

Minutes of the Washoe County Well Mitigation Hearing Board

Tuesday, October 2, 2007

Members Present

Pete Morros
Scott Tyler

Greg Pohll

Karen Rosenau

Members Absent

David Carlson

Staff Present

Jim Smitherman
Mike Widmer

Paul Valentin
Pete Simeoni, Legal Counsel

Chris Wessel

Others Present

Martin Scheuerman

Susan Scheuerman

Kenneth Nixon

DETERMINATION OF QUORUM – Chairman Pohll called the meeting to order at 6:10 p.m. There was a quorum present.

APPROVAL OF THE AGENDA – Ms. Rosenau made a motion to approve the agenda as posted. Mr. Morros seconded the motion, which carried unanimously.

REVIEW, AMENDMENT AND APPROVAL OF MINUTES – The minutes of the August 7, 2007 meeting were submitted for approval. Mr. Morros made a motion to approve the minutes as submitted. Mr. Tyler seconded the motion, which carried unanimously.

PUBLIC COMMENT

Monte Geidl, 9885 North Virginia Street, Reno, Nevada, stated all he has heard is lies from “this outfit” for a number of years. He referred to the water in the north, Lemmon Valley, and stated they are building 600 new houses down the road from him and a great, big water tower. He wants to know what is going on.

Mr. Morros asked to which “outfit” Mr. Geidl was referring. Mr. Geidl stated the water tank is next to the one for Raleigh Heights that pumped the aquifer dry.

Pete Simeoni, Legal Counsel, reported that the purpose of the Well Mitigation Hearing Board (WMHB) is to determine and recommend whether municipal wells have caused impact to specific domestic well owners.

Mr. Geidl stated, “Yes, you admitted you pumped the aquifer too dry up there and refused any money to me, when I had to put \$30,000 into two wells. I drilled mine down another 200 feet and they said the casing might be broken. And then I had to start over and drill a whole new well.”

Mr. Simeoni stated that the WMHB does not represent any entity that is a water purveyor; it is an independent decision-making body that hears from applicants and purveyors.

Mr. Geidl stated he would like to get some answers.

Chairman Pohll reiterated that the purpose of the WMHB is to review and make recommendations on specific cases. He thanked Mr. Geidl for his comments.

BUSINESS OF THE DAY

1. Hearings on applications for well mitigation, including possible decision and direction to staff.

a. Martin and Susan Scheuerman, APN 150-250-33, 5925 Carl Drive (Utility Service Area: Washoe County Department of Water Resources and South Truckee Meadows General Improvement District (STMGID))

Chairman Pohll explained that WMHB staff would present summary information for the area, followed by the applicants, then Washoe County, any rebuttals, any public comment, and then deliberations. Jim Smitherman presented an overview of the packet information for the Scheuerman well. He reported that the Groundwater Data Center (GDC) had developed a summary. The original well was drilled in 1993 to a depth of 335 feet and at that time had a static water level of approximately 240 feet below land surface. The well had 80 feet of water in the casing at the time of construction.

Mr. Smitherman reported that Tessa Well 2 is closest to the subject well, approximately 3,670 feet southwest. He added that STMGID Well 6 is approximately 3,770 northeast and ArrowCreek Well 3 is approximately 5,160 feet northwest. He stated that Tessa Well 1 and STMGID Well 5 are located approximately one mile from the subject well. He reported that STMGID Wells 5 and 6 began production in 1989 and the Tessa wells began service in 2003. He reported that hydrographs and static water levels for the wells were included in the applicant packet.

Chairman Pohll invited the Scheuermans to speak. Marty Scheuerman reported he built the home with the well in 1993 and had adequate water for quite a while. He added that in fact, up until the beginning of 2007, they had no inclination other than well monitoring, that the water level was continually decreasing. He reported that they entered into an agreement with Washoe County to use their well as a monitoring well. He stated that over the last year, the decline has been stunning. He stated that they noticed a decrease in flow around June or July, and in July he noticed there was more air coming from the hose than water. He stated that he contacted McKay Pump & Well Service, who came out in July and told him the static water level was at pump level. McKay lowered the pump as far as possible, producing about 8 gallons per minute, which hopefully would last the rest of the year. He reported that in September, the week of his daughter's wedding and associated functions at his house, they ran out of water completely.

Mr. Scheuerman reported that McKay again came out and reported that the water level had dropped even further. He reported that Washoe County has water in the street and to the front yard. He stated that they feel commercial pumping on the fan contributed to the decline in water level. He referred to some of the past determinations of 67% or even greater contributing to the lowering of the water table by municipal pumping. He referred to pumpage charts in the packet and mentioned that STMGID 6 in 2006 was pumping almost 300 million gallons per year.

Mr. Scheuerman referred to that well, along with all the other municipal wells pumping from that same aquifer. He stated that the water was going into other systems, such as Double Diamond, Damonte Ranch, and the TMWA system. He stated the bottom line is that he has no water in his well and he thinks that development has to take responsibility for his 80-foot decline in water in less than 13 years. He added that the water purveyors who have put the large wells that pull millions of gallons annually from

that aquifer are 100% responsible for his situation and he thinks it is up to the water purveyors to make him whole again. He clarified he is not asking for more than what he had previously or damages, he is asking the WMHB to find the water purveyor 100% responsible. He welcomed questions.

Chairman Pohll called for questions and hearing none, invited Mike Widmer, Hydrogeologist for Washoe County Department of Water Resources, to speak. Mr. Widmer reported he was representing Washoe County, as well as STMGID. He stated that the purveyor is permitted to pump far in excess of what has occurred and recognizes there is adequate water to serve all users. He reported that the situation is based on depth of the well to be able to capture the water. He stated that water level declines have been large this year, not only in the fan area but other areas of southern Washoe County as well, which hopefully will reverse.

Mr. Widmer stated that the purveyor recognizes that in the past there was a 67% attribute assigned to the purveyor for lowering the water table in domestic wells. He requested that the Board recognize previous actions and remain consistent.

Chairman Pohll welcomed a rebuttal from the Scheuermans. Mr. Scheuerman stated that based on his inability to deepen his well due to law preventing it because of the close proximity to the Washoe County water line, he has no problem hooking up to the County system as long as they have water. He stated that the WMHB and their decisions in terms of the culpability of the purveyor has a lot to do with swinging the Governing Board in terms of how much money they will have to spend. He added that he knows tonight's hearing is not about money, but it is indirectly. He stated that if the WMHB finds that the purveyor is 100% responsible for his situation, that would carry a lot of gravity. He clarified that they are asking for the purveyor to waive the hookup fees, meter fees, in excess of between \$15,000 to \$20,000, not to mention the well abandonment fees that are required by the state. He asked that the WMHB consider the importance of how their well has been affected and why we are here tonight.

Chairman Pohll called for public comment and hearing none, brought the discussion back to the Board for deliberation. He stated clarified that the total drawdown number is 70 feet. Mr. Scheuerman clarified that the last invoice from McKay, which was not included in the packet, showed his static water level of 308 feet. He submitted it to the Board. Members agreed go with 70 feet of drawdown.

Mr. Morros referred to Mr. Widmer's comment regarding previous determinations of 67% responsibility due to municipal pumping and asked if those wells were in close proximity to the subject well, which Mr. Widmer stated they were. Mr. Morros added that there is no doubt that some of the decline is due to the dry year conditions. Mr. Scheuerman clarified that the Shannon well is approximately 680 feet from his well.

Mr. Tyler referred to the pumping records for municipal wells in the area and stated that since 2002 the pumping has been fairly constant, with the exception of the Tessa wells, which came online in 2005. He added that the monitored water levels have declined slightly more rapidly in the last two years. He mentioned the packet does not include water level measurements from the summer. Mr. Widmer reported that levels were monitored in September and should have been included in the charts. Mr. Tyler requested inclusion of the date of the last measurement. Mr. Widmer agreed and reported that staff is aware that the packets are in dire need of upgrading; however, they have experienced staffing shortages.

Mr. Pohll referred to the charts and water level declines and stated that in the past this Board has attributed up to 20 feet of decline to drought conditions in this fan. He stated he thinks that number is still reasonable. Mr. Tyler stated that consideration also needs to be given to domestic well pumping responsibility for the water declines in the area. Mr. Widmer stated that Callahan Ranch is serviced largely by domestic wells with some subdivisions serviced by production wells. Members agreed that the

domestic wells are not located in high density. Mr. Tyler stated that domestic well pumping is probably not too significant in the subject area. Mr. Morros asked how many new domestic wells have been drilled in the area, to which Mr. Widmer responded maybe two or three. He summarized there is an overall decrease in domestic wells in the area.

Mr. Scheuerman referred to the domestic well logs in the packet and read the percentages for winter, in 1993 we had 97% normal winter, 1994 was 84%, 1995 was 149%, 1996 was 146%, 1997 was 92%, 1998 was 175%, 1999 was 63%, 2000 was 96%, 2001 was 67%, 2002 was 65%, 2003 was 76%, 2004 was 94% and 2005 was 180% (per the Weather Service) and 2006 was 40% of normal. He summarized that there is a huge variation in precipitation patterns and stated the water level decline is a straight line from the early 1990s or late 1980s. He stated there is not a real deflection in the well levels that correlates with good versus bad years. He added the deflections correlate with when the pumps and wells went online with the increased pumping. Mr. Tyler agreed that was a good point.

Chairman Pohll asked if any Board member was ready to make a motion following the form motion. Ms. Rosenau suggested filling in the numbers on the form initially, with which members agreed. Chairman Pohll suggested that "other permitted pumping" be zero, "domestic well pumping" is fairly minimal. Mr. Tyler agreed and stated he did not think much, if any of the drawdown could be attributable to domestic wells based on density, with which members agreed and therefore zero was assigned. Chairman Pohll suggested 20 feet attributed to drought as mentioned by Mr. Tyler earlier. Mr. Morros mentioned the comment that 2006 was 40% of normal and added that this year would not be any better. Mr. Tyler mentioned that in reviewing the data, from 1989 to 1992 there was very little municipal pumping compared to today and there is a steady decline through those years similarly to when the pumping rate was almost 10 times what it was then.

Chairman Pohll mentioned that on the Shannon well, the WMHB attributed 12% to drought and other domestic well pumping. He added that it was probably a total 50-foot drawdown.

Chairman Pohll stated there appears to be a decline under fairly minimal pumping. Mr. Tyler mentioned that after 1997, a rise in the water level is noted between 5 and 20 feet. He summarized that he thought 5 feet attributable to drought sounds reasonable, with which members agreed. Ms. Rosenau stated there is always going to be variances between domestic well level declines based on drilling and construction of each well.

Chairman Pohll stated that members need to determine the magnitude of reasonable lowering of the static water level due to municipal pumping. He added that previously, that number has been approximately 10 to 20 feet. Mr. Morros clarified it is almost consistently 10 feet and suggested staying with that number. Chairman Pohll summarized that the difference, or total amount caused by municipal pumping, would be 55 feet, therefore, the unreasonable portion would be 55 feet, or approximately 78% of the total drawdown.

Mr. Morros made a motion that the WMHB find and determine that a reasonable lowering of the static water level due to municipal pumping in this matter is 10 feet, and that the total drawdown caused by municipal pumping is 55 feet. He clarified that the total drawdown should be 65 feet and then 10 feet be subtracted. Chairman Pohll clarified that the amended motion is that the WMHB find and determine that a reasonable lowering of the static water level due to municipal pumping in this matter is 10 feet, and that the total drawdown caused by municipal pumping is 65 feet. Mr. Tyler seconded the motion, which carried unanimously.

Mr. Morros made a motion that 55 feet of this drawdown is attributable to unreasonable municipal pumping, resulting in unreasonable municipal pumping being 78% of the reasonable drawdown.

Chairman Pohll restated the motion and added that he assumes by implication that 5 feet would be attributable to drought. Ms. Rosenau stated she was more comfortable assigning 70%, to be more consistent with what was previously decided. Chairman Pohll referred to the Ravensberg well, which had a total drawdown of 45 feet, 67% of which was attributed to municipal pumping.

Mr. Tyler seconded the motion, which carried unanimously. Mr. and Mrs. Scheuerman thanked the Board for their consideration.

A brief recess was held.

**b. Kenneth E. Nixon, APN 150-250-06, 5852 Stephens Road
(Utility Service Area: Washoe County Department of Water Resources and South
Truckee Meadows General Improvement District (STMGID))**

Chairman Pohll turned the presentation over to Mr. Smitherman, who presented an overview of the packet information for the Nixon well. He reported that the original well was drilled in 1990 to a total depth of 250 feet below land surface and at that time had a static water level of approximately 173 feet so the well had approximately 77 feet of water in the casing at the time of construction and produced 25 gallons per minute.

Mr. Smitherman reported that the applicant believes that STMGID Well 6 is responsible for his well failure. He added that Washoe County has been monitoring the applicant's well since 1989. Data shows a 47-foot water level decline from 1989 to 2005, which averages about 3 feet per year for 16 years. He stated that the Mr. Nixon's well is approximately 4,400 feet from STMGID Well 6 and 4,465 feet from the ArrowCreek Well, and approximately 4,800 feet from STMGID Well 5. He added that Tessa Wells 1 and 2 are over a mile away.

Chairman Pohll invited Kenneth Nixon to speak. Mr. Nixon referred to his packet information, which includes a well driller's log from 1959 for an adjacent well on his property. He stated that the well at that time had a static water level of 98.5 feet and 31 years later his well was drilled with a static water level of 173 feet, the difference being 75.5 feet. He summarized that in 31 years, the water table level dropped 75 feet. He added that in the last 16 to 17 years since he has lived there, the static water level is 11 feet off the bottom of the well, meaning he lost 66 feet of water in 17 years.

Mr. Nixon stated that he purchased the property in 1986 and remembers the STMGID well being drilled. He reported that at that time, he asked the Health Department how deep he should drill his well and was given an information booklet. He explained that the Health Department suggested he speak with well drillers, which he did and was advised to drill the well 250 feet. He stated at that time, the water roared from the well. He reported that the first problem surfaced when the well started pumping sand. He added that he contacted Mr. Widmer and then in the spring of 2003 while watering the lawn, the well went off, indicating to him that the well was not keeping up with the pump. He summarized that he realized at that time, he would not be able to have a lawn.

Mr. Nixon stated that approximately one and a half to two months ago, his well gave out. He added that he has been using water from his father's home and has lost trees. He reported that to him it seems obvious that his problems are caused by the well in front of his house (STMGID Well 6) that pumps close to 400 million gallons of water. He stated that while he is not opposed to new growth, he feels he has been severely impacted by it and wishes to be made whole and have water.

Mr. Nixon referred to the Melarkey and Meyers wells, which were considered by this Board previously, resulting in most of their cost being reimbursed to hook up to the water system. He stated that his

property is located approximately 500 feet from the water line. He added that he has heard estimates for trenching to his house in the amount of \$32,000, which he thinks is on the high end. He stated that he would prefer to stay on a well; however, he was told that since the water system is available, a permit to deepen could not be obtained.

Mr. Nixon stated that Mr. Scheuerman said it all in his presentation. He added that there is an earthquake fault in front of his home with homes built on top of it and his understanding is that it created a dam in the alluvial fan. He summarized that with the phenomenal growth for the last 5 to 6 years in this area, water is definitely a major issue.

Chairman Pohll thanked Mr. Nixon for his presentation and turned the discussion over to Mr. Widmer. Mr. Widmer stated that he brought Mr. Nixon's case before the STMGID Local Managing Board previously; however, STMGID's policy requires that the WMHB make a determination of the unreasonable drawdown. Mr. Widmer reported that STMGID recognizes their previous actions, as well as the close proximity to STMGID Well 6.

Mr. Nixon again referred to the original well from 1959 and the water table loss of 75.5 feet. He reiterated the numbers being pumped by the STMGID and Tessa Wells. He referred to the drought and other domestic well pumping and stated he does not know how this Board determines the impact from drought. He reiterated his water level declined and summarized that he has been severely impacted.

Mr. Widmer stated that for the record and future consideration, there is sufficient evidence that the wells that were drilled in the late 1950s / early 1960s tapped into an aquifer that has long since dried up before there was even a handful of domestic wells in the area. He explained that he thinks it is inappropriate to compare the original well to Mr. Nixon's current well. He added that neighbors have redrilled wells prior to the production wells coming online. He recommended that in the future, old well logs should not be considered. Mr. Tyler agreed and added that he did not believe it affects Mr. Nixon's case.

Chairman Pohll called for any public comments and hearing none, moved to the deliberation phase. He summarized that the total drawdown was 77 feet. Mr. Tyler stated there has been a roughly 10-foot water level decline from 2006 to this year. Chairman Pohll stated that since this well is in the same area as the previous case, we would assume the number attributed to other permitted pumping is zero. He added that similarly, domestic well pumping contributed very little impact and will be assigned zero. He stated that the same drought number of 5 feet would apply. As previously, ten feet was assigned as the reasonable lowering of the water table. Chairman Pohll summarized that the total drawdown caused by municipal pumping would be 62 feet.

Mr. Morros stated that his calculations come up with 81%. Mr. Tyler explained that the increase in percentage from previous determinations is due to the static water levels continuing to decline.

Mr. Morros made a motion that the WMHB find and determine that a reasonable lowering of the static water level due to municipal pumping in this matter is 10 feet, and that the total drawdown caused by municipal pumping is 62 feet. Mr. Tyler clarified that the total drawdown should be 72 feet, with which members agreed. Mr. Morros amended his motion to reflect that number. Chairman Pohll restated the motion. Mr. Tyler seconded the motion, which carried unanimously.

Mr. Morros made a motion that 67 feet of this drawdown is attributable to unreasonable municipal pumping, resulting in unreasonable municipal pumping being 81% of the reasonable drawdown. Chairman Pohll asked if Mr. Morros would like to include 5 feet attributable to drought. Mr. Morros restated his motion, that 5 feet of this drawdown is attributable to drought; therefore 62 feet of the drawdown is attributable to unreasonable municipal pumping, resulting in unreasonable municipal

pumping being 81% of the reasonable drawdown. Ms. Rosenau seconded the motion, which carried unanimously.

Chairman Pohll thanked Mr. Nixon for attending. Mr. Nixon thanked the Board.

2. Review status report on previous WMHB determinations, and possible direction to staff.

Mr. Smitherman reported that he had provided and would continue to provide status reports. He added that the most recent addition was from the Bushey case from the last hearing. Chairman Pohll suggested including the total drawdown and absolute values rather than percentages only, with which Mr. Smitherman agreed.

3. Scheduling the next meeting of the Well Mitigation Hearing Board, and possible direction to staff.

Mr. Smitherman reported that there are two pending application packets, one in Lemmon Valley and one in South Truckee Meadows. He stated that the next regularly scheduled meeting would fall on Tuesday, November 6, 2007. Mr. Morros stated that he would not be able to attend.

BOARD ITEMS

None

STAFF ITEMS

Mr. Smitherman reiterated Mr. Widmer's comment that staff will update the Summary Packets and welcomed input from members. Mr. Morros requested rewording of the form motion so that it is more easily understood. Mr. Simeoni offered to work on the language and provide a draft to members for review.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 p.m.

Minutes submitted by:

Niki Linn
Recording Secretary