage Chg per k/gal* N/A
Commercial Usage Chg per k/gal All @ \$3.19
Irrigation Usage Chg per k/gal All at \$3.43
Large Commercial Usage Chg per k/gal N/A

N/A

Connection Fees:

Meter Size		
	≤ 5/8" \$	4,219.00
	3/4" \$	4,219.00
	1" \$	10,548.00
	1 1/2" \$	21,096.00
	2" \$	33,753.00
	3" \$	67,506.00
	4" \$	105,479.00
	6" \$	210,958.00
	8" \$	337,532.00

Stormwater Rates:

Classification:	Monthly Rate
Single Family Property	\$0.00
Multi Family Property	\$0.00
Public Property	\$0.00
Manufacturing Property	\$0.00
Commercial Property	\$0.00

Douglas County - Carson Valley

Questions:

Do you anticipate a rate increase in 2019? Yes - rate review currently in progress

Are rates posted on your website: Yes

https://www.douglascountynv.gov/UserFiles/Servers/Server_12493019/File/Visitors/Dept/Public%20Works/Water%20Utility%20and%20Rates/Carson%20Valley%20Water%20Rates%20Resolution%202014R-029.pdf

General information on your service area :

Population of Service Area: 6,043

Annual Demand (AF): 1,993

Service Connections:

Residential: 2,417

Mutli-Family:

Commercial: 248

Irrigation: 119

Other: 11 Hydrant and Construction Meters

Metered Connections: 2795

Unmetered Connections: 0

Re-Use Connections: 1 Bently Ranch

Bill Frequency: Monthly

System Losses:

Conservation Plan: Yes

Reason for

Water Conservation:

City of Fallon Water Rates

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City of Fallon

Water Rates as of January 2019

Base Rate

Meter Size	Monthly Base Rate:	Water Treatment Service Charge
3/4"	\$ 15.00	\$ 22.48
1"	\$ 33.18	\$ 37.55
1 1/2"	\$ 66.37	\$ 74.89
2"	\$ 107.02	\$ 119.87
3"	\$ 221.53	\$ 224.88
4"	\$ 321.05	\$ 374.88
6"	\$ 642.10	\$ 749.76

Single Family Residential Usage Chg. per 100 cubic ft. \$ 1.07	
Multifamily Residential Usage Chg. per 100 cubic ft. \$ 1.07	
Commercial Usage Chg. per 100 cubic ft. \$ 1.07	Industrial / Manufacturing Usage Chg. per 100 cubic ft. \$ 1.07
Large Commercial Usage Chg. per 100 cubic ft. \$ 1.07	

City of Fallon

Connection Fees:

Residential:		Meter & Service Installation	
	Meter Only		
3/4"	\$298.00	\$ 4,000.00	\$1,500
1"	\$400.00	\$ 8,000.00	\$2,500
1 1/2"	\$662.00	\$ 16,000.00	\$5,000
2"	\$986.00	\$ 25,600.00	\$8,000
3"	\$2,500.00	\$ 64,000.00	\$15,000
4"	\$3,829.00	\$ 160,000.00	\$25,000
6"	\$0.00	\$ 320,000.00	\$50,000

Residential Connection Fees = 1 **Water Equivalent Residential Customer (WERC)** value: 1 WERC = 550 gpd; fee

Commercial:

Commercial Connection Fees calculated by **Water Equivalent Residential Customer (WERC)** value: 1 WERC =

Stormwater Rates:	N/A
Classification:	Monthly Rate
Single Family Property	\$0.00
Multi Family Property	\$0.00
Public Property	\$0.00
Manufacturing Property	\$0.00
Commercial Property	\$0.00

Questions:

Do you anticipate a rate increase in 2019?

Data From City last provided in 2016

No

Are rates posted on your website:

No

General information on your service area :

Population of Service Area:	8,606
Annual Demand (AF):	2,334
Service Connections:	3,215
Residential:	2,888
Mutli-Family:	0
Commercial:	327
Irrigation:	0
Other:	0
Metered Connections:	3,178
Unmetered Connections:	N/A
Re-Use Connections:	N/A
Bill Frequency:	monthly
Unidentified	
System Losses:	N/A
Conservation Plan:	Yes
Reason for	
Water Conservation:	N/A

Gardnerville Ranchos GID Water Rates

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Gardnerville Ranchos General Improvement District

Water Rates as of January 2019

Residential/Commercial Rates:

	Monthly Base Rate:
	\$ 21.50
	Outside GRGID
	Monthly Base Rate:
	\$ 33.00
Residential/Commercial Rates:	
Usage Chg per k/gal*	
<10 In Base	
> 10 \$.90	

Connection Fees:

Service Size:		Connection Fee A*:	Connection Fee B:	
3/4"		\$4,950	3/4" \$	1,855
1"		\$8,250	1" \$	2,790
1.5"		\$16,500	1.5" \$	7,050
2"		\$26,400	2" \$	13,350
2.5"		\$29,600	2.5" \$	21,550
3"		\$52,800	3" \$	32,375
4"		\$82,500	4" \$	60,000

* Fee applies to any lot or parcel legally created within District through Douglas County's land Division Process after March 6, 2013. Rate also applies to Out -of-District connections.

Stormwater Rates: N/A

Classification:	Monthly Rate
Single Family Property	\$0.00
Multi Family Property	\$0.00
Public Property	\$0.00
Manufacturing Property	\$0.00
Commercial Property	\$0.00

Gardnerville Ranchos General Improvement District

Questions:

Do you anticipate a rate increase in 2019? No

Are rates posted on your website: Yes

<https://www.grgid.com/wp-content/uploads/2018/01/Water%20Rates.pdf>

General information on your service area :

Population of Service Area: 11,500

Annual Demand (AF): 3,100

Service Connections:

Residential: 3,610

Mutli-Family: 313

Commercial: N/A 51

Irrigation: 13

Other: Schools 3

Hydrant Meters 2

Metered Connections: 3,992

Unmetered Connections: 0

Re-Use Connections: 0

Gardnerville Water Company Water Rates

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Gardnerville Water Company

Water Rates as of January 2019

Residential, Commercial & Irrigation:

Meter Size:	Bi-Monthly Base Rate:
3/4"	\$ 33.00
1"	\$ 46.00
1 1/2"	\$ 93.00
2"	\$ 116.00
3"	\$ 355.00
4"	\$ 448.00
6"	\$ 498.00
8"	\$ 548.00
Residential Rate: Usage Chg k/gal ≤8 in base >8@\$1.37	
Commercial Rate: Usage Chg k/gal ≤20@\$1.37 >20@\$1.96	
Irrigation Rate: Usage Chg k/gal ≤ 300,000 @\$1.47 > 300,000 @\$1.96	

Gardnerville Water Company

Connection Fees:

Standard Impact Fees - Residential		Standard Impact Fees - Commercial	
3/4"	\$ 14,120.00	3/4"	\$ 14,120.00
1"	\$ 16,763.00	1"	\$ 16,763.00
1 1/2"	\$ 22,102.00	1 1/2"	\$ 22,102.00
2"	\$ 36,098.00	2"	\$ 36,098.00
3"	\$ 51,619.00	3"	\$ 51,619.00
4"	\$ 65,799.00	4"	\$ 65,799.00
6"	\$ 98,719.00	6"	\$ 98,719.00
8"	\$ 136,399.00	8"	\$ 136,399.00

Stormwater Rates:

Classification:	Monthly Rate
Single Family Property	\$0.00
Multi Family Property	N/A
Public Property	\$0.00
Manufacturing Property	\$0.00
Commercial Property	\$0.00

Questions:

Do you anticipate a rate increase in 2019? No

Are rates posted on your website: Yes

http://www.gardnervillewater.org/index.php?option=com_content&view=article&id=21&Itemid=120

General information on your service area :

Population of Service Area:

Annual Demand (AF): 1251.18

Service Connections: 2376

Residential: 1935

Mutli-Family: 84

Commercial: 273

Irrigation: 84

Other:

Metered Connections: 2376

Unmetered Connections: 0

Re-Use Connections: 0

Bill Frequency: Bi-Monthly

Unidentified

System Losses: 5%

Conservation Plan: Yes

Reason for Delay the need for investment in new

Water Conservation: infrastructure

Indian Hills GID Water Rates

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Indian Hills General Improvement District

Water Rates as of January 2019

Indian Hills Residential and Commercial Water Rates

Meter Size	Monthly Base Rate:
3/4"	\$ 36.22
1"	\$ 56.60
1.5"	\$ 118.28
2"	\$ 173.87
3"	\$ 290.36
4"	\$ 586.53
6"	\$ 856.34
8"	\$ 1,292.75
Usage Chg per k/gal*	
< 10 @\$1.95	
≥ 10 @ \$2.30	

Connection Fees:

3/4"	\$ 5,130.00
1"	\$ 8,550.00
1 1/2"	\$ 17,103.33
2"	\$ 27,360.00
3"	\$ 54,741.33
4"	\$ 85,500.00
6"	\$ 171,100.00
8"	\$ 273,600.00

Stormwater Rates:

Classification:	Monthly Rate
Single Family Property	\$0.10
Multi Family Property	\$0.10
Public Property	\$0.10
Manufacturing Property	\$0.10
Commercial Property	\$0.10

Indian Hills General Improvement District

Questions:

Do you anticipate a rate increase in 2019? Yes, September 1st: water basic fee will go from \$33.57 to \$36.22 per month

Are rates posted on your website: Yes

http://indianhillsnevada.com/Water_Department.shtml

General information on your service area :

Population of Service Area: 5,627

Annual Demand (AF): 790

Service Connections: N/A

Residential: 1867

Mutli-Family:

Commercial: 88

Irrigation:

Other:

Metered Connections: all

Unmetered Connections:

Re-Use Connections:

Bill Frequency: monthly

Unidentified

System Losses:

Conservation Plan:

Reason for

Water Conservation:

Lyon County – Dayton and Moundhouse Water Rates

DRAFT

Lyon County - Dayton and Moundhouse

Water Rates as of January 2019

Dayton Valley & Moundhouse Residential

Meter Size	Monthly Base Rate:
3/4"	\$ 26.02

Dayton Valley & Moundhouse Commercial

Meter Size	Monthly Base Rate:
3/4"	\$ 26.02
1"	\$ 35.27
1 1/2"	\$ 50.81
2"	\$ 69.03
3"	\$ 118.14
4"	\$ 173.39
6"	\$ 197.88
8"	\$ 249.95
Low Income	\$ 17.44

Single Family Residential/ Commercial

Usage Chg per k/gal*

≤5 in base

>5@\$3.20

Connection Fees:

Dayton and Mound House		
3/4"	\$	4,303
1"	\$	8,606
1 1/2"	\$	17,212
2"	\$	27,538
3"	\$	55,076
4"	\$	86,056
6"	\$	172,112
8"	\$	275,380

Stormwater Rates:

Classification:	Monthly Rate
Groundwater Impact Fee	\$1.00

Lyon County - Dayton and Moundhouse

Questions:

Do you anticipate a rate increase in 2019? Yes

Are rates posted on your website: Yes

<https://www.lyon-county.org/DocumentCenter/View/6388/Customer-Rate-Sheets-2018>

Population of Service Area: 15,830

Annual Demand (AF): 2,884

Service Connections:

Residential: 5,734

Mutli-Family: 598

Commercial: 627

Irrigation: Incl in Commercial

Other:

Metered Connections: 100%

Unmetered Connections: 0

Re-Use Connections: 0

Bill Frequency: Monthly

Unidentified

System Losses: 0.06

Conservation Plan: YES

Reason for

Water Conservation: System Ops

Town of Minden Water Rates

DRAFT

Town of Minden

Water Rates as of January 2019

Town of Minden Residential and Commercial Water Rates

Residential Flat Rate:	In Service Area Fees	
	Monthly Rate:	Quarterly Rate:
Single Family	\$ 30.38	\$ 91.15
Patio Home	\$ 26.87	\$ 80.60
Office Residential	\$ 30.38	\$ 91.15
	Out of Area Service Fees	
	Monthly Rate:	Quarterly Rate:
	\$ 40.75	\$ 122.20

Commercial :

Commercial - Out of Area Service fees

Metered:	Monthly Base Rate	Metered:	Monthly Base Rate
3/4"	\$ 24.05	3/4"	\$ 32.25
1"	\$ 27.30	1"	\$ 36.60
1 1/2"	\$ 37.60	1 1/2"	\$ 50.40
2"	\$ 61.40	2"	\$ 82.30
3"	\$ 122.75	3"	\$ 164.50
4" or larger	\$ 151.45	4" or larger	\$ 203.60
Unmetered:	\$ 21.32	per month per equivalent dwelling unit	
Commercial Usage Chg k/gal ≤50k @\$1.5 >50-100k @\$1.65 >100k @ \$1.85		Commercial - Out of Area Service fees Usage Chg k/gal ≤50k @\$2.05 >50-100k @\$2.25 >100k @ \$2.50	

Town of Minden

Connection Fees:

Residential	brings	town provides
	water right	water right
single family 3/4"	\$4,975	\$12,610
single family 1"	\$7,775	\$15,680
multi-family unit 3/4"	\$4,975	\$10,805
multi-family unit 1"	\$7,775	\$13,875
Residential >1" pays non-residential rate		

Non-Residential

	Fixed Cost	Variable	Variable
3/4"	\$5,385	quote required	cost of water right
1"	\$8,455		\$6,450 acre-feet (af) per year
1 1/2"	\$16,450		
2"	\$26,920		
3"	\$56,560		
4"	Quote Required		
>4"	Quote Required		

Stormwater Rates:

	N/A
Classification:	Monthly Rate
Single Family Property	\$0.00
Multi Family Property	\$0.00
Public Property	\$0.00
Manufacturing Property	\$0.00
Commercial Property	\$0.00

Town of Minden

Questions:

Do you anticipate a rate increase in 2019? No

Are rates posted on your website: Yes

<http://townofminden.com/DocumentCenter/View/120/Water-And-Trash-Service-Fees-2017-PDF?bidId=>

General information on your service area :

Population of Service Area: 3,003 (2010 Census data)

Annual Demand (AF): 1,345

Service Connections: 1,883

Residential: 1,606

Mutli-Family:

Commercial: 248

Irrigation:

Other: 29

Metered Connections: 1,460

Unmetered Connections: 423

Re-Use Connections:

Bill Frequency: quarterly-residential; monthly-commercial

Unidentified

System Losses: Unknown

Conservation Plan: Yes/2016

Reason for

Water Conservation: Meets State requirement

Silver Springs Mutual Water Company Water Rates

DRAFT

Silver Springs Mutual Water Company

Residential Base Rate:	Zone 1	Zone 2
	Monthly Base Rate:	Monthly Base Rate:
3/4"	\$ 50.00	\$ 54.00
1"	\$ 83.50	\$ 90.18
1 1/2"	\$ 166.50	\$ 179.82
2"	\$ 266.50	\$ 287.82
3"	\$ 533.50	\$ 576.18
4"	\$ 833.60	\$ 900.18
6"	\$ 1,666.50	\$ 1,799.82

*Water Service Deposit of 4 times base rate is held for 12 months of on-time payments and returned in 13 month.

Commercial/Industrial* Base Rate:

	Zone 1	Zone 2
	Monthly Base Rate:	Monthly Base Rate:
3/4"	\$ 54.00	\$ 58.00
1"	\$ 90.18	\$ 96.86
1 1/2"	\$ 179.82	\$ 193.14
2"	\$ 287.82	\$ 309.14
3"	\$ 576.18	\$ 618.86
4"	\$ 900.18	\$ 966.86
6"	\$ 1,799.82	\$ 1,933.14

*Water Service Deposit of 4 times base rate is held for 12 months of on-time payments and returned in 13 month.

Single Family Residential
Usage Chg per k/gal*
< 15 in base
≥15@\$2.00
Commercial
Usage Chg
k/gal
< 15 in base
≥15@ \$2.00

Connection Fees:

3/4"	\$4,400	+actual cost
1"	\$7,348	+actual cost
1 1/2"	\$14,652	+actual cost
2"	\$23,452	+actual cost
3"	\$46,948	+actual cost
4"	\$80,652	+actual cost
6"	\$180,480	+actual cost
4" Fire	\$5,000	System Service Line
6" Fire	\$7,500	System Service Line

Silver Springs Mutual Water Company

Questions:

Do you anticipate a rate increase in 2019? No

Are rates posted on your website: Yes

[http://www.silverspringsmwc.com/Forms Documents.html](http://www.silverspringsmwc.com/Forms_Documents.html)

General information on your service area :

Population of Service Area: 2961

Annual Demand (AF): 439

Service Connections: 1095

Residential: 973

Mutli-Family:

Commercial: 119

Irrigation:

Other: 3

Metered Connections: 100%

Unmetered Connections: 0

Re-Use Connections:

Bill Frequency: monthly

Unidentified System Losses: Unknown

Conservation Plan: Yes

Reason for

Water Conservation: We live in a desert climate.

DRAFT

Stagecoach General Improvement District

Water Rates as of January 2019

Stagecoach GID Residential and Commercial Water Rates

Residential:	Monthly Base Rate:
	\$ 61.00

Resolution 2017-RO2

increase of \$1.00 to monthly Residential and Commercial water service. "

Commercial:

Meter Size	Monthly Base Rate:
1"	\$ 82.90
1 1/2 "	\$ 101.01
2"	\$ 129.80
3"	\$ 186.60
4"	\$ 244.11
6"	\$ 358.39

Water Dedication

.67 af per parcel

1 hook-up - none

split parcels - .67 af/parcel

Residential

Usage Chg per k/gal*

≤25 in base

>25@\$3.00

Commercial

Usage Chg per k/gal*

< 1 in base

≥ 1 ≥ 50 @ \$3.50

>50<100@\$4.00

≥100@\$5.00

Connection Fees:

Residential All Sizes

\$5,000.00 District & Expansion Lots

Commerical Fees All Sizes

Fee schedue will be the basis for assessing commercial hook-up fees.

Equivalent Residential Unit GDP

Connection Fee

Dedication of Water Right

1

600

1 X residential fee

None

2

1,200

2 X residential fee

.67 acre feet

3

1,800

3 X residential fee

1.34 acre feet

4

2,400

4 X residential fee

2.01 acre feet

Plus additional cost for meter larger than 3/4 X 5/8.

Stagecoach General Improvement District

Stormwater Rates:

Classification:	Monthly Base Rate:
Single Family Property	N/A
Multi Family Property	\$0.00
Public Property	\$0.00
Manufacturing Property	\$0.00
Commercial Property	\$0.00

Questions:

Do you anticipate a rate increase in 2019?

Effective July 1, 2019, 2020, 2021 and 2022 a base-rate increase of \$1 to monthly Residential and Commercial Water Service

Are rates posted on your website:

Yes

<http://www.stagecoachgid.com/ratesandcharges.html>

General information on your service area :

Population of Service Area: 1,422
Annual Demand (AF): 270
Service Connections: 576

Residential: 571
Mutli-Family: 2
Commercial: 2
Irrigation: 0
Other: 0

Metered Connections: 100%

Unmetered Connections: 0

Re-Use Connections: 0

Bill Frequency: Monthly

Unidentified

System Losses: 8%

Conservation Plan: Yes, 2014

Reason for To protect our
Water Conservation: natural resource

Storey County Water Rates

DRAFT

Storey County

Water Rates as of January 2019

Residential Base Rate

Meter Size	Monthly Base Rate:
≤ 5/8"	\$ 36.97
1"	\$ 41.68
1 1/2"	\$ 62.22
2"	\$ 77.41
3"	\$ 113.14
4"	\$ 148.87
6"	\$ 220.33
10"	\$ 547.84

Single Family Residential

Usage Chg per k/gal*

0 - 2 in base

≥ 2 @ \$2.99

Commercial Base Rate

Meter Size	Monthly Base Rate:
≤ 5/8"	\$ 55.92
1"	\$ 41.68
1 1/2"	\$ 62.22
2"	\$ 77.41
3"	\$ 113.14
4"	\$ 148.87
6"	\$ 220.33
10"	\$ 547.84

Commercial

Usage Chg per k/gal*

0 - 2 in base

≥ 2 @ \$3.90

Storey County

Connection Fees:

Residential: \$ 2,500.00

Connection Fees:

Commercial: \$ 4,100.00

Stormwater Rates: N/A

Classification:	Monthly Rate
Single Family Property	36.97 min. for 2k
Multi Family Property	\$0.00
Public Property	N/A
Manufacturing Property	\$0.00
Commercial Property	55.92 min for 2k

Questions:

Do you anticipate a rate increase in 2019? No

Are rates posted on your website: No

General information on your service area :

Population of Service Area: ~ 1,500

Annual Demand (AF): 152

Service Connections: 635

Residential: 454

Mutli-Family:

Commercial: 181

Irrigation:

Other:

Metered Connections: 635

Unmetered Connections: N/A

Re-Use Connections: N/A

Bill Frequency: Monthly

Unidentified

System Losses: Unknown

Conservation Plan: Yes

Reason for

Water Conservation:

Truckee Meadows Water Authority Water Rates

DRAFT

Truckee Meadows Water Authority

1/2017 Voted to raise rates 2.5% annually. To download complete rate schedule, see link below.

Truckee Meadows Water Authority Service Area Monthly Rates and Charges:

Residential:		Monthly Metered		Small Unit Flat Rate:	\$	41.50
		Base Rate	Usage Chg	Multi-Unit Residential Flat Rate		
			k/gal			
	≤3/4"	\$ 19.67		≤3/4"	\$	18.04
	1"	\$ 21.64	≤ 6@\$1.82	1"	\$	19.84
	1 1/2"	\$ 24.61	>6-28@\$2.95	1 1/2"	\$	22.60
	2"	\$ 28.54	>28@\$3.45	2"	\$	26.20
	3"	\$ 32.46		3"	\$	29.81
	4"	\$ 37.34		4"	\$	34.27
	6"	\$ 43.28		6"	\$	39.68
Each dwelling unit added fee:						\$ 11.56

Former Washoe County Water Utility Monthly Rates and Charges:

Residential:		Monthly Metered		Meters > 1.5"	
		Base Rate	Usage Chg	Usage Chg	
			k/gal	k/gal	
	≤3/4"	\$ 17.95		<29@\$2.70	
	1"	\$ 23.09		≥29<151@\$3.37	
	1 1/2"	\$ 33.03	<7@\$2.70	≥151<601@\$4.05	
	2"	\$ 44.04	≥7<21@\$3.37	≥601@\$5.41	
	3"	\$ 70.92	≥21<41@\$4.05		
	4"	\$ 103.87	>41@\$5.41		
	6"	\$ 189.37			

Former STMGID Monthly Rates and Charges:

Residential:	Monthly Metered		Meters <1.5"			
	Base Rate		Usage Chg			
			k/gal			
	≤3/4"	\$ 9.77	≤6@\$1.40			
	1"	\$ 11.96	>6≤20@\$1.85			
	1 1/2"	\$ 16.96	>20≤40@2.28			
	2"	\$ 22.90	>40≤65@2.66			
			>65@2.81			
Commercial:	Commercial Monthly			Tier Quantities in k/gal*		
	Base Rate			Tier 1	Tier 2	Tier3
			Usage Chg			
			k/gal			
	≤3/4"	\$ 19.67		0-7	>7-30	>30
	1"	\$ 21.64		0-14	>14-65	>65
	1 1/2"	\$ 24.61	Tier 1: \$1.82	0-28	>28-120	>120
	2"	\$ 28.54	Tier 2: \$2.95	0-50	>50-210	>210
	3"	\$ 32.46	Tier 3: \$3.45	0-165	>165-640	>640
	4"	\$ 37.34		0-300	>300-1,300	>1,300
	6"	\$ 43.28		0-1,000	>1,000-2,600	>2,600
	8"	\$ 50.18		0-1,475	>1,475-6,000	>6,000
	10"	\$ 58.99		0-9,500	>9,500-15,000	>15,000

* Tier usage levels are set for each Meter size according to this table.

Information collected from TMWA Website

[2018-5-TMWA Water Rates](#)

[1/2017 Info about TMWA rate increase](#)

Accessed 1/17/2019

Appendix B: Sewer Rate Sheets

DRAFT

Carson City Sewer Rates

DRAFT

Carson City Sewer Rates

Sewer Rates as on January 2019:

Flat Rates:	Monthly Rate:
Single - Family Residential (per unit)	\$ 40.45
Multi - Family Residential (per unit)	\$ 27.18
Metered Rates:	Monthly Rate:
Low-Strength Commercial	
Base Charge	\$ 40.45
Volume charge (per 1,000 gallons of metered domestic water)	\$ 6.78
High-Strength Commercial	
Base Charge	\$ 40.45
Volume charge (per 1,000 gallons of metered domestic water)	\$ 11.98

Sewer Connection Fees:	\$ 3,710.00	Sewer Water Equivalent Residential Value
Sewer Connection Fees calculated by Sewer Equivalent Residential Customer (SERC) value; 1 SERC = 200 gallons		
Sewer Rate Classes	SERC	
Single -family residence,		For all other sewer connections not specified above, connection charge will be based on the Sewer Equivalent Residential Customer (SERC) of proposed development. Value will be assigned by utility director or his designee.
Mobile home (individual lot)	1.00	
Duplex (each living unit)	0.75	
Apartment (each living unit),		
Mobile home park (each pad)		
(each living unit)	0.65	

Expect Rate Change in the upcoming year? Possibly, rate study is being performed late FY19/early FY20.

Are rates posted on your website: Yes

<https://carson.org/home/showdocument?id=55783>

Churchill County Sewer Rates

DRAFT

Churchill County Sewer Rates

Sewer Rates as on January 2019:

Flat Sewer Rates:		Monthly Rate:	
Single - Family Residential (per unit)		\$	56.30
Metered Sewer Rates:		Monthly Rate:	
Low-Strength Commercial			
Base Charge		\$	56.30
Volume charge (per 1,000 gallons of metered domestic water when > 10,000 gpm)		\$	4.20
High-Strength Commercial			
Base Charge		\$	56.30
Volume charge (per 1,000 gallons of metered domestic water when > 10,000 gpm)		\$	4.20 plus additional surcharge as determined by Churchill County
Sewer Connection Fees:			
Single Family Residential		\$	6,500.00
Commercial	Base Rate	\$	6,500.00
		\$	350.00

Commercial customer will pay base rate fee of \$6,500.00 as a minimum charge for up to 15 Equivalent Residential Units (ERU). If number of ERU's exceeds 15, customer will be responsible for an additional amount of \$350.00 per fixture unit. Calculation of ERU and fixture units will be performed using flow formula by Churchill County Building Department.

Expect Rate Change in the upcoming year? Yes
 Are rates posted on your website: Yes
<http://nv-churchillcounty.civicplus.com/index.aspx?NID=105>

Douglas County Sewer Rates

DRAFT

Douglas County Sewer Rates

Monthly Rate: See Resolution 2014R-030

FY19 July 1, 2018 - June 30, 2019	\$	72.08	Per Equivalent Dwelling Unit (EDU). 1 EDU = 250 gallons.
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N.A. per gallon for domestic septage*

* As a practical matter, Douglas County does not accept septage at the North Valley Wastewater

Sewer Connection Fees

North County Portion	\$	7,150.00
Genoa Lakes	\$	7,072.00
All other North Valley Service	\$	6,020.00

Expect Rate Change in the upcoming year?

Yes - rate review currently in progress

Are rates posted on your website:

Yes

[0Works/Sewer%20Utility/Sewer%20Rate%20Resolution%20No.%202014R-030_201410091713370561.pdf](#)

City of Fallon Sewer Rates

DRAFT

City of Fallon Sewer Rates

Flat Rates:		Monthly Rate:	
Single - Family Residential (per unit)		\$	35.00
		\$	35.00
Metered Rates:			
Commercial Normal			
Base Charge		\$	11.70
Volume charge (per 1,000 gallons of metered domestic water)		\$	2.18 per k/gal metered water
High-Strength Commercial			
Base Charge		\$	11.70
Volume charge (per 1,000 gallons of metered domestic water)		Determined on a case-by-case basis	

Sewer Connection Fees:

3/4"	\$	3,000
1"	\$	6,000
1 1/2"	\$	12,000
2"	\$	19,200
3"	\$	48,000
4"	\$	120,000
6"	\$	240,000

Expect Rate Change in the upcoming year? **No**

Are rates posted on your website: **No**

Gardnerville Ranchos GID Sewer Rates

DRAFT

Gardnerville Ranchos General Improvement District

Category One* :	\$	21.50	
*Billing rate for connections to Sewer System after May 17, 1990.			
Category Two**:	\$	14.50	
** Billing rate for connections to Sewer System prior to May 17, 1990.			
Pump Station 1			
In-District Service Area:	\$	14.50	per edu/ per month
			Applies to district customers and annexed into district customers
Pump Station 1			
Out-of-District Customers	\$	32.00	per month
Pump Station 1			
Out-of-District Maintenance Fee	\$	5.00	
	\$	37.00	

A rate increase of \$0.50 per month will commence for the July 2014 billing.

Sewer Connection Fees:

Category I	\$	2,200.00	per Equivalent Dwelling Unit
Category I was for people on septic, which is now down to 2 homes.			
Prior to Annex 3/6/2013	\$	4,675.00	per Equivalent Dwelling Unit
UnAnnexed after 3/6/2018	\$	6,300.00	per Equivalent Dwelling Unit
Pump Station 1 Surcharge	\$	1,728.00	

Expect Rate Change in the upcoming year? No

Are rates posted on your website: Yes

<https://www.grgid.com/wp-content/uploads/2018/01/Sewer%20rates.pdf>

The Gardnerville Ranchos GID has a contract with MGSD to accept effluent from the Ranchos. The Ranchos maintains its own sewer mains.

Gardnerville Water Company Sewer Rates

DRAFT

Gardnerville Water Company

Sewer Service Provided by Minden - Gardnerville Sanitation District

Indian Hills GID Sewer Rates

DRAFT

Indian Hills General Improvement District

Sewer Rates

Sewer Rates as on January 2019:

Residential Flat Rate:	Monthly Rate:	
	\$ 39.73	per Equivalent Dwelling Unit (EDU) 250 gpd = 1 EDU Additional charges determined by IHGID if discharge contains non-standard
Sewer Connection Fees:		
Single Family Residential	\$ 5,130.00	

Expect Rate Change in the upcoming year?

Annual Rate increases June 1 through June 30, 2019,
sewer will increase to \$41.72 per edu/per month

Are rates posted on your website:

Yes

<http://indianhillsnevada.com/Sewer.shtml>

Lyon County – Dayton and Moundhouse Sewer Rates

DRAFT

Lyon County - Dayton and Moundhouse

Sewer Rates

Rate Increase Effective: 7/1/2018

Lyon County Sewer Rates for Moundhouse & Dayton:

		Monthly Flat Rates:
Single - Family Residential (per unit)	\$	58.94
Multi Family Residential (per unit)	\$	53.70
Low Income Single - Family Residential	\$	39.81
		Monthly Metered Rates:
Commercial & Industrial		
Base Charge (No Usage Allowance)	\$	24.18
Volume charge (per 1,000 gallons of metered domestic water)	\$	4.33 per k/gal
High-Strength Commercial	Monthly Base Charge	
	\$	24.18
Volume charge (per 1,000 gallons of metered domestic water)	Determined on a case-by-case basis	

Sewer Connection Fees:

Single Family Residential		
Reimbursement Fee - Collection	\$	307.00
Bond Payments Fee	\$	2,200.00
Capital Facility Charge	\$	7,109.00
Total Sewer Service Connection Fee	\$	9,616.00

Expect Rate Change in the upcoming year? Increase annually on 7/1 through June 30, 2019.

Are rates posted on your website: Yes

<https://www.lyon-county.org/DocumentCenter/View/6388/Customer-Rate-Sheets-2018>

Minden Gardnerville Sanitation Sewer Rates

DRAFT

Minden Gardnerville Sanitation District

Sewer Rates

Sewer User Fees are billed quarterly as follows:

First Quarter:	\$	41.40	per EDU
Second Quarter:	\$	41.86	per EDU
Third Quarter:	\$	42.32	per EDU
Fourth Quarter:	\$	42.32	per EDU
Connection Fees:			
Residential			
	\$	275.00	includes 1 EDU
Commercial			
	\$	300.00	Dwelling Unit per Equivalent
Capacity fee	\$	3,800.00	Dwelling Unit

Expect Rate Change in the upcoming year? No
Are rates posted on your website: Yes

<https://www.mgsdistrict.org/billpayment/>

Service Connections:

Residential: 3,300
 *Multi-Family: 50
 Commercial: 350
 Irrigation: 0
 ***Other: 0

The Minden-
 Gardnerville
 Sanitation District
 also has a contract
 with Gardnerville
 Ranchos GID to
 provide sewer

**Metered Connections:

Unmetered Connections: 3,500

Re-Use Connections:

Bill Frequency: Quarterly

Unidentified

System Losses: Unknown

Conservation Plan: N/A

Reason for

Water Conservation: N/A

Rate Increase Effective: N/A

Lyon County – Silver Springs GID Sewer Rates

DRAFT

Silver Springs General Improvement District Sewer Rates

Sewer Service in Silver Springs provided by Lyon County

Lyon County Sewer Rates for Silver Springs:

Residential Monthly Rate:	Monthly Rate:			
	\$	20.00	per EDU*	
	\$	30.00	per EDU*	
Rate Codes	EDU* Cost		EDU* Cost	
	1	\$ 20.00	10	\$ 200.00
	1.5	\$ 30.00	11	\$ 220.00
	2	\$ 40.00	11.9	\$ 238.00
	2.5	\$ 50.00	19	\$ 380.00
	2.7	\$ 54.00	25	\$ 500.00
	2.8	\$ 56.00	33	\$ 660.00
	3	\$ 60.00	35	\$ 700.00
	3.1	\$ 62.00	38	\$ 760.00
	4	\$ 80.00	197	\$ 3,940.00
	5.2	\$ 104.00		
	5.5	\$ 110.00		
	6	\$ 120.00		
	8.5	\$ 235.00		
*An equivalent dwelling unit (EDU), refers to a one single family dwelling unit with an estimated sewage flow of 242 gpd.				

Expect Rate Change in the upcoming year? No

Are rates posted on your website: No

Sewer Connection Fees:

The majority of customers pay connection fee via tax assessment
 However, if the connection fee did not have an assessment, the fee
 would be \$8,264.00

Stagecoach Sewer Rates

DRAFT

Stagecoach General Improvement District

Sewer Rates as on January 2019:

All the homes in the Stagecoach General Improvement District are on septic systems; therefore, sewer rates are not applicable.

Storey County Sewer Rates

DRAFT

Storey County Sewer Rates

Sewer Rates as on January 2019:

Residential Sewer Rate:	Monthly Base Rate:
	\$ 48.39 *
This includes Storey County's assesment of \$16.64 per residential lot to finance its sewer system upgrade.	
Commercial Sewer Rate:	Monthly Base Rate:
Monthly Base Rate:	\$ 65.67 **
	Usage charge per k/gal
Monthly Usage fee:	\$ 2.14 Include 2,000 gallons of water usage
**This includes Storey County's assesment of \$20.81 per residential lot to finance its sewer system upgrade.	
Sewer Connection Fees:	
Standard Connection Fees with meter	
Residential:	\$ 3,300.00
Commercial:	\$ 4,800.00

Reconnect Fee	\$ 60.00
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Expect Rate Change in the upcoming year?	No
Are rates posted on your website:	No

AGENDA ITEM #13

CARSON WATER SUBCONSERVANCY DISTRICT

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES

DATE: February 20, 2019

SUBJECT: Agenda Item #13 - For Possible Action: Approval of an increase to the living stipend for CWSD's AmeriCorps Member/Watershed Technician, Justin Bedocs.

DISCUSSION: Justin Bedocs our AmeriCorps member/Watershed Technician has been working with CWSD since April 2018 and will continue to serve through August of this year. By the time his term is complete Justin will have served close to a year and a half at our office.

Since the beginning of his term, he has grown tremendously and has begun taking on directional roles during events and tours that inspire our community to become more proactive and aware of watershed management issues, and to conserve floodplains. He has become our lead web developers, helped coordinate flood awareness week, and is also taking a leadership role in developing a watershed tour and in other outreach events.

We are requesting a \$300 a month increase to the living stipend for CWSD's AmeriCorps Member/Watershed Technician. Funds would be allocated from the "Outside Professional Services" account to cover these costs. Presently the AmeriCorps Member/Watershed Technician costs CWSD \$9,2500.00 year, however we leverage over \$35,000 annually in in-kind match from this position.

STAFF RECOMMENDATION: Authorize the General Manager to increase the living stipend for CWSD's AmeriCorps Member/Watershed Technician.

AGENDA ITEM #14

CARSON WATER SUBCONSERVANCY DISTRICT

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES

DATE: February 20, 2019

SUBJECT: Agenda Item #14 - For Possible Action: Approval of an Agreement with Resource Concepts, Inc. to develop "Geomorphology 101" presentations for county staff and public officials in an amount not to exceed \$10,000.

DISCUSSION: CWSD has selected Resource Concepts, Inc. (RCI), a civil engineering/integrated natural resource planning and policy firm, to create informative presentations on geomorphic processes specific to the Carson River, to be known as "Geomorphology 101." RCI is tasked with creating two presentations, a long form of about 20 minutes and a summary form of about 10 minutes, based on earth science related to river geomorphic processes. The presentations will be presented to both the county staffs and public officials so the counties can use that information to make better decisions which will improve the health and function of the Carson River.

RCI will coordinate development of these presentations with the Carson River Coalition and the Nevada Department of Environmental Protection. The presentations will then be given to NDEP and to the CWSD board for approval prior to presenting them to the counties.

The project is funded through the Nevada Department of Environmental Protection Watershed-Literacy Implementation Phase III grant. The contract is not to exceed \$10,000, which includes the development of the presentations and presenting them to the counties.

Staff recommends that the CWSD Board authorize the General Manager to sign the RCI agreement to begin the development of the presentations.

STAFF RECOMMENDATION: Authorize the General Manager to sign the Agency Agreement with RCI to develop "Geomorphology 101" presentations and present them to county staffs and public officials.

GEOMORPHOLOGY 101 DESIGN AGREEMENT

This GEOMORPHOLOGY 101 DESIGN AGREEMENT (this "**Agreement**") is made effective as of January 16, 2019, by and between Carson Water Subconservancy District, A Nevada State Agency, hereinafter referred to as CWSD and Resource Concepts, Inc. a Nevada Corporation, hereinafter referred to as RCI.

1. Description of the Services. RCI will develop and produce a GEOMORPHOLOGY 101 DESIGN for CWSD by timely providing the services and deliverables listed on **Schedule A (Services)** in a professional and timely manner. The parties may at any time modify the scope of the Services by including desired changes in a written "change order" that explains the changes and the adjustment to the payment for the Services that will result from such changes. Such change order shall become effective when signed and dated by both parties.

2. Design Team. RCI will use only qualified personnel to provide the Services (the "**RCI Design Team**"). The RCI reserves the right to make changes to the RCI Team in its sole discretion and will provide prior written notice of any anticipated change and a reasonable explanation for the change. Orientation of replacement personnel shall be at RCI's expense.

3. Term / Scheduling. The Services will be completed timely in accordance with the schedule set forth on **Schedule A**. RCI will begin the Services on the designated date and continue until the satisfactory completion of the Services. The term "**satisfactory completion**" of the Services means when the GEOMORPHOLOGY 101 DESIGN developed for CWSD performs to the specifications set forth on **Schedule A**.

4. Payments. In consideration for the Services, CWSD will pay RCI in accordance with the payment schedule and terms set forth on **Schedule B**.

5. Ownership Rights. CWSD will own all of its proprietary information as included in the Services, as well as all source code, object code, screens, documentation, digital programming, operating instructions, design concepts, content, graphics, domain names, and characters. All Services provided by RCI, including systems, computer programs, operating instructions, unique design concepts, other documentation developed for or specifically relating to CWSD's information processing, all of the Owner's source documents, stored data and other information of any kind, and reports and notes prepared by RCI, will be "works for hire" under applicable United States copyright laws, and therefore the property of CWSD. Such work may not be used by RCI for any other purpose except for the benefit of the CWSD. Any and all such property shall be delivered to the CWSD on request by the CWSD. Upon request, RCI shall sign all documents necessary to confirm or perfect the exclusive ownership interests of the CWSD. CWSD agrees to defend, indemnify, and hold RCI harmless from claims arising out of the unauthorized reuse or modification to the instruments of service.

6. Working Hours, Office Space and Testing Time. RCI's employees, when working on the premises of the CWSD, shall observe the Owner's working hours, working rules and policies.

7. Independent Contractor. RCI is an independent contractor with respect to its relationship to the CWSD. Neither RCI nor RCI's employees are or shall be deemed for any purpose to be employees of the CWSD. The CWSD shall not be responsible to RCI, RCI's employees, or any governing body for any payroll taxes related to the performance of the Services. Upon request, RCI will provide evidence of appropriate insurance coverage for workers compensation and general liability insurance.

8. Promotion. RCI will not use the names, trademarks, service marks, symbols or any abbreviations of the CWSD, without the prior written consent of the CWSD.

9. Representation - RCI. RCI represents to the CWSD that the GEOMORPHOLOGY 101 DESIGN and materials delivered to the CWSD in connection with the Services are accurate.

10. Representation - Intellectual Property Rights. RCI represents that it has the unencumbered right and power to enter into and perform this Agreement and that RCI is not aware of any claims or basis for claims of infringement of any patent, trademark, copyright, trade secret, or contractual or other proprietary rights of third parties in or to any programming or materials included by RCI in the Services or trade names related to the Services. RCI shall indemnify and hold the CWSD harmless from and against any loss, cost, damage or expense (including reasonable attorney's fees and legal expenses) incurred by the CWSD that may result by reason of any such claim, charge, suit or proceeding. The CWSD shall have the right, if it so desires, to be represented in any such claim, charge, suit or proceeding by counsel. If any of the materials included by the RCI in the Services becomes the subject of an infringement suit, the CWSD may terminate this Agreement and shall be entitled to a refund of any payments that it has made to RCI under this Agreement. This indemnity shall not apply to materials provided by the CWSD as contemplated by the following paragraph.

11. Representation - Owner. The CWSD represents to RCI that the CWSD owns (or has a legal license to use) all photos, text, artwork, graphics, designs, trademarks, and other materials provided by the CWSD for inclusion in the GEOMORPHOLOGY 101 DESIGN, and that the CWSD has obtained all waivers, authorizations, and other documentation that may be appropriate to evidence such ownership. The CWSD shall indemnify and hold RCI harmless from all losses and claims, including attorney's fees and legal expenses, that may result by reason of claims by third parties related to such materials

12. Disclaimer of Warranties. EXCEPT AS EXPRESSLY SET FORTH IN THIS AGREEMENT, THE PARTIES HEREBY SPECIFICALLY DISCLAIM ANY REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, REGARDING THE SERVICES, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR IMPLIED WARRANTIES ARISING FROM COURSE OF DEALING OR COURSE OF PERFORMANCE.

13. Limitation of Liability. UNDER NO CIRCUMSTANCES SHALL EITHER PARTY BE LIABLE TO THE OTHER PARTY OR ANY THIRD PARTY FOR INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL OR EXEMPLARY DAMAGES (EVEN IF THAT PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES), ARISING FROM ANY PROVISION OF THIS AGREEMENT SUCH AS, BUT NOT

LIMITED TO, LOSS OF REVENUE OR ANTICIPATED PROFIT OR LOST BUSINESS, COSTS OF DELAY OR FAILURE OF DELIVERY, OR LIABILITIES TO THIRD PARTIES ARISING FROM ANY SOURCE.

14. Indemnity. Each party agrees to defend, indemnify, and hold harmless the other party and its officers, directors, and employees from liabilities, costs and expenses, including reasonable attorney's fees, costs and expenses resulting from the indemnifying party's material breach of any duty, representation, or warranty under this Agreement.

15. Insurance.

Unless otherwise required in this Agreement, and RCI shall, during the performance of the services as provided herein, maintain insurance of the types and amounts specified, and with insurers satisfactory to the other party as follows:

- a) Comprehensive General Liability including \$1,000,000 per occurrence for bodily injury and property damage; \$1,000,000 Products/Completed Operations Aggregate; \$1,000,000 General Aggregate over all interests.
- b) Comprehensive Automobile Liability including coverage for owned, non-owned, and hired vehicles: \$1,000,000 Bodily Injury, \$1,000,000 Property Damage.
- c) RCI shall name CWSD as an additional insured and deliver a certificate to CWSD.

16. PUBLIC RECORDS

Pursuant to NRS 239.010, information or documents received from RCI may be open to public inspection and copying. CWSD has a legal obligation to disclose such information unless a particular record is made confidential by law or a common law balancing of interests. RCI may label specific parts of an individual document as a "trade secret" or "confidential" in accordance with NRS 333.333, provided that RCI thereby agrees to indemnify CWSD for honoring such a designation. The failure to so label any document that is released by CWSD shall constitute a complete waiver of any and all claims for damages caused by any release of the records

17. Assignment. This Agreement is not assignable, in whole or in part, by either party without the prior written consent of the other party. Any attempt to make such assignment shall be void.

18. Attorney's Fees. In any legal action between the parties concerning this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs if so awarded by court of law or other adjudicative body, to the extent that the prevailing party prevails.

19. Termination. This Agreement shall terminate automatically upon the completion of the Services described herein. In the event of such termination, the CWSD shall be obligated to pay only for actual services provided by RCI and for expenditures incurred with the CWSD's approval.

20. Termination on Default. If a party defaults by failing to substantially perform any provision, term or condition of this Agreement (including without limitation the failure to make a monetary payment when due), the other party may terminate this Agreement by providing written notice to the defaulting party. The notice shall describe with sufficient detail the nature of the default. The party in default shall have 14 business days from the effective date of such

notice to cure the default(s). Unless waived by the party providing the notice, the failure to cure the default(s) within such time period shall result in the automatic termination of this Agreement.

21. Taxes. The CWSD shall provide the Designer with a certificate acceptable to the taxing authorities exempting the Owner from payment of such taxes.

22. Severability. If any provision of this Agreement is held to be invalid, illegal or unenforceable, the remaining portions of this Agreement shall remain in full force and effect and construed so as to best effectuate the original intent and purpose of this Agreement.

23. Governing Law / Forum. This Agreement shall be construed in accordance with the internal laws of the State of Nevada, without regard to conflict of laws rules. Venue shall be in a court of competent jurisdiction in the State of Nevada, County of Carson, and both parties expressly consent to jurisdiction in such courts.

24. Complete Contract / Amendment. This Agreement Including Exhibit A and Exhibit B supersedes all prior agreements and understandings between the parties for performance of the Services and constitutes the complete agreement and understanding between the parties. The parties may amend this Agreement in a written document signed by both parties.

25. SIGNATORIES. This Agreement shall be signed by Edwin James on behalf of Carson Water Subconservancy District, A Nevada State Agency and by W. MARVIN TEDEAN on behalf of Resource Concepts, Inc. A Nevada Corporation. This Agreement is effective as of the date first written above.

General Manager Edwin James:
Carson Water Subconservancy District, A Nevada State Agency

By: _____

RCI:
Resource Concepts, Inc. A Nevada Corporation

By: W. Marvin Tebean 2/6/2019

Schedule A

Description of Services and Schedule

Task: Create a geomorphology 101 presentation and present to county staff and public officials
Develop an educational presentation/program on the Carson River's geomorphic processes, its ecology and the established agreements and plans that should guide any modifications to the river.

This presentation/program will impart earth-science knowledge to county staff and public officials so that they can make better informed decisions to improve the health and function of the Carson River.

Deliver presentation/program to: 2x entities in each county:

Example: County Supervisors/Commissioners, County Planning Commissions, Appropriate County Staff, Conservation District, Nevada Builders Association, Other relevant entities.

Deliverables:

- 1) One scripted power point presentations (long form ~20 mins) using pictures, video clips and diagrams to impart knowledge on background and hydrologic/geomorphic concepts.
- 2) One scripted power point presentations (Abstract/Summary ~10mins) using pictures, video clips and diagrams to impart knowledge on background and hydrologic/geomorphic concepts.
- 3) Audio/Video Recordings of both presentations suitable for YouTube/website.
- 4) Give/support presentation ~10 times (2x entities in each county).
- 5) Presentation/program agendas, sign-in sheets

Concept:

As our Carson River Watershed communities continue to grow, the pressure to develop along waterways, within floodplains, and in other flood prone areas rises. This predictable encroachment into flood prone areas will create new sources of NPS pollution which could contaminate both our waterways and surface water. Development pressure can also increase the need for potentially harmful work in riverine environments to mitigate flooding and facilitate water rights. How can a proactive "Living River" approach save money and improve protection? When riverine work is required what is base hydrogeomorphology knowledge needed to successfully work in the stream environment and minimize impacts?

Schedule:

Milestones	Target Dates
CWSD Board Accepts Contract:	Wednesday, February 20 th 2019
Meet with partners (CRC/NDEP) to review scope:	February 28, 2019
Pitch to partnership (CRC/NDEP) - outline and concept	End of March
Early draft review and feedback (CRC/NDEP)	End of April
Review of presentations (CRC/NDEP)	End of May
Present to partnership (CRC/NDEP)	End of June
Presentation to CWSD Board, and acceptance	Wednesday, July 17 th 2019
Record presentations	August/September 2019
Present to counties total: 10 presentation	Fall 2019
Contract complete by	Monday, November 4 th 2019

Points of discussion:

- a) The Carson River, and it's watershed. (Geography, geology and character)
- b) Seasonal behavior and events (Spring run-off, Flooding, irrigation, low flow and draught)
- c) History of Human Modification (BOR, Army Corps, Developers)
- d) Common Riverine Features (point bar, cut bank, floodplain, Ecology)
- e) Geomorphic principals (slope, bedload, morphology)
- f) Is erosion damage? What is actionable?
- g) How infrastructure affects the river
- h) Examples of problems areas: new NPS sources, deposition, incision, repeat flooding, floodplain impingement, continued disturbance of river channel (i.e. "clearing & snagging", infrastructure maintenance, etc.)
- i) What is a Living River? The living river in practice (proactive conservation, protecting floodplains from development, alleviate NPS contamination). What is achievable?
- j) Guiding Plans and Documents that should inform actions.

Topics to consider including in presentation:**Geography/Geology of the Carson River**

- 1) Geography
 - a. Eastern Sierra
 - b. Endorheic Basin/Great Basin
 - c. Rain Shadow
- 2) Geology
 - a. Granitic/Volcanic
 - b. Alluvial Fans
 - c. Valley Fill
- 3) Early Events/Periods
 - a. Glaciation

- b. Erosion
- 4) Character
 - a. Seasonal Character
 - b. Notable Floods
 - c. Pre-Historical Context, Pre-Disturbance Character

What the Carson River Carries

- 1) Water
- 2) Bedload (Grain size)
 - a. Silt
 - b. Sand
 - c. Angular Cobble
 - d. Boulders
 - e. Other sediment sources
- 3) Woody Debris

Key River Features

- 1) Channels
- 2) Floodplains
- 3) Meander/Sinuosity/Channel Migration
- 4) Point Bar/Cut bank
- 5) Sand Bars
- 6) Pools/Riffles
- 7) Oxbow
- 8) Yazoo streams? Eagle Creek, Clear Creek, Irrigation?

Morphology

- 1) Velocity, Scour/Deposing
- 2) Reach Length, Slope
- 3) Holes, Eddies and Falls

Environments

- 1) Riparian Vegetation
 - a. Willow
 - b. Cottonwood Galleries
 - c. Weeds
- 2) Ecology and Wildlife

Erosion vs Damage

- 1) Is All Erosion Damage?
- 2) When Should Action be Taken?
- 3) Other Causes of Erosion (Positive Pore Pressure - Charged Banks)
- 4) Incision Isolates Floodplains
- 5) Vegetation and Roots

Infrastructure Effects/Impacts

- 1) Hardened Banks, Riprap

- 2) Straightening, Bridges/Culverts
- 3) Levees & Uncertified Levees
- 4) Restriction Floodplain/Grading
- 5) Oversized/ Under Sized Channel
- 6) Dams and Irrigation Structures

Living River Approach: Allow River to Access Floodplains

- 1) Keep Development out of the floodplain
- 2) Don't Create Infrastructure that Creates Downstream Issues
- 3) Allow for Overbanking
- 4) Manage Vegetation to Protect Banks and Slow River in Appropriate Areas
- 5) Large Woody Debris

Practices

- 1) Minimizing NPS Vectors
- 2) Best Practices for Static Infrastructure
- 3) Stabilization & Restoration
- 4) Riprap vs Bio Engineering
- 5) Clearing and Snagging vs dredging and flood control.
- 6) Limiting Excavation and Introducing Fill Material
- 7) Transfer Development Rights, Conservation Easement, Acquisition.
- 8) Benefits of removal/modification/improvement of structures (levees, Dams, Diversions for rec and fish passage)

Guiding Plans, Tools and Other Documents

- 1) FEMA Flood Maps
- 2) Flood Models
- 3) Floodplain Management Plan
- 4) Stewardship Plan
- 5) 208 Plans
- 6) Floodplain Ordinances
- 7) Permitting

What do you want the river to be in the future?

- 1) the L.A. River?
- 2) Or a functioning river.
 - a. What is the vision.
 - b. Can we define it better?
 - c. With constraints what can be achieved?

Note:

Not all given topics will be covered in this limited presentation format. The contractor/resource professional can also recommend topics to develop a more comprehensive and clear presentation. CWSD staff can assist in the obtaining images, videos and diagrams and with audio/vid recordings. A subgroup of CWSD, CRC and NDEP will act as a steering committee to

answer questions, give direction, review drafts presentations and review content. Shane Fryer will be the key contact (Shane@CWSD.org) Phone: 775-887-9005.

Reviewable products:

- 1) Initial Outlines of Presentations and media elements.
- 2) Rough/Concept Power Points
- 3) Polished Presentations
- 4) Recorded Presentations

Schedule B

Payment Terms

1. Total consideration is not to exceed \$10,000, unless CWSD approves additional funding in writing.

Once both parties have signed the agreement work can proceed. CWSD can be invoiced at any point during the performance period of this agreement, however requests for reimbursement close to the end of our fiscal quarters are much appreciated. CWSD will request that an invoice be submitted soon after June 30th, 2019, so that we can finalize our books for the 2018-19 fiscal year. The final invoice should be submitted no later than December 2st 2019 (Final invoice due).

CWSD fiscal year:

March 31st, 2019 (third quarter),
June 30th, 2019 (end of fiscal year)
Sept 30th, 2019 (first quarter)
December 2st, 2019 (Final invoice due)

Invoices should include a tracking of hours and tasks. Receipts for items and services must be included in the invoice for reimbursement.

AGENDA ITEM #15

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

TO: COMMITTEE MEMBERS

FROM: EDWIN D. JAMES

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item # 15 – For Possible Recommendation: Provide direction to CWSD Staff regarding the 2019 Nevada Legislative Session.

DISCUSSION: On January 28, 2019, the CWSD Legislative Committee met to discuss proposed legislation for the 2019 Nevada Legislative Session. Attached are the draft meeting notes.

Below is a summary of the bills that Staff will review at the board meeting:

AB 30 – This bill is to deal with conflicts within the State Statutes. Staff's recommendation is to monitor the bill.

AB 51 – This bill will allow the State Engineer to adopt regulations related to conjunctive management of the groundwater and surface water. Staff's recommendation is to monitor the bill.

AB 61 – This bill is to limit the number of time extensions the State Engineer will grant to put the water to beneficial use. Staff's recommendation is to monitor the bill.

AB 70 – This bill deals with the open meeting law. Staff has a concern with a provision of allowing the public to attend the meetings via teleconference. CWSD does not have the equipment to handle this requirement and it may impact CWSD's ability to hold the Board meetings in other counties. Staff's recommendation is to oppose the requirement of allowing the public to attend Board meetings via teleconferencing.

AB 84 – This bill would allow the state to issue bonds for natural and cultural resources in the state. This bill is similar to the Question 1 law that was passed by the voters in 2002. This bill establishes various earmarks for various natural and cultural resources throughout the state (see attached bill). Staff is proposing submitting various changes to the bill. These changes are:

- Section 2 – Subsection 7 - include language that \$10,000,000 be identified for the Carson River Watershed.
- Section 2 – Subsection 7.a.3 - include CWSD as an agency that can receive funding under this program.
- Section 2 – Subsection 7.a.3 - include a category that funds can be used to acquire conservation easements.
- Section 2 – Subsection 7.a.3 ii - include trails.

AB 95 – This bill will allow domestic well owners to withdraw 0.5 acre-feet of water per year if the State Engineer has to restrict groundwater pumping in critical management areas. Staff's recommendation is to support this bill.

SB 47 – This bill was submitted by State Lands to deal with diversion structures and work done in the river below the normal high-water level. Staff is working with the conservation districts on similar language. This is a bill on which the conservation districts need to take the lead. Staff's recommendation is to monitor the bill.

Attached is the Legislative Counsel's Digest for each of the bills listed.

At the CWSD Legislative Committee meeting a representative from the State Engineer office explained their reason for introducing AB 30, AB 51, and AB 61. Their goal was to clean up some statutes to better manage the water resources. However, at the meeting Jeff Fontane with Humboldt River Basin Water Authority and Steve Walker who lobbies for Douglas County, Lyon County, Storey County, and Carson City both had concerns with the possible unintended consequences of each bill. If these bills die in this legislative session CWSD staff would like to propose that during the next interim session the State Engineer bring together various water experts around the state and help them frame the concerns to resolve various water issues. The state would then conduct various public meetings throughout the state to modify or gain support for these changes. These ideas would then be presented to the legislators in 2021.

STAFF RECOMMENDATION: Provide direction as appropriate.

**CARSON WATER SUBCONSERVANCY DISTRICT
LEGISLATIVE COMMITTEE
January 28, 2019 2:00 p.m.**

DRAFT MINUTES

Committee members present:

Brad Bonkowski, Carson City
Jack Jacobs, Douglas County
Austin Osborne, Storey County (*via teleconference*)
Barry Penzel, Douglas County (arrived at 2:44)
Ernie Schank, Churchill County

Committee members absent:

Ken Gray, Lyon County

Staff present:

Ed James, General Manager
Toni Leffler, Administrative Assistant/Secretary to the Board
Catrina Schambra, Administrative Assistant (in training)

Others present:

Micheline Fairbank, Nevada Division Water Resources
Jeff Fontaine, Nevada Central Water Authority
Robin Titus, State Assembly District 38 (Churchill & Lyon Counties)
Steve Walker, Lobbyist

Ernie Schank called the meeting to order at 2:04 p.m. at the Carson Water Subconservancy District Conference Room, 777 East William Street, #110, Carson City, Nevada.

Robin Titus led the pledge of allegiance. There was no public comment.

PULLED: Item #4 – For Possible Action: Approval of the Legislative Committee minutes from October 16, 2017. Ed James noted that the meeting notes from October 16, 2017 were not provided to the committee and will be postponed for approval to next meeting.

Ed James welcomed State Assembly Member Robin Titus (District 38, Churchill & Lyon Counties) and asked if she would like to address the committee before we address the agenda.

Assemblywoman Titus thanked us for the invitation and stated that state water issues are near and dear to her. She lives in Smith Valley. She serves on committee of natural resources. She is concerned this session that everyone seems new. She stated a lot of institutional knowledge is leaving and that is scary. She wants to help to educate new members in water issues. She stated she is here mainly to listen today.

Item #5 – For Possible Recommendation: Discussion regarding the upcoming 2019 Legislative Session and a review of various BDRs/bills the CWSD may want to support, oppose, or monitor. Mr. James provided a list of 2019 Legislative BDRs/bills of potential interest to CWSD. There was discussion of the following bills:

AB51 – Revises provisions governing the management of hydrologically connected groundwater and surface water resources.

Micheline Fairbank (Nevada Division Water Resources) started the discussion stating that she wants an open dialog with all of us. She wants us to understand the intent and purpose behind their bills.

Regarding AB51: The first step is to have statutes that match today's language in regards to ground and surface water. AB51 is a declaration to manage and to integrate the management of both of them. The Humboldt River Basin is their starting point. NDWR has engaged the USGS to make a model to see capture water, using the best available science. The lower white river system will be next. They are looking at each system individually. Mr. James noted that the CWSD has already funded such studies. This bill will authorize her office to manage ground and surface water resources, and moving forward with intent to write regulation language to One possible mitigation is to compensate all farmers/ranchers during drought periods. A UNR group is studying the total cost of loss and the economic cost.

Jack Jacobs asked about the specifics of what they are looking at. She did not have that information available, but he could email that request to her.

Ernie Schank asks about the public relations plan around this. She says that is part of why she's here today. She is also working with DCR administration on this issue in particular.

This bill is directed mostly at the Humboldt situation.

Jeff Fontaine indicated that the Nevada Central Water Authority (NCWA) is opposed to this bill, specifically Section 3.1 and Section 5. The idea of being "economically made whole," is where there is a lot of concern. He says the lower river wants water, not money. Downstream growers forced to take payment in lieu of water – then what?? Water rights up stream are more expensive, which is not equitable to lower stream. Domestic wells are not a big problem, because only 2% are in Humboldt County River Basin. He says conjunctive management equals millions of dollars. Downstream farmers are upset when there is no water, but upstream junior users are still pumping their ground water.

Mr. Fontaine says we need to incentivize water conservation and this is not controversial to him; he thinks it's just logical.

AB30 – Revises provisions governing the appropriation of water.

Ms. Fairbank (NDWR) says as long as a conflict can be mitigated, water rights are granted. She says there are conflicts within the statutes that make her office deny water rights requests. This bill would be simply to clean up the statute language.

Jeff Fontaine thinks this violates the rights of the little guy. It would give them no recourse.

Director Schank asks Mr. Fontaine: Can you work with the state to the betterment of Nevada water law? Jeff's concern is the idea that a state engineer can approve a 3M plan, that if the little guy does not like he will have to appeal the ruling. This will allow the people with deep pockets to win.

Steve Walker thinks with a little bit of language change it will help the water rights in Nevada. He thinks its good legislation.

Ed James thinks this does not affect our watershed that much, but he can see both sides of the issues with negative and positive support.

Mr. Walker says Coyote Springs was best monitoring plan he has seen. Permits and rights are different and based on the pumping results the State Engineer denied the water rights.

AB62 – Revisions provisions governing the perfection of water rights.

Ms. Fairbank explains this bill is an attempt to tighten our belt. It's intended to set a fixed number of time extensions offered to each requestor. It will set specific guidelines to limit time allowed per application for permits. This is to eliminate over appropriated "paper water."

Ernie Schank asks about limiting temporary permits? Ms. Fairbank says that this is not addressed in this bill. Director Schank asked if there any discussion in your office? The answer was no regarding limiting temporary permits.

Director Bonkowski asked are municipal water rights affected. It is based on the permitted manner of use.

Mr. Walker says that all people he talks to are against this bill. It has the most opposition of any bill in this cycle. Could accept a resource plan, but says that there are no rights more abused than time extensions. He spoke of several municipalities that have specific water rights with no plan of use attached. This is a problem.

Director Bonkowski says that there are unknown economic issues beyond control that affect the ability to stay on schedule.

Director Jacobs wonders how a municipality can plan further out, 50 years, with no new parameters.

Mr. Fontaine says that it has to be in the master plan – tie it to rights.

Assemblywoman Titus thinks it's great to vet these bills like this. She says that there are so many freshman legislators that do not understand these topics. We need to educate the legislative body before hearings. She advises us to look at the different concerns of regional water use.

Ed suggests that the state engineer commission a group to focus on these issues; an expert advisory group. This is something that will need to be done during the interim session.

AB47 – Revises provisions relating to state lands.

Mr. James says this bill maybe a concern to CVCD. He is working with DVCD. Argument by Carson Valley is the fee involved and mechanical use issues. He wants to have conservation districts take lead on this issue and work on this language.

AB84 – Provides for continuation of the Resource Conservation Bond Program.

Mr. James says this looks like a reboot of Q1. The match is brought down from 50% to 25%. There is lots of opportunity for projects in the Carson Watershed. He is looking at adding language and adding CWSD to help as a regional resource. Exciting if this one goes through.

Mr. Walker points out that this is vulnerable to changes in economy, but agrees this is great opportunity for CWSD.

AB 70 – Revises the Open Meeting Law to clarify various provisions.

Mr. James has concerns about requiring that the public can call into a Board meeting. Would be expensive and not cost effective? Thinks it could be a nightmare to meet the compliance.

Item #6 – For Discussion Only: Public Comment (none)

There being no further business to come before the Legislative Committee, Director Barry Penzel made the motion and the meeting was adjourned at 3:47 p.m.

Respectfully submitted,

Catrina Schambra
Clerk

ASSEMBLY BILL NO. 84—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE OFFICE OF THE GOVERNOR)

PREFILED NOVEMBER 21, 2018

Referred to Committee on Ways and Means

SUMMARY—Provides for the issuance of state general obligation bonds to protect, preserve and obtain the benefits of the property and natural and cultural resources of the State of Nevada. (BDR S-326)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to state resources; providing for the issuance of state general obligation bonds to protect, preserve and obtain the benefits of the property and natural and cultural resources of the State of Nevada; providing for the use of the proceeds of the bonds; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

At the general election held on November 5, 2002, the Legislature submitted to the voters of this State and the voters approved a proposal to issue general obligation bonds of the State to protect, preserve and obtain the benefits of the property and natural resources of this State in an amount not to exceed \$200,000,000. The ballot question allocated specific amounts of the bond proceeds to various governmental entities for specified programs and projects. (Chapter 6, Statutes of Nevada 2001, 17th Special Session, p. 104) This bill requires the State Board of Finance to issue an additional \$200,000,000 in state general obligation bonds to continue to protect, preserve and obtain the benefits of the property and natural and cultural resources of this State. This bill also allocates specific amounts of the bond proceeds to various governmental entities for specified programs and projects, some of which are the same programs and projects specified in the 2002 ballot question.

The Nevada Constitution limits the amount of debt of the State of Nevada to 2 percent of the assessed valuation of the State, but exempts from that limitation debt incurred for the protection and preservation of the State's property or natural resources or for the purposes of obtaining the benefits thereof. (Nev. Const. Art. 9, § 3) This bill makes a legislative declaration that, with certain exceptions, the



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issuance of the bonds required by this bill is necessary for the protection and preservation of the property and natural resources of the State and constitutes an exercise of the constitutional authority to enter into contracts for those purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The State Board of Finance shall issue general obligation bonds of the State of Nevada in a total face amount of not more than \$200,000,000 to protect, preserve and obtain the benefits of the property and natural and cultural resources of the State of Nevada.

2. The bonds required to be issued pursuant to subsection 1 may be issued at one time or from time to time.

3. The Legislature shall levy such tax as may be necessary to pay the principal and interest on the bonds. The proceeds of such tax together with any amounts appropriated to pay the principal of and interest on the bonds when due must be deposited in the Consolidated Bond Interest and Redemption Fund created by NRS 349.090.

Sec. 2. Except as otherwise provided in subsection 9 of section 3 of this act, of the total bonds issued pursuant to section 1 of this act:

1. An amount of \$30,000,000 must be allocated to the Division of State Parks of the State Department of Conservation and Natural Resources to protect and preserve the property or natural resources of this State or to obtain the benefits thereof for the following purposes:

(a) For the acquisition of real or personal property or interests in real or personal property for purposes related to parks and recreation; or

(b) For the planning, design and construction of capital improvements and renovations of facilities in state parks.

2. An amount of \$30,000,000 must be allocated to the Department of Wildlife for the following purposes:

(a) For the acquisition of real or personal property or interests in real or personal property to enhance, protect and manage wildlife habitat or enhance recreational opportunities related to wildlife, or both; or

(b) For the development and renovation of facilities or the improvement of existing wildlife habitats for fish and other restoration of existing wildlife habitats.

3. An amount of \$30,000,000 must be allocated to the Las Vegas Springs Preserve in Clark County for the following purposes:

(a) Providing wildlife habitat;



(b) Constructing buildings and other facilities for the Preserve;
or

(c) Providing other infrastructure for the Preserve.

↪ The Las Vegas Springs Preserve in Clark County shall match the allocation made pursuant to this subsection with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of each project that is completed pursuant to this subsection.

4. An amount of \$10,000,000 must be allocated to Clark County for the Clark County Wetlands Park and the Lower Las Vegas Wash. The money allocated pursuant to this subsection must be used to:

(a) Divert water, control erosion and make improvements to restore the existing wetlands, and to create new wetlands;

(b) Acquire and develop land and water rights;

(c) Provide recreational facilities;

(d) Provide additional parking for and access to the Park; and

(e) Construct weirs in the Lower Las Vegas Wash.

↪ Clark County shall match the allocation made pursuant to this subsection with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of each project that is completed pursuant to this subsection.

5. An amount of \$30,000,000 must be allocated to the Division of Museums and History of the Department of Tourism and Cultural Affairs to carry out the purposes set forth in this subsection. The money allocated pursuant to this subsection must be used for:

(a) The expansion of the Nevada State Railroad Museum in Boulder City;

(b) The rehabilitation and expansion of the East Ely Depot Museum; and

(c) The establishment or improvement of any museum in the state system of museums within the Division, including, without limitation, for:

(1) The planning, design or construction of such a museum;

(2) The improvement of such a museum;

(3) Moving exhibits within the state system of museums; or

(4) Creating new or improving existing exhibits.

6. An amount of \$3,000,000 must be allocated to the State Land Registrar of the Division of State Lands of the State Department of Conservation and Natural Resources to purchase or enter into a public-private partnership, or both, for the preservation, rehabilitation, restoration, reconstruction or adaptive reuse of properties in this State listed on the National Register of Historic Places maintained pursuant to 54 U.S.C. § 302101, including, without limitation, historic railroad depots.



7. An amount of \$67,000,000 must be allocated to the State Department of Conservation and Natural Resources to carry out the purposes set forth in this subsection. In making the grants pursuant to paragraph (a) and entering into the contracts and other agreements pursuant to paragraph (b) that are required by this subsection, the State Department of Conservation and Natural Resources shall ensure that \$37,000,000 is used in Clark County, \$20,000,000 is used in Washoe County and \$10,000,000 is used in the remainder of the State. The money allocated pursuant to this subsection must be used for the following purposes:

(a) To make the following grants:

(1) Grants to state agencies, local governments or private nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Director of the State Department of Conservation and Natural Resources pursuant to this subsection, as appropriate, for the design and construction of recreational facilities, campsites and trails, including, without limitation, hiking, equestrian and bicycle trails. Programs and projects paid for by grants made pursuant to this subparagraph must be for the protection and preservation of the property and natural resources of this State, or for the purposes of obtaining the benefits thereof. Grants made pursuant to this subparagraph must be coordinated with the Division of State Parks of the State Department of Conservation and Natural Resources.

(2) Grants to counties and municipalities for the acquisition of land and water or interests in land and water to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, wetlands and other environmental resources pursuant to an adopted plan for open spaces. Grants made pursuant to this subparagraph must be coordinated with the Division of State Lands of the State Department of Conservation and Natural Resources and require:

(I) In a county whose population is 100,000 or more, that the county or municipality which receives the grant matches the grant with an amount of money or value of services, material or equipment that is not more than 50 percent of the cost of the acquisition.

(II) In a county whose population is less than 100,000, that the county or municipality which receives the grant matches the grant with an amount of money or value of services, material or equipment that is not more than 25 percent of the amount of the grant.

(3) Grants to Churchill County, Douglas County, Lyon County, Washoe County or Carson City and municipalities and conservation districts located within those counties to enhance and



1 restore the Carson River and Truckee River corridors. Grants made
2 pursuant to this subparagraph must require that the county,
3 municipality or conservation district which receives the grant match
4 the grant with an amount of money or value of services, material or
5 equipment that is not more than 50 percent of the cost of the project
6 for which the grant is awarded. Money awarded for grants pursuant
7 to this subparagraph must be used to:

8 (I) Acquire and develop land and water rights;

9 (II) Provide recreational facilities;

10 (III) Provide parking for and access to and along the
11 Carson River or Truckee River; or

12 (IV) Restore the Carson River and Truckee River
13 corridors.

14 (4) Grants to Douglas County, Washoe County or Carson
15 City and municipalities located within those counties to enhance and
16 develop the Lake Tahoe Path System. Grants made pursuant to this
17 subparagraph must require that the county or municipality which
18 receives the grant match the grant with an amount of money or
19 value of services, material or equipment that is not more than 50
20 percent of the cost of the project for which the grant is awarded.
21 Money awarded for grants pursuant to this subparagraph must be
22 used to:

23 (I) Acquire land for the path system; or

24 (II) Develop the path system.

25 (5) Grants to state agencies, counties, municipalities or
26 private nonprofit organizations that qualify for grants pursuant to the
27 regulations adopted by the Director of the State Department of
28 Conservation and Natural Resources pursuant to this subsection, as
29 appropriate, for the acquisition of credits through a system that
30 awards credits to persons, federal and state agencies, counties,
31 municipalities, conservation districts and nonprofit organizations
32 who take measures to protect, enhance or restore sagebrush
33 ecosystems established by the Sagebrush Ecosystem Council created
34 by NRS 232.162. Credits may only be acquired pursuant to this
35 subparagraph for the purpose of the retirement of the credits.

36 (6) Grants to state agencies, local governments, conservation
37 districts and nonprofit organizations that qualify for grants pursuant
38 to the regulations adopted by the Director of the State Department of
39 Conservation and Natural Resources, as appropriate, for the
40 purposes of carrying out projects to create resilient landscapes by
41 reducing the threat of catastrophic wildfire, improving the condition
42 and ecological health of watersheds and rehabilitating lands
43 damaged by wildland fires. Grants made pursuant to this
44 subparagraph must be coordinated with the Division of Forestry of
45 the State Department of Conservation and Natural Resources.



(7) Grants to state agencies, local governments, conservation districts and nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Director of the State Department of Conservation and Natural Resources, as appropriate, for the inventory, enhancement and restoration of wetlands. Grants made pursuant to this subparagraph must be coordinated with the Nevada Natural Heritage Program within the State Department of Conservation and Natural Resources.

(8) Grants to nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Director of the State Department of Conservation and Natural Resources, as appropriate, to plan, design, construct or develop the Vegas Valley Rim Trail in Clark County.

(b) To carry out contracts or agreements under which nonprofit conservation organizations may acquire land and water or interests in land and water for the public benefit, to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, floodplains and wetlands and other environmental resources. Any money provided by the State Department of Conservation and Natural Resources pursuant to this paragraph must be matched by an amount of money or value of services, material or equipment that is not more than 50 percent of the cost of the acquisition. The investment of this State in any property acquired pursuant to this paragraph must be secured by an interest in the property.

➤ The Director of the State Department of Conservation and Natural Resources shall adopt such regulations as the Director determines are necessary to carry out the programs and projects and make the grants described in this subsection. The regulations adopted by the Director must state whether and to what degree applicants for grants must match any money awarded.

Sec. 3. 1. The proceeds of the bonds issued pursuant to section 1 of this act must be accounted for separately in the State General Fund.

2. The Director of the State Department of Conservation and Natural Resources shall administer the account created pursuant to subsection 1 and prescribe the method pursuant to which the governmental entities which administer the programs and projects described in section 2 of this act may request money from the account in accordance with the allocations made pursuant to that section.

3. Any interest or income earned on the money in the account must be credited to the account. Any money remaining in the account at the end of the fiscal year does not revert to the State General Fund but remains in the account for authorized expenditure.



4. All claims against the account must be paid as other claims against the State are paid.

5. The State Department of Conservation and Natural Resources may use the proceeds from the bonds issued pursuant to section 1 of this act and the interest income thereon to defray the costs of administering the provisions of this act and may request an appropriation to defray the costs of administering this act if the money in the account is not sufficient. The money in the account must be used only for the purposes set forth in this act and must not be used to replace or supplant funding available from other sources.

6. Any interests in land or water acquired by the State pursuant to this act:

(a) Must be acquired and held by the Division of State Lands of the State Department of Conservation and Natural Resources pursuant to chapter 321 of NRS.

(b) Must not be acquired by condemnation or the power of eminent domain.

➤The acquisition of any water rights pursuant to this act must not have a negative impact on the distribution of water to other persons who hold valid water rights.

7. Any property acquired pursuant to the provisions of this act may include easements and other interests in land. Before acquiring any interest in land pursuant to this act, recipients of money pursuant to this act must consider such alternatives to the acquisition of fee simple title as may be available, including, without limitation, the acquisition of easements and remainders after life estates.

8. If any interests in land or water acquired by the State pursuant to this act, or portions thereof, are later determined not to be necessary to carry out the purposes of the act, those interests may be sold or leased by the Division of State Lands pursuant to chapter 321 of NRS and the proceeds deposited in the account created pursuant to subsection 1. The proceeds received from such transactions must be expended to carry out the purposes of this act.

9. Money may be reallocated among the purposes set forth in each subsection of section 2 of this act with the advance approval of the Interim Finance Committee.

10. The Interim Finance Committee must approve the issuance of any bonds issued pursuant to this act if the proceeds of which will be used for the purposes set forth in paragraph (a) of subsection 7 of section 2 of this act.

11. Except as otherwise provided in subsection 12, all money derived from bonds issued pursuant to this act and any interest earned thereon may be used only to pay, reimburse, finance or otherwise provide money for items which are capital expenditures as defined in the regulations adopted pursuant to section 150 of the



1 Internal Revenue Code of 1986, as amended, 26 U.S.C. § 150. The
2 State Treasurer may require certifications by recipients of bond
3 proceeds as to compliance with the requirements of this subsection
4 before the disbursement of bond proceeds.

5 12. The provisions of subsection 11 do not apply to an amount
6 that does not exceed 2 percent of the proceeds of each issue of
7 bonds issued pursuant to this act that is used as provided in
8 subsection 5.

9 **Sec. 4.** The Legislature finds and declares that the issuance of
10 bonds pursuant to this act, except the use of the proceeds of those
11 bonds pursuant to subsections 3, 5 and 6 of section 2 of this act and
12 subparagraph (5) of paragraph (a) of subsection 7 of section 2 of this
13 act and paragraph (b) of subsection 7 of section 2 of this act:

14 1. Is necessary for the protection and preservation of the
15 property and natural resources of this State and for the purpose of
16 obtaining the benefits thereof; and

17 2. Constitutes an exercise of the authority conferred by the
18 second paragraph of section 3 of article 9 of the Constitution of the
19 State of Nevada.

20 **Sec. 5.** To the extent not inconsistent with the provisions of
21 this act, the provisions of the State Securities Law, contained in
22 chapter 349 of NRS, apply to the bonds issued pursuant to this act.

23 **Sec. 6.** Notwithstanding the provisions of NRS 361.453 to the
24 contrary, any levy imposed by the Legislature for the repayment of
25 bonded indebtedness issued pursuant to the provisions of this act
26 must not be included in calculating the limitation set forth in
27 subsection 1 of NRS 361.453 on the total ad valorem tax levied for
28 all public purposes.

29 **Sec. 7.** If any provision of this act, or application thereof to
30 any person, thing or circumstance, is held invalid, the invalidity
31 shall not affect the provisions or application of this act which can be
32 given effect without the invalid provision or application, and to this
33 end the provisions of this act are declared to be severable.

34 **Sec. 8.** This act becomes effective on July 1, 2019.



Summary of Bills CWSD Staff is Following for the 2019 Legislation Session

AB 30

Legislative Counsel's Digest:

Existing law requires the State Engineer to reject an application for a permit to 1 appropriate water to beneficial use if there is no unappropriated water at the source 2 of supply or if the proposed use or change of use of the water conflicts with 3 existing rights or protectable interests in existing domestic wells or threatens to 4 prove detrimental to the public interest. (NRS 533.370) **Section 1** of this bill 5 provides that before rejecting an application because the proposed use or change 6 conflicts with existing rights or protectable interests, the State Engineer may 7 consider certain proposals to avoid or eliminate the conflict. **Section 1** authorizes 8 the State Engineer to approve the application for such a permit on the conditions 9 that before the water is appropriated for beneficial use: (1) every measure or action 10 included in the proposal that the State Engineer determines is necessary to avoid or 11 eliminate the conflict is taken; and (2) the conflict is avoided or eliminated. 12 **Sections 2-9** of this bill make conforming changes.

AB 51

Legislative Counsel's Digest:

Existing law declares that it is the policy of this State to manage conjunctively 1 all waters of this State, regardless of the source of water. (NRS 533.024) **Section 3** 2 of this bill requires the State Engineer to adopt regulations related to the 3 conjunctive management of groundwater and surface water. The regulations may 4 include, without limitation: (1) requirements or guidelines for establishing 5 mitigation plans; (2) the creation of a program for the conjunctive management of 6 groundwater and surface water in a particular hydrographic basin to mitigate 7 conflicts between groundwater and surface water users; and (3) any other provision 8 necessary to conjunctively manage groundwater and surface water, determine the amount of conflict between groundwater and surface water users or resolve a 10 conflict between groundwater and surface water users. 11 **Section 4** of this bill authorizes the State Engineer to levy certain special 12 assessments related to a program for the conjunctive management of groundwater 13 and surface water. **Section 7** of this bill provides that the partial abatements of 14 property taxes does not apply to any such special assessment, consistent with other 15 assessments levied against groundwater and surface water users. 16 **Section 5** of this bill provides that a right to groundwater or surface water that 17 is not being used because of a program for the conjunctive management of 18 groundwater or surface water is not subject to forfeiture or abandonment for as long 19 as the program is in effect.

AB 62

Legislative Counsel's Digest:

Upon approving an application for a permit to appropriate water, existing law 1 authorizes the State Engineer to extend, under certain circumstances, the deadline 2 by which construction related to the appropriation of water or the application of 3 water to a beneficial use must be completed or made. With limited exceptions, any 4 number of extensions may be granted, but a single extension may not exceed 5 5 years. (NRS 533.380, 533.390, 533.410) 6 **Section 2** of this bill revises the provisions relating to extending the deadline by 7 which construction related to the appropriation of water must be completed. If a 8 permit has been issued for a project that includes the municipal use of water, the 9 State Engineer may grant one or more extensions, but the total number of 10 extensions may not extend the construction

deadline for more than 15 years. If a 11 permit has been issued for a project that is not a municipal use and that includes the 12 diversion of 2 or more cubic feet of water per second or the cultivation of at least 13 100 acres of land, the State Engineer may grant one or more extensions, but the 14 total number of extensions may not extend the construction deadline for more than 10 years. If a permit has been issued for any other purpose, the State Engineer may grant one or more extensions, but the total number of extensions may not extend the 17 construction deadline for more than 5 years. 18 **Section 2** also authorizes the State Engineer to suspend the limitation of time 19 for the completion of construction set forth in a permit or any extension if the 20 permit holder submits sufficient proof to the State Engineer demonstrating that the 21 person has been unable to complete the work because of certain pending 22 administrative or court actions. 23 **Sections 1 and 3** of this bill make conforming changes.

AB 70

Legislative Counsel's Digest:

The Open Meeting Law requires a public body to ensure that members of the 1 public body and the public present at a meeting can hear or observe and participate 2 in the meeting if any member of the public body is present by means of 3 teleconference or videoconference. (NRS 241.010) **Section 2** of this bill provides 4 instead that if a member of the public body attends a meeting of the public body by 5 means of teleconference or videoconference, the chair of the public body must 6 ensure that members of the public body and the public can hear or observe each 7 member attending by teleconference or videoconference. **Section 4** of this bill 8 makes a conforming change. 9 **Section 2** authorizes, under certain circumstances, a member of the public who 10 is the subject of an action item on an agenda of a public meeting to attend and 11 participate in the meeting by teleconference or videoconference. 12 Existing law sets forth the circumstances when a public body is required to 13 comply with the Open Meeting Law. Under existing law, a public body may gather to receive information from an attorney employed or retained by the public body 15 regarding certain matters without complying with the Open Meeting Law. (NRS 16 241.015) **Section 3** of this bill clarifies that any action taken by a public body 17 arising out of any such gathering must be taken in a meeting held in compliance 18 with the Open Meeting Law. **Section 5** of this bill authorizes, under certain circumstances, a public body to 20 gather to receive training regarding its legal obligations without complying with the 21 Open Meeting Law. 22 **Section 5** requires, under certain circumstances, a subcommittee or working 23 group of a public body to comply with the provisions of the Open Meeting Law. 24 The Open Meeting Law requires a public body to make supporting material for 25 a meeting of the public body available to the public upon request. (NRS 241.020) 26 **Section 5** defines the term "supporting material." 27 The Open Meeting Law sets forth the minimum public notice required for 28 meetings of public bodies, including the posting of an agenda. (NRS 241.020) 29 **Section 6** of this bill requires that an agenda include an item on which action may 30 be taken by the public body to approve the agenda before proceeding with any 31 other action item. **Section 6** also requires the chair of the public body to end the 32 meeting if a quorum does not approve the agenda. Existing law requires a public body to keep written minutes of each of its 34 meetings and provides that minutes of a meeting are public records that must be 35 made available for inspection. (NRS 241.035) **Section 7** of this bill requires a 36 public body to have draft minutes of a meeting available for inspection within 30 37 working days after adjournment of the meeting until the public body approves the 38 minutes. **Sections 13-36** of this bill make conforming changes. 39 Existing law requires a public body to have a meeting recorded on audiotape or 40 transcribed by a court reporter. (NRS 241.035) **Section 7** provides that a transcript 41 prepared by a court reporter qualifies as written minutes of the public body. 42 Existing law

provides that if a public body takes certain corrective action 43 within 30 days after an alleged violation, the Attorney General may decide not to 44 commence prosecution of the alleged violation. If the public body takes such 45 corrective action, the deadline for the Attorney General to file a lawsuit against the 46 public body to take corrective action is extended by 30 days. (NRS 241.0365) Section 8 of this bill extends by 60 days the deadline by which such law suits may 48 be filed when the public body takes certain corrective action. 49 Existing law authorizes the Attorney General or a member of the public to sue a 50 public body: (1) within 60 days after an alleged violation to have an action by the 51 public body declared void; or (2) within 120 days after an alleged violation to 52 require the public body to comply with the Open Meeting Law. (NRS 241.037) 53 **Section 9** of this bill tolls the statutes of limitations for filing these actions if the 54 Attorney General issues a finding that a violation of the Open Meeting Law 55 occurred before the expiration of the statutes of limitations. 56 Under existing law, the Attorney General is required to investigate and 57 prosecute any violation of the Open Meeting Law. (NRS 241.039) **Section 10** of 58 this bill: (1) requires the Attorney General to investigate and prosecute a violation 59 of the Open Meeting Law if a complaint is filed not later than 120 days after the alleged violation; and (2) gives the Attorney General discretion to investigate and 61 prosecute a violation of the Open Meeting Law if a complaint is filed more than 62 120 days after the alleged violation. 63 **Section 10** requires: (1) the Attorney General to issue certain findings upon 64 completion of an investigation; and (2) a public body to submit a response to the 65 findings of the Attorney General not later than 14 days after receipt of the Attorney 66 General's findings. 67 Existing law makes each member of a public body who attends a meeting 68 where action is taken in violation of the Open Meeting Law with knowledge of the 69 fact that the meeting is in violation guilty of a misdemeanor and subject to a civil 70 penalty of \$500. (NRS 241.040) **Section 12** of this bill provides instead that each 71 member of a public body who: (1) attends a meeting where any violation of the 72 Open Meeting Law occurs; and (2) has knowledge of the violation is guilty of a 73 misdemeanor and subject to an administrative fine, the amount of which is graduated for multiple offenses. **Section 12** also creates an exception to these 75 penalties and fines where the member violated the Open Meeting Law based on 76 legal advice provided by an attorney employed or retained by the public body.

AB 84

Provides for the issuance of state general obligation bonds to protect, preserve and obtain the benefits of the property and natural and cultural resources of the State of Nevada. (BDR S-326)

Legislative Counsel's Digest:

At the general election held on November 5, 2002, the Legislature submitted to 1 the voters of this State and the voters approved a proposal to issue general 2 obligation bonds of the State to protect, preserve and obtain the benefits of the 3 property and natural resources of this State in an amount not to exceed 4 \$200,000,000. The ballot question allocated specific amounts of the bond proceeds 5 to various governmental entities for specified programs and projects. (Chapter 6, 6 Statutes of Nevada 2001, 17th Special Session, p. 104) This bill requires the State 7 Board of Finance to issue an additional \$200,000,000 in state general obligation 8 bonds to continue to protect, preserve and obtain the benefits of the property and 9 natural and cultural resources of this State. This bill also allocates specific amounts 10 of the bond proceeds to various governmental entities for specified programs and 11 projects, some of which are the same programs and projects specified in the 2002 12 ballot question.

The Nevada Constitution limits the amount of debt of the State of Nevada to 2 14 percent of the assessed valuation of the State, but exempts from that limitation debt 15 incurred for the protection and preservation of the State's property or natural 16 resources or for the purposes of obtaining the benefits thereof. (Nev. Const. Art. 9, 17 § 3) This bill makes a legislative declaration that, with certain exceptions,

the issuance of the bonds required by this bill is necessary for the protection and preservation of the property and natural resources of the State and constitutes an exercise of the constitutional authority to enter into contracts for those purposes.

AB 95

Revises provisions relating to water. (BDR 48-504)

Legislative Counsel's Digest:

Existing law requires the State Engineer to conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and vested rights claimants. If the State Engineer confirms that the average annual replenishment to the groundwater supply may not be adequate, he or she may order that withdrawals, including withdrawals from domestic wells, be restricted to conform to priority rights. (NRS 534.110) Existing law: (1) authorizes the State Engineer to designate as a critical management area any groundwater basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin; and (2) requires the State Engineer to designate as a critical management area any groundwater basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such designation. If a groundwater basin is designated as a critical management area for at least 10 consecutive years, the State Engineer is required to order that withdrawals, including withdrawals from domestic wells, be restricted to conform to priority rights. (NRS 534.110) This bill provides that if the State Engineer orders that withdrawals be restricted to conform to priority rights in any of these groundwater basins, he or she must limit the restriction on withdrawals from domestic wells to allow a domestic well to continue to withdraw 0.5 acre-feet of water per year if the owner of the domestic well installs or has installed a water meter to record the withdrawal.

SB47

Revises provisions relating to state lands. (BDR 26-216)

Legislative Counsel's Digest:

Existing law provides that the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources also serves as the ex officio State Land Registrar. (NRS 232.110) Existing law relating to the use of state lands uses the terms "Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar" and "State Land Registrar" interchangeably. Sections 1-8 of this bill make technical changes so the term "State Land Registrar" is used in such provisions. Existing law requires, with limited exceptions, a person to secure a permit from the State Land Registrar before performing any work below the high water mark of a navigable river. (NRS 322.1007) Section 9 of this bill clarifies when authorization from the State Land Registrar is required to proceed with such work and authorizes the State Land Registrar to adopt regulations related to performing such work. Under existing law, the State Land Registrar is required to charge fees in certain amounts for: (1) dredging or filling; or (2) constructing or installing certain structures in a navigable body of water. (NRS 322.130) Section 10 of this bill requires the State Land Registrar to establish the amount of these fees by regulation. Section 12 of this bill provides that the existing fees remain in effect until the State Land Registrar establishes such fees by regulation. Under existing law, the proceeds of certain fees for authorization to use certain state lands must be paid to the State General Fund. (NRS 322.160) Section 11 of this bill provides that the proceeds of rents and royalties for authorization to use certain state lands must also be paid to the State General Fund. Under existing law, the proceeds of certain fees relating to navigable bodies of water that are in excess of \$65,000 must be accounted for separately and used by the State Land Registrar to carry out programs to preserve, protect, restore and enhance the natural environment of the Lake Tahoe Basin. (NRS 322.160) Section 11 provides that such proceeds must be

accounted for in an interest-bearing account 29 and that the money in that account does not revert to the State General Fund at the 30 end of the fiscal year. 31 Under existing law, the State Land Registrar charges a fee for a permit for the 32 use of a pier or other related facility on a navigable body of water. (NRS 322.120) 33 Existing law also requires the State Land Registrar to grant a credit towards the fee 34 under certain circumstances. (NRS 322.125) **Section 13** of this bill eliminates the 35 requirement for the State Land Registrar to grant such a credit.

AGENDA ITEM #16

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

TO: COMMITTEE MEMBERS

FROM: EDWIN D. JAMES

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item # 16 – For Possible Recommendation: Discuss and provide input on the draft Amicus Brief for the Walker Lake litigation.

DISCUSSION: Attached is a draft amicus brief for the Walker Lake litigation prepared by Patrick King, CWSD's attorney. Mr. King will review the draft brief with the committee. CWSD staff is hoping to submit the amicus brief to the court sometime in the beginning of March.

STAFF RECOMMENDATION: Provide feedback and comment on the draft amicus brief to CWSD staff and attorney.

IN THE SUPREME COURT OF THE STATE OF NEVADA

MINERAL COUNTY; AND WALKER
LAKE WORKING GROUP,
Appellants,

v.

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

Respondents.

Supreme Court No. 755917

ON CERTIFICATION FROM THE
UNITED STATES COURT OF
APPEALS FOR THE NINTH
CIRCUIT, CASE No. 15-16342

**BRIEF AMICUS CURIAE OF THE
CARSON WATER SUBCONSERVANCY DISTRICT**

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I. INTRODUCTION AND IDENTITY AND INTEREST OF AMICUS CURIAE

Carson Water Subconservancy District (CWSD) has an interest in filing an amicus brief with the Nevada Supreme Court in the case of *Mineral County v. Walker River Irrigation District*, 900 F.3d 1027 (9th Cir. 2018), because of the impact that this case will have on all Decrees and Nevada water law involving surface and ground water rights in the entire state of Nevada. Based on this concern, CWSD is submits their amicus brief opposing the use of the public trust doctrine to take water away from currently decreed and appropriated water rights, and to respond to the two questions the Ninth Circuit Court of Appeals has requested the Supreme Court of Nevada to answer. The United States Court of Appeals for the Ninth Circuit certified to this Court the following questions:

- 1) Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?
- 2) If the public trust doctrine applies and allows for reallocation of rights settled under the doctrine of prior appropriation, does the abrogation of such adjudicated or vested rights constitute a “taking” under the Nevada Constitution requiring payment of just compensation?¹

The Court stayed all further proceedings in the case and is holding both the public trust and takings claims “in abeyance pending the result of certification.” ²

The CWSD, pursuant to Nevada Rules of Appellate Procedure (NRAP) Rule 29(a)(2), submits this amicus brief to assist the Court in answering these two important questions.

¹ *Mineral County v. Walker River Irrig. Dist.*, 900 F.3d 1027, 1034 (9th Cir. 2018). *Id.* at 273; *Mineral County*, 900 F.3d at 1034.

² *Id.* at 1028, 1035.

The Carson Water Subconservancy District, hereinafter CWSD, is a unique multi-county, bi-state agency dedicated to establishing a balance between the needs of the communities within the Carson River Watershed and the function of the river system.^{3 4}

CWSD acts as lead agency for integrated watershed planning and funds the Carson River Watershed Coordination Program, which facilitates the Carson River Coalition. CWSD strives to involve all counties and communities within the watershed in the effort to meet the various future water needs, enhance the health of the river system, protect the floodplains, and provide outreach and information to the community. CWSD's mission is to work within the existing governmental frameworks to promote cooperative action for the Carson River that crosses both agency and political boundaries. CWSD serves as an information resource for the

³ See, Chapter 621, Statutes of Nevada 1989 Carson Water Subconservancy District Act.

⁴ In 1989, the Nevada Legislature charged CWSD with the responsibility of “management and development of the water resources in the upper Carson River to alleviate reductions and loss of water supply, of the fragmented responsibilities for conservation and supply of water, and of any threats to the health, safety and welfare of the people of the upper Carson River Basin.” The legislation established a nine-member board comprised of representatives from Douglas County, Carson City, and Lyon County. In 1999, the Nevada Legislature expanded the CWSD Board to include members from Churchill County. In 2001, Alpine County, California joined CWSD through a Joint Power Agreement, and in 2018 Storey County became a member of the Carson River Watershed Committee. After the 1997 flood, the Carson River Coalition (CRC) was formed to deal with all the water issues in the Carson River Watershed in an integrated process, and the CWSD was asked to coordinate this effort. The CRC is a voluntary stakeholder group of representatives from federal and state agencies, city and county departments, conservation and weed management groups, farmers/ranchers, and any individual interested in the welfare of the Carson River Watershed.

Carson River watershed and oversees and funds numerous studies to better understand the complex dynamics of the region.⁵

Because of the breadth of the stakeholders that contribute to the CWSD, and the technical expertise offered by them to the CWSD regarding Nevada water, the CWSD is uniquely positioned to offer a broad and reasoned response to the important inquiry put to the Nevada Supreme Court.⁶ CWSD staff has expertise in the following disciplinary fields: water quantity, quality, hydrology, aquatic ecology, floodplain protection, water conservation, and county ordinance.

CWSD staff have the following certifications:

- Nevada Water Right Surveyor
- Certified Floodplain Manager
- Water Use Efficiency Practitioner
- Project Management

II. STATEMENT OF THE CASE

Under common law “public trust” doctrine, the state owns and has a duty to manage tidal and navigable waters, together with the lands beneath them, in trust for the public.⁷ While the doctrine was originally understood to focus on

⁵ CWSD Board of Directors consists of fourteen members with representatives from each of the six counties within the Carson River watershed and includes several agricultural representatives and one advisory member.

CWSD has no regulatory authority

CWSD funds come from ad valorem taxes and federal, state, and local grants

CWSD is the designated Clean Water Act 208 Planning Agency

CWSD’s mission is to work within existing governmental frameworks to promote cooperative action for the watershed that crosses both agency and political boundaries.

⁶ The General Manager of the CWSD, Ed James, is a registered Professional Engineer in the States of California and Nevada with 35 years of experience in the water resource field. The General Manager is also recognized as an expert witness in Hydrology and Colorado Water Law in Colorado Water Court Divisions 1 & 5.

⁷ See generally *Ill. Cent. R.R. Co. v. Illinois*, 146 U.S. 387, 452 (1892).

navigation, commerce and fishing, various state courts “over time have developed the doctrine alongside the public’s changing uses of water to incorporate additional public purposes, including traveling, bathing, recreating, hunting, protecting the ecosystem, preserving scenic beauty, and maintaining access to the waters.”⁸ The issue in this case is this: can the public trust doctrine be used to trump state law and take away water rights already adjudicated and settled under the doctrine of prior appropriation?

While the case giving rise to the questions being submitted to the Nevada Supreme Court concerns the Walker River, the result of this Court’s answers to the two questions issued by the 9th Circuit will affect the security of *all* water rights in the State of Nevada.

A. Background to the Walker River Case

In 1936, the United States District Court of the District of Nevada issued a final decree over all claims to the waters of the Walker River and its tributaries, including claims on behalf of the Walker River Paiute Tribe.⁹ The Decree was amended by the Ninth Circuit Court of Appeals in 1939.¹⁰ That decree had settled surface water rights to the Walker River.¹¹ In 1991, the Walker River Irrigation District petitioned the decree court to enforce its decreed rights.¹² The United States and the Paiute Tribe filed counterclaims, claiming new water rights for a reservoir built on the tribal land. In 1994, Mineral County moved to intervene,

⁸ Melissa Scanlan, “Shifting Sands: A Meta-Theory for Public Access and Private Property Along the Coast,” 65 South Carolina Law Review 295, 308 (2013).

⁹ See *U.S. v. Walker River Irr. Dist.*, 11 F. Supp. 158, 159 (D. Nev. 1935), *U.S. v. Walker River Irr. Dist.*, 14 F. Supp. 10 (D. Nev. 1936)

¹⁰ *U.S. v. Walker River Irr. Dist.*, 104 F.2d 334 (9th Cir. 1939)

¹¹ *Id.*

¹² *U.S. v. Walker River Irr. Dist.*, No. 3:73-cv-00128-RCJ, 2015 WL 3439122

asking the Court to modify the decree to provide minimum levels to maintain the viability of Walker Lake.¹³

In 2015, the decree court dismissed Mineral County's complaint for lack of standing, while concluding that the public trust doctrine could not be used to reallocate decreed rights without constituting a taking for which just compensation must be paid.¹⁴ Mineral County appealed to the Ninth Circuit.¹⁵

The Ninth Circuit held the U.S. District Court erred by dismissing Mineral County for lack of standing.¹⁶ The court then analyzed the public trust doctrine jurisprudence in Nevada, noting that the Nevada Supreme Court expressly recognized the doctrine but "whether it allows reallocation of rights settled under the separate doctrine of prior appropriation" remains unsettled.¹⁷

III. LEGAL BACKGROUND

Nevada's comprehensive water law embraces the public trust doctrine and does not violate it. The Public Trust Doctrine should not apply to rights already adjudicated and settled under the doctrine of prior appropriation and if raised should not create a private right of action. Nevada Law provides judicial review of water allocation decisions of the State Water Engineer affording adequate safeguards and legal remedies to protect the public trust.

The abrogation of adjudicated water rights settled under the doctrine of prior appropriation would constitute a "taking" under the Nevada Constitution requiring payment of just compensation. There is significant value in water rights and a

¹³ *U.S. v. Walker River Irr. Dist.*, No. 3:73-cv-00128-RCJ, 2015 WL 3439122, at *3 (D. Nev. May 28, 2015), *rev'd in part sub nom., Mono Cnty. v. Walker River Irr. Dist.*, 735 F. Appx. 271 (9th Cir. 2018).

¹⁴ *Walker River Irr. Dist.*, No. 3:73-cv-00128-RCJ, 2015 WL 3439122, at *10.

¹⁵ *Mineral Cnty.*, 900 F.3d at 1034; *see also Mono Cnty.*, 735 F. Appx. at 271.

¹⁶ *Id.*

¹⁷ *Id.*

marketplace for its sale and acquisition. This marketplace ensures that changes in priorities and values can be accommodated into the future for the benefit of the state and our people. If the right to use water can be taken in a court proceeding without the need to pay for it, the marketplace will fail and there is no workable substitution to accommodate future development, technology and public values.

V. ARGUMENT

A. Water rights already adjudicated and settled under the doctrine of *priori* appropriation should not be subject to reallocation under the public trust doctrine

The prior appropriation doctrine, codified into Nevada’s water laws with the establishment of the Office of the State Engineer in 1903 is the foundation for allocating water throughout the state of Nevada.¹⁸ Nevada’s water statutes codified common law appropriations in Nevada.¹⁹ The statute declared these appropriated water rights to be in the public interest.²⁰ With a limited water resource and with the major watersheds (Walker, Carson, Truckee, and Humboldt) all flowing into the Great Basin, all the water in Nevada is fully utilized. As such, Nevada’s water systems and the availability of water is unique from other states. All major watersheds in Nevada have already been allocated by decrees. There is no “separate source” of water that could be tapped into to fill a mandated allotment or reallocation of water. A request for water would necessarily require another person

¹⁸ Irrigation Law of Feb. 16, 1903, ch. 4, § 3, 1903 Nev. Stat. 25, *repealed by* Act of Feb. 26, 1907, ch. 18, § 32, 1907 Nev. Stat. 38.

¹⁹ *Id.* at ch. 4, § 8, 1903 Nev. Stat. 21 (“That nothing in this Act shall be construed as affecting or intending to affect or to in any way interfere with the . . . control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder . . .”); *See also id.* at ch. 4, § 1, 1903 Nev. Stat. 21–22 (“the use of all water now appropriated, or that may hereafter be appropriated is hereby declared to be a public use.”).

²⁰ *Id.*

or persons to surrender their allocated water. Ranching, farming, mining, and communities were all created with the fundamental understanding of water allocation through the prior appropriation doctrine.

i. The Public Trust Doctrine in Nevada

In defining a state's trust obligations under the public trust doctrine, the United States Supreme Court held that the public trust applies to bed and banks underlying navigable waterways, and that a state may not divest itself of control over the trust property, "except as to such parcels as are used in promoting the interests of the public therein."²¹ This Court expressly adopted the public trust doctrine and set forth Nevada's public trust doctrine framework in *Clark County v Lawrence*.²² Finding that application of the public trust doctrine in Nevada is founded upon the policies established in the state constitution and statutes, this Court ruled that it was the Nevada Legislature that had the responsibility to "act as a fiduciary of the public in its administration of trust property."²³ In *Lawrence*, this Court found that "another source of Nevada law that evinces the public trust doctrine is our statutory law, specifically, NRS 321.0005 and NRS 533.025."²⁴

Recognizing Nevada Law, this Court held that: "by its express language, NRS 321.0005 contemplates fiduciary-type duties with regard to the state's administration of state lands."²⁵ NRS 533.025 provides that "[t]he 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." Notably, NRS 533.025 does not provide that Nevada's water belongs to the state; rather, it "belongs to the

²¹ *Illinois Cent. R.R. Co.*, 146 U.S. at 434. 55.

²² *Lawrence v. Clark County*, 254 P.3d 606, 127 Nev. Adv. Op. 32 (Nev., 2011)

²³ *Id.* 254 P.3d at 613

²⁴ *Id.* 254 P.3d at 612

²⁵ *Id.*

public.” Therefore, the public trust doctrine in Nevada requires that decisions regarding allocation of water are made in the public’s interest.

ii. Voluntary and statutory programs already exist in Nevada to solve the problems highlighted by the Walker Lake litigation. These successful programs do not require the upheaval of Nevada’s framework of water law.

The Walker Basin Restoration Program was established by Congress in October 2009 by Public Law 111-85, with the Program’s primary purpose to restore and maintain Walker Lake.²⁶ This is one existing program that is successfully addressing the problems of Walker Lake. In 2017, the non-profit Walker Basin Conservancy (WBC) accepted the lead for all implementation efforts to restore and maintain Walker Lake while protecting agricultural, environmental and recreational interests in the Walker River Basin. The program includes a voluntary water rights acquisition program with willing sellers to reduce upstream water use with permanent increases in freshwater inflows to the Lake. To date, The Walker Basin Conservancy (Conservancy) has acquired 40 percent of the water rights required to restore Walker Lake.²⁷ The Conservancy acquires land, water and related interests from willing sellers in the Walker River Basin to restore and maintain Walker Lake while protecting agricultural and recreational interests. In 2017, WBC assumed the lead role for the Walker Basin Restoration Program, previously administered by the National Fish and Wildlife Foundation.²⁸ This

²⁶ Omnibus Appropriations Act, 2009; Public Law 111–8; 123 STAT. 2858-2859

²⁷ *See, e.g.*, Walker Basin Restoration Program, National Fish and Wildlife Foundation, <https://www.nfwf.org/walkerbasin/Pages/home.aspx> (last visited Jan. 7, 2019); *see also* Walker Basin Restoration Program, Walker Basin Conservancy, <https://www.walkerbasin.org/wbrp/> (last visited Feb. 5, 2019); *see also* 72 Fed. Reg. 54,285 (Sept. 24, 2007).

²⁸ *Id.*

voluntary water acquisition program is working; Walker River has reached Walker Lake for the first time in 6 years and is providing Walker Lake with much needed fresh water.²⁹ Also, Walker Lake has risen 12 vertical feet since the beginning of 2017.³⁰ The U.S. Geological Surveys, having run simulations for inflows to Walker Lake, predicts the lake will rise by as much as 15 to 18 feet this year, the most in a single year in recorded history.³¹

The CWSD was directly involved in another successful voluntary water buyout program. In 1999, the Nevada legislators passed AB 380, establishing the Newlands Project Water Rights Fund and a related program for the acquisition of certain surface water rights; and providing other matters properly relating thereto.³² This law included a voluntary water buyout program to reduce litigation in the Newlands project.³³ Per the bill, the CWSD administrated this program.³⁴

iii. Nevada’s established water law, in NRS 533.010 to NRS 533.560, requires the State Engineer to consider the public trust, incorporating all public trust values in deciding how to best appropriate water.

This Court held in *Lawrence*: “In sum, NRS 321.0005 and NRS 533.025 effectively statutorily codify the principles behind the public trust doctrine in Nevada.”³⁵ In Nevada any divestment of the public trust property must serve a beneficial use.³⁶ There can be no legal entitlement to the use of water if beneficial

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Nv. A.B. 380, 70th Cong. (1999)

³³ *Id.*

³⁴ *Id.*

³⁵ *Lawrence v. Clark County*, 254 P.3d at 613

³⁶ NRS 533.005 et seq.

use is not established.³⁷ The Nevada Legislature requires the State Engineer to determine that the “public interest” is served when addressing the appropriation of water rights.³⁸ This Court has held that the State Engineer properly defined and proscribed the meaning of “the public interest” within his authority under NRS 533.370(3).³⁹ In *Pyramid Lake Paiute Tribe of Indians v. Washoe County*, the State Engineer identified guidelines derived from Nevada’s water statutes (i.e., NRS Chapters 533, 534 and 540) to be considered when evaluating the “public interest.”⁴⁰ The CWSD’s experience working within the Carson River Basin is that the State Engineer *does* protect the public trust and works to ensure that all water allocations are in the public interest. As such, Nevada’s comprehensive water law is in harmony with and consistent with the public trust doctrine.

iv. Cases being represented as authoritative on the issue of the public trust in Nevada involving states that don’t adhere to the law of Prior Appropriation do not offer reasonable comparisons and should be disregarded.

It is important to recognize that the public trust doctrine has never been used to retroactively reallocate settled water rights in a state with laws based on prior appropriation. Prior appropriation states have not imposed requirements beyond their statutory laws covering water rights. And, the public trust doctrine has not been used to reallocate previously established and appropriated rights.

³⁷ *Id.* at NRS 533.050, NRS 533.353, NRS 533.050

³⁸ NRS 533.370(3), NRS 533.070(2)

³⁹ *Pyramid Lake Paiute Tribe of Indians v. Washoe County*, 112 Nev. 743, 762 (1996).

⁴⁰ *Id.*

Colorado's water law, like Nevada, is based on prior appropriation.⁴¹ When addressing the application of the public trust doctrine within Colorado water law, Colorado rejected the analysis in *National Audubon Society v. Superior Court*,⁴² as inapplicable to Colorado law.⁴³ The Colorado Court held that California's reasonable use doctrine "has never been the law in Colorado's 'pure' prior appropriation system."⁴⁴ Nevada should do the same. The water law in Idaho, like Nevada is based on prior appropriation.⁴⁵ Idaho passed a statute that its law of prior appropriation satisfies the public trust doctrine.

When considering if the State Engineer should look to the laws of other states, this Court held, there is "no indication that Nevada's Legislature intended that the State Engineer determine public policy in Nevada by incorporating another state's statutes . . ." to analyze the public interest.⁴⁶ However, should this Court look to other states, only those states that also follow strict prior appropriation offer reasonable comparisons.

⁴¹ Colo. Const. art. XVI § 5; *see also* Stephen H. Leonhardt & Jessica J. Spuhler, *The Public Trust Doctrine: What It Is, Where It Came From, And Why Colorado Does Not (And Should Not) Have One*, 16 U. Denv. Water L. Rev. 47, 48–49 (2012).

⁴² *National Audubon Society v. Superior Court*, 33 Cal. 3d 419, 446, 658 P.2d 709 (1983).

⁴³ *See Tyler v. Wilkinson*, 24 F. Cas. 472, 474 (C.C.D.R.I. 1827) (No. 14,312); *Pyle v. Gilbert*, 265 S.E. 2d 584 (Ga. 1980). This "pure" prior appropriation doctrine contrasts with California's riparian/prior appropriation/public trust hybrid which California chose by reason of its own custom and law; *see National Audubon Soc'y v. Superior Court*, 658 P.2d 709 (Cal. 1983); *Lux v. Haggin*, 10 P. 674 (Cal. 1886).

⁴⁴ *Id.*

⁴⁵ *See* Idaho Code § 42-1502.

⁴⁶ , *Pyramid Lake Paiut*

⁴⁶ *Id*
e Tribe of Indians v. Washoe County, 112 Nev. 743, 762 (1996).

B. The abrogation of adjudicated or vested water rights is a “taking” under the Nevada Constitution requiring payment of just compensation.

Under Nevada Law, a water right is protected as real property. It cannot be taken without compensation.

The argument that taking away the water is not a taking because the owner still owns the water right is absurd.

Nevada Ranchers, farmers, miners and communities acquired water rights so they could use the water for a beneficial use. They needed the water to meet the needs of their cattle, farm, business or development. They didn't buy or acquire the water right so they could frame a certificate. Take away the water and the water right means nothing.

Importantly, as discussed above there is the market place for the sale and acquisition of water rights. If water can be taken away without paying for it, then the market place will fail and current successful programs to acquire water rights will also fail.

In the California case of *National Audubon Society v. Superior Court*, 33 Cal.3d 419 (1983) the court ruled that the state's "continuing supervisory control" over water resources subject to the trust "prevents any party from acquiring a vested right to appropriate water in a manner harmful to the interests protected by the public trust." *Id.* at 445. Thus, limiting the claim of having a vested appropriative water right in California. See *States v. State Water Resources Control Board* 182 Cal.App.3d 82 (1986). In that case the Supreme Court clarified the scope of the 'public trust doctrine' and held that the state as trustee of the public trust retains supervisory control over the state's waters such that no party has a vested right to appropriate water in a manner harmful to the interests protected by the public trust. *Id.*

The CWSD encourages this Court to adopt a better rule consistent with Nevada law that considers a water right to be a property right. This Court should apply a traditional regulatory takings analysis to takings claims arising from regulatory restrictions on the use of water. The Penn Central analysis⁴⁷ has been applied to takings claims arising from regulatory restrictions on a wide variety of property interests and there is no apparent reason why the same analysis should not apply to takings claims arising from restrictions on water use.

i. There Will Be Harmful Consequences Should the Public Trust Doctrine Supersede Nevada's Existing Water Law.

All existing water rights would be subject to being taken. Increased piecemeal litigation would disadvantage farmers, ranchers, and property owners with limited resources to fight motivated developers and large corporations. There would be a lack of certainty that would hurt long term planning. The efforts of the CWSD would be impaired.

VI. CONCLUSION

Nevada is unique from other states due to its limited water resources and the fact that all water in Nevada has been allocated by decrees. The water law in Nevada, based on prior appropriation is fair, requiring a determination of beneficial use and public interest. The legislature is best suited to establish laws consistent with evolving public needs and changing priorities. Nevada's water law is appropriately managed by the State Engineer, considering public trust values and ultimately, affirmed, or altered by the courts. Predictability and certainty are prerequisites to vital marketplace investments in our state. Our current frame work for water law provides the level of certainty depended upon to encourage appropriate diversity in our State's development. The public trust doctrine should

⁴⁷ *Penn Cent. Transp. Co. v. City of New York*, 438 U.S. 104 (1978)

not be interpreted to allow piecemeal litigation to retroactively reallocate decreed water rights. As a valuable and necessary property interest the absence of which can make land worthless, water rights cannot be taken without just compensation. To hold otherwise would subvert the marketplace in Nevada that is currently responding to the public trust values of Nevada.

Dated: _____, 2019

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

☐ This brief has been prepared in a proportionally spaced typeface using [state name and version of word processing program] in [state font size and name of type style]; or

☐ This brief has been prepared in a monospaced typeface using [state name and version of word processing program] with [state number of characters per inch and name of type style].

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is either:

☐ Proportionately spaced, has a typeface of 14 points or more and contains _____ words; or

☐ Monospaced, has 10.5 or fewer characters per inch, and contains ____ words or ____ lines of text; or

☐ Does not exceed 15 pages.

3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

Dated: , 2019

Respectfully submitted,
KING & RUSSO, LTD.

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CERTIFICATE OF SERVICE

I hereby certify that the BRIEF AMICUS CURIAE OF CARSON WATER SUBCONSERVANCY DISTRICT was filed electronically with the Nevada Supreme Court on the [DATE]. Electronic Service of the BRIEF AMICUS CURIAE OF CARSON WATER SUBCONSERVANCY DISTRICT shall be made in accordance with the Master Service List as follows:

Stephen B. Rye Jerry M. Snyder Gordon DePaoli

Bryan Stockton Adam Laxalt Therese Ure

I further certify that on the [DATE], I served, via USPS first class mail, a complete copy of the BRIEF AMICUS CURIAE OF THE {NAME} on the following attorneys of record who are not registered for electronic service:

Stacey Simon, County Counsel Jason Canger, Deputy County Counsel Office of
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/s/ Jane A. Tippet
JANE A. TIPPETT

AGENDA ITEM #17

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

TO: COMMITTEE MEMBERS

FROM: EDWIN D. JAMES

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item # 17 – For Possible Recommendation: Discussion about a possible meeting date for the CWSD Strategic Planning Session.

DISCUSSION: Every two years CWSD conducts a strategic planning session to discuss the direction and future of CWSD. The strategic planning session also establishes the goals and objectives for the coming two years. To ensure this strategic planning session is successful it is important that we have most, if not all, of the Board members participating. Staff will ask the Board Members to be prepared to set a date to conduct the strategic planning session.

STAFF RECOMMENDATION: Set a date for the strategic planning session.

AGENDA ITEM #18

CARSON RIVER WATERSHED COMMITTEE

PUBLIC COMMENT

AGENDA ITEM #19

CARSON WATER SUBCONSERVANCY DISTRICT

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item #19 – For Possible Action: Approval of the 2019 Water and Sewer Rate Report.

DISCUSSION: This topic was discussed earlier on the Agenda under Item #12.

STAFF RECOMMENDATION: Approve the Carson River Watershed Committee's recommendation.

AGENDA ITEM #20

CARSON WATER SUBCONSERVANCY DISTRICT

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item #20 – For Possible Action: Approval of an increase to the living stipend for CWSD's AmeriCorps member/Watershed Technician, Justin Bedocs.

DISCUSSION: This topic was discussed earlier on the Agenda under Item #13.

STAFF RECOMMENDATION: Approve the Carson River Watershed Committee's recommendation.

AGENDA ITEM #21

CARSON WATER SUBCONSERVANCY DISTRICT

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item #21 – For Possible Action: Approval of an Agreement with Resource Concepts, Inc. to develop a "Geomorphology 101" presentation for county staff and public officials in an amount not to exceed \$10,000.

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

STAFF RECOMMENDATION: Approve the Carson River Watershed Committee's recommendation.

AGENDA ITEM #22

CARSON WATER SUBCONSERVANCY DISTRICT

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item #22 – For Possible Action: Provide direction to CWSD Staff regarding the 2019 Nevada Legislative Session.

DISCUSSION: This topic was discussed earlier on the Agenda under Item #15.

STAFF RECOMMENDATION: Approve the Carson River Watershed Committee's recommendation.

AGENDA ITEM #23

CARSON WATER SUBCONSERVANCY DISTRICT

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES 

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item #23 – For Possible Action: Provide direction regarding the draft Amicus Brief for the Walker Lake litigation.

DISCUSSION: This topic was discussed earlier on the Agenda under Item #16.

STAFF RECOMMENDATION: Approve the Carson River Watershed Committee's recommendation.

STAFF REPORTS

CARSON WATER SUBCONSERVANCY DISTRICT

TO: BOARD OF DIRECTORS

FROM: EDWIN D. JAMES

DATE: FEBRUARY 20, 2019

SUBJECT: Agenda Item #24 - 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 January 16, 2019:

- 1/17/19 – Ed had a conference call with JE Fuller, Lyon County, and Story County representatives regarding the North Dayton Valley ADMP.
- 1/17/19 – Ed had a conference call with Shane Coors and Mitch Blum regarding the Churchill County Study.
- 1/17/19 – Brenda and Justin met with Lyndsey Boyer and Kelsey Stalker regarding Jr. Wrangler Program.
- 1/18/19 – Ed met with Eddie Quaglieri regarding funding requirements.
- 1/24/19 – Ed met with Stacey Giomi for his Director's orientation.
- 1/24/19 – Brenda and Justin participated in a weekly AmeriCorps check-in.
- 1/24/19 – Brenda and Justine met for Forum Conference planning.
- 1/24/19 – Ed had a conference call with Churchill County representatives and Mitch Blum regarding the Churchill County Study.
- 1/28/19 – Staff meeting.
- 1/28/19 – Ed, Toni and Catrina participated in a Legislative Committee meeting.
- 1/28/19 – Ed participated in a Nevada Water Resource Association (NWRA) Board meeting.
- 1/29/19 – Ed participated in a debate on the public trust doctrine.
- 1/29-31/19 - Ed participated in the Annual NWRA Conference in Reno.
- 1/29/19 – Debbie helped the River Wranglers with their Flood Awareness Education project at Silver Springs Elementary School.
- 1/30/19 – Ed gave a presentation to Sherman Swanson's UNR class regarding water resources.
- 1/31/19 - Ed participated in a NWRA Board meeting.
- 2/1/19 – Staff threw Toni a Retirement party.
- 2/4/19 – Ed, Brenda, Debbie and Catrina participated in a FEMA Charter meeting.
- 2/5/19 – Ed, Brenda, Shane and Catrina had a Forum Conference planning meeting.
- 2/5/19 – Ed gave a presentation to the Rotary Club regarding water resources in Minden.
- 2/7/19 – Brenda and Justin participated in a weekly AmeriCorps check-in.
- 2/8/19 – Ed, Brenda, Debbie and Justin participated in a meeting with the US Army Corps of Engineers regarding Alluvial Fan Study Phase II.
- 2/14/19 – Brenda, Shane and Justin participated in a weekly AmeriCorps check-in.
- 2/14/19 – Brenda and Shane participated in the CRC Invasive Species Working Group meeting.
- 2/15/19 – Debbie and Catrina updated the CWSD website Board and Staff pages.

2/20/19 CWSD Board Meeting
Agenda Item #23 - Staff Report

- 2/19/19 – Ed and Debbie met with Mark Gookin with Cardno, Inc. regarding the Voltaire Canyon Project update.
- 2/20/19 – Ed participated in a NWRA conference call.

Meetings/activities anticipated through the end of February:

- 2/25-28/19 – Debbie will participate in a grants management class at Nevada Department of Emergency Management.
- 2/27/19 – Ed, Brenda and Shane will meet with RCI staff to discuss the Geomorphology 101 Project.
- 2/28/19 – Shane and Justin will demonstrate the flood model at the Sierra Nevada Journeys (SNJ) STEAM Family Night at Borderwich Bray Elementary School in Carson City.

STAFF RECOMMENDATION: Receive and file.

NO CORRESPONDENCE