

A G E N D A

SOUTHERN NEVADA WATER AUTHORITY BOARD OF DIRECTORS

SPECIAL MEETING
11:00 A.M. – SEPTEMBER 13, 2018

BOARD CHAMBERS, SOUTHERN NEVADA WATER AUTHORITY
100 CITY PARKWAY, SEVENTH FLOOR, LAS VEGAS, NEVADA
(702) 258-3100

Board of Directors
Marilyn Kirkpatrick, Chair
Bob Coffin, Vice Chair
Jim Gibson
Peggy Leavitt
John Lee
John Marz
Steve Sisolak

John J. Entsminger,
General Manager

Date Posted: September 10, 2018



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THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED IN THE FOLLOWING LOCATIONS:

City of Boulder City, City Hall
401 California Street
Boulder City, Nevada

City of Henderson, City Hall
240 Water Street
Henderson, Nevada

City of North Las Vegas, City Hall
2250 Las Vegas Boulevard North
North Las Vegas, Nevada

City of Las Vegas, City Hall
495 South Main Street
Las Vegas, Nevada

Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, Nevada

Clark County Water Reclamation District
5857 E. Flamingo Road
Las Vegas, Nevada

Southern Nevada Water Authority
100 City Parkway, Suite 700
Las Vegas, Nevada

Las Vegas Valley Water District
1001 S. Valley View Boulevard
Las Vegas, Nevada

All items on the agenda are for action by the Board of Directors, unless otherwise indicated. Items may be taken out of order. The board may combine two or more agenda items for consideration, and the board may remove an item from the agenda or delay discussions relating to an agenda item at any time.

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CALL TO ORDER

COMMENTS BY THE GENERAL PUBLIC

NO ACTION MAY BE TAKEN: This is a period devoted to comments by the general public pertaining to items on this agenda. If you wish to speak to the Board about items within its jurisdiction, but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Please limit your comments to three minutes or less and refrain from making comments that are repetitious, offensive, or amounting to personal attacks. No action may be taken upon a matter not listed on the posted agenda.

ITEM NO.

1. *For Possible Action:* Approve agenda with the inclusion of tabled and/or reconsidered items, emergency items and/or deletion of items.
2. *For Information Only:* Go into closed session to receive information from General Counsel regarding potential litigation or arbitration involving matters over which the Board has supervision, control, jurisdiction or advisory power, and deliberate toward a decision on the matter pursuant to NRS 241.015(3)(b)(2).

BUSINESS AGENDA

3. *For Possible Action:* Authorize the General Manager, or his designee, to file a petition for judicial review of the State Engineer's Ruling No. 6446 of August 17, 2018, and participate in and/or initiate subsequent appellate proceedings related to the Authority's Clark, Lincoln and White Pine Counties Groundwater Development Project.

COMMENTS BY THE GENERAL PUBLIC

NO ACTION MAY BE TAKEN: At this time, the Board of Directors will hear general comments from the public on matters under the jurisdiction of the Southern Nevada Water Authority. Please limit your comments to three minutes or less and refrain from making comments that are repetitious, offensive, or amounting to personal attacks. No action may be taken upon a matter not listed on the posted agenda.

SOUTHERN NEVADA WATER AUTHORITY
BOARD OF DIRECTORS
AGENDA ITEM
September 13, 2018

Subject: Authorization to File Appeal	Director's Backup
Petitioner: Gregory J. Walch, General Counsel	
Recommendations: That the Board of Directors authorize the General Manager, or his designee, to file a petition for judicial review of the State Engineer's Ruling No. 6446 of August 17, 2018, and participate in and/or initiate subsequent appellate proceedings related to the Authority's Clark, Lincoln and White Pine Counties Groundwater Development Project.	

Fiscal Impact:

None by the approval of the above recommendation.

Background:

The Authority's Clark, Lincoln and White Pine Counties Groundwater Development Project (Groundwater Development Project) represents an important resource alternative to meet Southern Nevada's future water demands, as outlined in the Authority's Water Resource Plan. On August 17, 2018, the State Engineer issued Ruling No. 6446, which denied the Authority's applications for groundwater in Spring, Dry Lake, Delamar and Cave Valleys. These applications represent a component of the Groundwater Development Project.

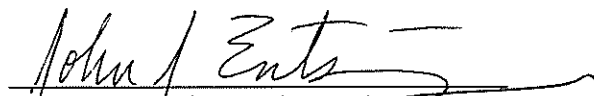
The ruling makes it clear that there is groundwater available in these basins for appropriation. However, the State Engineer's Office was prevented from granting rights by the scope of the remand instructions, which impose unprecedented requirements into the science of water appropriation in Nevada. Further, the ruling makes it clear that the State Engineer's Office believes that the remand order runs counter to its statutory authority to manage water resources in Nevada.

In 2012, the Board of Directors initiated a citizens advisory committee process to evaluate and make recommendations on issues affecting the Authority. In 2014, the advisory committee, known as the Integrated Resource Planning Advisory Committee (IRPAC) provided the Board with eight recommendations related to mitigating further drought impacts, which included the recommendation to continue to include the Groundwater Development Project within the Authority's Water Resource Portfolio with future resource options. The committee recognized that projects of this magnitude required significant lead time and agreed it would be prudent to continue legal and permitting activities for the project.

At the General Counsel's recommendation, the Board of Directors is being asked to authorize the General Manager, or his designee, to file a petition for judicial review of the State Engineer's Ruling No. 6446 of August 17, 2018, and participate in or initiate subsequent appellate proceedings related to the Authority's Groundwater Development Project.

The office of the General Counsel has reviewed this item.

Respectfully submitted:


John J. Entsminger, General Manager
JJE:GJW:TFS

AGENDA ITEM #	3
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