

**SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT
WASHOE COUNTY, NEVADA
SPECIAL MEETING**

TUESDAY

2:00 P.M.

OCTOBER 9, 2001

PRESENT:

Jim Shaw, Chairman
Pete Sferrazza, Vice Chairman
Joanne Bond, Commissioner
Jim Galloway, Commissioner
Ted Short, Commissioner

Amy Harvey, County Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel
Paul Orphan, Engineering Manager

The Board met in special session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada, and conducted the following business:

**01-20STM REIMBURSEMENT – LESLEY SHEPPARD – REDRILLING
DOMESTIC WELL**

Mike Widmer, Hydrogeologist, Water Resources, responded to questions of the Board. He advised that wells measured in the subject area have anywhere from a 10- to 24-foot drawdown; and that, in his opinion, the water level declines through the South Truckee Meadows are due to a combination of drought years and overall development that has occurred over the last 20 years. He said his understanding is that the well was constructed in the 1960's and served other homes for a period of time; that it was difficult determine how much of the water level decline of the Sheppard well was due to STMIGD's Production Well No. 6 and how much was due to regional development; and that his estimation is that approximately 10 feet of drawdown could be attributed to STMIGD Well No. 6. Mr. Widmer discussed permitting issues and advised that, since 1978, the Washoe County District Health Department has the charge of permitting wells; and that he cannot find any records of the Sheppard well. He then stated that STMIGD's Domestic Well Deepening Reimbursement Policy states there must be at least a 20-foot drawdown in a domestic well that is attributed to a STMIGD production well; and that the water level data he found for the subject area would not support the well owner's contention that a 30-foot decline has been caused by the production well.

Commissioner Bond asked why the well had to be moved, which was significantly more expensive than deepening the existing well. Mr. Widmer advised that the well driller was required by Washoe County to obtain a construction permit, which

was denied by District Health because the well was located in a right-of-way easement. Upon inquiry of Commissioner Sferrazza, Legal Counsel Shipman advised that the easement is a old public access and utility easement put on BLM subdivision tracts in the 50's.

Lesley Sheppard, owner of the subject property, advised that when she purchased the property she was given paperwork that showed the well had been a community well; and that at least 7 homes were on that well until 1972 when the last home drilled its own domestic well. She said that when the well went dry she contacted a variety of people; that the Health Department said if they could not provide water to their household it could be deemed a health hazard and they could be evicted; that a County Engineer said deepening the well within the existing road easement would be illegal; and that they were under a lot of pressure to rectify the situation. She said it would have cost approximately \$5,000 to deepen the existing well, but they had to drill a new well, which is located only 10 feet from the old well, at a cost of approximately \$25,000. She advised that, according to Washoe County, permits were probably not issued by the County, but by some other government organization in the 60's, and they have been unable to ascertain where those records are located. As far as she knows that is a Federal easement and she has been told that it would take a lot of money and a few years to get the easement moved.

Upon inquiry of Commissioner Sferrazza, Ms. Sheppard advised that they purchased the property in June of 1998; that they hired a well service company familiar with that well who gave them an evaluation for the title company; and that they were told the well pump was in about 30 feet of water and was in very good working condition. She further stated that, if the well had not been drawn down by the STMGID production well and they had not had problems with the permitting process, they would have probably gone straight to the seller; but that they felt they would go after the most apparent causes of the problem first. Commissioner Sferrazza commented that it appears the bulk of the problem was the illegal well and there is no evidence that the County or STMGID was responsible; and that the predecessor in interest should be the one that should be responsible, being the realtor and the seller. Ms. Sheppard responded that it is strictly supposition that the well was illegal. She said old survey techniques quite likely determined that the original well was inside the buildable property.

James Kosta, owner of subject property, advised that four meetings on this issue have been held with STMGID and much information has been provided. He said Water Resources was the department directly responsible for recommending the location of the large County and private production wells that have caused the aquifer to drop considerably. Mr. Kosta noted that Las Vegas and Henderson are having similar problems and the State Engineer's office has spent a lot of time looking at Nevada law regarding culpability.

Commissioner Galloway stated that it looks like the property owners have a good claim against the seller of the property and the title company; and that a claim against other parties is stronger than any claim against STMGID or Washoe County. He

said, if the Board approves the reimbursement, it would partly be based on relief of hardship.

Discussion was held concerning how to hold the County harmless and retrieve any money that might be paid. Legal Counsel Shipman advised that a lien could be imposed whereby, if the property owners receive the full amount of their damages back from third parties, the County would be reimbursed the amount they paid.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the reimbursement of \$13,272.00 to Lesley Sheppard for redrilling a domestic well at 15925 Mt. Rose Highway (APN 150-250-34) be approved, subject to language being drafted that (1) there will be no further claims against Washoe County, (2) the County might participate if the property owners ever recover the full amount of damages, and (3) to assure that any settlement against third parties would protect the County's interest.

PUBLIC COMMENTS

Sam Dehne, Reno resident, said the issue concerning wells going dry is an indictment of the cancerous growth in the community. He then commented that Mayor Armstrong and Mayor Griffin called for a summit meeting on emergency preparedness to protect the community against terrorism; and that Washoe County should be running those meetings.

Terri Shannon, Mt. Rose Highway resident, advised she lives in the same government tract as Lesley Sheppard. She said she provided the Board members with a copy of a book concerning the depletion of their aquifer. She commented that the Board should ask the Regional Water Planning Commission if they have spent enough attention addressing the aquifer issues. Ms. Shannon suggested that a policy be established whereby homeowners whose wells are going dry will know who they need to contact. She said the appropriate parties should work together to resolve some of these issues rather than leaving it to a homeowner to deal with on their own.

Bill Vance, STMGID Local Managing Board Chairman, stated that they appreciate the Board's efforts in this process and acknowledged they missed a big loophole by not attaching requirements to their recommendation concerning the Sheppard well. He then stated that they have been working on wells going dry in that area of Mt. Rose Highway for over three months and have requested to get some planning done on a new pipeline in the area; however, after 90 days, they still do not have any figures. He said they need a quicker response time from staff on these kinds of issues. Commissioner Galloway stated that he strongly supports Mr. Vance's request and asked that the planning process be accelerated to obtain costs on the pipeline.

BOARD AND STAFF COMMENTS

Commissioner Sferrazza requested that staff address whether there should be any more pumping of water in Mt. Rose Highway area that is experiencing problems if it is contributing to the drawdown.

Katy Singlaub, County Manager, advised that staff would bring that issue back at a future meeting.

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There being no further business to come before the Board, the meeting adjourned.

JAMES M. SHAW, Chairman
South Truckee Meadows General
Improvement District

ATTEST:

AMY HARVEY, Washoe County Clerk
and Ex Officio Secretary, South Truckee
Meadows General Improvement District

*Minutes Prepared By:
Barbara Trow, Deputy County Clerk*