

MERIDIAN COMPANY Civil Engineering

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February 5, 2020

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Hand Delivered February 5, 2020

Mervin Wright, Chairman and Members of the
Northern Nevada Water Planning Commission
1001 E. 9th Street
Reno, NV 89520-0027

Re: Agenda Item 7, NNWPC Meeting February 5, 2020, Review Resolution No. 5
Conformance Review Procedures, Washoe County, Nevada

Dear Chairman Wright and Commissioners,

As a citizen of Washoe County, Civil Engineer, as a property owner, and on behalf of various other property owners in Cold Spring Valley and Washoe County, I hereby make the following comments for your consideration and the record:

1. I have reviewed the staff report and concur that improvements to the language of the conformance review procedures are warranted.
2. However, it should be noted that the current resolution has been in full force and effect since it was adopted on April 16, 2014 and until it is amended should be and have been complied with.
3. The staff report notes that RWPC/NNWPC staff commented to Reno that two 300,000 equalizing tanks proposed for a water main to Cold Springs Valley would not be of such kind or size as to affect the working of the RWMP as distinct from providing normal service to customers, and as such do not trigger conformance review. I disagree with this characterization since the equalization tanks were reported as being solely necessary to support the importation of up to 2,000 acre feet of water to Cold Springs and since the adopted resolution sets forth, among other reasons that justify conformance review, that facilities increasing existing capacity by more than 625 acre feet of water supply per year, may affect the working of the Plan.
4. The staff report notes in several areas that discussions were held with NNWPC/WRWC legal counsel that revisions were necessary. However, the details of those discussions were not reiterated specifically. The concern I have is that the legal counsel referenced is apparently, Mr. Michael Pagni and the McDonald Carano law firm. This person and the firm are also representing, among others, TMWA, and Heinz Holdco, LLC, the developer of the 5,000 unit StoneGate project in Cold Springs, appeared for Heinz at Reno Council and has appeared representing Heinz in the Second Judicial District Court in Case No. CV20-00096

regarding an issue of RWMP conformance. As a Washoe County citizen and a tax payer supporting the legal council of the NNWPC/WRWC, I disagree with representation of those entities by the same legal representative of Heinz Holdco, LLC and/or TMWA and believe that there should be no advice provided to the commission or staff by that legal representative and that any prior advice or communication should be stricken. Additionally, I would ask that all, and any way relevant communications, with the water commissions, staff or TMWA be disclosed to the public.

5. As everyone should agree the Nevada Legislature created the WRWC, NNWPC, and previous RWPC to provide a forum for water planning and representation by and for the people. As part of this goal, it is appropriate and necessary that procedures be developed and enforced to support those goals.

6. Of additional relevant note, in the NNWPC meeting of February 1, 2017, the water commissioners should remember that the then current legal counsel, John Rhodes, talked about how a conformance review would be necessary regarding importation of water into Cold Springs. With that understanding the plan was approved.

Should there be any questions, I am pleased to try to answer them.

Sincerely,

Meridian Company Civil Engineering

s/ Michael J. DeMartini



By: Michael J. DeMartini, P.E. President, RE 4092

MJD:mjd