**November 17, 2016**

A special meeting of the Walker River Irrigation District (WRID) Board of Directors was held on November 17, 2016. The meeting was called to order at 8:10 AM at the district board room, 410 N Main St, Yerington, Nevada by President Jim SNYDER.

**Present:**

Jim SNYDER President

David GIORGI Vice President

Richard NUTI Treasurer

David LITTLE Director

Bridget BANTA Secretary

Robert BRYAN General Manager

Robert MARTINEZ Water Master

Gordon DEPAOLI Legal Counsel

**Public Present:**

Isaac Metcalf

**Public Comment:**

None presented.

**Roll Call:**

4 members present. Director Dennis ACCIARI absent.

**Review and discussion and possible approval and/or revision of October 3, 2016 draft Revised Walker River Irrigation District Rules and Regulations Governing the Distribution and use of Water and resolution related to Bylaws of Walker River Irrigation District.**

**Regulation 6.5**

Counsel DEPAOLI started with regulation 6.5 regarding changes to land without an appurtenant surface water right and whether it is or is not allowed. This affects the annual temporary transfers throughout the season. Treasurer NUTI suggested to keep the regulation the same, not allowing the transfer of water to non-water righted land. He advised that would be expanding acreage being irrigated with surface water. Water Master Martinez advised the state is able to see which acreage is being irrigated with the satellite images they take on a consistent basis. Counsel DEPAOLI advised this regulation can always be amended at a later date if WRID decides they want to allow this kind of transfer. Treasurer NUTI advised the state engineer has a process to move ground water. He suggested WRID have a process for the transfer of water to non-water righted land. Treasurer NUTI reminded the board the water cards have a clear legal description on where the water should be used. Director LITTLE advised he thinks the water should be able to be transferred through a process. President SNYDER suggested to leave it restricted and as written. GM BRYAN suggested to wait until the state is finished with the mapping and looking over the water cards. The regulation can be amended when that project is finished. GM BRYAN advised the state is overlaying maps to map out the wells along with the surface water for each apn. They will know where the water belongs. They will know if a farmer levels off a part of the property that is not currently water righted and using water. The satellite imagery is updated every 16 days. Counsel DEPAOLI advised he is going to leave the wording as “is not” allowed.

**Regulation 6A**

Counsel DEPAOLI advised the regulation is in regards to the permanent transfer from East to West or West to East. The issue at hand is the fact the water right owner would have to know there may be a season the water will not make it to the land. In section 6A.2, the board needs to decide if WRID is going to allow permanent changes of a stored water right to the opposite reservoir. Currently, WRID allows temporary transfers from reservoir to reservoir as long as the water master and general manager sign off on it. If the permanent transfer is allowed, it is conceivable they may not get their water every year. Counsel DEPAOLI advised WRID can continue to allow temporary transfers from year to year and not allowed on a permanent basis. GM BRYAN advised there has been seasons where water was transferred from East to West and West to East for the season. There would be a date put on the temporary transfer and conditions would have to be met to allow it. The decision would be made from a collaboration of the GM and the Water Master. GM BRYAN advised there are a couple cards where the permanent transfer was allowed back in the day. Treasurer NUTI asked if the cards where the permanent transfer was allowed can be corrected. GM BRYAN advised he and Counsel DEPAOLI are currently working on those cards to clean them up. They are both owned by the National Fish and Wildlife Foundation. GM BRYAN explained the allocation percentage for the main section of the river. He advised 2/3 come out of the Topaz Reservoir and 1/3 out of the Bridgeport Reservoir. Director LITTLE suggested to keep the permanent transfers prohibited. Counsel DEPAOLI moved onto 6A.7 sub-section e. He advised the section says if it has an agreement with WRID, the supplemental storage water right would be able to go with the decree if the process of moving decree water is followed and approved. The supplemental storage would have to be approved by WRID before it would be allowed to be transferred with the decree. Counsel DEPAOLI suggested supplemental storage water is not tracked differently than Newland storage water. Treasurer NUTI advised he has purchased a lot of supplemental water to decree from other farmers and used on his property. President SNYDER advised it occurs to him someone could move his natural flow from one place to another with the supplemental storage and then move the decree back again. GM BRYAN advised that would be a very lengthy and expensive process. Treasurer NUTI inquired if WRID has an obligation to the state engineer’s office to take supplemental wells into consideration. Counsel DEPAOLI advised WRID can add “if a supplemental stored water right and a natural flow water right recognized by the Walker River Decree and any supplemental ground water right appurtenant to the existing place of use is also approved at the new place of use.” The wording would have to be re-written a bit prior to approval. GM BRYAN advised the state engineer currently has to approve all the natural flow (decree) permanent transfers. Director LITTLE advised he does not think WRID should allow the permanent transfer of decree and storage water and then have the supplemental ground water sold to another location because the water for recharge needs to stay there. Treasurer NUTI advised NFWF has asked to transfer the natural flow, but sitting on that ground is a supplemental well and storage water. GM BRYAN advised that is why the district has asked them to transfer the rights to WRID or retire them permanently with the state. Counsel DEPAOLI advised the concern is if all the surface water is moved to another location yet the supplemental well is still on that property pumping water without the recharge it had prior to moving the surface water. Treasurer NUTI advised he thinks the supplemental storage needs to stay with the decree if the decree is moved on a permanent basis.

**6A.8 Judicial Review**

Counsel DEPAOLI advised in this process the board is pretty much acting like the state engineer. If someone is not happy with a decision the board makes, there needs to be a grievance process and the board needs to decide where this will be reviewed. He advised WRID cannot require the federal court to do anything. He drafted the court as Lyon County District Court because that is the court was previously used previously. Treasurer NUTI confirmed the State Engineer has authority in changes for the movement of ground water and decree. He asked if they have any say with storage water. Counsel DEPAOLI advised they did not have any say over the storage water.

**Regulation 8.1 Diversion Works/Head Gates**

Treasurer NUTI requested to know if there should be “in case of an emergency” added. GM BRYAN advised he would like it to stay the same to ensure it doesn’t conflict with the decree. Water Master Martinez advised the regulation states “agents” and that could be anyone he asks to manually operate the head gates in an emergency situation.

**Regulation 9 Irrigation Season**

**Section 9.2 – District Certificated Surface Water**

Counsel DEPAOLI advised the wording is changed to “begin and end as provided in the state permits for that water or in changes thereto.” He advised the dates were unnecessary and could change if WRID ever attempted to change the dates on the Certificated Water.

**Section 9.3 – District Stored Water**

Treasurer NUTI suggested to keep the end of the season at October 31st. He is open to changing the beginning of the season to March, but does not want the end of the season date to go any further than October 31st. Director LITTLE advised he agreed with Treasurer NUTI. Counsel DEPAOLI requested to know if Treasurer NUTI would like it to say something to the effect of, “The season from commencement of delivery shall be determined by the board and shall end on October 31st each year.” Treasurer NUTI advised he is in agreeance with that wording. President SNYDER advised he thinks they should leave it more flexible and allow NFWF to take their water down the river after the regular season. Treasurer NUTI advised WRID guarantees water delivered from the reservoirs to the canals. Director GIORGI asked why should the board be treating NFWF any different by expanding the date. GM BRYAN advised he cannot increase the release of any more water than they have been allocated if they choose to wait until November. Director LITTLE requested to know the pros and cons of NFWF waiting until November. GM BRYAN advised the pros include helping stock water along and the loss will be less along with not interrupting the rotations that are already in place. The cons are if there is a bad water year, it could potentially impact the overall storage in the reservoirs. President SNYDER advised he thinks it may be more efficient to get that transferred to Walker Lake during the off season of November/December. He would like to see the dates more flexible. GM BRYAN advised there could be an agreement with NFWF they could take the water the last week of October. NDOW historically waits until the end of the water season to fill their ponds. Treasurer NUTI advised they are talking about irrigation season. If and when this occurs, they are not using the water for irrigating. Counsel DEPAOLI advised as long as the natural flow goes, they will not be able to affect the storage ability for WRID. Counsel DEPAOLI reminded the board hasn’t crossed the bridge yet to let them take the storage as of yet. NFWF will have to come to WRID to ask for the storage water to move to Walker Lake. Treasurer NUTI suggested to reword the section to the season for the start date for the delivery of storage water shall be established by the board of directors on its regular monthly meeting in March and shall end on October 31st each year. President SNYDER and Director LITTLE agreed. Counsel DEPAOLI advised he would word it as, “The season for the commencement of the delivery of storage water shall be established by the board at its regular monthly meeting in March and shall end on October 31.

**Regulation 10**

**Ditch Rider Requirements and Record Keeping**

**10.1 – Ditch Rider Required**

Treasurer NUTI requested to know about the wording stating the ditch rider will be available during the irrigation season at all times. GM BRYAN advised the old regulations used to say the ditch rider would be paid $20 if called out after hours. Director LITTLE advised compensation for the ditch rider is something to look at. Director GIORGI advised he used to pay the ditch rider $25 if they had to call them after hours. GM BRYAN advised it would be the user’s responsibility to pay, not the ditch company. President SNYDER advised he thinks the decision should be left up to the ditch companies. Treasurer NUTI suggested to leave it the same.

**Regulation 11**

**Water Use Reporting and Record Keeping**

Counsel DEPAOLI requested to know if there is a length of time a water user would have to bring to WRID a discrepancy with the water use on the monthly statement. He requested to know what a reasonable amount of time would be. GM BRYAN suggested 30 days from the statement date. If there was a discrepancy, we would have to go back forensically to trace down the error. It shouldn’t take long to find and fix the discrepancy. Secretary BANTA advised there have been a couple discrepancies this season and were found and corrected within minutes. GM BRYAN advised they would have 30 days from the time they receive the monthly summary to bring a discrepancy to WRID’s attention.

**Regulation 12**

**Rotation of Water**

Vice President GIORGI confirmed the rotation of water and whether it is allowed is and up to the individual ditch company. GM BRYAN advised that is correct. GM BRYAN advised there are certain ditches that have a rotation schedule that is delivered to USBWC, WRID and the sheriff’s office. Treasurer NUTI confirmed the rotation is allowed with the equal or greater priority year as long as the ditch company allows it. Counsel DEPAOLI advised if one of the users is not in priority, then the water in the ditch should not be going to the place of use to the water that is out of priority. It all depends on what the decree is set on. Water Master Martinez advised the state will be watching and can see where the water is being used at all times. They will know if water users are putting 1865 water on 1870 land. GM BRYAN advised that is why it is in everyone’s best interest for the state to know where everyone’s water rights are located.

**Regulation 13**

**Complaints About the Distribution of Water**

Counsel DEPAOLI advised this section reflects the Norcross Decision. If there is storage and decree water in the ditch and someone wants to make a complaint, the Chief Deputy Water Commissioner will be the one to solve the issue. If there is only stored water in the ditch, WRID will solve the complaint. If someone is unhappy with the water commissioner they can go to the court. Treasurer NUTI requested to know if certificated water should be added to this section. He requested to clarify the priority of water allowed in the ditches. Director LITTLE advised the priority is as follows: Decree, Supplemental Storage, Newlands, and Certificated Water. Treasure NUTI advised in the past people in the ditch were arguing over the certificated water because users have ordered large amounts of certificated water, and Newlands only users were unable to take water because there was not enough room in the ditch unless they decided to dip into their Newlands storage water allocated to them. The Newlands users were unable to use certificated water because of their priority. GM BRYAN advised he recalls the situation and advised if he was GM at that time, he would have lodged a complaint. He advised there was certificated water on non-water righted land. GM BRYAN advised that would not happen under his management. There were a couple users that called for all their decree and 30 feet of certificated water. GM BRYAN advised a complaint should be lodged if this occurs again. Director LITTLE suggested to make another section for this particular situation to ensure this doesn’t happen again in the future. Counsel DEPAOLI advised the wording would be close to, “when the situation is such that water is delivered under the district’s certificate, the ditches the district owns, the water will be delivered on the basis of the acres that have water rights under the certificate. Counsel DEPAOLI advised if there is enough for certificated water, no one should be taking decree or storage, it should all be certificated water. Treasurer NUTI questioned if the 3 decree holders on the Saroni can order enough certificated water to keep everyone else out of the ditch. GM BRYAN advised it would be ditch capacity minus full decree right and whatever is remainder broke down by acres in on the ditch for the certificated water. Counsel DEPAOLI advised the certificate says you cannot go over 4 acre feet per acre per the state engineer. As long as a user does not run their supplemental well, they can go over the 4 acre feet per acre. The minute a user turns the well on, they must stay at 4 acre feet per acre from all sources. Treasurer NUTI confirmed there is a limit for the amount of certificated water that can be pulled. Counsel DEPAOLI advised that is correct and then the water would go down the system through to Walker Lake. Water Master Martinez requested to know if there is a hierarchy in ditches. GM BRYAN advised there is not a ditch better than another ditch. There is not one ditch that is strictly Newlands. Every ditch has decree water and if there is full decree, each ditch is going to have water in it. Water Master Martinez advised the certificated water is only allowed on certain acres. It is not the full 80,000 acres and there is a legal description where the water is supposed to be used. Counsel DEPAOLI went over the certificate from the state and advised the total acres for certificated water on the West, Tunnel and Main is 39,830 acres and the East and the Main-38,617 acres. This would be only the lands below the reservoirs. Antelope Valley would not have certificated water.

**Regulation 14**

**Temporary Changes to Stored Water Rights For Beneficial Use At Walker Lake**

Treasurer NUTI advised he is not a fan of the leasing program. Counsel DEPAOLI advised the leasing program will be expiring January 7, 2017. Counsel DEPAOLI advised the leasing program needs to be addressed, probably not this meeting. Counsel DEPAOLI advised if WRID does not do something with the leasing program, it raising a question on what happens to the rest of the $25 million dollars and if WRID would have access to the money for other projects. GM BRYAN advised it is at about $18-$19 million left.

**Director Comments:**

President SNYDER questioned when the Board will vote on the revisions. GM BRYAN advised Counsel DEPAOLI will put together a new revision after all of the changes and it will be presented at the December 7 meeting. There was discussion on the next special meeting December 15 at 8:00. This will be voted on at the December 7th board meeting.

**Public Comment:**

None

Director LITTLE moved to adjourn the meeting at 10:46. Director NUTI seconded the motion. The motion was voted on and passed unanimously.

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Jim Snyder, President David Giorgi, Vice President

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Richard Nuti, Treasurer Dennis Acciari, Director

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David Little, Director