

A meeting of the Walker River Irrigation District (WRID) Board of Directors was held on May 9, 2022. The meeting was called to order at 10:00 AM at the District Board Room, 410 N. Main St, Yerington, Nevada by President SNYDER.

Present:

Jim SNYDER	President
Richard NUTI	Treasurer
David GIORGI	Director
Robert BRYAN	General Manager
Gordon DePAOLI	Legal Counsel, via Zoom
Dale FERGUSON	Legal Counsel, via Zoom
Jessica HALTERMAN	Secretary
Sandy NEVILLE	Water Rights Specialist

Public Present:

Joanne Sarkisian, USBWC	Dale Borsini	Ed Ryan, SV/MVCD
Gary Garms	Kris Urquhart, NDOW	Bob Weiser
Peter Stanton, WBC	Carlie Henneman, WBC	AJ Jensby, NDWR
Wyatt Fereday, NDWR	Elizabeth Kirkwood	Zachary Kirkwood

Public Present via Zoom:

Shawn Stavang	Jessica Strickland, Trout Unlimited	Wes Walker, MBK
Karen Peterson	465-2579	720-0912

1. Public Comment

None presented.

2. Roll Call

Vice President MASINI and Director ACCIARI were absent.

3. Consideration of Minutes of the April 7, 2022 Regular Meeting

Director GIORGI made a motion to approve the minutes; Treasurer NUTI offered a second. The vote was called for and passed.

4. Water Master's Report

Joanne SARKISIAN reported Bridgeport was at 17,520 acre-feet (41%) and Topaz was at 33,540 acre-feet (56%). The decree is at 1882 for the West, Main & Tunnel and 1863 for the East. Bridgeport has not been above freezing temperatures in the morning. As of May 10th, the delivery will have been 35,630 acre-feet of decree and 15,488 acre-feet of storage system wide. Joanne is hoping to see more snow come off the mountains and hopefully the East will increase over the next couple of weeks. Director GIORGI asked if the river rider in Antelope Valley could write the decree on a piece of actual paper rather than toilet paper; Joanne stated she will send some paper.

5. **Staff Reports:**

A. Treasurer's Report

Treasurer NUTI reported as of April 30, 2022:

Cash in Checking	\$ 183,132.14
Cash in Money Market	\$ 729,440.74
Cash in CDs	\$ 757,568.24
Total	\$1,670,141.12

B. Consideration of Bills and Payroll for payment

April 2022 Bills & Payroll

<u>Check Number</u>	<u>Effective Date</u>	<u>Vendor Name</u>	<u>Check Amount</u>
122490	4/7/2022	John Deere Credit	\$ 498.90
122491	4/7/2022	MBK Engineers	\$ 6,058.50
122492	4/7/2022	Purchase Power / Pitney	\$ 604.50
122493	4/7/2022	Quill	\$ 90.74
122494	4/7/2022	NV Energy	\$ 2,251.23
122495	4/7/2022	Southwest Gas Corporation	\$ 156.23
122496	4/7/2022	City of Yerington	\$ 121.07
122497	4/7/2022	HomeTown Health	\$ 7,752.74
122498	4/7/2022	Desert Research Institute	\$ 15,000.00
122499	4/7/2022	Xerox Corporation	\$ 296.97
122500	4/7/2022	Wells Fargo Card Services	\$ 19,780.39
122501	4/11/2022	Petty Cash	\$ 338.10
122502	4/11/2022	Petty Cash	\$ 500.00
122503	4/11/2022	Ameritas Life Insurance Corp	\$ 1,027.80
122504	4/11/2022	U.S. Geological Survey	\$ 14,612.00
122505	4/11/2022	Desert Research Institute	\$ 15,000.00
122506	4/11/2022	Desert Research Institute	\$ 17,433.52
122507	4/28/2022	PERS Administrative Fund	\$ 100.00
122508	4/28/2022	USBWC	\$ 21,339.98
122509	4/28/2022	Nevada Employment Security	\$ 1,784.48
122510	4/28/2022	Nationwide Insurance	\$ 541.00

122511	4/28/2022	Giomi, Inc.	\$	10.92
122512	4/28/2022	AT&T	\$	150.22
122513	4/28/2022	NAPA AUTO & TRUCK PARTS	\$	8.68
122514	4/28/2022	Lyon County Recorder	\$	45.20
122515	4/28/2022	Mason Valley Equipment	\$	57.50
122516	4/28/2022	True Value	\$	32.73
122517	4/28/2022	O'Reilly Automotive, Inc.	\$	50.97
122518	4/28/2022	Power Plan	\$	7,988.30
122519	4/28/2022	Public Employees' Benefits	\$	870.23
122520	4/28/2022	Quill	\$	20.29
122521	4/28/2022	California Dept. of Water	\$	17,741.00
122522	4/28/2022	Jim Menesini Petroleum	\$	204.03
122523	4/28/2022	Standard Insurance Company	\$	242.03
122524	4/28/2022	U.S. Geological Survey	\$	14,612.00
122525	4/28/2022	Woodburn & Wedge	\$	38,681.77
122526	4/28/2022	Carson Pump	\$	69,105.00
122527	4/28/2022	Reno Gazette Journal	\$	331.40
122528	4/28/2022	Sierra Office Solutions	\$	290.41
122529	4/28/2022	MF Barcellos	\$	4,652.49
PAYROLL	4/30/2022	APRIL PAYROLL	\$	40,198.35
TOTAL BILLS & PAYROLL			\$	320,581.67

Director GIORGI asked if Carson Pump had finished the well project; GM BRYAN stated they had finished the work to get it back together, but they also recommended a new well be established within the next few years. President SNDYER asked if the well is in an ideal location; GM BRYAN stated regarding the function and stipulation of the permit, the District does not have any other properties that would work. There is a well on the river on Jeff Rife's property that was gifted by the City of Yerington, but it does not pump to the extent needed. If the well is drilled on the existing property, it will be the third hole. President SNYDER asked when the well was drilled; GM BRYAN stated approximately 20 years ago. Director GIORGI made a motion to approve the bills; Treasurer NUTI offered a second. The vote was called for and passed. Secretary HALTERMAN stated an internal control regarding fees was mentioned a few months ago and the list has been created but she is working with legal counsel on the correct wording.

C. Manager's Report

GM BRYAN reported Topaz is at 33,520 acre-feet (56%) and Bridgeport is at 17,520 acre-feet (41%). All the daily USGS gage readings are available in the packet. Last night's storm added 6" of snow on Leavitt Lake and 1" on Lobdell. The SWE increased from 54% to 55%. The snowpack is not in great shape, but the inflows were at 800cfs in Antelope Valley and they decreased to approximately 450cfs. There is a cooler weather pattern coming.

The shop crew completed maintenance on the Topaz Diversion. They redid the roadway and stabilized it. They also performed repairs and maintenance at the Bridgeport dam site. They are now back in the valleys focusing on the drains and the Colony ditch.

From April 24th through the 26th, the District hosted the ITRC Water Measurement Class. Each day there were nearly 50 participants from a variety of agencies. Participants included individuals, ditch riders, river riders, staff from BOR, NDWR, TCID, NDOW, and other irrigation districts. USGS assisted with the second day field practice. They demonstrated metering at the Snyder Bridge and answered questions. Overall it was a well-rounded class.

On Thursday April 21st, GM BRYAN attended a meeting with the Smith Valley well holders. At the last meeting, the State Engineer encouraged well users to meet and devise a plan for voluntary pump reduction. The next meeting is scheduled for May 19th. GM BRYAN has only heard from a couple of the Mason Valley well users, but no meeting has been scheduled.

This week GM BRYAN has 2 meetings with Nevada State Parks. On May 10th, he will be meeting at the Flying M to discuss how to remove a beaver dam. The location is too difficult for equipment to remove the dam, so NDOW may be requested to blow the dam up. On May 12th, GM BRYAN will be meeting with the DCNR Director at the Pitchfork Ranch to further discuss the creation of a protocol on performing work on the East Corridor.

Director GIORGI asked what arrangements have been made to reroute the drain ditch on the old Ritter property that Peri's purchased; GM BRYAN stated he met with Matt and went over the lidar maps. GM BRYAN explained what is needed as to not hinder farming operations, but also keep the necessary drainage. GM BRYAN gave benchmarks and where culverts were needed. Director GIORGI asked if the drain will be covered so that cars do not end up in the ditch; GM BRYAN stated Lyon County is working on a traffic plan to reduce the number of accidents at that location. Director GIORGI stated the drain is a big liability and asked if the Board has any say when drains are being reroute; GM BRYAN stated any change must be approved by the District.

D. Legal Counsel's Report

Counsel DePAOLI had nothing to report.

E. Review and Approval of Monthly Storage Transfers

Treasurer NUTI made a motion to approve the storage transfers; Director GIORGI offered a second. The vote was called for and passed. Director GIORGI asked if all the well draws had paid; GM BRYAN stated there were a few instances where the person did not pay. Treasurer NUTI asked why users who do not pay are entered into the drawing; GM BRYAN stated they only get entered back in once everyone on the list has been drawn.

F. Storage Water Leasing Program Update

Wes WALKER reported that there is currently 251 acre-feet enrolled in the program without the Walker Basin Conservancy submission. The application period ends on May 13th and a final contribution number will be available then. MBK is working on the federal court submissions and has the California and Nevada approvals ready to go once the application period ends.

6. Update from the Division of Water Resources regarding groundwater pumping and upcoming fieldwork schedules.

Wyatt FEREDAY stated they will be doing periodic well checks throughout the year. Compliance has been good with those who are sending in their monthly readings.

7. Update by the Walker River Conservancy on activities related to the Walker Basin Restoration Program, including Acquisitions and Conservation and Stewardship Activities.

Peter STANTON reported that the decree court has approved a change application on the Little property. That will give them more water at the weir with the same provisions as prior applications. The Conservancy has secured 9.88 cfs at full decree. That water was approved in early April and has been instream. The program water is being released from Weber now. The Conservancy is working in partnership with AmeriCorps and the Boys and Girls Club in Yerington and Hawthorne. Peter reminded everyone the final date to enroll in the Storage Water Leasing Program is this Friday, May 13th. Director GIORGI asked if the Conservancy was looking at purchasing property in Antelope Valley; Peter stated they cannot use Desert Terminal Lake money to purchase property in California. Treasurer NUTI asked if private funds could be used; Peter stated there is no prohibition on that.

8. Presentation and discussion by NDOW and Trout Unlimited on a proposed project on the East Walker River.

Kris URQUHART presented a PowerPoint presentation. Director GIORGI requested to know why the District had not been included in any of the project up until it was reported that work was being performed in the river; Kris advised that was a huge oversight and the exclusion was not intentional. The proposed structures- J hooks and W weirs- will not hinder water flow or delivery. Director GIORGI stated anything put into the river will hinder the water. Kris stated the J hooks push water toward the center of the river and that decreases the erosion on the streambanks. Jessica STRICKLAND apologized for not reaching out to the District in the very beginning stages of the project and that it was not

intentional to exclude any entities. This project is Jessica's first project in Nevada but similar projects have been performed in California. The same structures have been installed in the Truckee River and there were no negative impacts on the stream flow. Jessica stated there may be minimal losses incurred during the structure installation, but the losses will be made up later. The project is intended to increase fish habitat, reduce streambank erosion, and to restore habitat in low lying flood plains. Rick Poore has installed the same structures on the West Walker River at the Cottonwood Ranch and there were no negative impacts to waster users. Kris stated the structures are beneficial in high and low stream flows. Right now, the fish have no where to hide and the structures will create a deeper pool behind rocks for the fish to hide. That also benefits fishermen. Boulders will be moved into strategic patterns and water will be allowed to flow freely between them. Treasurer NUTI asked to know why the District has a difficult time when sediment needs to be cleaned out, but Trout Unlimited and NDOW can get a project approved without any problem. Kris stated NDOW does not have any property on the river. Treasurer NUTI states the District and the users follow all rules but become a backseat to agencies that want to come in and do what they want. Kris stated he understands what Treasurer NUTI is saying. Kris explained his background and his sympathy to the challenges the District faces. He works primarily with TCID and the fisheries, but said it is unfortunate that the project was not brought to the District in the beginning. NDOW was not the project lead, but they were involved and helped fund the project and should have contacted the District. Jessica stated does not think the project is more important or ranks higher than any other project. They have been working on the permitting for two years. Sometimes projects with a smaller footprint move more quickly through the system. The project is not intended to hinder any recreational user or water right user. President SNYDER requested to know the hydrologic impact of the project; Jessica stated Rick Poore is the project designer and he would be the contact for the hydrologic questions. President SNYDER stated the big question is what the impact to the flows will be; Jessica stated that the idea is to push water to center stream and has been successful in California and the Truckee River. The structures create a deeper pool for bigger fish and reduce sediment going downstream. President SNYDER asked if the result would be the same if the District were to hire its own hydrologist to review the impact of the project; Jessica stated they would 'for sure' get the same result. Dale BORSINI stated the pictures indicate that the water is pooling up 2-3 feet higher than the current flows, anything put in the river will impact the flows. More pooling equals more surface area and more evaporation. A structure was already place in the river without approval and users lost water last year. Dale suggested a gage be installed above and below the project area to see what the loss is and use water from the project stakeholders to make up the loss difference. Jessica understands that the evaporation from the ponding would be higher, but the J hooks do not pond water and the W weirs only temporarily pond the water. Kris clarified that the person in the river was reinforcing the beaver dam that had already been in the river. The dam has been removed. Dale asked if that person was hired by NDOW; Kris stated it was a contractor hired by Trout Unlimited. Jessica stated he was hired to create wicker structures in the plains to offer habitat for fish in high flows. Dale asked if NDOW or TU would be in favor of putting gages in; Kris stated the cost benefit would not be favorable for NDOW as the gages are very expensive. Kris assured the Board that any future projects will involve WRID and USBWC immediately.

Bruce PARK asked if the project was a guarantee if the WRID board approved it and that the federal board needs to approve the project; GM BRYAN advised that the permitting and funding was already obtained will be starting this month. Kris stated the water pollution control permit has been obtained but there is additional 404 permitting that must be obtained. Bruce stated the Federal Court sometimes trumps the State and the Federal Board has the obligation to deliver water to the users and to be careful thinking the project is a done deal. Jessica confirmed that the state permits have been obtained, but the 404 Army Corps of Engineers permit is in SHPO and should be approved in the next 30 days. Once that permit is approved, the project could proceed. Gary Garms asked what the master plan was if this is just the first step of many as upstream and Smith Valley were mentioned. Gary also requested to know if any consideration or study has been done on the impact to the water right holder. Kris stated there has been work done on water right issues with these types of systems in other areas but not on the Walker. There is no master plan on the Walker River and there are targeted areas only. Gary asked what negatives are expected from the structure installations; Kris stated he does not believe there are negatives. He has seen them work and has done reading indicating there is no loss due to the structures. Jessica stated that some studies on the Truckee that during the higher flows and situations that create a temporary holding back of water behind the structures allows more time for water to percolate into the groundwater system. And can increase water supply later on in the year via groundwater. For the most part, the studies have indicated there is no impact to water flowing down stream. She would like to form a relationship with the District and if the structures work, can work on other locations. President SNYDER reiterated Dale BORSINI's request on gaging above and below the project area; Jessica stated it could be helpful but the cost of the permitting has been between \$40-50,000 and full time streamflow gages would be approximately \$25,000 per year. They have hydrologists but they would need to figure out the money. Treasurer NUTI reminded everyone that the last time a California trout organization came into the area, it cost the District \$3 million and many problems so anytime Cal Trout or Trout Unlimited is mentioned, it does not sit well. Jessica stated they are not California Trout and separated from Trout Unlimited in the 1980's. Cal Trout is a litigation agency and Trout Unlimited does not sue- they want to work with other agencies. Peter STANTON asked if the J hooks at the Cottonwood Ranch were a Trout Unlimited project; Jessica stated Rick Poore worked with a private rancher to install those structures but they are similar to what the project is proposing. Gary asked what year the structures were installed at the Cottonwood Ranch; Jessica stated approximately 10-15 years ago. Gary asked if there was a record of permit; Jessica stated was not a TU project, but she could ask Rick if they obtained permits for that project. Treasurer NUTI asked what happens to the project at this point; Kris confirmed that they do not have the necessary permits yet. He is hesitant to do a project that will create problems, but he believes it is a good project. Kris asked that the concerns and hesitations be given to him and Jessica to have them addressed. Treasurer NUTI asked for data from the Truckee River on the impact of the water flow; Kris advised they could provide that information. Jessica confirmed that she will work on putting information together. The reality is that they are putting in 3, 4 or 5 structures and it is not going to do anything to the water; if it were a series over 30 miles it may change things. The structures proposed will only create fish habitat. Jessica sincerely apologized for not contacting the District from the beginning. Dale mentioned

that comparing Truckee and the East Walker is not good as the volume is significantly different. Dale requested proof that allocated water is not being used to create habitat for fish.

9. **Discussion and consideration pursuant to Walker River Irrigation District Regulation No. 6A Sections 6A.6 and 6A.7 of Application No. 171-101521 of Dennis Acciari, of Smith Valley, Nevada, made for permission to permanently change the place of use of 14.4457- acre feet of stored water from Topaz Reservoir heretofore apportioned by the Walker River Irrigation District to 19 acres within S ½ of the NW ¼ of the SW ¼ of Section 25, T. 12 N., R. 23 E., MDB & M. After release from Topaz Reservoir, water will continue to be diverted from the West Walker River through the Colony Ditch to the new place of use APN 10-111-42.**

GM BRYAN stated that per regulation, the transfer has been published in the newspaper for five consecutive weeks and there were no comments submitted to date. The transfer is for supplemental storage only and the water is staying in the Colony Ditch. President SNYDER asked if the decree and the storage are both in the same place; GM BRYAN stated they will be in the same place if the item is passed. Director GIORGI made a motion to approve the item as written; Treasurer NUTI offered a second. The vote was called for and passed.

10. **Declaration of Local Improvement District #5 Simpson Colony Ditch Special Election results Pursuant to NRS 539.155.**

GM BRYAN stated the special election was held on April 5, 2022. Secretary HALTERMAN reported that 88% of the voters were in favor of the Local Improvement District. President SNYDER asked if another vote is needed; GM BRYAN stated the next step is to go to the District Court to create the Local Improvement District, then work with the County on implementing the assessments on their tax roll. Treasurer NUTI made a motion to approve the declaration of Local Improvement District #5 Simpson Colony Ditch special election results; Director GIORGI offered a second. The vote was called for and passed.

11. **Annual Review on the performance of the Walker River Irrigation District General Manager Robert C. Bryan and consideration of possible adjustment in compensation.**

President SNYDER requested to table the item until all board members are present. Counsel FERGUSON stated there is no problem with tabling the item to a later board meeting. Treasurer NUTI made a motion to table the item until all members can be present; Director GIORGI offered a second. The vote was called for and passed.

12. **Director Comments**
None presented.

13. **Public Comment**

Bob WEISER requested to know the rationale for drawing the well water; GM BRYAN state the District well can be pumped from April 1st through September 30th and the Board decides each year whether it will run or not. There is an exchange made at the reservoir and as long as the exchange can be made by the Water Master, the well can run. Interested parties and entities sign up for the drawing and users are randomly drawn each month for the water. The amount is ¼ acre foot for each water righted acre, but users with more than 100 water righted acres are only awarded 25 acre-feet. The water must be paid for prior to being added to the storage balance. Bob stated there is an irregularity to getting the water to inflow to his property; GM BRYAN stated the well is not meant to keep users afloat and that not everyone gets drawn. Bob stated he has 1 ¼ acres and he can get at least one, but maybe two waterings this year. The land next to him has not been irrigated for 15 years and from April 11th, the wind has been blowing dust in the area. GM BRYAN recommended to contact other water right holders to discuss purchasing water.

Elizabeth KIRKWOOD state she is at the meeting to stand up for little users on ditches who are run by big users. She is on the River Simpson Ditch and she has been trying to get a copy of the bylaws for a while. She has been told that there are no bylaws. She was denied decree water because she had not paid her assessments and she found out that the decree water could not be legally withheld. She has requested the detailed accounting records for backhoe work and assessments but has not received it yet. She would like to know if there is anything the District could do to help her situation. GM BRYAN stated the River Simpson Ditch is a private ditch company and the District does not have a copy of their bylaws or the accounting records. There is an NRS that addresses withholding of water for non-payment of assessments and it is also referenced in the District's Rules & Regulations. Unfortunately it is the ditch company's discretion on the delivery of water and payment of assessments. Counsel DePAOLI recommended that they seek legal or go through the courts. Elizabeth stated she is familiar with looking at statute and there is no statute and she feels that the bills are taxation without representation. GM BRYAN reiterated that the District does not have authority over a private ditch company. Treasurer NUTI asked what type of water is being held; Elizabeth stated they have decree and storage water. Treasurer NUTI suggested to talk to the US Board of Water Commissioners regarding the decree; Elizabeth stated she has gotten the same answer from the federal side. Elizabeth stated she may need to contact the state representatives as she is not used to doing business this way.

14. Adjournment

Treasurer NUTI made a motion to adjourn; Director GIORGI offered a second. The vote was called for and passed. The meeting was adjourned at 11:38am.

Jim Snyder, President

ABSENT
Marcus Masini, Vice President

Richard Nuti, Treasurer

ABSENT

Dennis Acciari, Director

David Giorgi, Director

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