

The Colorado River Commission of Nevada (Commission) meeting was held at 1:45 p.m. on Tuesday, December 12, 2023, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, NV 89155.

COMMISSIONERS IN ATTENDANCE

Vice Chairwoman	Kara J. Kelley
Commissioner	Dan H. Stewart
Commissioner	Justin Jones
Commissioner	Marilyn Kirkpatrick

COMMISSIONERS PRESENT VIA TELECONFERENCE

Commissioner	Allen J. Puliz
Commissioner	Cody Winterton

COMMISSIONER NOT IN ATTENDANCE

Chairwoman	Puoy K. Premsrirut
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DEPUTY ATTORNEY(S) GENERAL

Special Counsel, Attorney General	Michelle D. Briggs
Special Counsel, Attorney General	David Newton

COMMISSION STAFF IN ATTENDANCE

Executive Director	Eric Witkoski
Assistant Director, Energy Information Systems	Kaleb Hall
Assistant Director, Engineering and Operations	Bob Reese
Assistant Director, Finance and Administration	Douglas N. Beatty
Assistant Director, Hydropower	Gail Bates
Assistant Director, Natural Resources	Warren Turkett, Ph.D.
Chief Accountant	Gail L. Benton
Hydropower Engineer	Stevie Espinosa
Natural Resource Specialist	Danielle Greene
Power Facilities Communications Technician	Walter Shupe
System Coordinator	Chris Smith
Executive Assistant Manager	Gina L. Goodman
Office Manager	Noah Fischel
Administrative Assistant III	Tamisha Randolph
Administrative Assistant II	Joshua Cleveland

OTHERS PRESENT: REPRESENTING

City of Boulder City

City of Henderson

City of Henderson

Las Vegas Valley Water District

Las Vegas Valley Water District

Legislative Counsel Bureau

NV Energy

NV Energy

Overton Power District No. 5

Silver State Energy Association

Southern Nevada Water Authority

Joe Stubitz

Christopher Boyd

Becky Risse

Brittany Cermak

Chaunsey Chau Duong

Justin Luna

Jana Stewart

Abigail Watkins

MeLisa Garcia

Scott Krantz

Laura Browning

COLORADO RIVER COMMISSION OF NEVADA

MEETING OF

DECEMBER 12, 2023

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The Colorado River Commission of Nevada (Commission) meeting was called to order by Vice Chairwoman Kelley at 1:45 p.m., followed by the pledge of allegiance.

A. Conformance to Open Meeting Law.

Executive Director, Eric Witkoski confirmed that the meeting was posted in compliance with the Open Meeting Law.

B. Comments from the public. Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on the agenda as an item for possible action.

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

C. For Possible Action: Approval of minutes of the October 10, 2023, meeting.

Commissioner Kirkpatrick moved for approval and the motion was seconded by Commissioner Dan Stewart and approved by unanimous vote.

D. Possible Action: Adoption Hearing for Revised LCB File No. R023-23. Hearing by the Commission to receive comments followed by consideration of and possible action, including adoption, revision, or rejection, regarding the following proposed amendment to the Nevada Administrative Code (NAC) Chapter 538; Specifically,

NAC 538.370, NAC 538.460, NAC 538.470, and NAC 538.490 are deemed unnecessary and are therefore being repealed. NAC 538.025 is being placed near other similar regulations for clarity.

Mr. Witkoski introduced Item D for consideration and possible action including adoption of revised LCB file No. RO23-23 by the Commission. He indicated LCB File No. R023-23 was presented and approved by the Commission on October 10, 2023, but Legislative Counsel Bureau (LCB) requested the File to be readopted.

Vice Chairwoman Kelley opened the public Adoption Hearing on the proposed amendment to the Nevada Administrative Code (NAC) Chapter 538 asking Staff to confirm that the Notice of Intent to Act upon Revised LCB File No. R023-23 has been properly posted.

Mr. Witkoski confirmed that the proposed regulation was properly posted.

Vice Chairwoman Kelley stated Mr. Witkoski had given the Commission a brief overview of the changes proposed. The Commission will turn to Special Counsel to give the background regarding the need to have a readoption hearing.

Special Counsel, David Newton explained on October 10, 2023, the Commission approved LCB File No. R023-23. However, subsequently Staff were notified by LCB that due to a change in personnel, the version received by the Commission was not the LCB final version. The regulation before the Commission today is substantially similar to what was approved on October 10, 2023. The only thing that was added was some conforming language to clean up references in the regulation. Mr. Newton discussed the compliance with the notice requirements that the Commission satisfied.

Vice Chairwoman Kelley opened the hearing for public comment. There were none.

Commissioners were asked if there were any questions or comments. There were none.

Commissioner Stewart moved for approval and the motion was seconded by Commissioner Jones and approved by unanimous vote.

E. *For Possible Action: Consideration of and possible action by the Colorado River Commission of Nevada (Commission) to adjust the amount of collateral posted by the Commission's retail industrial contractors for Calendar Year 2024.*

Assistant Director, Hydropower, Gail Bates explained the Commission's requirements for each of its retail power customers at the Black Mountain Industrial (BMI) Complex to provide collateral to protect the Commission and the state of Nevada from any financial risk posed by those contractors pursuant to the agency's regulations. Commission Staff are to conduct a yearly creditworthiness review and based on that review, establish the level of collateral each contractor is to provide. Staff recommends the following collateral and adjustments:

Contractor	Form of Collateral	Present Collateral	Recommended Collateral Requirement	Collateral Adjustment
Henderson Water Company (formerly Basic Water Co)	Letter or Credit	\$170,077.56	\$170,077.56	\$0
Lhoist North America	Cash	\$21,684.43	\$24,342.70	\$2,658.27
EMD d/b/a Borman Speciality Materials	Cash	\$789,076.80	\$626,878.47	(\$162,198.33)
Olin Chlor Alkaline Products	Cash	\$53,789.07	\$53,789.07	\$0
Titanium Metals Corporation	Letter of Credit	\$503,396.22	\$599,752.33	\$96,356.11
		\$1,538,024.08	\$1,474,840.13	(\$63,183.95)

A discussion ensued regarding the collateral chart.

Commissioner Stewart asked what will happen when the formal change between Basic Water Company (BWC) through the bankruptcy court to Henderson WC, LLC (HWC) is complete.

Ms. Bates explained in terms of collateral, HWC is proposing to post a letter of credit and when received, the Commission will return Basic Water Company's cash to Basic Water Company.

Commissioner Stewart then asked if the collateral will be returned to Basic Water Company or to the bankruptcy court.

Ms. Bates replied that the collateral will be returned to Basic Water Company.

Commissioner Kirkpatrick moved for approval and the motion was seconded by Commissioner Stewart and approved by unanimous vote.

F. *For Possible Action:* Consideration of and possible action to approve a Transmission Service Agreement among the Southern Nevada Water Authority, the Silver State Energy Association, and the Colorado River Commission of Nevada.

Ms. Bates gave a presentation on the need for the Electric Power Transmission Services Agreement between the Commission, Southern Nevada Water Authority (SNWA), and Silver State Energy Association for an additional ten-year term to December 31, 2033.

Commissioner Kirkpatrick moved for approval and the motion was seconded by Commissioner Stewart and approved by unanimous vote.

G. *For Possible Action:* Consideration of and possible action regarding update on Basic Water Company bankruptcy and Assignment, Assumption, and Consent Agreement among the Colorado River Commission of Nevada, Basic Water Company, and Henderson WC LLC., of existing hydropower contracts and related agreements.

Special Counsel, Michelle Briggs provided an update on the bankruptcy and transfer of contracts from Basic Water Company to Henderson WC LLC.

The court approved the plan, effective November 17, 2023. The sale occurred on the same effective date. The assignment approved by the Commission will be signed soon, additional documents Staff will need to execute the contracts essentially amounts to new notice provisions and to change the party.

Vice Chairwoman Kelley asked if there is any action required today.

Ms. Briggs stated Staff requests authority to prepare and execute ancillary documentation to effectuate the transfer of the contracts.

Commissioner Jones moved for approval and the motion was seconded by Commissioner Kirkpatrick and approved by unanimous vote.

H. *For Information Only:* Consideration of and possible action to approve contract CRCMH-03 between successful bidder, Peak Substation, LLC, and the Colorado River Commission of Nevada, based on bid solicitation 69CRC-S2539 for Monthill Substation for Vacuum Medium-Voltage Circuit Breaker.

Assistant Director of Engineering and Operations Bob Resse explained that pursuant to NRS 538.161, the Commission may execute contracts for the planning, and development of any facilities for the generation or transmission of electricity for the greatest possible

benefit to the state. The proposed purchase contract is being put forward for approval as part of the work the Commission will perform for SNWA's Monthill project.

Commissioner Stewart moved for approval and the motion was seconded by Commissioner Kirkpatrick and approved by unanimous vote.

I. *For Information Only:* Update by Commission Staff on the financial audit for Fiscal Year 2024 being performed by Moss Adams.

Assistant Director, Finance and Administration, Doug Beatty stated the audit for 2023 is currently underway. The Moss Adams Audit team visited the Commission Main Office in the first week of October to review account balances and the entries Staff had ready to post for the closing.

Vice Chairwoman Kelley stated on behalf of the Commission that it continues to be appreciative of Moss Adams, and their professionalism.

J. *For Information Only:* Update on pending legal matters, including Federal Energy Regulatory Commission or Public Utilities Commission of Nevada filings.

Mr. Newton provided an update stating oral argument for Save the Colorado vs USDOJ is scheduled by the U.S. Court of Appeals for the Ninth Circuit in Phoenix on February 6, 2024, at 9:30. However, calendar entries may change the hearing day.

K. *For Information Only:* Status update from Staff on the hydrological conditions, drought, and climate of the Colorado River Basin, Nevada's consumptive use of Colorado River water, the drought contingency plan, impacts on hydropower generation, electrical construction activities and other developments on the Colorado River.

Assistant Director of Natural Resources, Dr. Warren Turkett presented current hydrology and river updates. A copy of the report is attached and made a part of the minutes (See Attachment A).

L. **Comments from the public. Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken on a matter raised during public comment until the matter itself has been specifically included on the agenda as an item for possible action.**

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

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

Vice Chairwoman Kelley asked if any comments from the Commission members. There were none.

N. Selection of the next possible meeting date.

The next meeting is tentatively scheduled for 1:30 p.m. on January 9, 2024, at the Clark County Government Center, Commission Chambers, 500 South Grand Central Parkway, Las Vegas, Nevada 89155.

O. Adjournment.

The meeting was adjourned at 2:18 p.m.

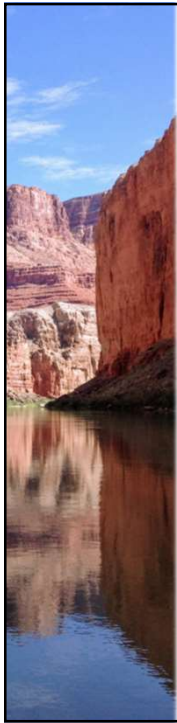


Eric Witkoski, Executive Director

APPROVED:



For Puoy K. Premsrirut Chairwoman



Colorado River Commission of Nevada

Hydrology and River Updates

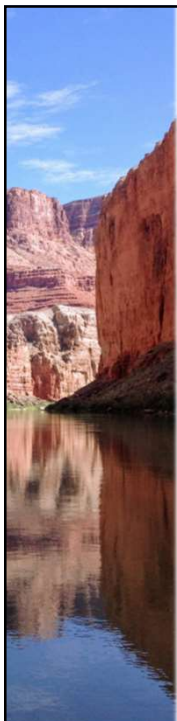
Warren Turkett

December 12, 2023

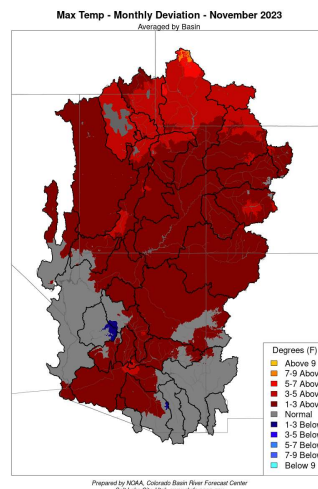
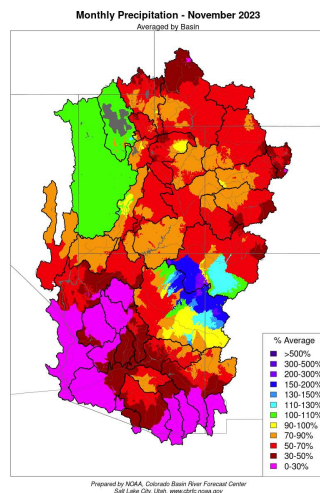


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Precipitation and Temperature

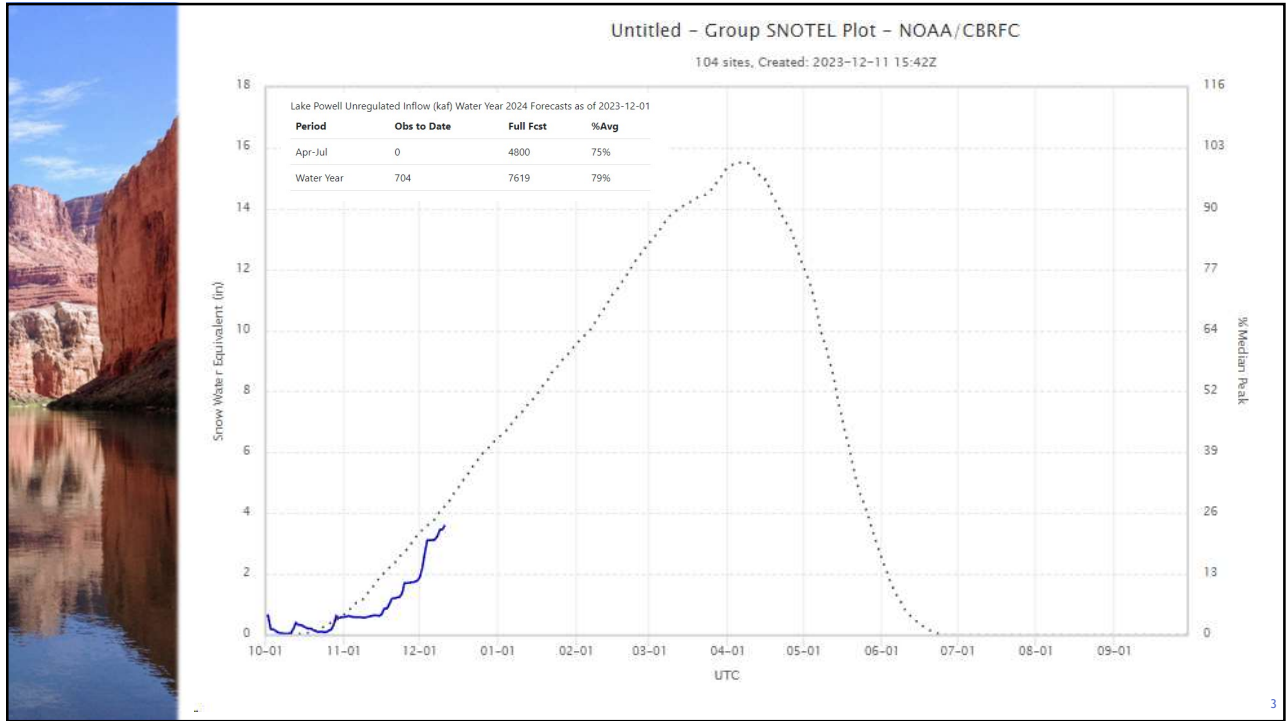


Lake Powell %Average Precipitation Water Year 2024

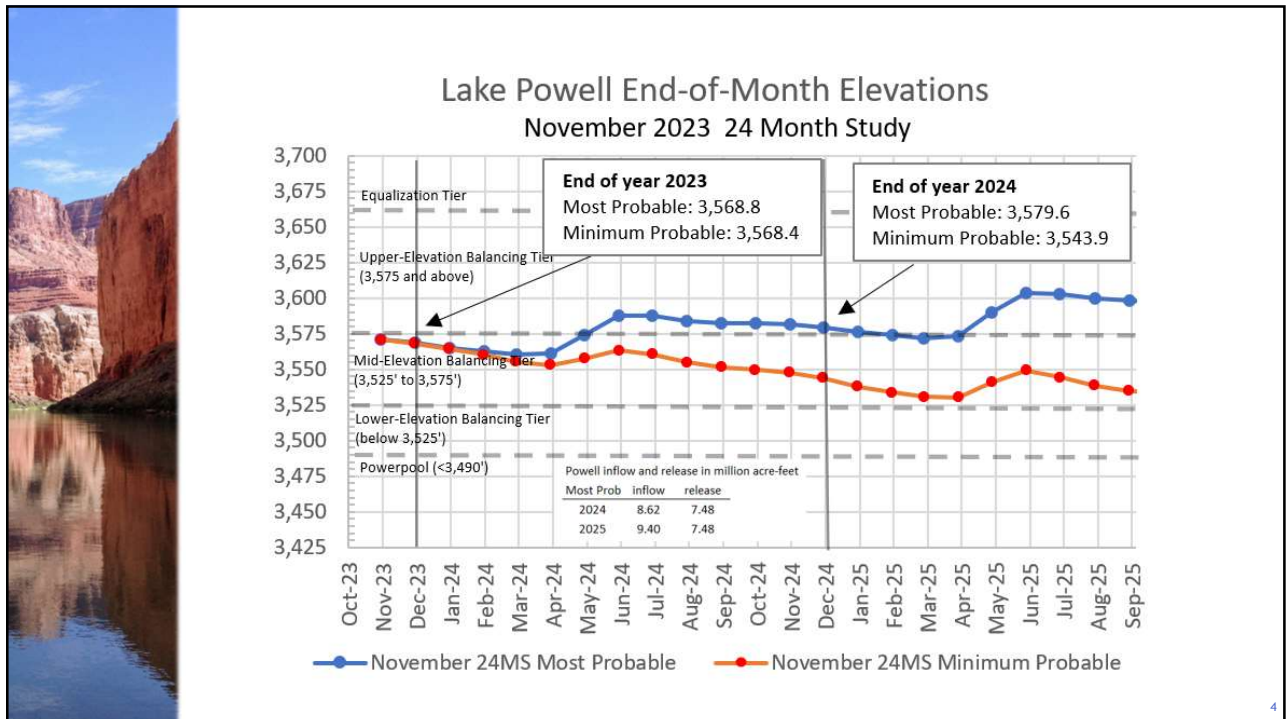
Area	Oct	Nov	Water Year
UC-Powell	92	56	73

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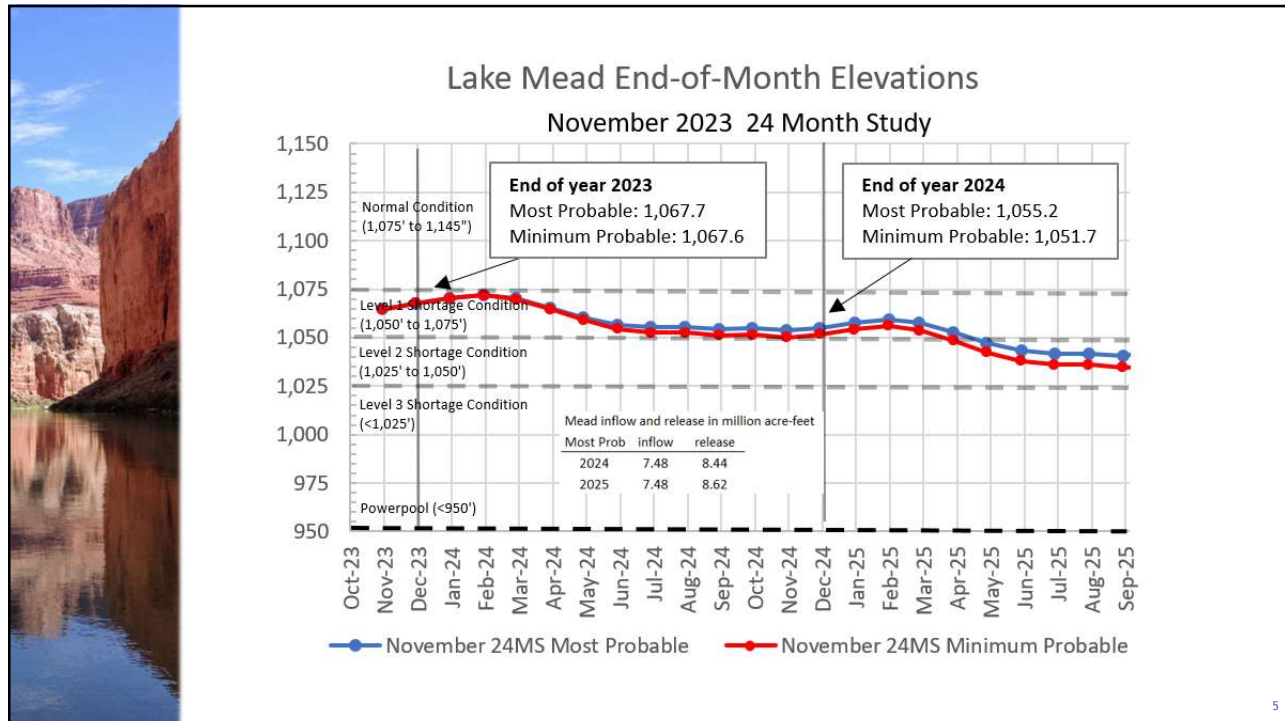
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Water Use In Southern Nevada

2023 January - October Southern Nevada Water Use¹ **Acre-Feet**

Nevada Annual Allocation	300,000
Drought Contingency Plan contribution	-8,000
Interim Guidelines Shortages	-17,000
Diversions	377,089
Return Flow Credits	205,299
Consumptive Use	171,790
	(-17% compared to last year)

¹ 2023 Consumptive use data is preliminary.

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