



MEETING MINUTES

**August 9, 2022 – 10:00 a.m.
BOCC Chambers Pahrump, NV**

Members:

- Unfilled - Area 1 (Currant Creek/Smoky Valley)
- Unfilled - Area 2 (Tonopah/Manhattan)
- Edwin Goedhart - Vice Chair, Area 3 (Beatty /Armargosa Valley)
- Helene Williams - Chair - Area 4, Position 1 (Pahrump Valley)
- Bruce Holden - Area 4, Position 2 (Pahrump Valley)
- Ernie Jackson - Area 4, Position 3 (Pahrump Valley)
- Michael Lach - At Large

**Board of County
Commissioners:** Debra Strickland

Staff: Daniel C. Weeks

Finance: Savannah Rucker

- 1. (00:00:00) Call to Order – Pledge of Allegiance**
- 2. (00:00:23) Roll Call – All Present: Mr. Goedhart, Mr. Holden, Mr. Lach Mr. Jackson & Mrs. Williams.**
- 3. (00:00:45) Mission Statement – “Protect, Provide and Preserve the water resources of Nye County.”**
- 4. (00:00:52) Approval or Alteration of Agenda for August 9, 2022.**
- 5. (00:01:08) Consideration of Minutes to Prior Meetings.**
- 6. (00:1:33) General Public Comment First.**

Nye County resident Felisha Pena spoke about a situation with great Basin Water Co. that is costing Factory Home Center Inc. thousands of dollars in unexplained fees.

7. (00:07:30) Board Comments.

Mr. Lach spoke to Mrs. Pena's comments and the \$8,500 in fees being imposed by Great Basin Water Co. He went on to state the NDEP did not impose the fee and that he did not believe the fees were reasonable. Mr. Lach wanted to request that the Manager inquire with the PUC about the \$8,500 fee being imposed. Mr. Holden wondered if the PUC was aware of the fee and directed the manager to investigate whether the fee had been approved by the PUC prior to the board's letter being sent. Mr. Goedhart asked that Mrs. Pena supply the Manager with comments and specifics of her problems. Mrs. Williams submitted several documents for the board to review and requested those documents be included in the minutes document. Mr. Lach made mention of junk vehicles in Pahrump and the fluids associated.

8. (00:25:30) Disclosure Of Ex-Parte Communications and Possible Conflict of Interest.

9. (00:25:44) BUDGET WORKSHOP – Presentation by Nye County Finance Department's Liz Jordan and possible direction to set spending within the Preliminary Budget for the Nye County Water District for FY 2022/2023

Nye County resident John Bosta made several comments as the revenues generated by the water district. He noted the differences between a Tax and a Fee. He also submitted written comments to The District to be included in the Minutes document.

10. (01:02:41) FOR POSSIBLE ACTION – Discussion, deliberation and consideration to accept, modify and accept or reject a proposal of a Master Services Agreement with BEC Environmental, Inc. for grant writing and management. Additional discussion and decision to approve Work Order #1.

Mr. Lach motioned to approve the Master Services Agreement with BEC Environmental, Inc. for grant writing and management as well as BEC Work Order #1. Mr. Goedhart offered the second to accept the new agreement and work order #1 from BEC. The vote was 5-0 to approve the new agreement and Work Order #1.

11. (01:14:39) FOR POSSIBLE ACTION – Discussion, deliberation, to renew a contract for the professional services of Dwight Smith, Principal Hydrogeologist, McGinley and Associates, Inc.

Mr. Goedhart motioned to approve the professional services agreement with Dwight Smith, Principal Hydrogeologist, McGinley and Associates, Inc. Mr. Lach offered the second to accept the new agreement and work order #1 from BEC. The vote was 5-0 to approve the agreement renewal.

12. (01:20:57) FOR POSSIBLE ACTION – Discussion, deliberation and consideration to accept and submit, modify and submit or reject a notice of the Nye County Water District Governing Board's official opinion.

No action was taken on the matter and the item died for a lack of motion.

13. (01:34:16) SUPPORTING REPORTS –

No reports were offered

14. (01:34:51) Possible Action – Discussion and deliberation to set the date, time and location of the next Water District Governing Board for Tuesday, October 11, 2022 at 10:00 a.m. at the BOCC Chambers.

15. (01:37:27) Closing General Public Comment – Up to three-minute time limit per person. Action will not be taken on the matters considered during this period.

16. (01:37:46) Board Comments – (This item limited to announcements and to proposed future workshops or agendas and should not revisit matters addressed during the meeting.)

17. (01:38:40) Adjourn.

WDGB Chair



Date: 12/13/22

WDGB Manager



Date: 12/13/22

I request that my comments are reflected in the minutes and I submit a copy of my prepared written remarks for inclusion in the minutes

June 18, 2007 Nevada Legislature adopted SB 222 Chap. 542 AN ACT relating to water; creating the Nye County Water District;

Legislative Counsel's Digest:

The Nevada State Legislature has enacted several laws that create water districts. For example, in 1947, the Legislature created the Las Vegas Valley Water District by a special act. (Chapter 164, Statutes of Nevada 1947, p. 534) In 2003, the Legislature created the Lincoln County Water District by a special act. (Chapter 474, Statutes of Nevada 2003, p. 2985) A water district is generally created to provide for the storage, conservation, distribution and sale of water within or outside of the district. (Chapter 100, Statutes of Nevada 1993, p. 159)

Section 8 of this bill sets forth an extensive list of powers conferred upon the District, including, without limitation:

- (1) the power to incur indebtedness and issue bonds;
- (2) the power to acquire land and water rights to carry out the purposes of the District;
- (3) the power to construct any work for the development, importation or distribution of the water of the District; and
- (4) the power to levy and collect taxes to assist in the operational expenses of the District

Section 9 further states that, except as to the exercise of the power of eminent domain, the disposal of water rights, applications to the State Engineer for certain permits and the adoption and amendment of bylaws for which a supermajority vote of the Board is required, a simple majority of the members of the Board constitutes a quorum and a quorum may exercise all the powers and duties of the Board.

Section 10 of this bill authorizes the Board to levy and collect taxes on all taxable property within the District to make payment of principal and interest on its general obligations

Sec. 8. 1. The District has the following powers:

(h) To develop and adopt, subject to approval by the Commission, ordinances, rules, regulations and bylaws necessary for the exercise of the powers and conduct of the affairs of the Board and District. All bylaws adopted or amended must also be approved by a supermajority vote of the members of the Board.

(q) **To cause taxes to be levied and collected for the purposes prescribed in sections 1 to 12, inclusive, of this act,** including, without limitation, the payment of any obligation of the District during its organizational state and thereafter, and necessary engineering costs, and to assist in the operational expenses of the District, until such taxes are no longer required.

2. As used in this section, "supermajority" means an affirmative vote of not less than five of the seven members of the Board.

Sec. 9. 1. The Board shall:

(h) Take all actions and do all things reasonably and lawfully necessary to conduct the business of the District and achieve the purposes of sections 1 to 12, inclusive, of this act.

2. A simple majority of the members of the Board constitutes a quorum. Except as otherwise provided in section 8 of this act, a quorum may exercise all the power and authority conferred on the Board.

February 27., 2012 the WD Board approved the By Laws by a 6-0 vote. **No approval of BoCC on record.** (By Laws attached hereto)

Page 10, VII. Conduct of Meetings:

A. QUORUM, A quorum shall consist of four (4) members of the Governing Board, to be considered an approved motion, **a vote of a simple majority of the members "present" shall be required,** unless a specific percentage of all members **are required by Nevada Law such as NRS Chapter 542.**

This definition is a violation of Sec. 9(2), a simple majority of the members of the Board constitutes a quorum.

There is **NO NRS Chapter 542** in **Title 48 -Water** because **SB 222 is an Act for Nye County only and does not include the entire State,** therefore, **there is no NRS for the Nye County Water District Act.**

March 16, 2009 the first meeting of the Water District twenty months (1 year 9 months) after formation. George Benesch stated is it better not to refer to the section of the NRS concerning the water district, instead to refer to it as the Nye County Water District Act. If you get into the habit of referring to the act as the Nye County Water District Act, you will be able to find it better in the NRS. Mr. Benesch stated the NCWDGB is a political subdivision of the State of Nevada. It is not generally considered as part of the county. It is considered a special district, due to the way the council decided to put it in the NRS.

December 14, 2020 WD Minutes Item 11 Changing Bylaws. **Helene Williams made a motion to change the 2012 Bylaws of the Governing Board of the Nye County Water District** Page 5-section 3 c (Legal Counsel), to read "The Nye County District Attorney or its designee may be legal counsel to the Governing Board". **Bill Knecht seconded the motion.** **The vote was approved 6-0.**

There is no approval by the BoCC for this Change of the By Laws.

June 18, 2012 five (5) Water Board Members were present at the meeting. The Water District Board adopted Resolution 2012-001 for a \$5 dollar per parcel fee by a 3-2 vote. The Board used the By Law definition of a quorum, **a vote of a simple majority of the members "present" shall be required.**

This Resolution adoption is a violation of Sec. 9(2), a simple majority of the members of the Board constitutes a quorum.

(Resolution 2012-001 attached hereto)

Respectfully submitted,

John F. Bosta

NYE COUNTY WATER DISTRICT GOVERNING BOARD

RESOLUTION NO. 2012- 001

A RESOLUTION TO IMPOSE A FEE ON THE TAXABLE PARCELS OF LAND IN NYE COUNTY, NEVADA TO SUPPORT OPERATIONS OF THE NYE COUNTY WATER DISTRICT IN THE DEVELOPMENT AND IMPLEMENTATION OF LONG-TERM PLANS FOR THE MANAGEMENT, CONSERVATION AND SUSTAINABILITY OF NYE COUNTY'S WATER RESOURCES.

WHEREAS, Nye County in the State of Nevada is a county organized and operating under the laws of the State of Nevada; and

WHEREAS, adequate and efficient water service is vital to the economic development and well-being of the residents of Nye County, and the protection of the environment was deemed best served by the creation of a single governmental entity, the purpose of which is to secure and develop sustainable sources of water; and

WHEREAS, Nevada Revised Statutes (NRS) Chapter 542 of the Special Acts, created the Nye County Water District for the purposes of acting in the capacity as an umbrella organization to work on behalf of the public and private water systems, operators and water users in Nye County, including local, state and federal agencies and authorities and to negotiate with the state and federal government in order to ensure the County has a sustainable supply of water in order to take care of the immediate and future health, safety, welfare and economic well-being of Nye County; and

WHEREAS, the Governing Board has determined that the estimated annual amount necessary to pay one year of operation and maintenance costs including administration, data collection, monitoring, programming and adoption of a system of work for the purposes of safeguarding the waters of the County is \$261,712.00 or a per parcel charge on all taxable parcels in the county of five (5) dollars, and

WHEREAS, the Governing Board has determined that the fee hereby established as described above is fair, just and equitable and is hereby adopted.

NOW THEREFORE, BE IT RESOLVED BY THE NYE COUNTY WATER DISTRICT GOVERNING BOARD, NYE COUNTY, NEVADA:


1. For the purposes of paying the costs of developing and carrying out the works, acts and purposes outlined within **NRS Chapter 542 of the Special Acts**, there is hereby imposed against each of the taxable parcels of land within Nye County, **an annual fee of five (5) dollars per parcel. This annual fee will remain in effect for each subsequent year until changed or canceled.**


2. The fee imposed by this ordinance shall be collected by the County Treasurer with the general taxes of the County, and payment therefore must be enforced in the same manner and with the same remedies as provided for the collection of general taxes. The amount of the fee shall be due with the first installment of property taxes and shall be payable in full on that date. There shall not be any option to pay the fee in installments.

PASSED AND ADOPTED this 18 day of June, 2012.

Vote:

	Aye	Nay	Absent		Aye	Nay	Absent
Roberta "Midge" Carver		X		James Weeks			X
Tim McCall	X			John MacLaughlin	X		
James Eason		X		Lee White	X		
Donna Lamm			X				

BY:  TIM MCCALL
 Roberta "Midge" Carver,
 Chairperson,
 Nye County Water District

ATTEST: 
 Susan Paprocki,
 Secretary/ Treasurer,
 Governing County Board

CHAPTER XVI. FEES AND SALARIES.

The provisions of the following Act apply to and affect the fees of officers in such counties as poll eight hundred votes or less .

An Act to regulate fees and compensation for official and other services in the State of Nevada.

Approved March 9, 1865, 333..

Officers fees 2318.

SECTION 1. The several officers and persons named in this Act may demand and receive for their services rendered in discharging the duties imposed upon them by law, the fees and compensation hereinafter specified.

Section 2 is superseded, Stats. 1883, 56.

Sec. 5. The several officers named in this Act shall, at the expiration of every quarter year, make out and file with said Treasurer a full and accurate statement, under oath, of all fees, percentages, or compensation of whatever nature or kind, received in their said several official capacities, during the preceding quarter year , in which statement they shall set forth the causes in which, and services for which such compensations were received, or are due to them for official services during said quarter year, and at the time of filing the same, all fees or compensation for their services, received by them in excess of their compensation hereinbefore provided for, shall be paid by them into the county treasury , and the same shall become a part of the general fund thereof.

SEC . 6. All excess of fees which may become due the several counties of this state, under the provisions of this Act, shall be collected by the Board of County Commissioners thereof, in the manner provided by law for the collection of fees due for official services, and in all cases where execution may be issued for the collection of the same in behalf of such officers, the like process may be issued for the collection thereof.

Sec. 7. Any county officer named in this Act , who shall neglect or refuse to pay into the county treasury the amount of moneys received as compensation by him, as provided by the fifth section thereof, shall be liable on his official bond therefor, and suit may be maintained by the county against such officers, and the sureties on such bond for the recovery thereof.

CHAPTER 395

AN ACT relating to local governmental finance; authorizing local governments to impose impact fees; providing the procedure for the imposition of those fees; and providing other matters properly relating thereto.

[Approved June 20, 1989]

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

Section 1. Title 22 of NRS is hereby amended by adding thereto **a new chapter** to consist of the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 3. “Capital improvement” means a:

1. Drainage project;
2. Sanitary sewer project;
3. Storm sewer project;
4. Street project; or
5. **Water project.**

Sec. 15. “Water project” means facilities for the collection, transportation, treatment, purification and distribution of water, including all appurtenances and incidents necessary for any such facilities.

Sec. 16. 1. A local government may by ordinance impose an impact fee in a service area to pay the cost of constructing a capital improvement or facility expansion necessitated by and attributable to new development. Except as otherwise provided in section 17 of this act, the cost may include only:

- (a) The estimated cost of actual construction;
- (b) Estimated fees for professional services;
- (c) The estimated cost to acquire the land; and
- (d) The fees paid for professional services required for the preparation or revision of a capital improvements plan in anticipation of the imposition of an impact fee.

2. All property owned by a school district is exempt from the requirement of paying impact fees imposed pursuant to this chapter. Any impact fee which would have been collected from a school district but for the provisions of this subsection must be paid by the local government which imposed the impact fee.

Sec. 18. Impact fees must not be used for:

1. The construction, acquisition or expansion of public facilities or assets other than capital improvements or facility expansions which are included in the capital improvements plan.
2. The repair, operation or maintenance of existing or new capital improvements or facility expansions.
3. The upgrading, expansion or replacement of existing capital improvements or facilities to serve existing development to meet more stringent safety, environmental or regulatory standards.
4. The upgrading, expansion or replacement of existing capital improvements or facilities to provide better service to existing development.
5. **The administrative and operating costs of the local government.**
6. Except as otherwise provided in section 17 of this act, the payments of principal and interest or other finance charges on bonds or other indebtedness

Report by Helene Williams re the BOCC Meeting On August 2, 2022.

Item 1.

BOCC item that were referred to the Nye County Water District Governing Board.

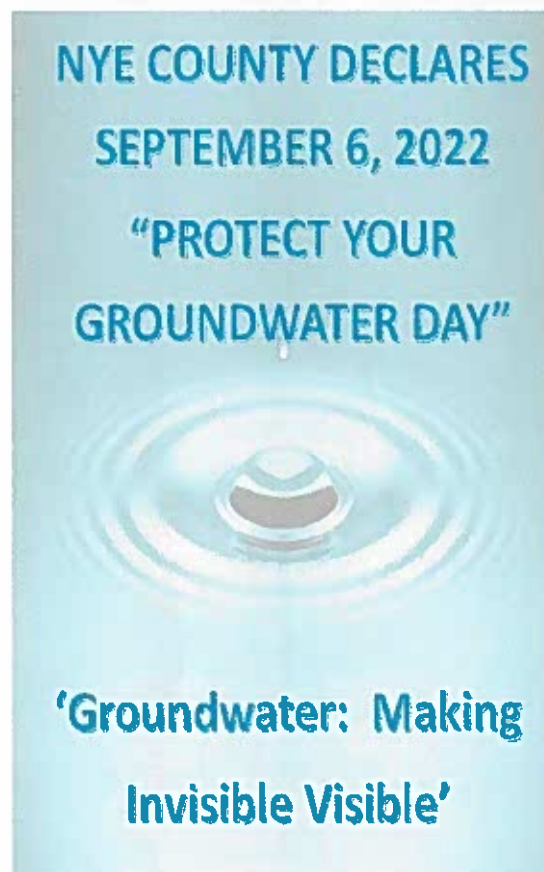
Item #41 - For Possible Action – Discussion and deliberation to consider withdrawal of the pending/protested. Crater Flat water application #66080 submitted by Nye County in 2000 to allow Coeur Mining, Inc. to proceed with an application for water to benefit its mining operations in Basin 229 near Amargosa Valley.

Backup – see county agenda – Granicus – August 2, 2022 – Item 41.

Comments – This application is 22 years old was never submitted to the Water District which did not exist until 2002. Application #66080 was for water rights 1,450afa for Municipal use and was specifically to be used for the Amargosa Valley Science and Technology Park. In November 1999, Congress enacted Public Law 106-113. Section 132 afforded Nye County the exclusive right to purchase 354 acres within the YMP entrance area at fair market value for commercial purposes. In 2002, Nye County purchased and began development of the first 61-acres to establish the Amargosa Valley Science and Technology Park (AVSTP). Phase I includes installation of gravel roads, water tanks and a water main. The county is currently completing development of the first phase and may purchase the remaining approximately 293 acres.

Item 2.

"Protect your Groundwater Day". This will be on the Agenda of the BOCC August 16, 2002 as directed by the board.



Page 3 – Copy of the South Lahontan Hydrologic Region – Pahrump Valley Groundwater
Basin - California – 6-28.

Inyo County – 145 square miles.

See document.

Pahrump Valley Groundwater Basin

- Groundwater Basin Number: 6-28
- County: Inyo
- Surface Area: 93,100 acres (145 square miles)

Basin Boundaries and Hydrology

The Pahrump Valley Groundwater Basin underlies a northwest-trending valley in southeastern Inyo County. Elevation of the valley floor above mean sea level ranges from 2,457 feet at Stewart (dry) Lake to about 3,000 feet in the southwestern part of the basin. The basin is bounded by nonwater-bearing rocks of the Resting Springs and Nopah Ranges on the west and northwest, and by the Kingston Range on the south. Although a substantial portion of the physical groundwater basin extends into Nevada, the California-Nevada state line is the northeastern boundary of the basin for this report. The bordering mountains within California range in elevation from about 6,400 in the Nopah Range and about 7,300 feet in the Kingston Range. The Spring Mountains of Nevada reach 11,910 feet above mean sea level and provide the principal source of recharge to the basin. Stewart Lake, located in the northwest part of the valley, is about 6 square miles, and Pahrump (dry) Lake, located in the central part of the valley, is about 10 square miles (Waring 1920; DWR 1964).

Average annual precipitation ranges from about 4 to 6 inches. Surface runoff drains towards Stewart Lake or into Nevada towards Pahrump Lake (Jennings 1958, 1961, 1962; USGS 1984a, 1984b, 1984c, 1984d).

Hydrogeologic Information

Water Bearing Formations

Quaternary alluvium, which forms the primary water-bearing unit within the basin, includes unconsolidated younger alluvial fan material underlain by semi-consolidated, older alluvium. Maximum thickness of the alluvium is at least 800 feet (DWR 1964).

Recharge and Discharge Areas

Recharge to the basin is derived from the percolation of runoff through alluvial deposits at the base of the bordering mountains, and from the infiltration of precipitation that falls to the valley floor. Groundwater in the alluvium moves towards either Stewart Lake or into Nevada towards Pahrump Lake. Groundwater is confined near the margins of the dry lakes and along the base of the alluvial deposits originating from the Spring Mountains in the Nevada portion of the basin. Groundwater discharge from the alluvial aquifer occurs mainly through pumpage and spring discharge, or by evapotranspiration (Waring 1920; DWR 1964). Hunt and others (1966) have suggested that some discharge from the basin occurs as inter-basin underflow by way of a deep regional carbonate rock aquifer system that transfers groundwater into the lower lying Amargosa and Death Valley Groundwater Basins.

Groundwater Level Trends

The record of groundwater levels within the California portion of the basin intermittently spans a period from 1952 through 1984. In the southern part of the basin, records show that groundwater levels declined by nearly 60 feet at one well during 1952 through 1975, although at another well, water levels declined by 0.6 foot from 1956 through 1972. Along the southeast margin of the basin, water levels declined in one well by about 2.3 feet during 1959 through 1977, and by about 5.1 feet at another well during 1959 through 1984. Depth to water ranged from about 98 to 123 feet below the surface. Near Stewart Lake in the northern portion of the basin, water levels declined by about 2.7 feet at one location during 1960 through 1976, and by about 2.1 feet at another location during 1976 through 1984. Depth to water ranged between about 20 to 40 feet below the surface. Near Pahrump Lake in the central part of the basin, records indicate water levels remained relatively unchanged from 1959 through 1976, water levels remained about 55 feet below the surface.

Groundwater Storage

Groundwater Storage Capacity. The total storage capacity is estimated at about 690,000 af (DWR 1975).

Groundwater in Storage. Unknown.

Groundwater Budget (C)

Groundwater budget information is not available.

Groundwater Quality

Characterization. The character of the groundwater varies from calcium-magnesium bicarbonate to magnesium-calcium bicarbonate. The quality of the groundwater is suitable for all beneficial uses. TDS concentrations range from about 145 to 540 mg/L, with an average concentration of about 340 mg/L. Fluoride content ranges from 0.1 to 0.8 mg/L and averages about 0.4 mg/L. Boron content averages about 0.1 mg/L.

Well Production Characteristics

	Well yields (gal/min)	
Municipal/Irrigation	Range: 150–300	Average: 150 (DWR 1975)
	Total depths (ft)	
Domestic		
Municipal/Irrigation		

Active Monitoring Data

Agency	Parameter	Number of wells /measurement frequency
	Groundwater levels	
	Miscellaneous water quality	
Department of Health Services and cooperators	Title 22 water quality	

Basin Management

Groundwater management:

Water agencies

Public

Private

References Cited

- California Department of Water Resources (DWR). 1964. *Ground Water Occurrence and Quality Lahontan Region*. Bulletin No.106-1. 439 p.
- _____. 1975. *California's Ground Water*. Bulletin No. 118. 135 p.
- Hunt, C.B. , T.W. Robinson, W.A. Bowles, and A.L. Washburn. 1966. *Hydrologic Basin Death Valley California*. U.S. Geological Survey Professional Paper 494 – B. 137 p.
- Jennings, C. W., 1958. *Geologic Map of California: Death Valley Sheet*. Olaf P. Jenkins Edition. California Department of Conservation, Division of Mines and Geology. Scale 1: 250,000.
- Jennings, C. W., 1961. *Geologic Map of California: Kingman Sheet*. Olaf P. Jenkins Edition. California Department of Conservation, Division of Mines and Geology. Scale 1: 250,000.
- Jennings, C. W. , J. L. Burnett, B. W. Troxel. 1962. *Geologic Map of California: Trona Sheet*. Olaf P. Jenkins Edition. California Department of Conservation, Division of Mines and Geology. Scale 1: 250,000.
- U.S. Geological Survey. 1984a. *Nopah Peak, California-Nevada*. 7.5' Quadrangle. Provisional Edition. Scale 1: 24,000.
- U.S. Geological Survey. 1984b. *Mound Spring, Nevada-California*. 7.5' Quadrangle. Provisional Edition. Scale 1: 24,000.
- U. S. Geological Survey. 1984c. *Sixmile Spring, Nevada-California*. 7.5' Quadrangle. Provisional Edition. Scale 1: 24,000.
- U.S. Geological Survey. 1984d. *Stewart Valley, California-Nevada*. 7.5' Quadrangle. Provisional Edition. Scale 1: 24,000.
- Waring, G. A. 1920. *Ground Water in Pahrump, Mesquite, and Ivanpah Valleys Nevada and California*. Water-Supply Paper 450-C. pp. 51-85.

Errata

Substantive changes made to the basin description will be noted here.