

CARSON TRUCKEE WATER CONSERVANCY DISTRICT

Board Meeting
September 11, 2018

DIRECTORS:

Todd Westergard
John Capurro
Mike Nevin
Karen Baggett
Ed James
Tyler Henderson

ABSENT:

Ernie Schank
Pete Olsen
John Enloe
Ty Minor

GUESTS:

Lori Williams, Engineer
Leo Bergin, Attorney
Ron Penrose, Superintendent
Chad Blanchard, FWM
Brian Casci, FWM Office
Nick Brothers, City of Reno
Staff

1. CALL REGULAR MEETING TO ORDER -

President Westergard called the Regular meeting to order at 10:00 a.m.

2. PUBLIC COMMENT – None

3. APPROVE AGENDA –

Director James made a motion to approve the posted agenda; seconded by Director Capurro; motion carried.

4. APPROVAL OF MINUTES AND CHECKS WRITTEN –

Director Capurro made a motion to approve the July 2018 Minutes and financial statements as submitted and checks written on Bank of America #9501- #9508 and Nevada State Bank #2849 - #2861, motion seconded by Director Nevin; motion carried.

5. FEDERAL WATERMASTER'S REPORT – Chad Blanchard

A complete copy of the Water Report is available at District Offices or on the internet at troa.net.

Swapping water out after Labor Day, lowering Boca for the Safety of Dams project next summer. Mr. Blanchard stated that October may be the best month for any debris removal work the District was planning on doing.

6. DISCUSSION AND POSSIBLE ACTION REGARDING “MONO COUNTY V. WALKER RIVER IRRIGATION DISTRICT: ORDER CERTIFYING A QUESTION TO THE SUPREME COURT OF NEVADA” – Leo Bergin

The issue started out in Mineral County with Walker Lake wanting water. The problem is all the water has been allocated. The tribe wants to invalidate the previous allocations because they were there first. The issue is going to be sent to the Nevada Supreme Court to determine exactly what the public rights are and whether they can override the previous allocations. In reading the brief (copy of which is available at District offices) it is hard to come to any conclusions Mr. Bergin feels. The question of public trust, what people need or what they think they need, should they be able to override the rights of the previous allocations.

Mr. Bergin feels that as far as this District is concerned it isn't this particular case it's what is going to happen if the Supreme Court says the Public Trust Doctrine applies to all the waters in the State of Nevada. This would affect the entire State. Mr. Bergin said that as far as if the District should join in the felt that whatever we had to say would not matter much in the big picture of the fight. Unless the District wanted to file a Me To case but he does not feel it is worth the time and money for the District.

Director Westergard read an email he received from Director Schank that says “I think we ought to participate in an Amicus Brief in support of Walker River Irrigation District. This is a serious water issue that can impact the prior appropriation doctrine in Nevada. Any change in that doctrine will affect agricultural cities and counties that have water rights. I would be in favor of working with someone like CWSD and sharing the

costs so that the financial impact would be softened.”

Director James said that CWSCD is filing an Amicus Brief in opposition. Their attorney is putting a budget together. A lot of the work is being covered Gordon Depoali who is working for Walker River Irrigation. CWSCD is piggy backing on Mr. Depoali’s work. Director James has been asked to go to the various counties to get their input on the issue. There are 2 questions the first being how does it apply to prior appropriation and the second one how does it fall under takings act.

Director Westergard does not disagree with what Mr. Bergin said as far as how much impact this District would have alone but he does agree with Director Schank. The gravity of this makes feel as though we would be remis if we did show our position on this. Director Westergard felt we could join with another group in order to lessen the cost as well.

Attorney Bergin asked if there was a timing issue as to when we would have to participate. Director James advised that it had been delayed until late November. Mr. Bergin stated that there are 2 water litigators in the office (McDonald Carono). After speaking to them he could give an estimate of what the cost might be at the next meeting.

Directors Capurro and Baggett agreed that they would like to get an estimate of the cost involved from Attorney Bergin.

- ❖ Director James made a motion to have Attorney Bergin come back to the Board with a proposed cost to file an Amicus Brief on behalf of the CTWCD; seconded by Director Baggett; motion carried.

7. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING ENCROACHMENT PERMIT REQUESTS– Lori Williams

See Engineer’s Report

Ms. Williams received late last night from USACE a 100 plus page new Engineering Circular. This will be forwarded to the Board and is available at District offices.

8. DISCUSSION AND POSSIBLE BOARD ACTION REGARDING SEMI ANNUAL INSPECTION, PROJECT NEEDS AND REPORTING – Lori Williams

Nothing to report.

9. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING MAINTENANCE DEBRIS REMOVAL WORK, EMERGENCY DEBRIS/DEPOSIT REMOVAL WORK, FEMA PROCESS FOR COST RECOVERY AND NEXT STEPS FOR REMAINING WORK TO BE COMPLETED – Lori Williams

See Engineer’s Report

There are approximately 30 identified debris items to be removed from the River. Ms. Williams wondered how the Board would like to proceed. All of the Debris may take a couple of different sessions and there is 1 large tree that will definitely need to be removed.

- ❖ Director James made a motion to approve the removal of debris as Ms. Williams sees fit by DF Drum not to exceed \$25,000; seconded by Director Capurro; motion carried.

10. DISCUSSION AND POSSIBLE BOARD DIRECTION REGARDING FUNDING AND AUTHORIZATION FOR THE DEVELOPMENT OF TRUCKEE RIVER FLOW MODELING WHERE MODELING IS CURRENTLY UNAVAILABLE OR UNSATISFACTORY – Lori Williams

TMWA has been doing some work collecting survey information for some of their facilities which the District can use for flow modeling.

11. ENGINEER/CONSULTANT REPORT – Lori Williams

See Engineer’s Report

12. SUPERINTENDENT REPORT – Ron Penrose

Assisted Engineer Williams in the River inspection from Verdi to Glendale.

13. LEGAL COUNSEL REPORT – Leo Bergin

Nothing to report

14. SECRETARY/TREASURER REPORT – Mary Pat Eymann

Announced the DVCD Annual BBQ on 9/15/18 at 12 p.m.

15. PUBLIC COMMENT - None

16. BOARD COMMENTS AND REQUESTS FOR FUTURE AGENDA ITEMS

- Director Baggett – Legislative time again, there are currently 513 BDRs and 12 of them are water issues. TCID is doing a mapping of Fernley showing water rights.
- Director Nevin – Storey County will be replacing water lines starting on 10/1/18 from Five Mile Reservoir into Virginia City. This replacing 1887 pipe.
- Director James – Conservation Districts are moving forward with their projects.

17. ADJOURNMENT -

There being no further business, President Westergard asked for a motion to adjourn the meeting. Director James moved to adjourn, Director Nevin, seconded said motion, motion carried.

****The next meeting will be Tuesday, October 9, 2018 at 10:00 a.m.****

Todd Westergard,
President

Mary Pat Eymann,
Secretary/Treasurer