

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

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 regard 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