

A meeting of the Walker River Irrigation District (WRID) Board of Directors was held on April 7, 2021. The meeting was called to order at 10:04 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
Gordon DePAOLI	Legal Counsel, via phone
Dale FERGUSON	Legal Counsel, via phone
Jessica HALTERMAN	Secretary

Public Present:

Ed Ryan, MVCD

Public Present via phone:

Tim Bardsley, NOAA	Dave Hockaday	Silas Adams, WBC
Donald Smith	Isaac Metcalf, NDOW	Steven Fulstone
Lynne Heller	Dean Heller	

1. Public Comment

None.

2. Roll Call and Determination of Quorum

All members present with legal counsel on the phone.

3. Consideration of Minutes of the March 8, 2021 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

No representatives were present.

5. Staff Reports:

A. Treasurer's Report

Treasurer NUTI reported as of April 1, 2021:

Cash in Checking	\$ 112,628.25
Cash in Money Market	\$ 680,162.69
Cash in CDs	<u>\$ 749,661.39</u>
Total	\$1,542,452.33

B. Consideration of Bills and Payroll for payment

March 2021 Bills & Payroll

<u>Check Number</u>	<u>Effective Date</u>	<u>Vendor Name</u>	<u>Check Amount</u>
121905	3/8/2021	Ameritas Life Insurance	\$ 907.60
121906	3/8/2021	Ferguson Enterprises,	\$ 41.54
121907	3/8/2021	AT&T Mobility	\$ 116.57
121908	3/8/2021	Mason Valley Equip	\$ 1,939.73
121909	3/8/2021	Mason Valley Quicknet	\$ 300.00
121910	3/8/2021	MBK Engineers	\$ 3,346.00
121911	3/8/2021	True Value	\$ 29.77
121912	3/8/2021	Plymouth Ditch	\$ 222.26
121913	3/8/2021	Public Employees'	\$ 1,740.46
121914	3/8/2021	Purchase Power	\$ 301.50
121915	3/8/2021	Quill	\$ 123.78
121916	3/8/2021	NV Energy	\$ 39.47
121917	3/8/2021	Alhambra	\$ 533.75
121918	3/8/2021	Standard Insurance	\$ 234.52
121919	3/8/2021	Wells Fargo Card	\$ 2,865.76
121920	3/8/2021	Agri-Lines Irrigation	\$ 324.71
121921	3/8/2021	Yerington Ready Mix	\$ 395.99
121922	3/11/2021	PERS Administrative	\$ 7,629.70
121923	3/11/2021	AFLAC	\$ 35.70
121924	3/11/2021	Nationwide Insurance	\$ 400.00
121925	3/11/2021	Ferguson Enterprises,	\$ 13,664.10
121926	3/11/2021	Giomi, Inc.	\$ 401.12
121927	3/11/2021	Sticks and Stones	\$ 375.32
121928	3/11/2021	John Deere Credit	\$ 525.66
121929	3/11/2021	Lyon County Recorder	\$ 35.20
121930	3/11/2021	MF Barcellos	\$ 1,644.41
121931	3/11/2021	O'Reilly Automotive,	\$ 157.22
121932	3/11/2021	Quill	\$ 16.05
121933	3/11/2021	Jim Menesini Petroleum	\$ 65.08
121934	3/11/2021	NV Energy	\$ 270.43
121935	3/11/2021	Southwest Gas	\$ 307.42
121936	3/11/2021	Xerox Financial	\$ 346.85
121937	3/11/2021	City of Yerington	\$ 121.07

121938	3/11/2021	Yerington Ready Mix	\$	1,062.43
121939	3/30/2021	Nationwide Insurance	\$	170.00
121940	3/30/2021	ABILA Dept 3303	\$	195.98
121941	3/30/2021	Ferguson Enterprises,	\$	6,800.00
121942	3/30/2021	AT&T	\$	155.35
121943	3/30/2021	Mason Valley Quicknet	\$	122.50
121944	3/30/2021	Pitney Bowes Global	\$	183.42
121945	3/30/2021	Quill	\$	280.03
121946	3/30/2021	Reno Gazette Journal	\$	484.24
121947	3/30/2021	CA Dept. of Water	\$	14,322.00
121948	3/30/2021	Schneider Electric USA,	\$	4,798.00
121949	3/30/2021	NV Energy	\$	16.73
121950	3/30/2021	Alhambra	\$	26.94
121951	3/30/2021	Standard Insurance	\$	234.52
121952	3/30/2021	Verizon Wireless	\$	534.68
121953	3/30/2021	Vision Service Plan -	\$	186.05
121954	3/30/2021	Woodburn & Wedge	\$	71,055.00
121955	3/30/2021	HomeTown Health	\$	7,421.23
121956	3/30/2021	D & S Waste Removal	\$	203.64
121957	3/30/2021	Desert Research	\$	48,838.60
121958	3/30/2021	Yerington Ready Mix	\$	652.97
121959	3/30/2021	PERS Administrative	\$	8,431.40
PAYROLL	3/31/2021	MARCH PAYROLL	\$	40,158.51
Total Bills & Payroll			\$	245,792.96

Director GIORGI questioned if fuel purchases were rotated between Menesini and Barcellos; GM BRYAN stated the purchases are from both companies so that the District does not have to go out to bid.

Vice President MASINI inquired about the Ferguson bills; GM BRYAN stated the District ordered several pieces of pipe to have in stock before a 10% cost increase took place. The extra pipe was utilized in repairing the Cremetti Lane crossing earlier in the week.

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

C. **Manager's Report**

GM BRYAN reported Bridgeport is currently at 14,640 acre-feet (35%) and Topaz is at 16,500 acre-feet (28%). A minimal amount of storage water has been requested- mostly in Mason Valley. The Tribe started their water on April 1st.

The shop crew is finishing a job on Cremetti Lane where a culvert failed. The road is open, and they are finishing with backfill and rip rapping. GM BRYAN has

received calls about the Wabuska drain and he found approximately 4 beaver dams that must be removed. The long reach will be moved there to remove the dams.

GM BRYAN has been working with Counsel FERGUSON on the annual Hoyo Canyon Permit No. 9405 renewal. On March 12th, the renewal was finalized.

GM BRYAN received a letter from the Governor of California's Office stating there are modifications needed on the Emergency Action Plans. MBK is working on the requested modifications.

On March 17th, GM BRYAN received an email from Justice Hardesty asking him to be on a water committee for the State. GM BRYAN accepted and will learn more about what the committee is at a meeting on April 16th. A wide variety of people, including Counsel DePAOLI and Rusty Jardine from TCID, were also asked to be part of the committee. President SNYDER asked if the committee was an arm of the Court; GM BRYAN stated he was not certain what details of the committee were, but he understands it will be something with adjudication of water. GM BRYAN will keep the Board informed of what he learns at the April 16th meeting.

GM BRYAN listened into the Committee of Natural Resources portion of Legislation on Monday. AB354 and AB356 were discussed and there was no positive feedback during the lengthy hearings. AB354 is based on laws in use in Utah and leasing programs. AB356 relates to conservation efforts and mimics laws in Oregon. People are very concerned with both bills and have asked the Committee not to move forward with either bill. GM BRYAN will keep the Board informed of any changes with the bills. Treasurer NUTI asked what the idea was behind the bills; GM BRYAN stated the State Engineers Office wants to find ways to give credit to conservative efforts. There is concern about water being marketed and other inter-basin concerns. The language is misleading, and the public had concerns.

On March 25th, GM BRYAN participated in the meeting with Bridgeport Ranchers Organization and the Lahontan Water Quality Control Board. There is a new staff with LWQCB after retirements last year and they wanted to introduce themselves and catch up on what was missed during last year's pandemic. BRO had lost its non-profit status for a short time, but they have been reinstated. The meeting included discussion about a Bridgeport Grazing waiver. The District will remain a cooperating partner since District property is leased for grazing. More meetings will be scheduled, and GM BRYAN will keep the Board informed of progress.

Last week, John Lee with Pump Check was in the District. He checked the District well and found the meter had a manufacturers defect, so it was sent out for repair. The meter was repaired and returned to the District in time to turn on April 1st. John also stated the well is pumping at only 60% capacity. He suggested to take water samples and have them analyzed to see if there is a buildup in the line. He found a hole in the air line approximately 95' down. The last cleanout and check was done

only to 75'. The impeller may be worn out. The pump is still okay to pump but did indicate that future work is needed. He also suggested not running the pump for six months straight during the season. He recommended the pump be shut off occasionally for a couple days every couple of weeks. GM BRYAN will work with the Water Master to see what the best option is in running the well and making the exchange.

NDWR will be holding its Northern Nevada Streamflow, Reservoir, and Weather Forecast Meeting on April 15th. Tim Bardsley will be giving a presentation. The meeting will be held online. GM BRYAN can get the information to those who are interested.

D. Legal Counsel's Report

Counsel DePAOLI reported AB5 (to clarify the standard for reviewing State Engineer decisions) has been heard but no action has been taken. AB6 deals with temporary changes and has been proposed to be amended to pass. AB146 deals with regulation of non-point sources of pollution and has been heard but no action has been taken. It is supposed to be amended, but nothing has been seen yet. Counsel DePAOLI listened to the hearing on Monday on AB354 (water bank bill) and AB356 (water conservation bill). No one testified in support of either bill. It is unknown what will happen next. The Committee took testimony and concluded the hearing.

Counsel DePAOLI sent letter a letter to the Board in January on status of the Mineral County case. That case has been remanded to District Court and a status report must be submitted by April 21st with a telephone conference with the Magistrate Judge on April 28th.

The U.S./Tribe claims for additional water for the Reservation has a fully briefed motion for partial summary judgement concerning the finality defense relative to some of the claims. Counsel DePAOLI stated the expert reports have not been submitted because the archive facilities have been closed since last March. There will be another deadline coming up for submission of responsive reports from the United States. Starting on May 21st, deposition discovery can begin, and it will close in January 2022.

Treasurer NUTI asked if the Mineral County case has been given the go ahead to seek remedy so long as it does not involve adjudication of existing water rights; Counsel DePAOLI advised they have been given the opportunity to seek remedies not involving reallocation of adjudicated water rights. Counsel DePAOLI thinks consideration will have to be given to amending their pleadings to say what exactly they are looking for in the other remedies and some of the remedies they have suggested they are seeking may not be remedies the Court will have jurisdiction to deal with. They should be discussed in the status conference on April 28th. Treasurer NUTI asked to confirm the District would be involved in the discussions; Counsel DePAOLI confirmed.

Counsel DePAOLI offered insight on the Commission to study adjudication in Nevada. Division of Water Resources proposed to amend the statutes to require State Engineer decisions to be reviewed by the Nevada Court of Appeals rather than by District Courts. That would require a constitutional amendment which was inconsistent with the manner in which the establishment of the Nevada Court of Appeals was established. Chief Justice Hardesty spoke to Division of Water Resources about trying to deal with the concerns they have. The concerns are, in part, related to District Court Judges dealing with appeals of State Engineer decisions and to provide more education to Judges in what water is all about. The Commission be looking at ways to have a water court or panel of judges who deal only with water cases. Counsel DePAOLI stated he and GM BRYAN will know more about how this is going to be approached after the April 16th meeting.

E. Review and approval of monthly storage transfers.

Director GIORGI made a motion to approve the monthly transfers; Director ACCIARI offered a second. The vote was called for and passed.

F. Storage Water Leasing Program Update

GM BRYAN reported the District has been continually working with MBK, USBWC, WBC, and USGS. USGS is updating their hydro mapper to allow the public to view the program water in the system. At this point, the Program is on track. The first letter, program summary, application and second letter have been sent out. The first deadline for the application is April 30th. So far there have been a few applicants. The current participation is 82.5066 acre-feet. Treasurer NUTI requested an agenda item be on the next meeting agenda that states if the Conservancy does not pay the outstanding approximately \$200,000, cancellation of the Program can be discussed. Counsel DePAOLI stated he does not see a problem with an item being put on the agenda.

G. 2021 Election Update

Secretary HALTERMAN reported there were no oppositions filed in either open District so Director MASINI and Director ACCIARI retain their Districts. Election of Officers will be held in May.

6. Presentation and discussion by Tim Bardsley with NOAA regarding the current year weather and water outlook for 2021 irrigation season.

Tim Bardsley showed a brief presentation. Points included:

- The water year precipitation is currently at 62% of average.
- The SWE is currently 61% of median with the peak being 68% a couple days earlier than last year.
- Approximately 15% of the snow has melted.
- The SWE peak was the same as 2020 but occurred several weeks earlier.
- Soil moisture is approaching the 50th percentile with the onset of the melt.
- Long range outlook indicates a drier and warmer than normal.

- April-July water supply forecasts indicate 69.3 kaf (48% of median) for the West Walker and 13.3 kaf (31% of median) for the East Walker.
- The median forecast for the East and West Walker is slightly worse than 2020 and 2013 volumes.

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

Secretary HALTERMAN received an email from Wyatt Fereday stating: ‘Spring 2021 Water Levels: Mason average down 5.3 feet from spring 2020; Smith average down 7.35 feet from spring 2020. Kerry Garcia is retiring April 9th. So without Kerry to check the meters monthly, reporting the monthly meter readings (per Order 1318) is critical to maintaining our groundwater administration. Thanks to all who have sent in their meter forms and set up their online accounts to report the data.’

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

Silas stated he did not have an update but wanted to clarify that the Conservancy does not have involvement in NFWF payments, and the agreement is between the District and NFWF.

9. Consideration and action on proposed District Budget for fiscal year July 1, 2021, through June 30, 2022, including the fixing of the charges and levying assessments for that fiscal year on the water right lands within the District, on lands with appurtenant stored water rights within the District, on water right lands within the Local Improvement Districts within the District, on water right lands served by the High Ditch within the District, and Equipment Rental and Interfund Rental Rates.

GM BRYAN presented the proposed budget packet. Discussion was held on revenue sources such as assessing non-water righted lands within the District, charging individuals and ditch companies for clerical work outside of normal operations (i.e. water card changes, document searches, record scanning/copying/printing, etc.). The reserves have been declining with the exhaustion of the Modernization Grant. President SNYDER stated he is not comfortable with the low reserves and requests a proposal and breakdown for the alternative revenue sources. Counsel DePAOLI discussed the current charges and potential charges for legal services. Because of the work with U.S./Tribe case, the legal charges have been much higher than previous years. It is expected that the charges will remain higher until at least January 2022.

- General Fund: current assessment is \$9.05/acre and proposed is \$9.15/acre. Treasurer NUTI suggests the assessment be raised to \$9.65/acre to begin to build the reserves again.
- Reservoir Fund: current assessment is \$4.10/acre and proposed is \$4.20/acre. A rent agreement is in the works for the USBWC rent. The rent will be a flat monthly fee instead of 1/3 of the utility bills.
- Equipment Fund: current assessment is \$2.20/acre and proposed is \$2.45/acre. Discussion was held on the rental rates. Staff has compared rates and the District’s current rates are slightly lower than other equipment rental companies. The labor rate

is significantly lower than area companies. The current labor rate covers hourly wage (including payroll taxes, retirement, and paid time off) and worker's comp. During past audits, it has been recommended that the District collect half of the projected cost on each project to cover up-front costs. Currently, the District carries the cost of the project until it is completed, and some customers have chosen not to pay in a timely manner.

o Recommendations to increase rates included:

▪ 410G Backhoe	\$110.00/hr
▪ JD Excavators	\$140.00/hr
▪ Galion Grader	\$110.00/hr
▪ D5H Dozer	\$110.00/hr
▪ Kenworth Transport	\$110.00/hr
▪ Peterbilt Dump Truck	\$110.00/hr
▪ International Dump Truck	\$70.00/hr
▪ General Labor	\$35.00/hr

- Local #1 Smith/Colony Drain: current assessment is \$1.00/acre with no assessment change proposed. GM BRYAN stated work will be done on the drain as property owners have completely changed the area by covering the drain with fields. Vice President MASINI questioned why the District is paying to fix the drain and not the property owner; GM BRYAN stated the drainage is significantly impacted and he would like to go with the quickest and cheapest option to improve drainage right now. The water is supposed to drain to Artesia, but that is not happening because of the drain being filled in. Vice President MASINI inquired about easements within the area; GM BRYAN stated he has never approved any work to occur on the drain and there are some deeded easements in the area but not all the area. Vice President MASINI asked if the District would be liable if homes flooded; GM BRYAN stated it would have to go back to the person who filled them in as we have nothing on file authorizing any changes. Treasurer NUTI stated he understands Vice President MASINI's concern, but, unfortunately, when there is a problem, people go after the person with the deepest pockets. GM BRYAN stated there is one modification on file where every person on the drain had to sign a petition authorizing work on the drain, but the work done was not what was approved.
- Local #2 Wabuska/West Drain: current assessment is \$1.00/acre with no assessment change proposed.
- Local #3 Main/East Drain: current assessment is \$1.30/ acre with no assessment change proposed.
- Local #4 Saroni Canal: current assessment is \$11.00/acre for O&M and \$10.00/acre for Special Assessment. The Saroni Canal users voted for \$11.00/acre for O&M and \$5.00/acre for the Special Assessment.
- Water Distribution Fund: current assessment is \$10.00/acre with no assessment change proposed.

Director GIORGI asked if someone from the Conservancy could run for the Board of Directors; GM BRYAN stated that would be a question for legal counsel, but the

Conservancy is operated by a Board and the statute states the owner must own and operate the water and land.

GM BRYAN stated internal control proposals including late fees, project prepayments and clerical charges will be brought to the Board in the coming months.

Director GIORGI made a motion to approve the budget as follows:

- General Fund \$9.65/acre
- Reservoir Fund \$4.20/acre
- Equipment Fund \$2.45/acre
- Local #1 \$1.00/acre
- Local #2 \$1.00/acre
- Local #3 \$1.30/acre
- Local #4 \$11.00/acre O&M and \$5.00/acre Special Assessment
- Water Distribution Fund \$10.00/acre
- New rental and labor rates as discussed

Vice President MASINI offered a second to the motion. The vote was called for and passed.

10. Review and consideration to approve license agreement between AMP Films Inc./Paradise Shores Investments, LLC and WRID for access and use of certain District property located at Bridgeport Reservoir.

GM BRYAN stated the owner of Paradise Shores, Alan Potash, is selling the property just north of the Bridgeport Marina and some of the campsites are on District property. Previous Managers have attempted to enter into an agreement to allow Paradise Shores to utilize the property, but nothing was ever finalized. The proposed agreement will allow Paradise Shores to use, operate and rent out the property for a fee. The District has a similar agreement with Topaz Landing. The agreement will bring in \$1500.00 per year as non-operating revenue. Treasurer NUTI asked if there was an actual marina on the property; GM BRYAN stated there is a breakwater that allows people to access the property. Director GIORGI asked if shower facilities were going to be built; GM BRYAN advised the shower facilities were being built at the Bridgeport Marina. Vice President MASINI inquired about the insurance requirement; GM BRYAN stated the District is insured but Paradise Shores would also need to provide insurance documentation.

Vice President MASINI made a motion approve license agreement between AMP Films Inc./Paradise Shores Investments, LLC and WRID and to allow GM BRYAN to execute the agreement on behalf of the District; Director ACCIARI offered a second. The vote was called for and passed.

11. Director Comments

Director GIORGI asked if the cloud seeding stations were operating; GM BRYAN stated they are ready, but the conditions have not been ideal.

12. Public Comment

None presented.

13. Adjournment

Director ACCIARI made a motion to adjourn; Director GIORGI offered a second. The vote was called for and passed.

Jim Snyder, President

Marcus Masini, Vice President

Richard Nuti, Treasurer

Dennis Acciari, Director

David Giorgi, Director

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