



NEVADA LEGISLATURE LEGISLATIVE COMMISSION'S SUBCOMMITTEE TO STUDY WATER

(Nevada Revised Statutes [NRS] 218E.200)

SUMMARY MINUTES AND ACTION REPORT

The fifth meeting of the Nevada Legislature's Legislative Commission's Subcommittee to Study Water was held on Monday, July 11, 2016, at 9 a.m. in the Nye County Commission Chambers, 2100 East Walt Williams Drive, Pahrump, Nevada. A copy of this set of "Summary Minutes and Action Report," the "Meeting Notice and Agenda," and other substantive materials are available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835) and may be available online at <http://www.leg.state.nv.us/Granicus/>.

COMMITTEE MEMBERS PRESENT IN PAHRUMP:

Senator Pete Goicoechea, Chair
Assemblyman James Oscarson, Vice Chair
Senator Joseph P. (Joe) Hardy, M.D.
Assemblywoman Maggie Carlton

COMMITTEE MEMBERS NOT PRESENT:

Senator Aaron D. Ford

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Alysa M. Keller, Senior Research Analyst, Research Division
Heidi A. Chlarson, Principal Deputy Legislative Counsel, Legal Division
Natalie J. Pieretti, Senior Research Secretary, Research Division
Dean Reynolds, Officer, Legislative Police, Administrative Division
Mark Sharp, Officer, Legislative Police, Administrative Division
Mark Vorderbruggen, Legislative Police, Administrative Division

Items taken out of sequence during the meeting have been placed in agenda order.

AGENDA ITEM I—OPENING REMARKS

Chair Goicoechea called to order the meeting of the Legislative Commission's Subcommittee to Study Water and welcomed the members and the public.

AGENDA ITEM II—PUBLIC COMMENT

Chair Goicoechea called for public comment.

The following individuals provided comments opposing portions of the Pahrump Basin 162 Groundwater Management Plan:

- Dwight Lilly, resident, Pahrump, Nevada ([Agenda Item II A](#));
- Betsy Lilly, resident, Pahrump
- Andrew Alberti, Jr., resident, Pahrump ([Agenda Item II B](#));
- Alan Wetter, property owner, Pahrump
- Ammie Nelson, resident, Pahrump ([Agenda Item II C](#));
- Charlotte LeVar, resident, Pahrump ([Agenda Item II D](#));
- Kenny Bent, resident, Pahrump ([Agenda Item II E](#));
- Dave Cauble, resident, Pahrump;
- David Fleeman, resident, Pahrump;
- Rolf Koss, resident, Pahrump;
- Marti Perry, Silver Springs, Nevada, resident, individually, and representing John Roemer, Rural Nevada Domestic Wells Co-op;
- Wade Hinden, resident, Pahrump;
- Robert Adams, resident, Pahrump;
- Terri Nelson, resident, Pahrump;
- Laurie Lawdensky, resident, Pahrump;
- Herman P. Lewis, resident, Pahrump;
- Michael Noyes, resident, Pahrump;

- Paul Hobson, resident, Pahrump;
- Katrine Romanoff, resident, Pahrump;
- Dwight Kirk, resident, Pahrump; and
- Don Cox, resident, Pahrump.

Mike L. Baughman, Ph.D., Executive Director, Humboldt River Basin Water Authority, presented information on a proposed cloud seeding program and asked consideration for a bill draft request (BDR) be given to provide for funding the program ([Agenda Item II F-1](#)) ([Agenda Item II F-2](#)) ([Agenda Item II F-3](#)).

The following individuals submitted written testimony to the Subcommittee:

- Frank Carbone, Chair, Board of County Commissioners (BoCC), Nye County ([Agenda Item II G](#));
- Michael G. Meacher, Vice President/Chief Operating Officer, Front Sight Management ([Agenda Item II H](#)); and,
- Sean T. Higgins, Senior Vice President, Government Affairs and Business Development, Golden Entertainment, Inc. ([Agenda Item II I](#)).

AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON JUNE 7, 2016, IN DYER, NEVADA

MOTION: Senator Hardy moved to approve the minutes of the meeting held on June 7, 2016, in Dyer, Nevada. The motion was seconded by Assemblywoman Carlton and passed unanimously.

AGENDA ITEM IV—PRESENTATION ON PAHRUMP VALLEY WATER USE AND MANAGEMENT

Rick Felling, Deputy Administrator, Division of Water Resources (DWR), State Department of Conservation and Natural Resources (SDCNR), provided a Microsoft PowerPoint presentation on water use and management in the Pahrump Valley ([Agenda Item IV](#)).

There was discussion regarding: (1) alluvial fan pumping; (2) the California side of Basin 162; (3) deep well drilling; (5) forfeiture of water rights for nonusers; and (5) the Yucca Mountain aquifer.

Mr. Felling noted the positive effects of reduced groundwater pumpage, but he said there was a steady groundwater decline to the west and south of the Pahrump Valley.

AGENDA ITEM V—OVERVIEW OF WATER RESOURCE ISSUES AND PRIORITIES OF THE PRIVATE WELL OWNERS COOPERATIVE OF NYE COUNTY,

Frank Maurizio and John Bosta, Private Well Owners Cooperative of Nye County, provided a presentation about the issues, priorities, and concerns of private well owners in the Pahrump Valley. ([Agenda Item V A-1](#)) ([Agenda Item V A-2](#)).

Mr. Maurizio proposed the following BDR recommendations: (1) reserve a BDR for domestic water and use under a population of 200,000 to help rural counties protect the domestic wells; (2) outlaw the use of a rapid infiltration basin system (RIBS); and (3) require a higher standard of testing for wastewater quality.

AGENDA ITEM VI—OVERVIEW OF WATER RESOURCE ISSUES AND PRIORITIES OF UTILITIES, INC. OF CENTRAL NEVADA

Wendy Barnett, President, Utilities, Inc. of Central Nevada, provided an overview of water resource issues and priorities of Utilities, Inc. ([Agenda Item VI](#)).

There was discussion regarding: (1) current utility hookups; (2) groundwater management; (3) quality analysis testing; (4) a United States Geological Survey (USGS), U.S. Department of the Interior (DOI) nitrate study; (5) wastewater treatments; and (6) water systems.

Vice Chair Oscarson requested Ms. Barnett provide a copy of the USGS nitrate study to the Subcommittee.

AGENDA ITEM VII—OVERVIEW OF WATER RESOURCE ISSUES AND PRIORITIES OF THE PAHRUMP UTILITY COMPANY, INC.

Gregory T. Hafen, II General Manager, Pahrump Utility Company, Inc., briefed the Subcommittee on water and wastewater utility issues ([Agenda Item VII](#)). He supported the recommendations of the State Engineer's Office (SEO) and asked for consideration of the following BDR recommendations: (1) allow water conservation to apply as a beneficial use; (2) eliminate the requirement for extension of time for committed water rights; (3) maintain priority of water rights for utilities during curtailment; (4) provide permanent water rights to meet utility company service commitments; and (5) allow for return flow credits.

There was discussion regarding: (1) current utility hookups; (2) lot sizes; (3) utility water rights; (4) wastewater treatment facility; and (5) well metering.

AGENDA ITEM VIII—OVERVIEW OF WATER RESOURCE ISSUES AND PRIORITIES OF NYE COUNTY

Frank Carbone, previously identified, and L. Darryl Lacy, General Manager, Nye County Water District (NCWD), provided an overview of Nye County water resource issues and the status of the Pahrump Basin 162 Groundwater Management Plan (GWMP) ([Agenda Item VIII A-1](#)) ([Agenda Item VIII A-2](#)) ([Agenda Item VIII A-3](#)) ([Agenda Item VIII A-4](#)) ([Agenda Item VIII A-5](#)).

Mr. Carbone briefly discussed the GWMP.

Mr. Lacy noted the perennial yield in the Pahrump Valley does not require designation as a critical management area. He touched upon upward water level trends, which occurred during a 7-year span ([Agenda Item VIII A-1](#)).

There was discussion between several Subcommittee members, Mr. Carbone, and Mr. Lacy regarding: (1) the placement and costs of metering of domestic wells; (2) water rights; and (3) domestic and septic wells.

Mr. Lacy briefed the Subcommittee on several recommendations discussed between the NCWD and the BoCC for implementation ([Agenda Item VIII A-3](#)). He commented on a pilot program for RIBS and incentives for domestic well owners who voluntarily connect to a utility.

AGENDA ITEM IX—OVERVIEW OF WATER RESOURCE ISSUES AND PRIORITIES OF THE INYO COUNTY WATER DEPARTMENT

(This agenda item was taken out of order.)

Robert F. Harrington, Ph.D., Director, Inyo County Water Department, provided an overview of water resource issues in shared Basin 162 between Inyo County, California and Nye County, Nevada ([Agenda Item IX](#)).

Discussion ensued on the following topics: (1) California domestic wells; (2) domestic well usage; (3) new California regulation of groundwater rights; and (4) impacts to domestic wells.

AGENDA ITEM X—DISCUSSION OF WATER RESOURCE ISSUES

Jason King, P.E., State Engineer, DWR, SDCNR, provided a narrative of the SEO's presence in the Pahrump Valley. Mr. King stressed that there is no intent for a water "grab," and that the SEO is working proactively with stakeholders. He noted the SEO is a proponent of de minimus rain collection, including guzzlers, and agrees such a provision should be in the NRS. Mr. King testified on the implementation of a sustainable water plan, and the desire to place meters on all wells.

Chair Goicoechea and Rick Felling, previously identified, discussed the requirement and enforcement of water meters in the Pahrump Basin.

Discussion ensued regarding: (1) beneficial use; (2) domestic wells; (3) RIBS; and (4) water rights definition in regards to domestic wells.

AGENDA ITEM XI—DISCUSSION OF SCHEDULE AND SCHEDULING OF FUTURE MEETINGS

Chair Goicoechea announced the next meeting of the Subcommittee to be August 26, 2016, in Carson City, Nevada.

AGENDA ITEM XII—PUBLIC COMMENT

Chair Goicoechea called for public comment.

Frank Maurizio, previously identified, opposed RIBS and requested a proposed BDR for wastewater quality.

L. Darrell Lacy, previously identified, acknowledged the SEO for assisting Nye County and its residents to collaborate on a GWMP. Responding to a question posed by Assemblywoman Carlton, Mr. Lacy said the minimum for a domestic well and septic well is one-acre, with a three-acre-foot water dedication.

John Bosta, previously identified, discussed patented land and dedicated water for drilling of a domestic well ([Agenda Item XII A](#)).

Dwight Lilly, previously identified, discussed water-related risks to his livelihood.

Wade Hinden, previously identified, requested an answer be provided pertaining to the question of two connecting parcels sharing a well.

Chair Goicoechea directed Mr. Hinden to communicate with Mr. King or Mr. Felling.

Ammie Nelson, previously identified, agreed that a GWMP is needed for the Pahrump Basin. She opposed a requirement of domestic well meters, but supported a moratorium.

Robert Coache, private citizen, stated: (1) mother-in-law quarters are applicable to local ordinance; (2) assessorly dwellings receive its own priority; (3) the domestic use exemption has been changed three times; and (4) the SEO should be given authority to limit domestic wells.

Don Cox, previously identified, opposed domestic well metering.

Kenny Bent, previously identified, discussed Nevada water law and the prior appropriation doctrine in relation to domestic well owners.

Andrew Alberti, Jr., previously identified, commented discussion is about growth and not the groundwater and pointed to Arizona's approach in the retention of water rights for stakeholders. He summed up by stating he would like to see a water conservation marketing plan ([Agenda Item XII B](#)).

Tina Trenner, private citizen, described her experience with Pahrump Valley residents' concerns over the potential for domestic well metering. She agreed collaboration is necessary, including citizen representation on public boards.

Katrine Romanoff, previously identified, opined that paper water rights and land should be viewed as an investment, which sometimes fails.

David Caudle, previously identified, opposed the use of Class B effluent RIBs and opined they will contaminate the Pahrump basin.

Frank Carbone, previously identified, provided a brief history of the Pahrump Valley. He said the basin has always been over appropriated.

Michael Noyes, previously identified, supported the Pahrump residents' efforts in conserving water resource and asked the Subcommittee to keep in mind that residents are not using the two-acre-feet per day as allowed in Nevada's water law statute.

Rick Montoya, private citizen, opined there is a corrupt interest attempting to take water away.

Kenneth Searles, M.D., resident, Pahrump, Nevada, conveyed the need to ensure the Subcommittee recommendations are fair for everyone.

Paul Hobson, previously identified, addressed the lack of up-to-date charts shown during the presentations. He noted many Pahrump residents have voluntarily installed water meters on their domestic wells, which shows usage to be one-third of an acre of water.

The following documents were provided by Wendy Barnett of Utilities, Inc. subsequent to the meeting in response to inquiry by Subcommittee members during her testimony and are viewable on the Subcommittee's webpage ([July 11, 2016, Pahrump Meeting](#)):

- Utilities, Inc. Water Quality Report;
- Groundwater Conditions at the Artesia Sewage Treatment Facility, Pahrump, Nevada;
- USGS, DOI Groundwater Contaminants Presentation;
- USGS, DOI groundwater sample results; and
- Information sheet: Pharmaceuticals in drinking water.

AGENDA ITEM XII—ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 4:10 p.m.

Respectfully submitted,

Natalie J. Pieretti
Senior Research Secretary

Alysa M. Keller
Senior Research Analyst

APPROVED BY:

Senator Pete Goicoechea, Chair

Date: _____

MEETING MATERIALS

AGENDA ITEM	WITNESS/ENTITY	DESCRIPTION
Agenda Item II A	Dwight Lilly, resident, Pahrump, Nevada	Written testimony
Agenda Item II B	Andrew Alberti, Jr., resident, Pahrump, Nevada	Written testimony
Agenda Item II C	Ammie Nelson, resident, Pahrump, Nevada	Written testimony
Agenda Item II D	Charlotte Levar, resident, Pahrump, Nevada	Written testimony
Agenda Item II E	Kenny Bent, resident, Pahrump, Nevada	Written testimony
Agenda Item II F-1	Mike L. Baughman, Ph.D., Executive Director (ED), Humboldt River Basin Water Authority (HRBWA)	Letter
Agenda Item II F-2	Mike L. Baughman, Ph.D., ED, HRBWA	Cloud seeding proposal
Agenda Item II F-3	Mike L. Baughman, Ph.D., ED, HRBWA	Study and cost estimates for cloud seeding program
Agenda Item II G	Frank Carbone, Chair, Board of County Commissioners (BoCC), Nye County	Written testimony
Agenda Item II H	Michael G. Meacher, Vice President/COO, Front Sight Management, Inc.	Written testimony
Agenda Item II I	Sean T. Higgins, Senior Vice President, Government Affairs and Business Development, Golden Entertainment, Inc.	Written testimony
Agenda Item IV	Rick Felling, Deputy Administrator, Division of Water Resources, State Department of Conservation and Natural Resources	Microsoft PowerPoint presentation
Agenda Item V A-1	Frank Maurizio, Private Well Owners Cooperative of Nye County (PWOCNC)	Microsoft PowerPoint presentation
Agenda Item V A-2	Frank Maurizio, PWOCNC	Map
Agenda Item VI	Wendy Barnett, President, Utilities, Inc. of Central Nevada, provided an overview of water resource issues and priorities of Utilities, Inc.	Microsoft PowerPoint presentation
Agenda Item VII	Gregory T. Hafen, II General Manager, Pahrump Utility Company, Inc.	Microsoft PowerPoint presentation
Agenda Item VIII A-1	L. Darryl Lacy, General Manager (GM), Nye County Water District (NCWD)	Microsoft PowerPoint presentation
Agenda Item VIII A-2	L. Darryl Lacy, GM, NCWD	Groundwater Management Plan
Agenda Item VIII A-3	L. Darryl Lacy, GM, NCWD	Staff Report

Agenda Item VIII A-4	L. Darryl Lacy, GM, NCWD	Jason King comments
Agenda Item VIII A-5	L. Darryl Lacy, GM, NCWD	Letter
Agenda Item IX	Robert F. Harrington, Ph.D., Director, Inyo County Water Department	Microsoft PowerPoint presentation
Agenda Item XII A	John Bosta, resident, Pahrump	Written testimony
Agenda Item XII B	Andrew Alberti, Jr., resident, Pahrump	Written testimony

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