



**NEVADA LEGISLATURE**  
**LEGISLATIVE COMMITTEE TO OVERSEE THE**  
**WESTERN REGIONAL WATER COMMISSION**  
(Senate Bill 487, Chapter 531, *Statutes of Nevada 2007*)

**SUMMARY MINUTES AND ACTION REPORT**

---

The first meeting of the Nevada Legislature's Legislative Committee to Oversee the Western Regional Water Commission was held on Friday, February 24, 2012, at 9 a.m. in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. This meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

**COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Senator Don Gustavson, Chair  
Assemblyman Peter (Pete) J. Goicoechea, Vice Chair  
Assemblywoman Teresa Benitez-Thompson  
Assemblyman Richard (Skip) Daly

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Senator John J. Lee  
Senator Michael A. Schneider

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Patrick Guinan, Senior Research Analyst, Research Division  
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division  
Susan M. Young, Assistant Supervisor of Secretarial Services, Research Division

## **OPENING REMARKS**

- Patrick Guinan, Senior Research Analyst, Research Division, LCB, provided introductory remarks regarding the Legislative Committee to Oversee the Western Regional Water Commission and its members.
- Senator Lee, Past Vice Chair of the Legislative Committee to Oversee the Western Regional Water Commission, noted the passing of Senator William J. Raggio and asked for a moment of silence for Senator Raggio. Senator Lee continued with opening remarks regarding the importance of the Committee and its work. He then asked the secretary to call roll and introduced Committee members and staff.

## **PUBLIC COMMENT**

- Senator Gustavson called for public comment; however, no testimony was presented.

## **ELECTION OF CHAIR AND VICE CHAIR**

- Senator Lee stated that the Chair of the Legislative Committee to Oversee the Western Regional Water Commission should reside in northern Nevada. He then opened the nominations for the Chair and Vice Chair.
- The Committee **APPROVED THE FOLLOWING ACTIONS:**

SENATOR LEE NOMINATED SENATOR GUSTAVSON TO SERVE AS THE COMMITTEE'S CHAIR. THE NOMINATION WAS SECONDED BY ASSEMBLYMAN GOICOECHEA AND PASSED BY COMMITTEE MEMBERS PRESENT. (ASSEMBLYWOMAN BENITEZ-THOMPSON WAS ABSENT FOR THE VOTE.)

CHAIR GUSTAVSON NOMINATED ASSEMBLYMAN GOICOECHEA TO SERVE AS THE COMMITTEE'S VICE CHAIR. THE NOMINATION WAS SECONDED BY SENATOR LEE AND PASSED BY COMMITTEE MEMBERS PRESENT. (ASSEMBLYWOMAN BENITEZ-THOMPSON WAS ABSENT FOR THE VOTE.)

## **WESTERN REGIONAL WATER COMMISSION (WRWC) IMPLEMENTATION**

### ***Introduction and Overview of the WRWC***

- Mike Carrigan, Chair, WRWC, and Council Member, Ward 4, City of Sparks, provided an introduction and overview of the WRWC, which included: (1) consolidation of the different water entities; and (2) staff introductions of individuals from the various agencies represented at the meeting.

***Western Regional Water Commission Act, Plan Area, Structure, Responsibilities, Activities, Overview of Legislative Oversight Committee Actions During Two Previous Interims***

- Jim Smitherman, Water Resources Program Manager, WRWC/Northern Nevada Water Planning Commission, provided an update on the WRWC act, plan area, structure responsibilities, activities, overview of legislative oversight committee actions during the two previous interims, which included: (1) background information; (2) planning area boundaries; (3) structure; (4) a review of the WRWC duties; (5) WRWC activities; (6) a brief overview of the Legislative Committee to Oversee the Western Regional Water Commission; and (7) a review of the consolidation of Washoe County's water utility and the Truckee Meadows Water Authority. (Please see [Exhibit B-1](#) and [Exhibit B-2](#).)
- Vice Chair Goicoechea queried as to the availability of funding to assist homeowners in switching from septic to municipal sewer systems.
- Mr. Smitherman responded that there was some State money and federal grant funding that has since been exhausted. He pointed out that currently they are waiting for more funding.
- Assemblyman Daly queried as to the location of the main concentration area of septic system hookups.
- Mr. Smitherman noted the main locations for the hookup concentration areas are in the Bridle Path community and the septic systems located west of the Pyramid Highway in Sparks.

Responding to a request from Chair Gustavson regarding groundwater hookups and depletion of water in Golden Valley, Mr. Smitherman noted that there is a program in place to inject fresh water to recharge those wells.

- Rosemary Menard, Director, Washoe County Department of Water Resources (DWR), commented on the recharge program in Golden Valley. She said the purpose was to: (1) augment the basin supply; and (2) dilute contaminants introduced by septic systems.

***Consolidation of Washoe County's Water Utility With the Truckee Meadows Water Authority (TMWA)***

- Mark W. Foree, General Manager, TMWA, provided an update on the consolidation of Washoe County's water utility with TMWA, which included: (1) background information; and (2) a comparison of water resource interactions.
- Jeff Tissier, Chief Financial Officer, TMWA, provided an overview of the financial aspects of the consolidation.

- Rosemary Menard, previously identified, commented on the current work of the consolidation process. She noted that the Washoe County Commissioners have voted to merge with the South Truckee Meadows General Improvement District (STMGID) ahead of the broader consolidation. Ms. Menard pointed out that Washoe County is in the process of merging the water utility portion. She stated that the merging and consolidation should enhance the efficiency and provide cost savings for the community.

In response to Senator Gustavson's question concerning labor issues arising from the consolidation, Ms. Menard noted that labor representatives understand there is a plan to move Washoe County employees to TMWA and approximately half of the employees would enter into a bargaining unit; however, the negotiations have not yet begun.

There was a discussion between Assemblyman Daly and Ms. Menard regarding the pre-merger of the STMGID and the Washoe County DWR. Ms. Menard noted that Chapter 318 ("General Improvement Districts") of the *Nevada Revised Statutes* sets forth the process for creating and merging general improvement districts (GIDs). Assemblyman Daly opined that this merger will benefit Washoe County as a whole. Ms. Menard stated that there are citizen advisory boards (CABs) in Washoe County and she will attend a Galena-Steamboat CAB meeting in March 2012 to discuss the merger further.

## **TRUCKEE MEADOWS WATER RESOURCES AND SYSTEMS**

### ***Sources of Supply: Surface and Groundwater Resources***

- John A. Erwin, Director, Natural Resources Planning and Management, TMWA, provided an update on the sources of supply of surface and groundwater resources, which included: (1) background information; (2) a comparison of the water resource interactions between the Truckee Meadows and the Las Vegas regions; (3) TMWA and its water system assets; (4) current TMWA resources; (5) Washoe County population and TMWA's water production; (6) water use and the number of connections; (7) variability of Truckee River supplies; (8) the Truckee River and Carson River systems; (9) uses of the Truckee River; (10) typical diversion of the Truckee River; (11) snowpack for the Truckee River Basin; (12) annual Truckee River flows at Farad, California, and the 1990 to 2011 river flows and sources; (13) comparative river availability; (14) simulated reservoir operations; (15) end of month Lake Tahoe elevation from 1900 to present day; (16) Lake Tahoe's elevation after four dry cycles; (17) the Truckee Basin snowpack summary as of February 1, 2012; (18) Lake Tahoe's elevation; (19) the amount of precipitation and reservoir releases as the Truckee River flows; (20) simulation of reservoirs through a historic drought period; and (21) a summary of the planning for and management of Truckee River water supplies for the greater Truckee Meadows. (Please see [Exhibit C.](#))

### ***Facilities and Systems: Water, Wastewater and Reclaimed Water Systems***

- Mark W. Foree, previously identified, provided an overview of the facilities and systems regarding water, wastewater, and reclaimed water systems, which included: (1) public water system supply facilities in the planning area; (2) municipal water systems; (3) TMWA connections; (4) Washoe County DWR connections; and (5) the STMGID and Sun Valley GID connections. (Please see [Exhibit C.](#))
- Vice Chair Goicoechea queried as to the comparison of the reservoir system on the Truckee River and the pumping of groundwater by Washoe County. He further queried as to the difference in rates and costs for delivering water to different locations in Washoe County versus pumping the groundwater.
- Mr. Foree responded that the rates and costs for delivering water are comparable with that of pumping the groundwater. He stated that the cost of groundwater is reasonable unless the water needs to be treated for consumption. Mr. Foree further stated that the only real costs is that of electricity to pump water.
- Terri Svetich, P.E., Committee Coordinator, Public Works Department, City of Reno, provided an overview of the facilities and systems regarding wastewater and reclaimed water systems, which included: (1) water reclamation facilities in Cold Springs, Lemmon Valley, South Truckee Meadows, Reno-Stead, and the Truckee Meadows; (2) stringent requirements to discharge to the river and reuse; (3) regulatory background on the Truckee River and total maximum daily loads (TMDLs); (4) TMDL “waste load allocation;” (5) a view of the treatment plant; and (6) Truckee River restoration and the multiple benefits. (Please see [Exhibit C.](#))

In response to a question from Chair Gustavson regarding the levels of arsenic in the water in relation to the federal standards, Mr. Foree noted that Washoe County’s arsenic levels are generally very low at 1 part per billion. He pointed out that the United States Environmental Protection Agency has set the federal standard for arsenic in drinking water at 10 parts per billion to protect consumers served by public water systems.

- Vice Chair Goicoechea queried as to the Main Station Field Lab, College of Agriculture, Biotechnology, and Natural Resources (CABNR), University of Nevada, Reno’s (UNR’s) use of tertiary treated effluent and its quality.
- Ms. Svetich noted that UNR’s Main Station Field Lab, CABNR, UNR, is the largest single user of effluent. She stated that the agreement established is essentially a trade. Ms. Svetich further noted that the Main Station Field Lab is supplied with effluent and the fresh water then remains in the Truckee River, and there is some monetary benefit to Washoe County due to the high treatment costs of the effluent.

There was a discussion between Assemblyman Daly and Ms. Svetich regarding the quality of the tertiary treated effluent in comparison to the quality of tap water. Ms. Svetich stated concerns regarding certain constituents found in the water. She noted that bacteria and viruses are removed from the effluent in

the treatment process and the water is chlorinated. The water is potable, but it is not accepted as drinking water by the community at this time.

In response to a question from Assemblyman Daly regarding the different levels of water treatment and the termination of the water in Cold Springs and Lemmon Valley, Ms. Svetich stated that because there are different terminations, levels of treatment requirements for the water vary.

- Assemblyman Daly asked if the stormwater drains and the sewage systems are linked or separate.
- Ms. Svetich responded that in the Truckee Meadows, the stormwater drains and the sewage systems are segregated. She noted that stormwater is not treated.
- Darrin Price, General Manager, Sun Valley General Improvement District, provided information on the Sun Valley GID, which included: (1) the establishment of and background information on the GID; (2) population and service districts within the GID; (3) the five-member board elected by the general public; (4) a description of the wastewater system; and (5) the operation and maintenance of parks, et cetera. (Please see [Exhibit C.](#))

Responding to a question from Vice Chair Goicoechea concerning the water in Sun Valley, Mr. Price said that the Sun Valley GID purchases water wholesale from TMWA. He stated that the Sun Valley GID does not have any municipal wells, but does have approximately 30 domestic wells.

### ***Water Quality—Safe Drinking Water and Clean Water Act Regulatory Frameworks***

- Rosemary Menard, previously identified, provided a brief overview concerning federal wastewater and water quality, which included: (1) The Clean Water Act and the Safe Drinking Water Act; (2) Clean Water Act regulations; (3) key clean Water Act regulations; (4) highly regulated wastewater systems; (5) drinking water regulations; (6) annual consumer confidence reports; (7) compliance with the Safe Drinking Water Act; and (8) water quality and domestic wells. (Please see [Exhibit C.](#))

A brief discussion ensued between Vice Chair Goicoechea and Ms. Menard regarding the parcels that have municipal water hookups but do not have sewer hookups. Ms. Menard stated that approximately 10,000 parcels have municipal water hookups, but do not have sewer hookups.

### ***Wastewater Effluent Issues and Opportunities***

- John Buzzone, P.E., Senior Licensed Engineer, Resource Planning and Management Division, Washoe County DWR, provided an overview of the water quality and wastewater effluent issues and opportunities, which included: (1) current management approaches and treated effluent; (2) challenges with effluent

management; (3) future opportunities; and (4) residential septic systems. (Please see [Exhibit C.](#))

There was a discussion between Vice Chair Goicoechea and Mr. Buzzone regarding distributing municipal water to those 10,000 parcels and removal of wastewater. Mr. Buzzone commented that septic systems are impacting the municipal wells in Spanish Springs and he has to treat the municipal wells through blending. Vice Chair Goicoechea noted that nitrate contamination is coming from those septic systems.

### ***Stormwater Management Issues and Opportunities***

- Terri Svetich, previously identified, provided an overview of stormwater management issues and opportunities, which included: (1) the Truckee Meadows stormwater quality management regulatory requirements targeting “non-point” source pollution; (2) a coordinated monitoring memorandum of understanding; and (3) agency coordination for watershed management. (Please see [Exhibit C.](#))
- Assemblyman Daly queried as to the settling of sediments in the storm drain filters, how often the storm drain filters are cleaned, and the disposal of the waste.
- Ms. Svetich responded that the settling of sediments in the storm drain filters, the cleaning storm drain filters, and the disposal of the waste is dependent upon the various types of storm drain filters and the volume of water that flows through those filters.

### **OVERVIEW OF THE INTERBASIN WATER TRANSFER PROCESS**

- Kelvin Hickenbottom, P.E., Deputy State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, provided an overview of the interbasin water transfer process, which included: (1) interbasin transfers primarily through groundwater; (2) the State Engineer’s criteria for approving any application including interbasin transfers; (3) considerations made by the State Engineer; (4) requiring proof to show good faith and financial ability; (5) a requirement that a water transfer must be environmentally sound; (6) future growth and development in the Basin of Export; (7) concepts of interbasin transfers; (8) the Southern Nevada Water Authority (SNWA) and in-state groundwater resources; (9) the SNWA’s interbasin transfer of groundwater; (10) the Nevada Supreme Court decision in *Great Basin Water Network, et al v. State Engineer*, 126 Nev. Adv. Op. 2, on January 28, 2010; (11) other interbasin transfer filings; (12) the Nevada Supreme Court decision in *Bacher v. State Engineer*, 122 Nev. 1110, 1117, 146 P.3d, 793, 798 (2006); and (13) a brief summary of interbasin transfers. (Please see [Exhibit D.](#))

In response to Assemblyman Goicoechea’s query regarding permits issued to Red Rock Valley Ranch, LLC, Mr. Hickenbottom confirmed that the water permit was approved by the State Engineer and the special use permit was denied by Washoe County.



- Assemblyman Daly asked if any environmental impact statements (EIS) have been conducted at the federal level.
- Mr. Hickenbottom stated that the SNWA had to go through the process to receive a draft EIS. He pointed out that the EIS has developed a groundwater model to determine the impacts to federal resources. Mr. Hickenbottom noted this same groundwater model was used on a regional scale to determine the impacts to Cave, Delamar, Dry Lake, and Spring valleys.

## **STATUS UPDATE ON THE TRUCKEE RIVER FLOOD PROJECT**

- Danielle Henderson, Natural Resource Manager, Truckee River Flood Management Authority (TRFMA), provided a status update on the Truckee River Flood Project, which included: (1) WRWC and TRFMA coordination; (2) a watershed overview; (3) a history of devastating floods; (4) the “Living River Plan: An Innovative Solution;” (5) the TRFMA organizational structure; (6) legislative actions; (7) the TRFMA’s accomplishments; (8) early construction projects; (9) meetings in Washington, D.C.; and (10) the next steps to be taken to continue coordination and separate TRFMA as its own agency. (Please see [Exhibit E](#).)

In response to a question from Assemblyman Daly regarding credit received to match federal funds for the Truckee River Flood Project, Ms. Henderson stated that through the Section 104 process and the Section 113 process with the Army Corps of Engineers (Corps), TRFMA is eligible to receive credit for all locals funds expended to build projects such as the Truckee River Action Program (TRAction Program).

There was a discussion between Assemblyman Daly and Ms. Henderson concerning the joint powers agreement and plan implementation to obtain the necessary funds to complete the projects before the next flood. Ms. Henderson stated that the joint powers agreement is in place. She noted that through certain legislative actions, the agency has the authority to set rates, collect fees, and use Washoe County’s bond bank to bond for building the projects.

Responding to Assemblyman Daly’s question regarding the Board’s authority to raise the fees for funding if necessary, Ms. Henderson noted that the Board does have that authority. She further noted that the plan is to build a project that will benefit and address the flooding problem on a comprehensive level.

- Paul Urban, Project Manager, TRFMA, responded to Assemblyman Daly’s questions regarding the North Truckee Drain Alignment. He stated there is an agreement that the City of Sparks’ funds will be used for early construction. He further noted there will be some reimbursement to the City from the flood funds and Corps contributions.

In response to Assemblywoman Benitez-Thompson’s question regarding the 1/8-cent sales tax that is used to fund the TRFMA, Ms. Henderson stated that fees are not in place through the TRFMA; however, the City of Sparks has its own flood fee. She noted the City of Sparks found it important to enact its fee to be able to begin the projects.



- Chair Gustavson stated his concerns regarding the length of time the flood projects have taken with minimal progress.
- Ms. Henderson clarified that from the perspective of the federal government, funding spent on local flood projects is based on its cost-benefit analysis. She agreed with Chair Gustavson that a 100-year level protection plan should be the minimum standard.
- Mr. Urban stated that it is a “balancing act” to address the issues. He noted that providing protection to the Truckee Meadows needs to be done in a manner that does not damage businesses, operations, and people downstream. Mr. Urban further noted that some water needs to be released to assist with maintaining lower water levels.
- Chair Gustavson queried as to the potential to alleviate the flood problem sooner to avoid proceeding with the home elevation project near UNR’s Main Station Field Lab.
- Mr. Urban noted that there are tax issues using public money for individual homeowners to elevate their homes. He stated that only a certain amount of water can be sent down stream before the impact created cannot be mitigated. Mr. Urban further stated that studies were conducted to analyze the cost of building levies; however, it would be more cost-effective to elevate the affected homes.

Responding to Assemblyman Daly’s questions regarding the incorporation of flood control elements in the building of the SouthEast Connector (SEC) in Washoe County, Mr. Urban stated that there was concern about placing a roadway in a location that has flood waters. He noted that he worked with the Regional Transportation Commission (RTC) of Washoe County to construct a design that will accommodate the road and will ensure that the flood flows follow the proper channels.

- Chair Gustavson queried as to the SEC and the height of the road if water levels can be lowered.
- Mr. Urban responded that TRFMA’s studies demonstrate that the water levels have been lowered as far as possible. He noted that stream and river restoration is being done to buffer the impacts to the Truckee River for the SEC construction. He further noted that if the RTC is in agreement, the road height could be lowered approximately one foot.

## **PUBLIC COMMENT**

- Chair Gustavson called for public comment; however, no testimony was presented.
- Patrick Guinan, previously identified, noted that the next Committee meeting will held during the end of June 2012 or the first part of July 2012. He pointed out that the Committee members will be polled and the meeting date will be placed on the “Calendar of Meetings” on the Nevada Legislature’s website as soon as it is set.

## ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 12:20 p.m.

Respectfully submitted,

---

Susan M. Young  
Assistant Supervisor of Secretarial Services

---

Patrick Guinan  
Senior Research Analyst

APPROVED BY:

---

Senator Don Gustavson, Chair

Date: \_\_\_\_\_

## LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Patrick Guinan, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B-1](#) a Microsoft PowerPoint presentation titled “Western Regional Water Commission,” presented by Jim Smitherman, Water Resources Manager, Western Regional Water Commission (WRWC)/Northern Nevada Water Planning Commission (NNWPC).

[Exhibit B-2](#) is an informational pamphlet titled “Western Regional Water Commission,” offered by Jim Smitherman, Water Resources Manager, WRWC/NNWPC.

[Exhibit C](#) is a Microsoft PowerPoint presentation titled “Truckee Meadows Water Resources and Systems Sources of Supply – Surface and Groundwater,” prepared by Chris Wessel, Water Management Planner, WRWC/NNWPC.

[Exhibit D](#) is a Microsoft PowerPoint presentation dated February 24, 2012, titled “Interbasin Transfers of Water,” offered by Kelvin Hickenbottom, P.E., Deputy State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources.

[Exhibit E](#) is a Microsoft PowerPoint presentation dated February 24, 2012, titled “Western Regional Water Commission Legislative Oversight Committee Update,” given by Danielle Henderson, Natural Resource Manager, Truckee River Flood Management Authority.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.