

The meeting was held at 1:00 p.m. on Tuesday, August 9, 2016, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada.

**COMMISSIONERS IN ATTENDANCE**

Chairwoman	Puoy K. Premsrirut
Commissioner	Marilyn Kirkpatrick
Commissioner	Duncan R. McCoy
Commissioner	Steve Sisolak
Commissioner	Daniel J. Stewart
Commissioner	Cody T. Winterton

**COMMISSIONERS NOT IN ATTENDANCE**

Commissioner	Kara J. Kelley
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**DEPUTY ATTORNEY GENERAL**

Special Counsel, Attorney General	Jennifer T. Crandell
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**COMMISSION STAFF IN ATTENDANCE**

Executive Director	Jayne Harkins, P.E.
Deputy Executive Director	James D. Salo
Chief of Finance and Administration	Douglas N. Beatty
Assistant Director of Energy Services	Gail A. Bates
Assistant Director of Engineering and Operations	Robert D. Reese
Hydropower Program Manager	Craig N. Pyper
Natural Resources Program Manager	Angela K. Slaughter
Natural Resource Analyst	Peggy Roefer
Natural Resource Analyst	Warren Turkett, Ph.D.
Senior Accountant	Gail L. Benton
Office Manager	Judy K. Atwood
Administrative Assistant IV	Brenda L. Haymore
Administrative Assistant II	Abigail Price

**OTHERS PRESENT; REPRESENTING**

City of Henderson	Brian Podmenik
City of Henderson	Amanda Kern
Governor's Office	Pam Robinson
Self	George F. Ogilvie III and Family
Tronox LLC	John Holmstrom

**COLORADO RIVER COMMISSION  
OF NEVADA  
MEETING OF AUGUST 9, 2016**

**INDEX**

<b><u>Agenda Item</u></b>	<b><u>Subject</u></b>	<b><u>Page No.</u></b>
A.	Conformance to Open Meeting Law.....	1
B.	Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.) .....	1
C.	<i>For Possible Action:</i> Approval of minutes of the June 29, 2016 meeting .....	1
D.	<i>For Possible Action:</i> Selection of Vice Chairman.....	1
E.	<i>For Possible Action:</i> Consideration of and possible action on the transfer of interests in land to the City of Henderson for a planned linear trail along the railroad right-of-way. ....	2
F.	<i>For Possible Action:</i> Consideration of and possible action to approve execution of a Stipulation in Docket No. 16-05004 which will be filed by Nevada Power Company d/b/a NV Energy (Nevada Power) for approval by the Public Utilities Commission of Nevada, resolving all issues related to Nevada Power's request to establish a Hoover-D Service Rider for customers granted an allocation of Hoover Schedule D power. ....	3
G.	<i>For Possible Action:</i> Consideration of and possible action to adopt Colorado River Commission of Nevada Resolution 2016-3 commending George F. Ogilvie III for his service to the Colorado River Commission of Nevada (Commission).....	4
H.	<i>For Information Only:</i> Status update on the hydrologic conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, and other developments on the Colorado River.....	5
I.	Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.).....	6
J.	Comments and questions from the Commission members.....	6

**COLORADO RIVER COMMISSION  
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**INDEX (CONTINUED)**

<b><u>Agenda Item</u></b>	<b><u>Subject</u></b>	<b><u>Page No.</u></b>
K.	Selection of the next possible meeting date .....	7
L.	Adjournment.....	7

The Colorado River Commission meeting was called to order by Chairwoman Premsrirut at 1:00 p.m. followed by the pledge of allegiance.

**A. Conformance to Open Meeting Law.**

Executive Director Jayne Harkins confirmed that the meeting was in compliance with the Open Meeting Law.

**B. Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)**

Chairwoman Premsrirut asked if there were any comments from the public. There were none.

The Chairwoman welcomed two new Commissioners—Marilyn Kirkpatrick and Daniel H. Stewart. The Chairwoman noted the vast experience that Commissioners Kirkpatrick and Stewart bring to the Commission and said it will be valuable to the Commission.

**C. For Possible Action: Approval of minutes of the June 29, 2016 meeting.**

**Commissioner Kirkpatrick moved for approval of the minutes. The motion was seconded by Commissioner Winterton and approved by a unanimous vote.**

Commissioner Sisolak noted that this meeting was the first being conducted by Chairwoman Premsrirut and congratulated her on her appointment by Governor Sandoval.

Chairwoman Premsrirut thanked him. She said she also appreciated the confidence the Governor showed by that appointment.

**D. For Possible Action: Selection of Vice Chairman.**

**Commissioner Winterton made a motion to appoint Commissioner McCoy as Vice Chairman. The motion was seconded by Commissioner Sisolak and approved by a unanimous vote.**

Chairwoman Premsrirut pointed out that this is the first appointment of a Southern Nevada Water Authority (SNWA) member to the Vice Chair position. She said that she sees this as an opportunity to integrate the SNWA more completely into the Commission since they are a significant part of what the Commission is involved in.

**E. For Possible Action: Consideration of and possible action on the transfer of interests in land to the City of Henderson for a planned linear trail along the railroad right-of-way.**

Jayne Harkins, Executive Director, explained that the City of Henderson has received approval for funding under the Southern Nevada Public Land Management Act (SNPLMA) to construct a non-motorized multi-use trail, sometimes described as a linear park, within the Union Pacific Railroad (UPRR) corridor within the City of Henderson.

The State of Nevada, acting by and through the Colorado River Commission (Commission), has been informed by the City of Henderson, Department of Public Works, Parks and Recreation (the City) that the Commission may have a residual interest in the real property known as Assessor's Parcel Nos.: 178-09-898-001, 178-14-398-001, 178-14-798-001, 178-15-198-001, 178-15-298-001, 178-15-698-001, 178-15-712-002, 178-15-798-001 & 178-16-598-001 (east half), located in the City of Henderson, Nevada. The described real property is located within the UPRR corridor in the general vicinity of Gibson Road and Stephanie Street.

By deed dated June 1, 1952, the Commission transferred a large block of previously federally-owned land to Basic Management, Inc. In that deed, some identified land was excepted from the scope of the transfer in recognition of pre-existing ownership or other legal interests of a number of entities for roads, schools, hospitals, utilities and the UPRR railroad right-of-way, commonly known as the Boulder City Spur. The legal principles recognized by the Courts in 1952 governing the potential disposition of abandoned or unused railroad rights-of-way favored continued ownership by the railroad.

However, in 2014, the U.S. Supreme Court issued an opinion in Brandt Revocable Trust vs. United States, 572 U.S. \_\_\_ (2014) (the Brandt decision), which significantly "re-wrote" the law affecting disposition of abandoned railroad rights-of-way in favor of the underlying fee owner of the abandoned right-of-way. Under the Brandt decision, it is possible that an ownership interest in land within the UPRR right-of-way could revert to the State of Nevada/Colorado River Commission if the railroad use of the right-of-way is abandoned in the future.

In order to fully qualify for the SNPLMA funding for its proposed linear park the City must establish that it has a clear legal right to construct its park facilities on the proposed route. The City has been working with the railroad and a number of adjacent land owners, including the Commission, to secure the City's rights to occupy the strip of land needed for the linear park. The City's efforts to acquire the legal title to the lands in question must be completed during August 2016, to satisfy conditions of the SNPLMA funding grant.

Following discussions between the City and Commission staff, Staff recommended the Commission execute a Quit Claim Deed to the City of Henderson transferring to Henderson any ownership interest the Commission may still hold within the railroad right of way. The City commissioned an independent real estate appraisal of the possible interests of the various entities

which may have an interest in the land underlying the railroad right-of-way which valued the Commission's interest at \$3,000.00, and the City has offered to purchase any interest the State of Nevada/Colorado River Commission may have in the right-of-way covered by the Quit Claim Deed for \$3,000.00.

Transferring the Commission's interest insulates the State of Nevada/Colorado River Commission from any possible future tort or other claims which may arise.

The funds received will be deposited in the Commission's Administrative Account (4490) as Miscellaneous Revenue. The funds will be available to offset the costs of Staff time to implement this Quit Claim Deed as well as other authorized Commission costs.

Chairwoman Premsrirut asked whether the \$3,000.00 purchase price will cover all the costs associated with this endeavor.

Ms. Harkins said it would cover all costs.

Vice Chairman McCoy asked how the Commission came to own the property.

Ms. Harkins explained that the federal government purchased the land and built the industrial complex for the war effort. After the war, the federal government did not want the land but the State wanted to retain the jobs and manufacturing so they purchased it. The State then gave the complex to the Commission who later sold it to the Basic Management Company and it became a private enterprise.

**Vice Chairman McCoy moved to approve the proposed transfer by Quit Claim Deed to the City of Henderson and authorize the Executive Director to sign the acceptance of the Offer to Purchase Real Property and to execute the Quit Claim Deed. The motion was seconded by Commissioner Winterton and approved by a unanimous vote.**

***F. For Possible Action: Consideration of and possible action to approve execution of a Stipulation in Docket No. 16-05004 which will be filed by Nevada Power Company d/b/a NV Energy (Nevada Power) for approval by the Public Utilities Commission of Nevada, resolving all issues related to Nevada Power's request to establish a Hoover-D Service Rider for customers granted an allocation of Hoover Schedule D power.***

Gail Bates, Assistant Director of Energy Services, noted that in 2013, the Nevada Legislature amended NRS 704.787, requiring the PUC-N to establish a tariff under which Nevada Power will provide transmission and distribution services to the Commission's Hoover Schedule D contractors. On May 5, 2016, Nevada Power filed a Hoover D tariff with the PUC-N as required by NRS 704.787, and requested PUC-N approval of this tariff by October 1, 2016.

At its May 19, 2016 meeting, the Commission approved the filing of a Petition for Leave to Intervene (PLTI) by the Commission staff in Docket No. 16-05004 so that the Commission

would have the opportunity to participate in the PUC-N proceeding regarding the proposed tariff. The PUC-N approved the Commission's PLTI on June 16, 2016, granting the Commission status as an intervenor in the proceeding. Several of the Commission's Hoover Schedule D contractors, including the City of North Las Vegas, the City of Henderson, the City of Las Vegas, the Nevada Department of Administration, and the Board of Regents of the Nevada System of Higher Education on behalf of the College of Southern Nevada and the University of Nevada Las Vegas, also filed PLTI's and were granted intervenor status by the PUC-N on June 16, 2016.

The parties to the proceeding, including Nevada Power, the Regulatory Operations Staff of the PUC-N, the Office of the Attorney General's Bureau of Consumer Protection, the Commission, and the Commission's Hoover Schedule D contractors granted intervenor status, entered into discussions with the intent of trying to resolve the concerns of the parties pertaining to the proposed tariff. A proposed Stipulation, which resolves all of the parties' concerns pertaining to the proposed tariff, is the result of those discussions.

Ms. Bates reported it is anticipated that on August 17, 2016 the Stipulation will be presented to the PUC-N's Presiding Officer for further action and will hopefully move to full approval by that body by the end of August.

Chairwoman Premsrirut said that she recalled that the Commission's Hoover Schedule D contractors are required to provide evidence that they have made arrangements for delivery of power on or before October 2016. How does this Stipulation affect that timeline?

Ms. Bates said if the Stipulation is finalized by the end of August, it can be presented as evidence to the federal government that we are ready, willing and able to accept delivery of Hoover D power.

**Commissioner Winterton moved to approve execution of a Stipulation in Docket No. 16-05004 which will be filed by Nevada Power Company d/b/a NV Energy (Nevada Power) for approval by the Public Utilities Commission of Nevada, to resolve all issues related to Nevada Power's request to establish a Hoover-D Service Rider for customers granted an allocation of Hoover Schedule D power. The motion was seconded by Vice Chairman McCoy and approved by a unanimous vote.**

**G. *For Possible Action:* Consideration of and possible action to adopt Colorado River Commission of Nevada Resolution 2016-3 commending George F. Ogilvie III for his service to the Colorado River Commission of Nevada.**

Chairwoman Premsrirut said that even before she was appointed to the Commission, she was aware of George F. Ogilvie III by reputation as one of the most revered litigators who handles the most complex cases that touch Nevada. She said he has always been an inspiration to watch at how prepared he was on every issue before the Commission and always knew what questions to ask to resolve issues. He also had the Herculean task to help bring the 50-year Hoover Schedule D contracts to fruition. She said she wanted to express not only the gratitude of the

Commission, but her personal thanks for all that George F. Ogilvie III has done for the State of Nevada and the legal practice.

Vice Chairman McCoy praised Mr. Ogilvie for all the time he has devoted to public service in Nevada since he has served on the Commission since 2007. He is a busy, busy man and he is to be commended for all the time and effort he has expended to provide such excellent leadership. He put in a great deal of extra time to be so prepared and knowledgeable. It is positively amazing the depth of his knowledge of all the issues that the Commission has dealt with over the years. He said he was pleased, honored and proud to have served with him on the board of the Colorado River Commission. He wished him the best of luck on his next adventure. It has been a pleasure serving with him.

Commissioner Sisolak echoed the Vice Chairman's comments. He praised him for not just taking an appointment to a public board, but for putting in the time it takes to do a good job. He was always accommodating and respectful of dissenting opinions—he was always a gentleman. He thanked him personally and gave a thank you for all the citizens of the State of Nevada that have benefitted from his service.

Ms. Harkins read Resolution 2016-3 into the record commending George F. Ogilvie III for his service to the Commission. A copy of the resolution is attached and made a part of the minutes. (See Attachment A.)

**Vice Chairman McCoy moved to adopt Resolution 2016-3. The motion was seconded by Commissioner Winterton and approved by a unanimous vote.**

Mr. Ogilvie received a standing ovation for his service.

Chairwoman Premsrirut stated that a representative from Governor Sandoval's office, Pam Robinson who serves as his Policy Director, is in the audience

Ms. Robinson first conveyed her congratulations to the Chairwoman and Commissioner Stewart for their appointments on the Commission. She relayed the Governor's appreciation for their service. The reason she is here today is to convey the Governor's appreciation and depth of gratitude for the service that Mr. Ogilvie has given to the Commission and the State of Nevada and wishes Mr. Ogilvie continued success.

**H. *For Information Only:* Status update on the hydrologic conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, and other developments on the Colorado River.**

Warren Turkett, Ph.D., Natural Resource Analyst, provided a report on the following:

- Unregulated Inflow into Lake Powell as of August 8, 2016
- Storage Conditions as of August 8, 2016



- Reservoir Storage as of August 4, 2016
- Lake Powell Projections based on July 2016 24-Month Study
- Lake Mead Projections based on July 24-Month Study
- U.S. West Drought Monitor as of August 2, 2016
- U.S. Seasonal Drought Outlook as of July 21, 2016
- Precipitation – Colorado River Basin as of August 8, 2016
- Las Vegas Precipitation
- Las Vegas Average Temperature
- Water Use in Southern Nevada as of January – June 2016
- Water Use Comparison January – June
- Return Flow Credit Calculations
- Why are Return Flow Credits down?

A copy of the report is attached and made a part of the minutes. (See Attachment B.)

Chairwoman Premsrirut said she felt it was unclear as to why consumptive use was up in the last several meetings compared to previous years when it had consistently gone down.

Dr. Turkett said that economic growth and increased user accounts is most likely the cause of the increase in consumptive use.

Chairwoman Premsrirut asked for clarification on when the 24-month study will be released and what forecast is expected from that study.

Dr. Turkett said the study will be released on August 15, 2016. Given the amount of water currently in Lake Powell, there is a very high probability that operations in 2017 will be similar to the current year.

Commissioner Sisolak suggested that information be added to the report showing new connection charges or new accounts with the SNWA. The SNWA members of the Commission see those reports but the other Commission members do not. When new account information is added, it helps show why the consumptive use is fluctuating.

**I. Comments from the public. (No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken.)**

Chairwoman Premsrirut asked if there were any comments from the public. There were none.

**J. Comments and questions from the Commission members.**

Chairwoman Premsrirut asked if there were any comments or questions from the Commission. There were none.

**K. Selection of the next possible meeting date.**

The next meeting is tentatively scheduled for 1:00 p.m. on Tuesday, September 13, 2016, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4401, Las Vegas, Nevada.

**L. Adjournment.**

The meeting adjourned at 1:40 p.m.

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Jayne Harkins, P.E., Executive Director

APPROVED:

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Puoy K. Premsrirut, Chairwoman