

A meeting of the Walker River Irrigation District (WRID) Board of Directors was held on February 7, 2023. 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
Marcus MASINI	Vice President
Richard NUTI	Treasurer
David GIORGI	Director
Dennis ACCIARI	Director
Robert BRYAN	General Manager
Counsel DePAOLI	Legal Counsel, via zoom
Counsel FERGUSON	Legal Counsel, via zoom
Jessica HALTERMAN	Secretary
Sandy NEVILLE	Water Rights Specialist

Public Present:

Joanne Sarkisian, USBWC	Ed Ryan, MV/SVCD	Kat Dow, WBC
Peter Stanton, WBC	Candace McCarthy	

Public Present via Zoom:

Isaac Metcalf, NDOW	David Hockaday, BOCC	Tim Bardsley, NOAA
Chris Smallcomb, NOAA 775-721-3271	Shawn Stavang	760-310-3262

1. Public Comment

None presented.

2. Roll Call

All board members were present.

3. Consideration of Minutes of the January 9, 2023 Regular Meeting

Director GIORGI made a motion to approve the minutes; Treasurer NUTI offered a second. The vote was called for and passed. Director GIORGI asked if the phone numbers from Zoom were necessary on the minutes; Secretary HALTERMAN stated they are on there because the caller did not identify themselves verbally or input a name, but they did attend the meeting.

4. Water Master's Report

Joanne SARKISIAN reported Bridgeport is at 20,580 acre-feet (49%) and Topaz is at 34,070 acre-feet (57%). Since November 1st, Topaz has stored 22,970 acre-feet and Bridgeport has stored 13,838 acre-feet. Joanne is releasing 30 feet from Bridgeport because of the temperature and only a trickle from Topaz but there is 4 ½ feet at Hoye. Stock water will be shut down slowly on the Main. February 27th will be the first day of orders to be delivered on March 1st. Joanne needs a river rider on the East.

5. Staff Reports:

A. Treasurer's Report

Treasurer NUTI reported as of January 31, 2023:

Cash in Checking	\$ 126,319.49
Cash in Money Market	\$ 905,070.15
Cash in CDs	<u>\$ 757,568.24</u>
Total	\$1,788,963.88

B. Consideration of Bills and Payroll for payment

Payee	Check No.	Amount
Ameritas Life Insurance Corp	100251	\$ 1,027.80
NV Energy	100252	\$ 38.24
Pitney Bowes Global Financial Services	100253	\$ 213.42
Public Employees' Benefits Program	100254	\$ 870.23
Sciarani & Co.	100255	\$ 21,000.00
Sticks and Stones Buildings Material Inc	100256	\$ 297.79
SUMMIT FIRE & SECURITY	100257	\$ 197.94
City of Yerington	100258	\$ 83.73
Farm-Assist, Inc.	100259	\$ 38,896.00
Jim Menesini Petroleum	100260	\$ 63.62
Lyon County	100261	\$ 23.14
MF Barcellos	100262	\$ 2,954.82
NV Energy	100263	\$ 408.35
O'Reilly Automotive, Inc.	100264	\$ 116.28
PERS Administrative Fund	100265	\$ 9,562.16
Petty Cash	100266	\$ 700.00
Southwest Gas Corporation	100267	\$ 564.60
THE PARTS HOUSE	100268	\$ 6.49
Wells Fargo Card Services Payment	100269	\$ 3,503.59
Alhambra	300013	\$ 110.91
HomeTown Health	300014	\$ 8,567.84
Verizon Wireless	300015	\$ 293.12
Ameritas Life Insurance Corp	100270	\$ 1,027.80
CDTFA Special Taxes and Fees	100271	\$ 11,229.70
Desert Research Institute	100272	\$ 5,834.06

Mason Valley Tire	100273	\$	50.00
MBK Engineers	100274	\$	1,598.00
Petty Cash	100275	\$	277.59
Standard Insurance Company	100276	\$	248.78
U.S. Geological Survey	100277	\$	31,681.00
USBWC	100278	\$	93,545.30
Vision Service Plan - Nevada	100279	\$	186.05
Woodburn & Wedge	100280	\$	42,097.00
Xerox Corporation	100281	\$	282.24
Xerox Financial Services	100282	\$	36.16
January Payroll	PAYROLL	\$	40,533.71
Total Bills & Payroll			\$ 318,127.46

Vice President MASINI inquired about the Farm Assist bill; GM BRYAN stated the bill was for the Saroni de-mossing chemical for the remainder of this fiscal year and the next fiscal year.

Vice President MASINI made a motion to approve the bills; Director ACCIARI offered a second. The vote was called for and passed.

C. Manager's Report

GM BRYAN reported Topaz is at 34,070 acre-feet (57% capacity) and has stored 22,970 acre-feet since November 1st. Bridgeport is at 20,560 acre-feet (49% capacity) and has stored 13,827 acre-feet since November 1st. The upper valleys are still very iced over. In the packet, the February 1st SNOTEL, soil moisture, reservoir capacity comparison, and streamflow forecast reports are provided.

The shop crew has continued with maintenance and repairs throughout the District. A lot of spots are still too wet to access. If there are any problematic spots, let GM BRYAN know.

There were a couple issues with stock water being shut off at the river. The G&H and Fox were just shut down. There needs to be significant repairs to the High Ditch. The High was not running stock water, but the majority of the river was running through the stretch from the river to the automatic gate and blew out in three places. There is damage to the structure of the canal, but nothing major. GM BRYAN has been in communication with State Parks on using material from the quarry. The same issue happened on the Greenwood. They were not taking stock water, but it did blow out from the river to the automatic gate. If there is any stock water running in other ditches, pay attention to them.

There is a request for sediment removal on the G&H and a couple little things on the Colony. The list of projects is accumulating. The list must be completed before or early after the season starts.

On January 18th, GM BRYAN participated in the Nevada State Water Plan Stakeholders Advisory Group. The group has been tasked with working with the State and making recommendations to update the State Water Plan. The plan was last updated in 1999/2000. There will be more meetings within the next several months. The group is not changing law, just updating the plan.

Last week GM BRYAN attended the Nevada Water Network Conference. The conference is the one GM BRYAN discussed last month. The group is funded through the science foundations of UNR, UNLV, and TMCC and all parties are working together to put complete an application for a large scale grant to set up a Nevada water network. Right now, the group is discussing missions and guidelines. GM BRYAN will email more information as he receives it.

Last week GM BRYAN attended the NWRA conference in Reno as well. The conference was very well attended. Overall, the conference was very informative and there was great discussion on many hot topics including the recent Diamond Valley ruling.

There are 23 water bills in legislation. GM BRYAN will be busy keeping track of them. He has already seen 5 water bills come across the Assembly on the Natural Resources Committee. GM BRYAN will send copies of language when he receives it.

The Department of Emergency Management has been giving weekly updates on the status of Wilson Canyon. On February 2nd, there were rock specialists trying to get anchors placed from the top down. The feedback from the specialists is that the rock is harder than they thought it would be and the glue is not sticking because of the cold weather. That issue has delayed the time frame a bit. NDOT hopes to open one lane at the beginning of the week of February 27th for a short time in the morning and evening. The rock experts must work during daylight hours. An estimated time frame of opening the canyon with no restrictions is early May. GM BRYAN has let the contractors know that the District cannot hold back water until May and the river levels will rise. There will be a lot of water coming through the system and there are concerns with any debris entering the river and creating a blockage. Any impediment will have an effect on Smith Valley if it pools, but also Mason Valley when the blockage is released. GM BRYAN is in communication with NDOT and the District's engineers.

GM BRYAN scheduled well user follow up meetings for February 14th at 10:00am at the Smith Valley Courthouse and February 15th at 10:00am at the irrigation office to discuss current forecasts, anticipated weather, and pumping reduction. The State will be giving a presentation in March on the spring water levels.

Ditch companies have been holding their annual meetings during the past month. The Campbell, Greenwood, Mickey, and Spragg Ditches have voted to proceed signing a petition to become Local Improvement Districts. The Campbell has completed the petition and will be discussed later in the meeting.

GM BRYAN has been invited to attend a Hubday Mason Project meeting on March 8th. They are proposing a 27 year mine life project that will include an open pit with shovel and truck operations. GM BRYAN does not have a lot of information on the meeting, but will keep the board informed. Treasurer NUTI asked where the project is being proposed; GM BRYAN stated he did not have that information. Vice President MASINI stated there has been talk about a project in the Sunset Hills area and President SNYDER has heard of a project south of Anaconda and into the Bluestone area.

D. Legal Counsel's Report

Counsel DePAOLI stated there are a lot of bill draft requests pertaining to water. The ones of interest do not have a bill number yet. The one that does have a bill number and could be of interest is AB90. This bill would allow for temporary changes to water rights for up to 10 years instead of 1 year. The only thing is that if the application is for more than 1 year it will have to go through the notice process. The fee structure for more than 10 years could be cost prohibitive, but it would allow for changes up to 10 years.

E. Storage Water Leasing Program Update

GM BRYAN stated the petitions have been submitted to the California State Water Resources Control Board and are in the noticing period. The notice will run for 4 weeks and protests and comments can be submitted to the California State Water Resources Control Board. After noticing, the State Water Control Board will provide an order approving the program. Wes and Angela expect order to be the same as last year. Landowner application period will open after the March meeting. Applications will be due mid-May with a final commitment at the end of May. The release schedule will be similar to previous years and will be coordinated with the Water Master and others as required.

F. 2023 Election Update

Secretary HALTERMAN reported the Notice of Nomination and Registration letters were mailed out during the week of January 16th. The newspaper publications requests were submitted on January 25th and should be published in the next few weeks. Nomination for Director opens on February 13th with a fee of \$25 and closes March 15th. If there is opposition in any district, the election will be held on April 4th.

6. Presentation by Tim Bardsley and Chris Smallcomb with NOAA regarding the current year weather and water outlook for 2023 irrigation season.

Chris Smallcomb and Tim Bardsley presented on the 2023 irrigation season weather and water outlook. Highlights included:

- This year is the wettest water year to date since data collection started in 1914 with 2017 being second.
- Coldest start to the winter season since 2010.
- Precipitation outlook for next two weeks- receiving 4” in the Sierras has a low probability, but that is a good thing since there is so much snow already.
- Precipitation outlook for next two weeks- low to moderate storms with cold temperatures.
- Temperatures over the next 7 days will be moderate and possibly enjoyable.
- Atmospheric river not expected over the next two weeks.
- February outlook is that the cold continues. There will be a couple ‘warmer’ days this weekend, but overall it is going to be cold.
- March-May precipitation and temperature outlook is equal chances.
- June-August precipitation outlook is equal chances, but temperature outlook does favor warmer temperatures. Monsoon signal is not clear as of yet.
- The Walker Basin is 244% of median snowpack. Almost all of the Walker Basin snow survey sites are at record or second highest.
- Spatial snowpack compared to 2/7/2017 shows this year has a big difference with more snow spread out over upper, mid, and lower levels.
- SNOTEL SWE today shows the basin is several weeks ahead of 2017. Since January 17th things have slowed down. There is a greater than 10% statistical odd of exceeding the 2017 peak.
- Soil moisture is good, but not as good as last year and significantly below 2017.
- April-July Water Supply Forecast on West Walker below Little Walker estimates 265kaf and looks to exceed 2019 and be close to 2011.
- April-July Water Supply Forecast on East Walker estimates 124kaf and looks to be similar to 2011.
- Flood concerns/scenarios:
 - o Freakout Scenarios include (a) an additional very strong and warm winter atmospheric river with prolonged elevated rain/snow lines; (b) continue to add significant snowpack at all elevations followed by a prolonged heatwave anytime from May to July; (c) significant multi-day rain event in April or May after the snowmelt has initiated.
 - o Goldilocks Scenarios include (a) warmer late winter and early spring weather slowly eliminating low elevation snowpack and slowly eating into the mid elevation snowpack; (b) no big winter or spring rain events; (c) no prolonged heat waves late April through June with a few warm days followed by cooldowns.

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

Secretary HALTERMAN stated no representatives were available for the meeting but AJ sent the following email:

‘Only news to report is that I will be taking spring water level measurements starting next week. Wyatt’s last day was last Friday and the position has not yet been filled. We will be at the March meeting, hopefully with good news!’

8. 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 there is approximately 21 feet entering Walker Lake; Weber Reservoir has approximately 6,000 acre-feet and will be held there until spring runoff hits. Peter anticipates water to be flowing to the lake through the lower stretch. The State Engineer approved the NDOW temporary change application for the fourth time. The change has never gone through the decree court process in time. WBC is taking a different process this year and hopefully will come through in time for the irrigation season. WBC is working with Tribe on planning on the lower section including a BOR grant for planting and looking at invasive management and moving water efficiently. Treasurer NUTI requested clarification on what the lower stretch was; Peter stated it is anything below Weber to the lake. President SNYDER asked if there was an estimate on how much Walker will raise; Peter stated that based on the reports provided it is estimated to change approximately 7,000 acre-feet based on current hydrological conditions but there is a high amount of variability.

9. Discussion and consideration of resolution to solicit proposals to lease District land at Bridgeport Reservoir for grazing purposes which may consider, but not be limited to, the following bid criteria: (a) term; (b) grazing season use; (c) area to be leased; (d) number of animal units; (e) minimum bid, if any; (f) other requirements; (g) date for submission of written bids; and (h) allowance of oral bids at bid opening.

GM BRYAN stated the current lease will be expiring and the bid solicitation must be opened by the Board. Secretary HALTERMAN stated the posting and criteria from 2018 was provided in the packet. The Board has the ability to change any of the terms if desired. Treasurer NUTI asked if the award would start next year; Secretary HALTERMAN stated the last lease actually expired on December 31, 2022 so the newly awarded lease would be retroactive to January 1, 2023. Secretary HALTERMAN was in contact with the last lease holder and he did not have any suggestions or requests to change any criteria. The lease is a 2 year lease with a 3 year renewal option for a total of 5 years. Vice President MASINI asked about allowing oral bids; Counsel DePAOLI stated the District has historically decided not to allow oral bids in effort to get interested parties to put their best foot forward in a written bid and avoid an auction type bid. Secretary HALTERMAN stated she was unable to find where the Board has set a minimum bid in the past. Vice President MASINI confirmed there is always an interest in the lease; GM BRYAN stated there has been interest each time and the bids were not low. Secretary HALTERMAN stated the bids last time ranged from \$12,000-25,000 per lease year.

Director GIORGI made a motion to solicit bids in accordance with the agenda item excluding a minimum bid requirement and requiring written bids only; Vice President MASINI offered a second. The vote was called for and passed.

10. Discussion and consideration to solicit bids for the annual financial audit.

Secretary HALTERMAN stated the request to solicit bids was made at a prior meeting and the Board must approve the item. Secretary HALTERMAN had spoke to a couple local CPA firms who indicated they begin their audit scheduling in April and testing at the District has historically started in May, so she suggested the solicitation end on or before the April board meeting. Vice President MASINI made a motion to open the bid for annual financial audit ending April 1st; Treasurer NUTI offered a second. Treasurer NUTI stated he spoke with Secretary HALTERMAN about keeping the solicitation pool somewhat local including Yerington, Fallon, Fernley, Gardnerville. President SNYDER agreed that the award should be kept somewhat local. Secretary HALTERMAN stated there was a caveat on the last solicitation advertisement that the Board did not have to accept the lowest bid.

Vice President MASINI amended his motion to open the bid solicitation for the annual financial audit from now until April 1st, keep the solicitation within the State, and that the Board reserves the right to not choose the lowest bid; Treasurer NUTI offered a second. The vote was called for and passed.

11. Review and consideration of establishing a preliminary apportionment of benefits and costs associated with the proposed Colony Canal local improvement district based upon a fraction the numerator of which is the number of acres in each parcel with an appurtenant surface water right and the denominator of which is the total number of acres with appurtenant surface water rights within the improvement district, as further described in the lists attached as Exhibits A and B. Appurtenant surface water rights include, water in the United States District Court for the District of Nevada, Case in Equity No. C-125, entitled United States of America, Plaintiff vs Walker River Irrigation District, et al., Defendants, and also previously apportioned benefits form those certain storage water rights allocated to and held by Walker River Irrigation District in the final decree entered on April 14, 1936, as amended April 24, 1940, in the United States of America, Plaintiff vs Walker River Irrigation District, et al., Defendants. Therefore, all expenses associated with the care, operation, maintenance, management, repair, and necessary current improvement or replacement of the Colony Canal will be based upon this apportionment of benefits after it is adopted in final form by the District.

GM BRYAN stated this is the continuation of the process of creating the Local Improvement District of the Colony Canal. Counsel FERGUSON explained the process up to this point including the Colony Canal petitioning the District Board to form a Local Improvement District in accordance with NRS 539; obtaining approval from the Nevada Department of Taxation; and holding a special election where the question was presented in accordance with the Nevada Irrigation Act. The process is now at the step to apportion the benefits of the new improvement District and the first step of that process is for the board to review, consider, and potentially approve a preliminary apportionment of the benefits described in the agenda item. Exhibit A includes the landowner name, Assessor Parcel Number, water righted acres receiving water out of Colony for that particular landowner, and percentage of water from the overall water righted acres. Exhibit B is the reserved water right holder list with same columns and calculations. If the Board were to approve the preliminary benefits described in Exhibits A & B, next step would be publish

in the newspaper as required by statute then to bring back a final apportionment of benefits to consider and perhaps approve by the Board. The final step of the process is a confirmation proceeding before the Third Judicial District Court to present information and the completed steps as required by the NV Irrigation Act and have the Court enter into an order that forms the new improvement district. Once that order is in effect, the District can begin apportioning assessments hopefully by July 1, 2023.

Treasurer NUTI asked if the second page indicated what was purchased from Colony Ditch and used in other ditches; GM BRYAN stated those were just the reserved water rights. Treasurer NUTI asked if the reserved owners were paid up; GM BRYAN stated they are billed and pay the same as other reserved water right owners. GM BRYAN advised the District cannot go after money owed before becoming a local improvement district, but moving forward, they will be assessed and will be required to pay otherwise they will be delinquent with their County taxes or in violation of the reserved water right agreement and the water will default to the District then the District will pay the assessments. Secretary HALTERMAN stated she does not believe anyone on the reserved list has had a problem with being delinquent.

Treasurer NUTI made a motion to approve the preliminary apportionment of benefits for the proposed Colony Canal and to move forward with the process of forming the Colony Canal Improvement District; Director GIORGI offered a second. The vote was called for and passed.

12. Consideration of petition defining the boundaries of and requesting the District Board of Directors to form Local Improvement District No. 6 to acquire, operate, maintain, repair, and improve the Campbell Ditch and Canal.

GM BRYAN stated the Campbell Canal has voted to petition the District Board for forming a Local Improvement District. The majority of the water users have signed the petition and the next step is to bring it before the Board. The process will be the same as the Colony Canal. A copy of the petition, boundary map, and boundary description has been provided in the Board packet. Counsel FERGUSON stated they have prepared a resolution which describes the petition, boundaries, and next steps of the process if the Board approves the item.

Director GIORGI asked if anyone provided written opposition; GM BRYAN stated there will be a special election that has to pass with a 66% approval of those who vote in order to proceed. Director GIORGI asked if everyone on the petition was in favor; GM BRYAN stated the ones who signed were at the Campbell meeting a few months ago. Director GIORGI asked if it was clearly explained what was happening; GM BRYAN stated he has given the speech for several years. GM BRYAN stated the benefits of signing over to the District is the liability insurance, ability to collect assessments, and having the District perform the maintenance. GM BRYAN stated the District already gets involved with the ditches anyway.

Director GIORGI made a motion to approve the resolution to form Local Improvement District No. 6 with regard to the Campbell Ditch and Canal; Director ACCIARI offered a second. The vote was called for and passed.

13. Director Comments

Director GIORGI stated they are trying to get insurance for the Hall Ditch and the insurance companies think the ditches are burned with diesel fuel. The Spragg incident was an eye opener.

President SNYDER stated he heard a concern that a private contractor may be able to handle a project more efficiently than the District. Down the road, he can see the District becoming a larger, more bureaucratic organization, and requested to know if the ditch companies will have any say over going out to a private contractor as opposed to having the District perform the work. GM BRYAN stated the District has no problem working with private contractors and has worked with several in the past. GM BRYAN stated he is going to push to change things so that the ditch companies do not meeting in January or February so that there is enough time to outsource work if necessary. A lot of ranchers maintain their own sections of the ditch and that can continue to keep costs down if that is what the ditch company prefers. The only instance where the District would step in would be in an emergency situation.

GM BRYAN stated the office will put together a set of by-laws that will fit all ditch companies but will be working with the ditch companies as they are created. Each ditch company is different, so there will be different sections in a generic set of by-laws that will be specific for each ditch company.

Director GIORGI stated the insurance company recommended the private individuals doing the work have liability coverage.

Vice President MASINI asked what the liability of the Board members is; GM BRYAN stated all directors are bonded and covered by the District's coverage. Vice President MASINI expressed his concern about Pete Fenili's comment a few months ago that if the District does not continue with the maintenance on the Saroni, the Board will be liable. GM BRYAN stated Pete was referencing the lowering of assessments during the annual meeting and the ditch company has assessed themselves extra this year because they were behind. Vice President MASINI stated his concern is that if there is a problem on a ditch and the ditch company and the District do not address the problem, the Board of Directors will be liable when something bad happens. Vice President MASINI is concerned that each time a ditch company board makes a decision that is not favored and the users come to the District requesting the Board step in, the Board will be liable if they do not change what the ditch company decided.

14. Public Comment

None presented.

15. Adjournment

Treasurer NUTI made a motion to adjourn; Vice President MASINI offered a second. The vote was called for and passed. The meeting adjourned at 11:39am.

Jim Snyder, President

Marcus Masini, Vice President

Richard Nuti, Treasurer

Dennis Acciari, Director

David Giorgi, Director

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