



## **Summary of Minutes of the Nevada Drought Forum**

**Meeting of October 26, 2015, 9:00 AM**

Nevada Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, NV

Video Conference:

Nevada Department Agriculture  
2300 McLeod  
Las Vegas, NV

Great Basin College  
1500 College Parkway  
McMullen Hall #102  
Elko, NV

### **Members Present:**

Leo Drozdoff, P.E., Chair  
John Entsminger, Vice Chair  
Dr. Doug Boyle  
Dr. Justin Huntington  
Jason King, P.E.  
Dr. Mark Walker  
Jim Barbee  
Caleb S. Cage

### **Forum Staff Present:**

Bryan Stockton, Senior Deputy Attorney General  
Andrea Sanchez-Turner, Administrative Support

## **BEGIN SUMMARY MINUTES**

### **1) Call to order and Roll Call**

Chair Drozdoff called the meeting to order at 8:59 a.m. Member Barbee noted there were technical difficulties concerning the videoconferencing equipment, however, the teleconference equipment is working for connecting with the satellite locations.

Chair Drozdoff contacted the remote locations to see if anyone was in attendance. The Las Vegas location was the only location with people in attendance.

Andrea Sanchez-Turner, Department of Conservation and Natural Resources (DCNR), conducted the roll call.

## **2) Public Comments: (Discussion)**

### *Sparks, Nevada*

Susan Lynn, Great Basin Water Network, requested the Forum develop a process for declaring a drought with measurable standards. She also stated that Phreatophytes are not available as a water source, especially during drought and this idea needs to be reviewed. Chair Drozdoff stated objective standards were discussed at the Governor's Drought Summit held in September.

Connection was lost to the satellite locations. The meeting was stopped until the technical difficulties were resolved.

Bryan Stockton, of the Nevada Attorney General's Office, stated that he contacted the Attorney's General's Office to see if it would be okay to move forward with the meeting without the connection to the satellite locations. He is waiting for a call back. There was discussion about the technical difficulties with Mr. Stockton noting that since the Las Vegas location was the only location with participants, the Forum could conference call with only that location, letting the other locations know about the technical difficulties and giving them the number to call if participants show up.

### *Las Vegas, Nevada*

Yuzhen Feng and Crystal Dubose, University of Nevada Las Vegas, noted the use of a significant amount of water to produce electricity in Nevada. The majority of Nevada's electricity is produced from thermal electric plants, which uses millions of gallons of water per year. In comparison, PV Solar uses little to no water to produce electricity. With Nevada's abundance in solar resources, PV Solar has the potential to serve much of the state with electricity and save huge amounts of water. Ms. Feng and Ms. Dubose look forward to hearing from the Forum on addressing the solutions the electricity sector can provide concerning the drought within Nevada.

A full account of the discussion is captured in the audio recording, available on the Nevada Drought Forum's website ([www.drought.nv.gov](http://www.drought.nv.gov)).

## **3) Review and Consideration of Approval of Agenda (Action Item)**

Vice-chair Entsminger moved to approve the agenda; second by Member Barbee; motion passed unanimously. **\*ACTION**

## **4) Review and Consideration of Approval of Minutes (Action Item)**

Member King moved to approve the minutes from the September 28, Drought Forum meeting; seconded by Member Huntington; motion passed unanimously. **\*ACTION**

## **5) Climate Forecast Update (Discussion and Possible Action)**

Member Boyle noted this summer there was above-average precipitation within much of Nevada, as well as above average temperatures. Precipitation helped range-lands, however, did little to help the water supply, particularly in area reservoirs. Long-term deficits throughout the state remain. The drought status

in the northern area of Nevada has improved on the Drought Monitor. The new water year started October 1, beginning water year 2016. Most of Nevada is ahead of normal at this time in terms of precipitation, however, it is not enough to change the drought status. The hope is there will be strong El Nino this year. The most recent forecast stated there is a 95 percent chance it will remain strong throughout the winter into the spring. The anticipation is a strong El Nino will affect the lower half of the state. The middle of the state has an equal chance and the northern part of the state should expect less precipitation. The forecast for temperatures are above normal.

Member Walker asked about Nevada's dependence on snowpack for a gradual release of the water to replenish the reservoirs and if the above-average precipitation does the same thing. Member Boyle noted there are three reservoir systems, groundwater, man-made surface reservoirs, and snowpack (the seasonal reservoir). As seen last year, Nevada had high snow levels so it did not build the snow pack that was expected even though there was a limited amount of precipitation, because it was warm and snowpack was meager. Then there were the warm temperatures early in the spring. The expectation is 2016 will be similar to last year when it comes to the reservoirs and snowfall.

## **6) Forum Member Review and Recommendations (Discussion and Possible Action)**

Chair Drozdoff reviewed the process for discussing and determining recommendations concerning the final report to the Governor. He introduced Lewis Michaelson who will be facilitating this part of the meeting.

Mr. Michaelson noted the success of the Governor's Drought Summit and acknowledged the difficulty of integrating all of the information and ideas brought forward. He spoke about the process for discussion and recommendations, including specific categories. The goal is for the Forum to draft recommendations, including timeframes and who will take the lead for the recommendations.

Chair Drozdoff noted the Governor's Office has extended the Executive Order report due date to December 15, 2015.

### Category: Water Conservation

Vice-chair Entsminger spoke of the requirement in the existing NRS to have a water conservation plan and how some lack specificity. He believed this should be explored, including requiring minimum requirements as part of the conservation plans (he provided examples that are done by the Southern Nevada Water Authority [SNWA]). There was discussion about this among the Forum members, including measuring water use with metering.

Member King noted NRS 540.141 is the statute that outlines what has to be included in a water conservation plan when it is sent to the State Engineer's Office. He reviewed some of the requirements and spoke about the Forum possibly needing to make this statute more specific.

Member King supported having every water use within the state metered. This will make it easier for the state to manage it and will let water rights users know it is to their benefit to know how much water they are using. They will be able to defend themselves against anyone that alleges they are over-pumping, etc. There is a concern by some that the State Engineer's Office will use this information to take away the unused amount of water (e.g. "use it, or lose it").

Water conservation plans are required to be updated every five years. Some of the small purveyors of water may not be up-to-date, however, all of the large purveyors are compliant with this requirement.

There was discussion concerning the enforcement of keeping plans current and within the statute regulations.

Member King noted that the State Engineer's Office, during the last legislative session, pursued attempting to have NRS 540 to have fines and penalties included. This was included in a bill that did not pass the last session. The State Engineer's Office does not have a mechanism to penalize violators, except for sending a letter.

There was a discussion concerning the availability of technical help for those individuals requesting it concerning water conservation plans. Technical assistance is something to consider when working through the categories and recommendations for the final report.

Member Walker noted the Nevada Rural Water Association has circuit writers that go out and provide technical assistance on a number of things. This could be an opportunity on how to reach out to the smaller purveyors of water.

There was discussion about how to handle these issues with Mr. Michaelson reviewing the three things he heard could be a minimum threshold for a municipal's water conservation plan. They are: metering, tiered rates, and time of day restrictions.

Mr. Michaelson stated language for a possible motion to review NRS 540.141 concerning requirements of a water conservation plan that are currently aspirational but deserve to be actual requirements such as: metering, tiered rates, and time of day restrictions. The NRS should also be associated with an enforcement mechanism capable for supporting these requirements that includes consequences for violation. The section should include a program for technical assistance to provide help in developing water conservation plans.

Vice-chair Entsminger made a motion to have language drafted similar to this wording and have it included in the draft report that will be reviewed at the next meeting; seconded by Member Walker; motion passed unanimously. **\*ACTION**

**PUBLIC COMMENT:** Mr. Steve Walker, Lobbyist, Truckee Meadow Water Authority (TMWA), Lyon County and Douglas County, asked if there would be an opportunity for public comment as motions are made. He spoke about the NRS Statutes for water conservation in Senate Bill (SB) 62 of the last session, both SNWA and TMWA requested a certain section that required, gallons per capita per day per each conservation practice be removed and made, gallons per capita per day per the conservation plan be applicable. He suggested this be added.

The Forum discussed water efficiency standards for new residential and commercial development located in the NRS such as low-flow toilets, etc.

**PUBLIC COMMENT:** Julie Wilcox, SNWA, spoke about current residential and commercial efficiency standards, the process followed in Las Vegas, and how these standards are determined by each county and each city.

There was discussion concerning the legality of the state to set these standards. Mr. Stockton noted the legislature has all the state legislative power, they do delegate some to the counties, through the counties zoning ordinances, although there are some supreme court decisions that could affect this, the state is the source of this power. There could be a state-wide set of efficiency standards.

**PUBLIC COMMENT:** Mr. Walker noted typically in local governments the uniform plumbing code handles efficiencies and fixtures. The uniform plumbing code is revised by local governments through ordinances. This is the mechanism that currently addresses fixture efficiencies. Ms. Wilcox noted this is included in state law.

Mr. Michaelson repeated language for a motion, as part of revising the statute dealing with the water conservation plans it be specifically mentioned they should include the elements of how they are addressing water efficient fixtures and landscape development codes. Member Barbee moved to made this motion; seconded by Vice-chair Entsminger; motion passed unanimously. **\*ACTION**

The Forum discussed technology and agriculture, noting there are opportunities available, however the cost of using some technology makes it difficult for some agricultural operations, especially the smaller ones.

Member Barbee noted agriculture is a business entity therefore efficiency is always a driving factor at some level and this depends on the size and the organization itself. Efficiency garnered through agriculture equates in greater production and equates to greater food production, which is the output of this industry. There had been discussion about putting together a state funding mechanism where it would help a producer increase their efficiency, and if the state could garner some of that water right as part of the buy-in on the financial granting system, meaning part of that water right efficiency would then come back to the state. There was discussion about this idea. Member Barbee noted that in the places where there is an over-allocation of water, this idea would make sense, however the state could also simply go out and buy back these water rights, which may be a better use of state money. Member Barbee also commented on the idea of investing in higher labor agriculture productions that have lower water inputs. There are only a few areas in Nevada where this will work.

Member King spoke about “use it, or lose it,” and how people will use more water than they need to keep their water rights intact. There is no incentive to conserve. This needs to be addressed. Member King noted it should be abundantly clear in statute that in times of drought people should not be pumping their water simply so they do not lose the water right. Member King also noted water permits are issued subject to existing rights, if the State Engineer’s Office has to curtail, they will curtail and they do not have to buy water rights.

Member Huntington discussed consumptive use and the relationship with water efficiency, including the ideas being discussed by the Forum. There may be unintended consequences.

Member King suggested language for a motion, stating to make it more explicit in statute that the State Engineer’s Office has the ability to require meters on all water use in the state, including domestic wells.

Mr. Michaelson repeated the motion to be clear that the law be strengthened to make it explicit that the State Engineer has the ability and the right to require metering of all uses, including domestic wells. Vice-Chair Entsminger made this motion; seconded by Member King; Member Walker asked if this would be one of the recommendations under the Water Law Category. It was decided it would not be. Motion passed unanimously. **\*ACTION**

There was discussion on the Drought Monitor, how it monitors, the information that it receives and how it distributes information. Member Boyle noted there are two things to consider. One, is it adequately and accurately assessing the current state of where the water is each week and two, is the correct information getting to the Drought Monitor authors. It was decided to discuss this further under the Monitoring and Research Data Category.

There was additional discussion on technology as it pertains to agriculture. Member Huntington noted it is important to try to reduce the non-beneficial consumptive use from agriculture.

Member Barbee made the motion to encourage development and use of water saving technology and/or best management practices by agricultural and livestock producers (including but not limited to crop covering, drip irrigation, variable rate irrigation, center pivot irrigation, laser leveling and crop selection); seconded by Member Huntington; motion passed unanimously. **\*ACTION**

Member King made a motion to review changes to the “use it, or lose it” doctrine in order to increase water conservation during drought and otherwise; seconded by Member Barbee; motion passed unanimously. **\*ACTION** – *Moved from the category below per Forum agreement.*<sup>^</sup>

Category: Water Law

There was discussion concerning the “use it, or lose it” concept and how to address this it. Mr. Stockton noted this is in reference to the forfeiture provisions.

Member King noted his recommendation would be to review potential changes to “use it, or lose it” to encourage water conservation. There was discussion about the wording of this motion and if it should include language pertaining to drought and non-drought situations and when and how the Governor declares drought.

Member King made a motion to review changes to the “use it, or lose it” doctrine in order to increase water conservation during drought and otherwise; seconded by Member Barbee; motion passed unanimously. **\*ACTION**<sup>^</sup>

There was discussion concerning monitoring, mitigation, and management plans (3M Plans).

Mr. Stockton noted the connection with Las Vegas was lost. There was a break taken until the issue was resolved.

Chair Drozdoff stated the motion regarding “use it, or lose it” should be listed under Water Conservation. The Forum agreed to have it listed under Water Conservation.<sup>^</sup>

Member Barbee made a motion to change the law to clarify and confirm the long-standing practice of the Nevada State Engineer to implement monitoring, mitigation and management plans (3M Plans); seconded by Member Boyle; motion passed unanimously. **\*ACTION**

There was discussion concerning recovery of impacted river storage and groundwater systems. Member Huntington mentioned a possible feasibility assessment with specific focus on which areas where storage can be enhanced, depending on the types of storage.

Member Barbee made a motion to explore the feasibility of additional management measures that can help to expedite the recharge and recovery of impacted rivers and groundwater systems and enhance storage; seconded by Vice-chair Entsminger. There was discussion where this motion should be listed with the Forum noting it should be listed under the Infrastructure, Supplies, and Long Range Planning Category. <sup>^^</sup> There was a vote on the motion; motion passed unanimously. **\*ACTION**

Member King spoke about the legality capturing rain water in rain barrels. There was discussion about this issue, including if it should be specified how the captured water will be used. Member King noted the water should be use for beneficial use.

Member Barbee made a motion to examine potential changes to water law to allow the use of small scale water precipitation capture devices; seconded by Member Huntington.

**PUBLIC COMMENT:** Mr. Walker noted there may be an unintended consequence when there is development in commercial areas where you have to retain the impervious area generated water into retention basins. He asked if this was considered a large-scale rain-barrel. Chair Drozdoff stated it was not because they capturing it to ensure that pre-development and post-development water use match up. Mr. Walker wondered if it would create an opportunity for the developer to capture water and use it for other intentions and the need for the rain barrel to be defined as small scale. Chair Drozdoff noted the Forum should keep in mind Mr. Walker comments.

There was a vote on the motion; motion passed unanimously. **\*ACTION**

Member King brought up the issue of groundwater management plans within the state. The State Engineer's Office is currently in the middle of efforts to work with stakeholders in the basin to come up with a groundwater management plan and how best to develop the water and to curtail it in times of drought. The Nevada statutes are limited on this issue. There was a bill drafted for the last session that did not pass. It is necessary to provide more tools in statute for the State Engineer's Office to deal with groundwater management plans. The Forum could pursue some statutory changes concerning what is acceptable in a groundwater management plan. There was discussion about this issue. Chair Drozdoff asked Member King if this should pertain to all basins or just in over-appropriated basins. Member King noted it was for use only in areas with critical management issues, only in basins that are severely over-appropriated. Chair Drozdoff noted there should possibly be a two part recommendation. There was discussion concerning the language for a recommendation. Chair Drozdoff noted the Forum will be able to review any recommendations at the next Forum meeting before they are included in the report to the Governor, therefore, the Forum is not expected to get the wording exact at this time.

Vice-chair Entsminger made a motion to direct DCNR staff and the State Engineering staff to draft language on critical management areas and groundwater management plans for review by Forum Members at their next meeting; seconded by Member Boyle; motion passed unanimously. **\*ACTION**

Chair Drozdoff and Vice-chair Entsminger both noted the motions made during this meeting are considered language for staff to draw from for more detailed recommendations to be reviewed during the next Drought Forum meeting. The wording may change through the process of developing the final report to be submitted to the Governor, stating nothing is final until the Forum votes on a final report.

Member King brought up issues concerning thermal plants and if it should be a statewide policy that all thermal electric power plants in the state, from this point forward, are air-cooled and not water-cooled, because of the amount of water that is used for water cooling. There was discussion about this.

Member King made a motion to adopt a statewide policy that all new thermal electric power plants use dry-cool or other similar water efficient technologies; seconded by Member Barbee; motion passed unanimously. **\*ACTION**

Break for Lunch 12:17 p.m. to 12:51 p.m.

Category: Water Law

Member King noted domestic wells in the State of Nevada have a priority of the date that those wells were completed, which makes them the most junior user in a basin in the times of curtailment, like

drought. They would be one of the first ones shut off. Member King thought it would be prudent to pursue statutory change that would allow for indoor watering of domestic wells in times of curtailment.

Member King made a motion to pursue language that allows for indoor use for those on domestic wells in times of curtailment; seconded by Member Huntington; motion passed unanimously. **\*ACTION**

Category: Other Laws / Regulations

Chair Drozdoff noted there may be other tools available for Nevada to use rather than amending/adjusting water law. If there were objective criteria established similar to public safety statutes that certain things would occur in times of drought or other natural emergencies, it would allow greater flexibility by the State Engineer's Office and others where more strategic decisions can be made. Chair Drozdoff provided examples of where the flexibility would be helpful. There was discussion on this issue.

Member Cage noted the powers stated in NRS 416.060 are currently broad. Member Cage read a portion of the NRS for the Forum and noted the powers are the same as the Governor's emergency powers under any other declaration. Member Cage noted one thing the Forum may consider is requiring, in times of a declaration, establishing a group to make recommendations for improvement moving forward. There was discussion concerning this idea and the Governor's authority, NRS 416.060, and the wording included in the statute, including the definition of a drought.

Member Cage made a motion to revise NRS so that during a Governor declared water emergency, based on objective criteria, state agencies are given the authority to take appropriate measures to ensure the availability of water resources for basic needs, such as: "use it, or lose it" tolling; ability to curtail in ways other than prior appropriation; and to objectively look at water quality standards that may be restricting the amount of water that can make its way into a river system; seconded by Member Walker.

**PUBLIC COMMENT:** Kay Scherer, DCNR, noted the two concepts being discussed. One, the ability for the Governor to declare a drought and at what point is the drought is declared. The second is the emergency statutes and when a declaration of a drought condition becomes a water emergency where the Governor has the power to lift everything. The declaration of a drought invokes certain types of actions that do not necessarily rise to the level of the Governor declaring a state of emergency related to water, which is a higher bar and would give higher powers.

Member Cage read sections of NRS 416.050 to the Forum. There was discussion about what Ms. Scherer's comments and possibly amending the motion by Member Cage. Member Cage read the definition of "emergency" from NRS 414.0345. There was discussion concerning the difference between an emergency declaration and a drought declaration. Mr. Michaelson noted perhaps the Forum should simply capture the concept rather than determining which statute the recommendation would be under, which will be left open for now. Forum members agreed. After hearing the amended language purposed to the motion, Member Cage noted that he believes a drought equals a water emergency based upon existing statutes.

Member Cage agreed to the amended language to the original motion, the new motion is: revise NRS so that during a Governor declared drought, based on objective criteria, state agencies will be given the authority to take appropriate measures to ensure the availability of water resources for basic needs, including the following measures: "use it, or lose it" tolling; ability to curtail in ways other than prior appropriation; to objectively look at water quality standards that may be restricting the amount of water that can make its way into a river system; plus any others to be identified before adoption. Member Walker (as the second) noted his agreement with the amended wording. Member King asked for clarification on the wording. Member Boyle read sections of the California Governor Drought Declaration

for Forum Members. Member Cage told the Forum that he contacted his Deputy Attorney General Representative concerning regulation language and she noted it depends on how you define orders, but other states do list it specifically as statute. There was discussion about this. Chair Drozdoff asked for a vote; motion passed unanimously. **\*ACTION**

Member King stated there currently is a state-wide working group that is trying to promulgate regulations dealing with indirect potable reuse. This working group needs the Forum's support. There was discussion about the steering committee and its membership and background.

Member King made a motion to support the efforts of the state water reuse steering committee in exploring changes to laws and regulations to expand the reuse of waste water in areas where appropriate; seconded by Member Barbee; motion passed unanimously. **\*ACTION**

There was discussion concerning Homeowners' Associations and their possible disregard for state law regarding drought tolerant landscaping.

Vice-chair Entsminger made a motion to explore the potential for political subdivisions to implement water conservation in situations where there are Covenants, Conditions, and Restrictions (CC&Rs) to the contrary; seconded by Member Walker; motion passed unanimously. **\*ACTION**

#### Category: Monitoring and Research Data

There was discussion concerning establishing a committee concerning monitoring recommendations and more weather stations.

Member Boyle made a motion to establish a committee to establish goals and assess monitoring recommendations, including cost identification and funding strategies, network gaps, prioritization of efforts and development of implementation strategies; seconded by Member Huntington; motion passed unanimously. **\*ACTION**

There was discussion about the need for an enhanced and robust data collection monitoring system.

Member Barbee made a motion to partner with other organizations to increase and enhance the accuracy of data reporting; include: monitoring stations in both high and low level elevations; centralized monitoring data for ease of access by stakeholders; and established standards for the collection of data and reporting; seconded by Member Huntington. Member Cage noted this discussion includes immediate actions that can be taken by the Governor and not long-term items, like changing statute and beyond. The Forum may want to consider recommending the Governor declare a water emergency through proclamation and embedding these recommendations under that or a separate Executive Order, but in relation to the proclamation. Member Cage stated there seems to be a distinction being made that there is a difference between a drought and a water emergency. He contends that that is a distinction without a difference, and felt everything being discussed falls under NRS 416. He read from NRS 416.030 and noted the Forum may want to consider giving the Governor the option of making an affirmative step toward declaring a drought. There is a fundamental disagreement on the Forum about the definition of an emergency. After additional discussion, Chair Drozdoff asked for a vote; motion passed unanimously. **\*ACTION**

Member Huntington brought up the early drought warning system issue that came up as a result of a discussion had with the National Integrated Drought Information System (NIDIS) and their desire to develop a Nevada drought early warning system. It would be a California/Nevada drought early warning system. There are a lot of moving parts to an early warning system. Member Huntington reviewed several

aspects and provided background and updates on this process and request. There was a discussion of a possible motion and the language for the motion.

Member Boyle made a motion to partner with other organizations such as the National Integrated Drought Information System (NIDIS) and/or implement new technologies to improve forecasting (including early drought warning systems and seasonal forecasting), monitoring, including place-based remote sensing and enhanced monitoring networks; seconded by Member Huntington; motion passed unanimously.

**\*ACTION**

Chair Drozdoff stated the Drought Monitor has been coupled with many different decision-making tools; however, it needs a greater level of support, or perhaps a different tool needs to be developed. Member Boyle noted if there were a higher level of participation in the state on the evaluation of the accuracy of the Drought Monitor and what the communication should be like it would suit Nevada's needs. He reviewed the process and provided an example of how it can be done. There was discussion including possible language for a recommendation.

Member Boyle made a motion to recommend the use of diverse sources of information to complement and enhance the applicability, value, and effectiveness of the U.S. Drought Monitor; seconded by Member Huntington; motion passed unanimously. **\*ACTION**

#### Category: Information Sharing and Outreach

Member King made a motion to work with federal partners to establish triggers for management actions to enhance predictability of operational needs for asset managers and allow for a more flexible response to evolving drought conditions; seconded by Member Barbee; motion passed unanimously. **\*ACTION**

Member Barbee made a motion that the Western Governors' Association ask for a western drought monitor author and for the drought monitor to cover broad information including impact reporting; seconded by Member Walker; motion passed unanimously. **\*ACTION**

Chair Drozdoff noted that during his panel at the Governor's Drought Summit, Claudia Vecchio, Director, Department of Tourism and Cultural Affairs, proposed having her agency conduct specific research on drought and visitation.

Member King made a motion to support the efforts of the Commission on Tourism to do specific research on impacts of drought on visitation; seconded by Member Boyle; motion passed unanimously. **\*ACTION**

#### Category: Financial/Technical Assistance and Incentives

Member Barbee noted this discussion should include incentives to encourage greater efficiency, including agriculture. There was discussion concerning a possible recommendation on this issue and if it should include a list of specific items such as cloud seeding or be more general.

Member Barbee made a motion to direct relevant state agencies to formulate statewide incentive programs and funding resources to help offset costs associated with high priority programs to improve drought response and resiliency for inclusion in FY 2017 budgets; seconded by Member Walker; motion passed unanimously. **\*ACTION**

There was discussion on investment tax credit for implementation of water saving technologies. There was not a lot of support for a recommendation. There was discussion on pursuing federal grants and other

funding credits, staffing for the Division of Water Resources, and how to make a recommendation to possibly include a budget proposal.

**PUBLI COMMENT:** Ms. Lynn noted that 3M Plans would require more budgeting and funding. It would be helpful if the Division of Water Resources had a biologist on staff.

Member Walker made a motion to increase the Division of Water Resources staffing for enhanced metering, water use reporting, other monitoring needs, and technical assistance; seconded by Member Huntington; motion passed unanimously. **\*ACTION**

Chair Drozdoff noted in the past there was discussion about the AB 198 Program, which has not been funded historically. He noted there is aging infrastructure and infrastructure that is being relied upon more. Part of effective drought management is having infrastructure programs that can be relied upon. It needs to be funded. There was discussion about this with the Forum determining the issue was covered in a prior motion.

Category: Information Sharing and Outreach

There was discussion about increased staffing and making a broader recommendation from the motion concerning Division of Water Resources Staffing.

**PUBLIC COMMENT:** Ms. Scherer noted that through this process the Governor has given the Forum the opportunity to say what Nevada needs to deal with a drought in such a way that what is needed for drought is not competing with other agency priorities. No state agency should be put in a position of picking or choosing between something that's imposed outside of their budgets by the Governor. There was discussion about Ms. Scherer's comments and the acknowledgment that information sharing is a topic discussed at meetings and at the Drought Summit. Coordinated and consistent messaging and technical assistance from state agencies is important. There was discussion about developing a statewide communication, education and outreach program that addresses drought response and the Forum determining who leads and coordinates that effort.

There was discussion about determining who should be in charge of the coordinated effort.

Member Walker noted that the current discussion is stuck on who is the leader of the process, what agency has the appropriate leadership for dealing with drought at this point. This seems like an issue that the Forum will not be able to resolve. This is an issue that needs to be resolved at the Governor's level, designating a lead agency. Member Walker noted that perhaps the Forum can include in its recommendation a provision that addresses the need to designate or identify a lead agency for drought response as part of the process.

There was discussion about this idea. Chair Drozdoff suggested the Forum take this issue and think about it to be addressed at the next meeting. He also proposed directing staff to create a possible recommendation keeping this discussion in mind to be considered by the Forum at the next meeting.

Mr. Michaelson asked the Forum members if there was anything that was missed during the day's discussion that needs to be addressed.

Member King spoke about working with the judicial college to try and educate judges on Nevada Water Law. Also, perhaps there should be a Water Court, a specific court where the judges that work this court know water law. There would be consistency in decisions. There was discussion about this issue. It was

decided to direct staff to create a possible recommendation keeping this discussion in mind to be considered by the Forum at the next meeting.

Category: Infrastructure, Supplies, and Long Range Planning

There was discussion about this category, including resources and what type of recommendations the Forum would make.

PUBLIC COMMENT: Mr. Walker noted that in the next list of BDRs scheduled to come out in the legislative session for 2017, there will be one or two that will include State Water Plan. He provided background on how this has been dealt with in the past. A possible option for the Forum is to let the Governor know he will get legislative pressure, particularly under the drought scenario, for a state water plan.

There was discussion about this.

Chair Drozdoff acknowledged the accomplishments of the Forum during the meeting and noted the Forum covered many important issues and items. Members will have an opportunity to think more about the discussions and recommendations and can bring issues up at the next meeting. Staff will put together recommendations to be reviewed at the next meeting. The Forum members agreed.

Category: Infrastructure, Supplies, and Long Range Planning

Member Barbee made a motion to explore the feasibility of additional management measures that can help to expedite the recharge and recovery of impacted rivers and groundwater systems and enhance storage; seconded by Vice-chair Entsminger. There was discussion where this motion should be listed with the Forum noting it should be listed under the Infrastructure, Supplies, and Long Range Planning Category. There was a vote on the motion; motion passed unanimously. **\*ACTION - Moved from the Water Law Category per Forum agreement ^^**

A full account of the discussion is captured in the audio recording, available on the Nevada Drought Forum's website ([www.drought.nv.gov](http://www.drought.nv.gov)).

**7) Discuss of November Meeting and Possible Agenda Items (Discussion and Possible Action)**

Chair Drozdoff noted the next meeting is scheduled for November 20, at this same location. Pam Robinson, Nevada Governor's Office, will be working on securing a new location and a possible new date. As soon as that has been finalized, the Forum members will be informed.

A full account of the discussion is captured in the audio recording, available on the Nevada Drought Forum's website ([www.drought.nv.gov](http://www.drought.nv.gov)).

**8) Public Comment: (Discussion)**

Chair Drozdoff asked for public comment. There was none.

**9) Adjournment:**

Meeting adjourned by acclamation at 4:00 p.m.