

1 The Lander County Planning Commission met in session in the
2 Community Meeting Room of the Lander County Courthouse and
3 Administration Building in Battle Mountain, Nevada, 50 State
4 Route 305, on January 10, 2018, at 6:00 p.m. Transcript
5 produced by Tiffany Elkington, C.C.R., #930.
6

7 **PRESENT: JOHN WILLIAMS, PLANNING COMMISSIONER**
8 **MONTE PRICE, PLANNING COMMISSIONER**
9 **TOM REICHERT, PLANNING COMMISSIONER (BY TELEPHONE)**
10 **KYLA BRIGHT, PLANNING COORDINATOR**
11

12 CHAIRMAN WILLIAMS: Okay. I'll call this meeting of the
13 Lander County Planning Commission to order.

14 If everyone will rise, please, we'll do the Pledge of
15 Allegiance.

16
17 (Pledge of Allegiance)
18
19

20 **ROLL CALL**
21

22 CHAIRMAN WILLIAMS: Can we have a roll call, please?

23 KYLA BRIGHT: Yes.

24 Tom Reichert?

25 TOM REICHERT: Here.

26 KYLA BRIGHT: Monte Price?

27 MONTE PRICE: Here.

28 KYLA BRIGHT: John?

29 CHAIRMAN WILLIAMS: Here.

30 KYLA BRIGHT: Okay. We are missing Colt Nelson --

31 MONTE PRICE: Walt.

32 KYLA BRIGHT: -- help me out here -- Walt Holland, and --

33 CHAIRMAN WILLIAMS: Louis Lani.

34 KYLA BRIGHT: -- Louis Lani are all absent.

35 TOM REICHERT: This is a quorum; right?

36 CHAIRMAN WILLIAMS: No, sir.

37 TOM REICHERT: No? Okay.

38 CHAIRMAN WILLIAMS: No, this is -- we're not quite an
39 exercise in futility, but we're -- we're close to that.

40 We're -- we're going to testify under oath to the other three

1 members that this is a good deal after we discuss it this evening.
2 And -- and we should go forward with it whenever they show up.
3 That sound all right?
4 TOM REICHERT: What's a good deal?
5 CHAIRMAN WILLIAMS: Mr. Massey. Or -- yeah. His
6 presentation, Rex's.
7 TOM REICHERT: Yeah.
8 CHAIRMAN WILLIAMS: Have you had a chance to read it?
9 TOM REICHERT: Nope. I got through the minutes.
10 CHAIRMAN WILLIAMS: Well, that's an accomplishment.
11 KYLA BRIGHT: Or is it?
12 CHAIRMAN WILLIAMS: Okay. So we can bypass the agenda
13 posting for November meeting, the agenda posting for this
14 meeting, and the November minutes approval.
15 Okay?
16 TOM REICHERT: And the September minutes.
17 CHAIRMAN WILLIAMS: Well, they're not on here.
18 KYLA BRIGHT: Ugh.
19 TOM REICHERT: Oh.
20 KYLA BRIGHT: Well --

21

22

23 **BOARD AND STAFF REPORTS**

24

25 CHAIRMAN WILLIAMS: So at this point, we'd go -- the -- do
26 any of the board members have anything they'd like to share with
27 us? Conferences? Meetings attended? Seminars? Any of that
28 sort of stuff?

29

Monte?

30

MONTE PRICE: No, sir.

31

CHAIRMAN WILLIAMS: Tom?

32

TOM REICHERT: No, sir.

33

CHAIRMAN WILLIAMS: Kyla, do you have anything?

34

KYLA BRIGHT: Nope.

35

CHAIRMAN WILLIAMS: No?

36

37

38

39

40

1 **PUBLIC COMMENT**

2
3 CHAIRMAN WILLIAMS: Okay. At this point in the meeting,
4 we'd open it up briefly for public comment. Anybody have
5 anything on -- that's not agendized here today?

6 Nope.

- 7
8 1) **Discussion for possible action regarding update to the Water**
9 **Resource, Recreation, and Public Facilities of the 2010**
10 **Lander County Master Plan to conform with current Nevada**
11 **Revised Statutes, and all other matters properly related**
12 **thereto.**

13
14 CHAIRMAN WILLIAMS: Okay. We'll go to Agenda Item Number
15 1.

16 Discussion and possible action regarding update of Water
17 Resource, Recreation, and Public Facilities for the 2010 Lander
18 County Master Plan to confirm with current -- conform -- excuse
19 me -- with current Nevada Revised Statutes, and all other
20 matters properly related to -- thereto.

21 Mr. Rex Massey?

22 REX MASSEY: Good evening. Rex Massey.

23 I am -- can you hear me? -- I am here to discuss the two
24 remaining elements of the master plan, which are the water
25 resources -- I shouldn't say two, there's three -- water resources
26 and public facilities and services.

27 As I've said all along the intent was to look at all the
28 elements of the master plan except the land use plan. And we'll
29 do that at the end. Because almost everything we talk about,
30 decide, change has bearing on the land use plan. So didn't want
31 to take that on until we've had a discussion of all the
32 different elements -- the rem- -- the other elements in the
33 master plan. So that's the plan -- that's the plan for going
34 forward.

35 So tonight the topics are water resources, public
36 facilities, and services.

37 Let me hand out --

38 I know these are in your --

39 You guys got them?

40 Take --

1 CHAIRMAN WILLIAMS: Yeah.
2 REX MASSEY: -- these.
3 CHAIRMAN WILLIAMS: I think so.
4 REX MASSEY: I may have -- I may have made a few
5 adjustments. But --
6 CHAIRMAN WILLIAMS: Oh no.
7 REX MASSEY: -- it's the same thing. It's pretty --
8 CHAIRMAN WILLIAMS: Thanks.
9 REX MASSEY: -- close. Like I'm continuing working on
10 this.
11 On the water resources plan, which you have in front of
12 you, are all policies that are currently existing.
13 On page 1, the only change I have, I'm likely to scratch
14 8.5, which is halfway down the middle of the page. I'm like --
15 I'm probably going to take that out.
16 The reason being is that may be better suited for the State
17 Engineer's Office and not for Lander County.
18 Thoughts?
19 CHAIRMAN WILLIAMS: Yeah, that'd --
20 MONTE PRICE: Yeah.
21 CHAIRMAN WILLIAMS: -- be --
22 MONTE PRICE: I -- I think the state --
23 CHAIRMAN WILLIAMS: Makes sense.
24 MONTE PRICE: And the State Engineer's Office has that
25 anyway, don't they? I mean, --
26 REX MASSEY: Yep.
27 MONTE PRICE: -- it -- it don't matter. Even if we said
28 something was okay, it still falls under their regulatory, and
29 they can squash it anyway.
30 REX MASSEY: Well, you could do it. You -- you guys have
31 the power to enact that. But I just think it's more in the
32 state engineer's bailiwick. He's got the expertise at this
33 point. Just let him deal with water resources and the
34 availability of them.
35 And the new -- well, I should -- I've been through a number
36 of state engineers. The current one seems to be more active in
37 this particular area.
38 If you turn over to the second page, you will notice there's
39 some policies in red. What these are aimed at -- and I've had
40 previous discussion with the planning commission.

1 I think it's really important to recognize the case that
2 involved Washoe County and Red Rock Valley.

3 Red Rock Valley LLC was a private water development
4 initiative coming out of the Red Rock Valley north of Reno and
5 shipping water into Lemmon Valley/Stead area.

6 They had to seek a special-use permit from Washoe County.
7 And Washoe County effectively turned them down.

8 They went to court, went all the way up to the supreme
9 court. And what I felt, based on the findings of the supreme
10 court, that the Nevada Supreme Court gave an enormous amount of
11 -- didn't give, but maybe recognized enormous amount of power
12 that local governments have to regulate development of water
13 resources.

14 So if you think in terms of the Mount Hope project, even
15 the Las Vegas project, having people to have to come here to the
16 planning commission, come to Lander County to do a water
17 resource development project and -- and seek approval through a
18 special-use permit provides the county with quite a bit of
19 influence in the matter.

20 And so what I did is I went -- I read through the case. And
21 I'm starting to insert throughout the master plan, even the public
22 lands plan, a lot of the elements that the supreme court
23 recognized that were there on paper that were policies that
24 supported Washoe County's role as someone who regulates water use
25 and development. And all those things played into Washoe County's
26 favor to demonstrate that they, in fact, did have the authority to
27 stop the project. They could deny the special-use permit
28 regardless of what the state engineer said. And the supreme court
29 said that. You can read it in the case. They said, the state
30 engineer's decision does not override or usurp the local authority
31 to regulate development in their community.

32 So playing on that I wanted to insert that. That's one of
33 the new areas in the water resources plan is to kind of build on
34 that as best we can, take that from the supreme court case, the
35 actual findings, and make sure that we're covering the same things
36 that they felt Washoe County did in order to maintain their
37 authority to -- to regulate water resource development projects.

38 MONTE PRICE: Would that go the same way, Rex, the other
39 way, if the county wanted to do something that the state
40 engineer said no?

1 REX MASSEY: Well, the state engineer's going to -- the
2 state engineer's going to make -- and this is what the supreme
3 court said, is the state engineer makes a decision on the
4 water -- on the resource itself.

5 MONTE PRICE: Uh-huh.

6 REX MASSEY: He has that authority. He has that -- if --
7 if -- if Lander County came up and said, well, we applied for X
8 number of water rights in a certain basin. The state engineer
9 says, denied. Not anything you can do about it because he has
10 the authority to do that.

11 What he doesn't have the authority to do is to regulate the
12 pumping, conveyance, storage, those elements --

13 MONTE PRICE: Okay.

14 REX MASSEY: -- of a water project. That falls within the
15 local government --

16 MONTE PRICE: Right.

17 REX MASSEY: -- powers.

18 MONTE PRICE: Okay.

19 REX MASSEY: And that's what the supreme court -- the state
20 supreme court found. So you can't override his authority to --
21 to allocate water resources. But that's -- what the supreme
22 court said is that's kind of where it ends.

23 MONTE PRICE: Yeah. Okay.

24 REX MASSEY: He -- and even when he took in -- into account
25 all the environmental impacts, all that still doesn't override a
26 county's ability to do their own through a special-use permit
27 and then to condition whatever they wanted to.

28 State engineer's rulings did not affect or would not override
29 the county's power to regulate essentially a private public works
30 project in this -- in this instance --

31 MONTE PRICE: Yeah.

32 REX MASSEY: -- in Washoe --

33 MONTE PRICE: Okay.

34 REX MASSEY: -- County. So that's why I included 8.8,
35 8.10, 8.11, and 8.12, trying to get at that. I'm probably going
36 to adjust the language. But that's the -- the reason behind it.
37 Any thoughts or input on that? Tom?

38 TOM REICHERT: 8.12.

39 REX MASSEY: Huh?

40 TOM REICHERT: You said 8.12.

1 REX MASSEY: Oh, I'm sorry. 8.12 actually deals with
2 another topic.

3 TOM REICHERT: Yeah, flood.
4 Okay.

5 No, I -- I agree with you, and I like your thinking.
6 And I don't know. Maybe I'm getting nitpicky. But on 8.11 I
7 would say that, you know, the county will ensure, et cetera,
8 et cetera, on the second line, address mitigation measures if
9 necessary for transfer of water rights.

10 REX MASSEY: Okay.

11 Let me -- let me point out, on 8.12, to the extent practical,
12 and I don't know how much authority we have in this area.
13 Maintain access to water resource for valid and permitted water
14 right holders. This is something that the public lands commission
15 brought up, you know, in terms of some people getting fenced out
16 of their water, fenced out of their springs. If we run into that
17 situation and we -- we review some proposal, maybe there's an
18 avenue there to protect that access, you know, in the future.

19 TOM REICHERT: So --

20 REX MASSEY: What's that?

21 TOM REICHERT: -- on the one you just handed out, 8.12 is
22 in red?

23 CHAIRMAN WILLIAMS: Yes.

24 REX MASSEY: It is.

25 TOM REICHERT: Okay. It's not in mine. I don't have that
26 one.

27 REX MASSEY: Okay. Because I added -- I added this one.

28 CHAIRMAN WILLIAMS: Oh, that's right.

29 KYLA BRIGHT: Tom, I'll forward that to you in the morning.
30 It -- once I can get a copy from Rex.

31 REX MASSEY: And at -- that's certainly, you know, the
32 checkerboard land pattern up here. That certainly can be a
33 problem. So --

34 TOM REICHERT: Yeah.

35 REX MASSEY: -- to the extent and where the planning
36 commission and Lander County can step in there and help to
37 protect that access, then maybe there's something we can do in a
38 -- in a -- in an approval, you know, for some -- some pro- --
39 whatever it is.

40 CHAIRMAN WILLIAMS: If we can, we should.

1 REX MASSEY: Can -- yeah.
2 And that's all we're stating here. We'll -- you know, that's
3 probably the best we can do.
4 I did mark out, on the same page, 8.9 and 8.10 largely
5 because I don't think we're going to do those.
6 CHAIRMAN WILLIAMS: That's not --
7 REX MASSEY: We haven't --
8 CHAIRMAN WILLIAMS: -- a bad --
9 REX MASSEY: -- we haven't --
10 CHAIRMAN WILLIAMS: -- deal.
11 REX MASSEY: -- done them. I don't think we're going to do
12 them. And I don't like to put things in here that we're not
13 going to do.
14 CHAIRMAN WILLIAMS: Yeah. Exactly. That's a -- that could
15 be a lot of work.
16 REX MASSEY: Yep.
17 TOM REICHERT: Yeah. Who's going to do it?
18 REX MASSEY: Yeah.
19 TOM REICHERT: Well --
20 REX MASSEY: And that's why I marked them out.
21 CHAIRMAN WILLIAMS: That's the main thing. Who -- who's
22 going to want to shoulder that responsibility also?
23 REX MASSEY: Turning over to the third page. All there are
24 -- all there is, is mark outs. I marked out 8.14. I gave up on
25 any kind of landscaping ordinance. I don't -- I don't see you
26 guys are going to adopt that.
27 8.15, encourage new public and private development to use
28 water conservation and landscaping and fixtures. Great. We can
29 encourage that.
30 I took out 8.15.1, .2, and .3 because we are probably not
31 going to have xeriscaping provisions in the code.
32 I think the plumbing code takes care of low-flow fixtures.
33 CHAIRMAN WILLIAMS: Yeah. Unfortunately.
34 MONTE PRICE: Take all them things out, though.
35 REX MASSEY: And you adopt the plumbing code pretty
36 regularly. So --
37 CHAIRMAN WILLIAMS: Yes.
38 REX MASSEY: -- that's kind of --
39 I mean, I'll leave it up to you guys. But I just didn't
40 think -- I didn't think the county was going to go any further

1 on water conservation measures than -- than probably the -- the
2 plumbing code. And encouraging --
3 TOM REICHERT: So where are we on 15.4? Is it crossed out?
4 REX MASSEY: 8 -- 8 -- 8.15.
5 CHAIRMAN WILLIAMS: No.
6 TOM REICHERT: .4.
7 REX MASSEY: No, that's still in there.
8 TOM REICHERT: Okay.
9 REX MASSEY: Because you're going to do that anyways on the
10 plumbing code. But we're going to take credit for it.
11 Okay. A couple of additions on the back page. And I need to
12 do a little bit more work in this area.
13 I'm hearing some discussion about the Rock Creek Dam. So --
14 CHAIRMAN WILLIAMS: Oh.
15 TOM REICHERT: He's probably been hearing that for years.
16 REX MASSEY: I've been hearing that since I didn't have
17 gray hair, Tom.
18 KYLA BRIGHT: It has -- it has been brought up a little bit
19 here and there. They've actually had me do research on it.
20 REX MASSEY: So if there is some validity and some
21 initiative in that direction, we will probably include something
22 in the water resources section on that project just so it's --
23 it's covered in the -- in the master plan.
24 Second item, I've been researching and reading a little bit
25 about the Pershing County litigation. And not really sure where
26 that's going to end up or how that affects our master plan. But
27 I need to give some thought to it. We -- we probably need to
28 give some thought to it.
29 I have difficulty reaching a conclusion that anything we do
30 in these basins in Lander County is dramatically affecting or even
31 affecting Humboldt River flows.
32 So --
33 And it was kind of interesting reading their -- what they
34 filed with the court.
35 So likely you'll see something in there. I don't know what.
36 I don't know if there's going to be any policy. But we -- we may
37 have to have some language in there that talks about this case a
38 little bit and what -- what Pershing County's trying to achieve
39 through the State Engineer's Office.
40 There has been and -- there already has been the -- the use

1 of untreated water. We are now using some of our older wells in
2 town to deliver water to the school. And that's watering -- for
3 using for outdoor watering.

4 There's been a little bit of discussion about treated
5 effluent. So I'm probably going to in- -- include something in
6 the master plan about reuse of untreated water.

7 One of the areas I've always recommended to people -- and
8 other counties have done it -- is if Lander County has a little
9 bit of extra money, might want to consider buying water rights in
10 some instances as a means of protecting your own resources or
11 possibly even taking options out on water resources.

12 About seven years ago Churchill County bought a large ranch
13 out by Lahontan Reservoir, all groundwater. They get -- they
14 bought 2300 acre-feet of groundwater. And that place grows hay
15 today. But the county owns that instead of someone else --
16 instead of them, the owner selling it off to interests which were
17 adverse to the county.

18 So it was a move that was a preemptive move that tied up a
19 resource that they didn't want to see go to a beneficial use that
20 might have been outside the county.

21 So it could be something Lander County thinks about, you
22 know, especially when you run into that circumstance.

23 MONTE PRICE: I got a ranch for sale with water rights.
24 Lander County can buy that one.

25 CHAIRMAN WILLIAMS: Need to get on the commissioners'
26 agenda.

27 REX MASSEY: Yeah.

28 CHAIRMAN WILLIAMS: Make them aware of it.

29 REX MASSEY: Might take a couple of years to pay for that
30 one.

31 CHAIRMAN WILLIAMS: No, I tell you, you can shortcut.
32 There's a gentleman I can put you in touch with that probably --

33 MONTE PRICE: Knows all the shortcuts.

34 Okay.

35 REX MASSEY: Any thoughts on that?

36 MONTE PRICE: I -- I --

37 CHAIRMAN WILLIAMS: No, I think it's --

38 MONTE PRICE: I would like -- what do you know about the
39 Rock Creek Dam? What have you -- what's -- what's the topic
40 with that?

1 REX MASSEY: I remember the original -- I remember the
2 original --
3 MONTE PRICE: Yeah.
4 REX MASSEY: -- proposal is --
5 MONTE PRICE: Uh-huh.
6 REX MASSEY: -- build a dam. And I remember what squashed
7 it. And now it's being revisited, same kind of proposal.
8 County has water rights off Rock Creek and --
9 CHAIRMAN WILLIAMS: I heard --
10 REX MASSEY: -- (indiscernible) --
11 CHAIRMAN WILLIAMS: -- there's been a -- they've been
12 revisiting it for about the last year.
13 MONTE PRICE: Yeah.
14 REX MASSEY: Yeah.
15 MONTE PRICE: Well, there -- there's been some land
16 transactions in the area that would be flooded, which the
17 Indians wound up with. The tribe owns that land. And aren't
18 they ones that fought that to --
19 REX MASSEY: They were.
20 MONTE PRICE: -- start with?
21 CHAIRMAN WILLIAMS: They're the ones that killed it. Yeah.
22 REX MASSEY: Yeah.
23 MONTE PRICE: Yeah. So -- and that they bought more land
24 last year in the last six months that lays just up from where
25 that dam would be that would get flooded should a dam be built.
26 So it would probably just throw more -- I can't say that.
27 It'll throw more stuff. Yeah.
28 Anyway, I was just curious.
29 CHAIRMAN WILLIAMS: Well, you never know. It's good to
30 have it in there.
31 REX MASSEY: Yeah.
32 CHAIRMAN WILLIAMS: Because you never know. They could
33 have a regime change down there anytime and the right people get
34 in and --
35 MONTE PRICE: Yep.
36 CHAIRMAN WILLIAMS: -- want --
37 MONTE PRICE: Oh, I think it's good to have it in a
38 discussion place anyway that we have some say and look about it
39 and the water rights and everything.
40 REX MASSEY: Anything I need to add? Any other thoughts?

1 CHAIRMAN WILLIAMS: That's all we got under here for water
2 issues, isn't it? Or water-related --
3 REX MASSEY: I think so at this point.
4 I mean, we've covered a lot of -- there's a lot of it covered
5 in there.
6 I know at one time -- and it'll be interesting to see where
7 they go with it -- that BLM was looking at -- and that could be
8 something we could address. BLM and -- well, now -- now I'm going
9 to -- now I'm going to take back one of my -- my deletes.
10 BLM in their resource management plan was talking about
11 watershed planning.
12 CHAIRMAN WILLIAMS: Uh-huh.
13 REX MASSEY: And we made the comment that that really isn't
14 their authority to do that. That falls within local government,
15 local and state.
16 So when the resource management plan comes back up and starts
17 up again, that'll be one of the topics that we'll -- we'll look at
18 and see where they think they're going to go with that.
19 CHAIRMAN WILLIAMS: Yeah.
20 MONTE PRICE: But with the other stuff you had in here
21 earlier, that still gives the county jurisdiction.
22 REX MASSEY: And I may have to put back in there something
23 about watershed planning --
24 MONTE PRICE: Yeah.
25 REX MASSEY: -- because that's the county's purview
26 authority and --
27 MONTE PRICE: Yeah.
28 I think that would definitely want to stay within the
29 county.
30 REX MASSEY: Yep.
31 Okay. That's water resources.
32 TOM REICHERT: Speaking of which, is any coming down in
33 Battle Mountain?
34 REX MASSEY: Off and on.
35 CHAIRMAN WILLIAMS: Not presently.
36 REX MASSEY: Isn't it?
37 CHAIRMAN WILLIAMS: Huh?
38 REX MASSEY: Off and on this morning was wet.
39 CHAIRMAN WILLIAMS: If -- yeah. It was this morning and a
40 little bit -- a little dab this evening, a little sprinkle. But

1 we got most of our decent stuff last night and early this
2 morning.

3 TOM REICHERT: Oh, good. At least you got something.

4 CHAIRMAN WILLIAMS: You didn't get anything, huh?

5 TOM REICHERT: Not much, no.

6 CHAIRMAN WILLIAMS: Well, I shouldn't say that because, of
7 what I saw yesterday and -- and this morning, the direction it
8 was coming from would have been too far to the west from you
9 folks.

10 TOM REICHERT: Yeah.

11 CHAIRMAN WILLIAMS: Well, that's not good, is it?

12 REX MASSEY: I will go to -- jump to public facilities and
13 services. I see you guys have the recreation part out, but I
14 think we've already done that. We're -- we're done with the
15 recreation.

16 CHAIRMAN WILLIAMS: We did, huh?

17 REX MASSEY: Yep. We've reviewed that one.

18 All right. Tom, I handed out something that's slightly
19 different than what you have in your package. There's a
20 one-page in there.

21 And when we are talking about public facilities and
22 services, we're talking about municipal utilities, general
23 government, public safety, cemeteries, landfills, anything
24 that's sort of, you know, that's -- that's a -- that's a major
25 public facility.

26 Couple of things that are going to bear on them -- on the
27 land use plan is there's currently considerations, as you know,
28 extending water services to Allen Road and extending water
29 services to the airport.

30 So you have two main -- two main water lines: one going
31 west, one going east. That will have an influence on land use and
32 zoning.

33 Typically when a community invests that kind of money, you're
34 going to want to see a higher density development: commercial
35 and, you know, residential.

36 So we're likely to see some zoning changes in there.

37 The -- I imagine that we'll continue to see untreated water
38 being used to the extent they can.

39 I know that there's likely -- there's also some discussion on
40 the table about additional storage coming in. There may be a

1 storage tank and booster down here lower.

2 CHAIRMAN WILLIAMS: I think there needs to be.

3 REX MASSEY: There's also some discussion about one of the
4 reasons running that water line to the airport was to support
5 commercial and industrial development over there.

6 So we're going to -- when we do the land use plan, we'll
7 check all the zoning and see -- there may be some adjustments in
8 those areas.

9 CHAIRMAN WILLIAMS: Well, we'll have to run water out to
10 Hill Top and --

11 REX MASSEY: Well, they're practically out there.

12 So --

13 CHAIRMAN WILLIAMS: They got all of our paving. They might
14 as well get our --

15 REX MASSEY: And then water at the airport as well.

16 So that's a part of -- I mean, there's going to be water at
17 the airport.

18 So that can support a bunch of different uses: commercial,
19 industrial.

20 I understand there's -- there is probably going to be a lift
21 station. There may be one or two more lift -- maybe one -- one
22 new lift station.

23 CHAIRMAN WILLIAMS: That'd be at least one --

24 REX MASSEY: Southwest.

25 CHAIRMAN WILLIAMS: -- of them. Wouldn't there? Yeah.

26 REX MASSEY: And then maybe upgrading this one that's here
27 by the increasing capacity. The one that's here by the -- by
28 the sheriff's office.

29 CHAIRMAN WILLIAMS: Yeah.

30 TOM REICHERT: Well, would the other one be for, like, the
31 casino?

32 CHAIRMAN WILLIAMS: Casino and development out Allen Road,
33 I would think.

34 REX MASSEY: And move -- and move flow into that lift
35 station and take it off of the -- the other parts of the system.

36 TOM REICHERT: Yes.

37 REX MASSEY: So it's kind of reallocating some of that flow
38 to free up -- better utilize in other parts of the collection
39 system.

40 We will likely try to find out where the -- we always like to

1 map those facilities so we kind of got an idea of where they're
2 going, you know?
3 I haven't identified any -- I'm just going down my list here,
4 Tom. I haven't identified any major changes with sewer and water
5 in Austin or Kingston.
6 Landfill's in good capacity. So we won't be making any
7 changes, expansions, or anything like that. There's plenty of --
8 of capacity there.
9 Cemetery --
10 CHAIRMAN WILLIAMS: What -- on that square, what is -- is
11 Austin still taking care of their own -- they have a landfill
12 down there?
13 REX MASSEY: They're using a transfer.
14 TOM REICHERT: No, we're --
15 CHAIRMAN WILLIAMS: Transfer?
16 TOM REICHERT: -- transfer --
17 REX MASSEY: Dump.
18 TOM REICHERT: -- station.
19 CHAIRMAN WILLIAMS: Yeah.
20 REX MASSEY: Yeah.
21 CHAIRMAN WILLIAMS: Okay.
22 REX MASSEY: Yep.
23 TOM REICHERT: Austin, Kingston. I don't know about Gilman
24 Springs.
25 CHAIRMAN WILLIAMS: Does -- like Kingston, do they have a
26 transfer station there? Or they got to bring it all the way
27 into Austin?
28 TOM REICHERT: They have a transfer station in Kingston.
29 CHAIRMAN WILLIAMS: Okay.
30 REX MASSEY: And --
31 TOM REICHERT: On the outskirts. Yeah. Down by the
32 airport.
33 REX MASSEY: Unfortunately, the cemetery's filling up --
34 CHAIRMAN WILLIAMS: Yeah.
35 REX MASSEY: -- every year. So...
36 TOM REICHERT: Death and taxes.
37 REX MASSEY: Yeah, we're -- we'll take it -- I'll take a
38 closer look at that. But, you know, they utilize that space
39 pretty quickly.
40 CHAIRMAN WILLIAMS: Randy Clark will make the county a heck

1 of a deal, I bet.

2 REX MASSEY: So hopefully we can expand where we are. But
3 here's another instance where if that becomes an issue of
4 capacity that we may have to find another location and probably
5 want to identify it in the master plan --

6 CHAIRMAN WILLIAMS: Uh-huh.

7 REX MASSEY: -- in a land use section, potential --
8 potential new locations.

9 People like to know about things like that, you know,
10 cemetery.

11 There's also been some discussion in terms of public
12 facilities and services, new fire protection, EMS building in --
13 in Battle Mountain.

14 MONTE PRICE: Really?

15 CHAIRMAN WILLIAMS: Another one?

16 REX MASSEY: Yeah.

17 CHAIRMAN WILLIAMS: Lord have --

18 MONTE PRICE: Yeah.

19 CHAIRMAN WILLIAMS: -- mercy.

20 MONTE PRICE: Okay.

21 CHAIRMAN WILLIAMS: Well, fire protection.

22 Of course all they have to do is quit buying equipment for
23 crying out loud. But anyway.

24 MONTE PRICE: Quit buying TVs.

25 CHAIRMAN WILLIAMS: But EMS, geez, they got a brand new one
26 over there, nice facility.

27 Okay.

28 But they -- they are talking about one each, huh?

29 MONTE PRICE: When -- when you say "they are talking about
30 it," where is that coming from?

31 REX MASSEY: It's intern- -- internally in the county.
32 Ambulance building.

33 CHAIRMAN WILLIAMS: Uh-huh.

34 REX MASSEY: Is that right?

35 CHAIRMAN WILLIAMS: Yeah, they've got a --

36 REX MASSEY: Fire station.

37 CHAIRMAN WILLIAMS: Fire station, we've got the old one
38 down there.

39 REX MASSEY: Yeah.

40 So I think that's -- that's kind of the discussion.

1 Don't know if it's going to go anywhere but --
2 MONTE PRICE: And I would -- when you say "in the county,"
3 you mean at a commissioner's level? Or just scuttle?
4 REX MASSEY: Yeah. Yeah.
5 MONTE PRICE: Okay.
6 One and the same. Sorry.
7 TOM REICHERT: But, see, the guy that was in charge of
8 building the -- the new county courthouse, he's not a farmer, is
9 he?
10 REX MASSEY: No. And --
11 CHAIRMAN WILLIAMS: Courthouse.
12 REX MASSEY: -- wildland fire protections. I don't know
13 how much -- this is somewhat of a public facilities and
14 services. But we want to continue to support the BLM, Forest
15 Service's rapid response measures.
16 Want to continue to support pinion juniper removal.
17 And we are now going to have munic- -- we may in -- in the
18 future have municipal water services out at the airport as well.
19 So that can be an element of supporting firefighting in the area.
20 Let's see.
21 MONTE PRICE: One of the biggest things is they have
22 started doing that just this year,, finally. On a -- a lot of
23 these smaller county roads, though, they're -- Bert's got them
24 blading the -- blades the roads, then the blades come back
25 the -- take another pass. They're widening out the dirt berms
26 on the roads just to bare dirt, which is a good thing.
27 CHAIRMAN WILLIAMS: That's not a bad idea. Yeah.
28 MONTE PRICE: The BLM has fought that for years. And I've
29 been trying to do it out there. But the BLM don't want it
30 because anytime you blade the ground and strip it --
31 CHAIRMAN WILLIAMS: You just --
32 MONTE PRICE: -- what comes --
33 CHAIRMAN WILLIAMS: -- disturb --
34 MONTE PRICE: -- back --
35 CHAIRMAN WILLIAMS: -- it --
36 MONTE PRICE: -- is weeds. But --
37 CHAIRMAN WILLIAMS: Yeah.
38 REX MASSEY: Right.
39 MONTE PRICE: If it --
40 CHAIRMAN WILLIAMS: Cheatgrass.

1 MONTE PRICE: -- burns -- if it burns, it all comes back as
2 weeds too. So --

3 CHAIRMAN WILLIAMS: Uh-huh.

4 MONTE PRICE: But it's a good deal. It just doubles the
5 width of any firebreaks. And the county -- don't know whether
6 it's a plan or not, but they've been doing it. So that's a good
7 thing.

8 TOM REICHERT: Well, as far as putting water at the airport
9 for fire suppression, does that include the Austin Airport?

10 REX MASSEY: Good question.

11 TOM REICHERT: I'm sorry. What'd you say?

12 REX MASSEY: Good question.

13 TOM REICHERT: Well, the new Austin town well goes past the
14 airport, doesn't it?

15 REX MASSEY: I don't know exactly where it is, but it's
16 down that location. I'm assuming they could serve the airport
17 if they chose to do so.

18 TOM REICHERT: I mean, the -- the size of the airport is
19 plenty big enough for fire suppression aircraft.

20 REX MASSEY: Okay.

21 I will -- I will talk to the Day Engineering guys.

22 TOM REICHERT: I was just curious.

23 REX MASSEY: Okay.

24 And we will put a -- we will put a -- a phrase or a sentence
25 or a policy in here talking again, reiterating Lander County's
26 role in regulating water resource development projects,
27 transmission, and storage facilities.

28 We need to insert that Washoe County versus Red Rock Valley
29 within the public facilities and services element as well.

30 And I think we have language in there that speaks to that,
31 that any water systems already are -- Lander County has
32 authority over all those. We kind of -- we kind of prohibit the
33 private water systems. So there isn't any -- any new ones put
34 in place.

35 And that they're all municipal systems. And there's good
36 reasons to do that. A lot of -- most counties have gone to
37 prohibition on private systems.

38 Because normally what happens in the private system, someone
39 sets it up. And ten years later they hand it to the county broken
40 and all the residents are mad. And so there's --

1 CHAIRMAN WILLIAMS: I hear you.

2 REX MASSEY: -- public money spent on -- on fixing them.

3 So we've taken that step of just prohibiting private water

4 systems and then putting Lander County outside of Austin and

5 Kingston in that role of -- of the authority for those

6 facilities.

7 One of the things, I was interacting with Douglas County.

8 And I don't know how much of an issue this is, but I brought it up

9 with Douglas County. I'm on this housing task force thing. And

10 they were trying to figure out ways of beating housing prices and

11 allowing accessory living quarters.

12 And one of the things I brought up to them, I said, well,

13 that's fine. But in areas where you have relatively

14 high-density wells, septic subdivisions, adding more living

15 quarters to that may not make sense. And I don't know if we

16 have that issue here.

17 But, you know, when you add an accessory living quarter out

18 in someplace that's already on well, septic subdivision, you're

19 adding to the loading of the leach fields.

20 CHAIRMAN WILLIAMS: Right. And could get out of hand real

21 quick.

22 REX MASSEY: Sure could.

23 CHAIRMAN WILLIAMS: Yeah.

24 REX MASSEY: Yeah.

25 So we may say something in there, that we need to really

26 evaluate, especially with respect to one-acre.

27 CHAIRMAN WILLIAMS: Yes.

28 REX MASSEY: Kind of one-acre lots, that that might be

29 something we need to -- need to take a look at if -- if --

30 Because it could -- it's -- I don't have a problem with

31 accessory dwelling units of -- in town, if they want to do them.

32 They're on sewer. They're on municipal water. But you start

33 getting out in these one-acre well and septic subdivisions,

34 adding another home to the leach field is -- is probably not a

35 great idea.

36 So maybe -- it may be something that we need to -- we need to

37 think about.

38 Let's see.

39 I'll mention some -- something in public facilities and

40 services about the new levee.

1 CHAIRMAN WILLIAMS: And we are going to get a new one? Or
2 --
3 REX MASSEY: I think we're moving close. We're getting
4 closer.
5 CHAIRMAN WILLIAMS: Yeah. Let's see. When did we talk
6 about that last?
7 This is going to be a totally new one in a different
8 location; is that correct?
9 REX MASSEY: Approximately the same location where the
10 existing one is, between Front Street and 80. But then there'll
11 be a new -- there'll be a -- a segment that runs south of 80 as
12 well.
13 So --
14 CHAIRMAN WILLIAMS: That's --
15 REX MASSEY: -- there'll be a --
16 CHAIRMAN WILLIAMS: -- what it was.
17 REX MASSEY: Yeah. Yeah.
18 That may change -- that'll -- that -- you know. The -- the
19 levee situation -- because you're going to be taking places out of
20 flood areas now, if it's effective and gets approved. So might
21 have some bearing on land use and zoning.
22 CHAIRMAN WILLIAMS: Uh-huh.
23 REX MASSEY: Let's --
24 Any other -- Tom, can you think of -- or any -- can anybody
25 think of any other facility needs? Austin, Kingston, or other
26 areas of the county?
27 TOM REICHERT: No. I heard some rumblings about, you know,
28 new government buildings in Austin. But I think it's people
29 that are planning on running for office, using it as a campaign.
30 REX MASSEY: All right.
31 CHAIRMAN WILLIAMS: Where are they at with the -- the --
32 what was it? -- remapping of Austin and --
33 TOM REICHERT: Yeah. I -- we had two meetings on that.
34 And they kind of came to a stop, didn't they?
35 CHAIRMAN WILLIAMS: Well, I haven't heard anything more.
36 Have you?
37 TOM REICHERT: Summit Engineering? No.
38 CHAIRMAN WILLIAMS: Yeah, they were going great guns. They
39 were about ready to blow the lid off her and --
40 REX MASSEY: I think they got a couple of lots squared away

1 and some streets. And --
2 CHAIRMAN WILLIAMS: Uh-huh.
3 REX MASSEY: -- that's the last I heard of it.
4 CHAIRMAN WILLIAMS: I -- yeah.
5 REX MASSEY: Very li- -- little. It's --
6 CHAIRMAN WILLIAMS: Well, we had --
7 REX MASSEY: -- too bad.
8 CHAIRMAN WILLIAMS: -- that last meeting in Austin. That
9 was the end of it there.
10 KYLA BRIGHT: Uh-huh.
11 REX MASSEY: Yeah. It's too bad because it's something I
12 think would be --
13 CHAIRMAN WILLIAMS: They need to get it done.
14 REX MASSEY: -- really beneficial for Austin.
15 CHAIRMAN WILLIAMS: Uh-huh. I wonder what happened.
16 KYLA BRIGHT: They got hooked up on some issues. Tom, what
17 were the -- can't remember when -- on the next -- on the phase
18 two as -- let's say they call it -- there was some issues with
19 one of the landowners.
20 CHAIRMAN WILLIAMS: Yeah.
21 KYLA BRIGHT: So they gave them permission to basically
22 skip over them for now and move on to a different area. And
23 that was -- that was, I think, the one right after Austin that
24 was here. They said something about it. And then --
25 CHAIRMAN WILLIAMS: But didn't happen to be --
26 KYLA BRIGHT: So I don't know --
27 CHAIRMAN WILLIAMS: -- a Ray --
28 KYLA BRIGHT: -- if they --
29 CHAIRMAN WILLIAMS: -- William's --
30 KYLA BRIGHT: -- just --
31 CHAIRMAN WILLIAMS: -- thing, --
32 KYLA BRIGHT: -- had to start --
33 CHAIRMAN WILLIAMS: -- did it?
34 KYLA BRIGHT: -- over. Or --
35 CHAIRMAN WILLIAMS: Was Ray Williams involved in it?
36 KYLA BRIGHT: No.
37 CHAIRMAN WILLIAMS: Oh.
38 KYLA BRIGHT: Tom, do you remember the gentleman's name
39 with the --
40 TOM REICHERT: I can barely hear you, but I think you're

1 talking about Ray Salisbury.

2 CHAIRMAN WILLIAMS: No, no, no. I -- I mentioned Ray
3 Williams, but I'll let Kyla --

4 KYLA BRIGHT: No. I think there was a gentleman that had
5 issues. It had to do with the water and sewer district on
6 there. Something about some bills and whatnots. And it ended
7 up stopping them from doing -- doing the rest of it. Do you
8 know who it was? I can't remember his name.

9 TOM REICHERT: No, I -- I still -- your -- your microphone
10 isn't as good as the others, Kyla.

11 KYLA BRIGHT: I think it's just my voice, Tom, that isn't
12 as good as the others.

13 TOM REICHERT: No. But I'm glad you don't sound like John.

14 CHAIRMAN WILLIAMS: Probably a good thing.

15 TOM REICHERT: No, I'm -- I'm trying to think what you're
16 saying.

17 The water and sewer issues.

18 KYLA BRIGHT: No, with it -- there was a landowner that
19 had -- had a -- had some beef or something with --

20 TOM REICHERT: Well, I thought that landowner was Ray
21 Salisbury. They were trying to work around him.

22 KYLA BRIGHT: Yeah, it may be him.

23 TOM REICHERT: He has since passed on.

24 CHAIRMAN WILLIAMS: Well, was he -- he wasn't around when
25 they started this, was he? I thought he passed before they
26 started this project.

27 TOM REICHERT: I don't think so.

28 CHAIRMAN WILLIAMS: Well, maybe not.

29 TOM REICHERT: But -- but now he is gone. And -- and I
30 don't -- I thought that might speed things up a little bit.
31 Because that was the end of the town that they were starting on.

32 REX MASSEY: Yeah.

33 CHAIRMAN WILLIAMS: Uh-huh.

34 TOM REICHERT: And they got two blocks done. And that's
35 the last we heard.

36 CHAIRMAN WILLIAMS: Well, the last I heard Louis' was next.

37 TOM REICHERT: Yeah. That'd be about right.

38 CHAIRMAN WILLIAMS: And we'll have to question Louis
39 whenever he attends a meeting.

40 Anyway, I'll just -- I've been thinking about that here

1 lately.

2 I never heard any more about it. And I was hoping that they
3 were pretty well wrapped up and had it done. But that doesn't
4 sound good.

5 TOM REICHERT: There were some problems between the county
6 and Summit Engineering also. But --

7 KYLA BRIGHT: Uh-huh.

8 CHAIRMAN WILLIAMS: Were there?

9 KYLA BRIGHT: I think so.

10 TOM REICHERT: Just they wanted to be noted as the county's
11 official engineering company, but that didn't work.

12 REX MASSEY: Well, that's all I have.

13 TOM REICHERT: Okay.

14 CHAIRMAN WILLIAMS: Do you have anything, Tom?

15 TOM REICHERT: Nope.

16 CHAIRMAN WILLIAMS: Monte?

17 MONTE PRICE: No, I'm good. Thanks, Rex.

18 CHAIRMAN WILLIAMS: Until next time, I guess, huh?

19 REX MASSEY: I got some work to do, maybe not February.
20 But -- well, we'll see. Probably needs to happen in February
21 too.

22 TOM REICHERT: So, Rex, on the master plan?

23 REX MASSEY: Yes.

24 TOM REICHERT: We've gone over informally quite a bit. Is
25 it time to have a -- a longer meeting and just finish it?

26 REX MASSEY: Yeah, we're -- I -- you know, we -- we got --
27 we got rid -- we -- we finished up and -- and have reviewed sort
28 of all the -- what do I want to call them? -- junior, less
29 important topics.

30 And what I want to spend time on is the land use plan, zoning
31 and land use. Because there's quite a few things that we have to
32 address that are new. Changes need to be made. I can see some
33 changes in zoning, particularly in Battle Mountain area, south of
34 80.

35 So all those will come to bear in the land use plan.

36 And I would expect we may spend two meetings. And we may
37 spend, you know -- we may spend some considerable time.

38 TOM REICHERT: Yeah, I just -- you know --

39 I wouldn't mind a longer meeting. These months where we
40 don't have anything else on the agenda, but you are good. But to

1 just do it for 25 minutes --
2 You understand.
3 REX MASSEY: All that was building collectively to get to
4 this land use element.
5 TOM REICHERT: Yeah.
6 CHAIRMAN WILLIAMS: Had to be done sooner or later.
7 REX MASSEY: Yep.
8 TOM REICHERT: Right. But what I'm saying is, if we don't
9 have a busy agenda, we should book a longer program getting into
10 the heavy stuff.
11 REX MASSEY: Agreed.
12 So I will try to make February. And we will start talking
13 about what we want to do in terms of zoning. And we'll start
14 with -- you know, we'll probably start -- I like to start with
15 everything we're not going to change, get that out of the way, and
16 get to what we might change, you know.
17 CHAIRMAN WILLIAMS: That sounds --
18 KYLA BRIGHT: Just to throw --
19 CHAIRMAN WILLIAMS: -- like a --
20 KYLA BRIGHT: -- this --
21 CHAIRMAN WILLIAMS: -- good plan.
22 KYLA BRIGHT: Just to throw this out there, February, they
23 -- everyone has until Friday to get applications in to me. And
24 as of right now, I don't have anything.
25 CHAIRMAN WILLIAMS: For -- for the --
26 KYLA BRIGHT: So --
27 CHAIRMAN WILLIAMS: -- February agenda?
28 KYLA BRIGHT: Uh-huh.
29 CHAIRMAN WILLIAMS: Friday, as in day after tomorrow?
30 KYLA BRIGHT: Yep.
31 CHAIRMAN WILLIAMS: Cool.
32 KYLA BRIGHT: And I have nothing so far.
33 CHAIRMAN WILLIAMS: Hold our breath and keep our arms and
34 legs crossed.
35 KYLA BRIGHT: Uh-huh.
36 CHAIRMAN WILLIAMS: Okay.
37 REX MASSEY: Okay.
38 CHAIRMAN WILLIAMS: So maybe -- maybe you might ought to
39 bring your bedroll February meeting.
40 KYLA BRIGHT: Sounds like a plan.

1 CHAIRMAN WILLIAMS: County will buy pizza.
2 TOM REICHERT: Aw, now you're talking.
3 CHAIRMAN WILLIAMS: Won't they?
4 KYLA BRIGHT: Well, Kyla will.
5 MONTE PRICE: I'll take a donation at -- at the meeting
6 when more people show up.
7 CHAIRMAN WILLIAMS: Okay. Well, is that it with everyone?
8 REX MASSEY: Yep. I'm good.
9 MONTE PRICE: Yep.

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12 **PUBLIC COMMENT**

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CHAIRMAN WILLIAMS: There being no further business, we'd
open 'er up one more time for public comment, things not
agendized here today. Short and sweet. Anybody have anything?
(No comment.)

20 **ADJOURNMENT**

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CHAIRMAN WILLIAMS: That being the case, we'd entertain a
motion for adjournment.
KYLA BRIGHT: No motion.
CHAIRMAN WILLIAMS: Oh, we can't do that.
REX MASSEY: (Indiscernible.)
KYLA BRIGHT: You can just say goodbye.
CHAIRMAN WILLIAMS: I proclaim we shall stand adjourned.

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**CHAIRMAN OR VICE CHAIRMAN OF THE
LANDER COUNTY PLANNING COMMISSION**

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ATTEST: _____
LANDER COUNTY PLANNING COORDINATOR

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STATE OF UTAH)
) ss.
COUNTY OF DAVIS)

I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY
CERTIFY I TRANSCRIBED THE FOREGOING PROCEEDINGS FROM A "FOR THE
RECORD" DIGITAL AUDIO RECORDING OF A MEETING WHICH TOOK PLACE
THE 10TH DAY OF JANUARY, 2018, AND SAID RECORDING AND INFORMATION
PERTAINING TO PARTICIPANT NAMES WAS PROVIDED TO ME BY THE PLANNING
COORDINATOR, KYLA BRIGHT; THAT THE SAME IS FULL, TRUE, AND AS
CORRECT AS THE AUDIO RECORDING ALLOWED.

DATED AT _____
THIS _____ DAY OF _____

TIFFANY ELKINGTON, CCR #930

CHAIRMAN WILLIAMS: [143] KYLA BRIGHT: [40] MONTE PRICE: [49] REX MASSEY: [118] TOM REICHERT: [64]	additions [1] 9/11 address [3] 7/8 12/8 23/32 adjourned [1] 25/28 adjust [1] 6/36 adjustments [2] 4/5 14/7 Administration [1] 1/3 adopt [2] 8/26 8/35 adverse [1] 10/17 affect [1] 6/28 affecting [2] 9/30 9/31 affects [1] 9/26 agenda [7] 2/12 2/13 3/14 10/26 23/40 24/9 24/27 agendized [2] 3/5 25/16 ago [1] 10/12 agree [1] 7/5 Agreed [1] 24/11 aimed [1] 4/39 aircraft [1] 18/19 airport [11] 13/29 14/4 14/15 14/17 15/32 17/18 18/8 18/9 18/14 18/16 18/18 Allegiance [2] 1/15 1/17 Allen [2] 13/28 14/32 allocate [1] 6/21 ALLOWED [1] 26/20 allowing [1] 19/11 along [1] 3/27 always [2] 10/7 14/40 Ambulance [1] 16/32 amount [2] 5/10 5/11 and that [1] 11/23 applications [1] 24/23 applied [1] 6/7 approval [3] 2/14 5/17 7/38 approved [1] 20/20 Approximately [1] 20/9 area [8] 4/37 5/5 7/12 9/12 11/16 17/19 21/22 23/33 areas [6] 5/33 10/7 14/8 19/13 20/20 20/26 aren't [1] 11/17 arms [1] 24/33 assuming [1] 18/16 attended [1] 2/27 attends [1] 22/39 AUDIO [2] 26/12 26/20 Austin [13] 15/5 15/11 15/23 15/27 18/9 18/13 19/4 20/25 20/28 20/32 21/8 21/14 21/23 authority [12] 5/26 5/30 5/37 6/6 6/10 6/11 6/20 7/12 12/14 12/26 18/32 19/5 availability [1] 4/34 avenue [1] 7/18 Aw [1] 25/2 aware [1] 10/28 away [1] 20/40
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accessory [3] 19/11 19/17 19/31	
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account [1] 6/24	
achieve [1] 9/38	
acre [4] 10/14 19/26 19/28 19/33	
acre-feet [1] 10/14	
action [2] 3/8 3/16	
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	bedroll [1] 24/39
	beef [1] 22/19

<p>B</p> <p>behind [1] 6/36 beneficial [2] 10/19 21/14 berms [1] 17/25 Bert's [1] 17/23 best [2] 5/34 8/3 bet [1] 16/1 better [2] 4/16 14/38 big [1] 18/19 biggest [1] 17/21 bills [1] 22/6 bit [10] 5/18 9/12 9/18 9/24 9/38 10/4 10/9 12/40 22/30 23/24 blade [1] 17/30 blades [2] 17/24 17/24 blading [1] 17/24 BLM [6] 12/7 12/8 12/10 17/14 17/28 17/29 BLM and [1] 12/8 blocks [1] 22/34 board [2] 2/23 2/26 book [1] 24/9 booster [1] 14/1 bought [3] 10/12 10/14 11/23 brand [1] 16/25 breath [1] 24/33 briefly [1] 3/4 BRIGHT [2] 1/10 26/18 bring [2] 15/26 24/39 broken [1] 18/39 brought [4] 7/15 9/18 19/8 19/12 build [2] 5/33 11/6 building [5] 1/3 16/12 16/32 17/8 24/3 buildings [1] 20/28 built [1] 11/25 bunch [1] 14/18 burns [2] 18/1 18/1 business [1] 25/14 busy [1] 24/9 buy [2] 10/24 25/1 buying [3] 10/9 16/22 16/24 bypass [1] 2/12</p>	<p>Churchill [1] 10/12 circumstance [1] 10/22 clan [1] 3/33 Clark [1] 15/40 close [3] 1/39 4/9 20/3 closer [2] 15/38 20/4 code [5] 8/31 8/32 8/35 9/2 9/10 collection [1] 14/38 collectively [1] 24/3 Colt [1] 1/30 comment [6] 3/1 3/4 12/13 25/12 25/15 25/17 commercial [3] 13/34 14/5 14/18 commission [7] 1/1 1/13 4/40 5/16 7/14 7/36 25/35 COMMISSIONER [3] 1/7 1/8 1/9 commissioner's [1] 17/3 commissioners' [1] 10/25 community [3] 1/2 5/31 13/33 company [1] 23/11 conclusion [1] 9/29 condition [1] 6/27 Conferences [1] 2/27 confirm [1] 3/18 conform [2] 3/10 3/18 conservation [2] 8/28 9/1 consider [1] 10/9 considerable [1] 23/37 considerations [1] 13/27 continue [3] 13/37 17/14 17/16 continuing [1] 4/9 conveyance [1] 6/12 Cool [1] 24/31 COORDINATOR [3] 1/10 25/39 26/18 copy [1] 7/30 correct [2] 20/8 26/20 counties [2] 10/8 18/36 county [48] county's [8] 5/24 5/25 6/26 6/29 9/38 12/25 18/25 23/10 couple [4] 9/11 10/29 13/26 20/40 course [1] 16/22 court [13] 5/8 5/9 5/10 5/10 5/22 5/28 5/34 6/3 6/19 6/20 6/22 9/34 26/8 courthouse [3] 1/2 17/8 17/11 covered [3] 9/23 12/4 12/4 covering [1] 5/35 credit [1] 9/10 Creek [3] 9/13 10/39 11/8 crossed [2] 9/3 24/34 crying [1] 16/23 curious [2] 11/28 18/22 current [4] 3/10 3/18 3/19 4/36 currently [2] 4/12 13/27</p>
<p>C</p> <p>C.C.R [1] 1/5 call [5] 1/12 1/20 1/22 21/18 23/28 campaign [1] 20/29 capacity [4] 14/27 15/6 15/8 16/4 care [2] 8/32 15/11 case [6] 5/1 5/20 5/29 5/34 9/37 25/22 casino [2] 14/31 14/32 CCR [1] 26/28 cemeteries [1] 13/23 cemetery [2] 15/9 16/10 cemetery's [1] 15/33 certain [1] 6/8 certainly [2] 7/31 7/32 CERTIFIED [1] 26/8 CERTIFY [1] 26/10 CHAIRMAN [2] 25/34 25/34 chance [1] 2/8 change [6] 3/30 4/13 11/33 20/18 24/15 24/16 changes [5] 13/36 15/4 15/7 23/32 23/33 charge [1] 17/7 Cheatgrass [1] 17/40 check [1] 14/7 checkerboard [1] 7/32 chose [1] 18/17</p>	<p>D</p> <p>dab [1] 12/40 dam [5] 9/13 10/39 11/6 11/25 11/25 DATED [1] 26/23 DAVIS [1] 26/4 deal [6] 2/1 2/4 4/33 8/10 16/1 18/4 deals [1] 7/1 Death [1] 15/36 decent [1] 13/1 decide [1] 3/30 decision [2] 5/30 6/3 definitely [1] 12/28 deletes [1] 12/9 deliver [1] 10/2</p>

<p>D</p> <p>demonstrate [1] 5/26 denied [1] 6/9 density [2] 13/34 19/14 deny [1] 5/27 development [11] 5/3 5/12 5/17 5/25 5/31 5/37 8/27 13/34 14/5 14/32 18/26 different [5] 3/32 13/19 14/18 20/7 21/22 difficulty [1] 9/29 DIGITAL [1] 26/12 direction [2] 9/21 13/7 dirt [2] 17/25 17/26 discuss [2] 2/1 3/23 discussion [11] 3/8 3/16 3/31 4/40 9/13 10/4 11/38 13/39 14/3 16/11 16/40 district [1] 22/5 disturb [1] 17/33 donation [1] 25/5 doubles [1] 18/4 Douglas [2] 19/7 19/9 dramatically [1] 9/30 Dump [1] 15/17 dwelling [1] 19/31</p>	<p>extent [3] 7/11 7/35 13/38 extra [1] 10/9</p>
<p>E</p> <p>each [1] 16/28 earlier [1] 12/21 early [1] 13/1 east [1] 13/31 effective [1] 20/20 effectively [1] 5/7 effluent [1] 10/5 element [3] 17/19 18/29 24/4 elements [6] 3/24 3/28 3/32 3/32 5/22 6/12 Elkington [3] 1/5 26/8 26/28 EMS [2] 16/12 16/25 enact [1] 4/31 encourage [2] 8/27 8/29 encouraging [1] 9/2 end [4] 3/29 9/26 21/9 22/31 ended [1] 22/6 ends [1] 6/22 engineer [4] 5/28 5/40 6/3 6/8 engineer's [8] 4/17 4/24 4/32 5/30 6/1 6/2 6/28 9/39 engineering [4] 18/21 20/37 23/6 23/11 engineers [1] 4/36 enormous [2] 5/10 5/11 enough [1] 18/19 ensure [1] 7/7 entertain [1] 25/22 environmental [1] 6/25 equipment [1] 16/22 especially [2] 10/22 19/26 essentially [1] 6/29 et [2] 7/7 7/8 et cetera [2] 7/7 7/8 evaluate [1] 19/26 evening [3] 2/1 3/22 12/40 except [1] 3/28 exercise [1] 1/39 existing [2] 4/12 20/10 expand [1] 16/2 expansions [1] 15/7 expect [1] 23/36 expertise [1] 4/32 extending [2] 13/28 13/28</p>	<p>F</p> <p>facilities [13] 3/9 3/17 3/26 3/36 13/12 13/21 15/1 16/12 17/13 18/27 18/29 19/6 19/39 facility [3] 13/25 16/26 20/25 fact [1] 5/26 falls [3] 4/28 6/14 12/14 far [3] 13/8 18/8 24/32 farmer [1] 17/8 favor [1] 5/26 February [6] 23/19 23/20 24/12 24/22 24/27 24/39 feet [1] 10/14 felt [2] 5/9 5/36 fenced [2] 7/15 7/16 few [2] 4/4 23/31 field [1] 19/34 fields [1] 19/19 figure [1] 19/10 filed [1] 9/34 filling [1] 15/33 finally [1] 17/22 find [2] 14/40 16/4 findings [2] 5/9 5/35 fine [1] 19/13 finish [1] 23/25 finished [1] 23/27 fire [7] 16/12 16/21 16/36 16/37 17/12 18/9 18/19 firebreaks [1] 18/5 firefighting [1] 17/19 fixing [1] 19/2 fixtures [2] 8/28 8/32 flood [2] 7/3 20/20 flooded [2] 11/16 11/25 flow [3] 8/32 14/34 14/37 flows [1] 9/31 folks [1] 13/9 force [1] 19/9 FOREGOING [1] 26/10 Forest [1] 17/14 forward [3] 2/2 3/34 7/29 fought [2] 11/18 17/28 found [1] 6/20 free [1] 14/38 Friday [2] 24/23 24/29 front [2] 4/11 20/10 FULL [1] 26/18 further [2] 8/40 25/14 futility [1] 1/39 future [2] 7/18 17/18</p> <p>G</p> <p>gave [3] 5/10 8/24 21/21 geez [1] 16/25 general [1] 13/22 gentleman [2] 10/32 22/4 gentleman's [1] 21/38 Gilman [1] 15/23 gives [1] 12/21 glad [1] 22/13 goes [1] 18/13 gone [3] 18/36 22/29 23/24 goodbye [1] 25/27 government [4] 6/15 12/14 13/23 20/28 governments [1] 5/12</p>

<p>G</p> <p>gray [1] 9/17 great [3] 8/28 19/35 20/38 ground [1] 17/30 groundwater [2] 10/13 10/14 grows [1] 10/14 guess [1] 23/18 guns [1] 20/38</p>	<p>interests [1] 10/16 intern [1] 16/31 internally [1] 16/31 invests [1] 13/33 involved [2] 5/2 21/35 issue [3] 16/3 19/8 19/16 issues [5] 12/2 21/16 21/18 22/5 22/17 item [2] 3/14 9/24</p>
<p>H</p> <p>hair [1] 9/17 halfway [1] 4/14 hand [3] 3/37 18/39 19/20 handed [2] 7/21 13/18 happen [2] 21/25 23/20 happened [1] 21/15 happens [1] 18/38 haven't [5] 8/7 8/9 15/3 15/4 20/35 having [1] 5/15 hay [1] 10/14 hear [3] 3/23 19/1 21/40 heard [7] 11/9 20/27 20/35 21/3 22/35 22/36 23/2 hearing [3] 9/13 9/15 9/16 heck [1] 15/40 help [2] 1/32 7/36 high [1] 19/14 high-density [1] 19/14 higher [1] 13/34 Hill [1] 14/10 Hold [1] 24/33 holders [1] 7/14 Holland [1] 1/32 home [1] 19/34 hooked [1] 21/16 Hope [1] 5/14 hopefully [1] 16/2 hoping [1] 23/2 housing [2] 19/9 19/10 Humboldt [1] 9/31</p>	<p>J</p> <p>January [2] 1/4 26/14 JOHN [3] 1/7 1/28 22/13 jump [1] 13/12 junior [1] 23/28 juniper [1] 17/16 jurisdiction [1] 12/21</p>
<p>I</p> <p>idea [3] 15/1 17/27 19/35 identified [2] 15/3 15/4 identify [1] 16/5 imagine [1] 13/37 impacts [1] 6/25 important [2] 5/1 23/29 in Washoe [1] 6/32 include [3] 9/21 10/5 18/9 included [1] 6/34 increasing [1] 14/27 Indians [1] 11/17 indiscernible [2] 11/10 25/26 industrial [2] 14/5 14/19 influence [2] 5/19 13/31 informally [1] 23/24 INFORMATION [1] 26/14 initiative [2] 5/4 9/21 input [1] 6/37 insert [3] 5/21 5/32 18/28 instance [2] 6/30 16/3 instances [1] 10/10 instead [2] 10/15 10/16 intent [1] 3/27 interacting [1] 19/7 interesting [2] 9/33 12/6</p>	<p>K</p> <p>keep [1] 24/33 killed [1] 11/21 Kingston [6] 15/5 15/23 15/25 15/28 19/5 20/25 Knows [1] 10/33 KYLA [6] 1/10 2/33 22/3 22/10 25/4 26/18</p>
	<p>L</p> <p>Lahontan [1] 10/13 land [15] 3/28 3/30 7/32 11/15 11/17 11/23 13/27 13/31 14/6 16/7 20/21 23/30 23/31 23/35 24/4 Lander [18] 1/1 1/2 1/13 3/10 3/17 4/17 5/16 6/7 7/36 9/30 10/8 10/21 10/24 18/25 18/31 19/4 25/35 25/39 landfill [1] 15/11 Landfill's [1] 15/6 landfills [1] 13/23 landowner [2] 22/18 22/20 landowners [1] 21/19 lands [2] 5/22 7/14 landscaping [2] 8/25 8/28 language [3] 6/36 9/37 18/30 Lani [2] 1/33 1/34 large [1] 10/12 largely [1] 8/4 Las [1] 5/15 lately [1] 23/1 later [2] 18/39 24/6 lays [1] 11/24 leach [2] 19/19 19/34 least [2] 13/3 14/23 leave [1] 8/39 legs [1] 24/34 Lemmon [1] 5/5 less [1] 23/28 levee [2] 19/40 20/19 level [1] 17/3 li [1] 21/5 lid [1] 20/39 lift [4] 14/20 14/21 14/22 14/34 likely [5] 4/13 9/35 13/36 13/39 14/40 line [2] 7/8 14/4 lines [1] 13/30 list [1] 15/3 litigation [1] 9/25 little [11] 9/12 9/18 9/24 9/38 10/4 10/8 12/40 12/40 21/5 22/30 living [3] 19/11 19/14 19/17 LLC [1] 5/3 loading [1] 19/19</p>

<p>L</p> <p>local [5] 5/12 5/30 6/15 12/14 12/15 location [4] 16/4 18/16 20/8 20/9 locations [1] 16/8 longer [3] 23/25 23/39 24/9 Lord [1] 16/17 lot [6] 5/22 8/15 12/4 12/4 17/22 18/36 lots [2] 19/28 20/40 loud [1] 16/23 Louis [3] 1/33 1/34 22/38 Louis' [1] 22/36 low [1] 8/32 low-flow [1] 8/32 lower [1] 14/1</p>	<p>19/29 19/36 19/36 21/13 23/32 needs [3] 14/2 20/25 23/20 Nelson [1] 1/30 Nevada [4] 1/3 3/10 3/19 5/10 never [3] 11/29 11/32 23/2 nice [1] 16/26 night [1] 13/1 nitpicky [1] 7/6 no [31] Nope [4] 2/9 2/34 3/6 23/15 normally [1] 18/38 north [1] 5/4 noted [1] 23/10 nothing [1] 24/32 notice [1] 4/38 November [2] 2/13 2/14 number [3] 3/14 4/35 6/8</p>
<p>M</p> <p>mad [1] 18/40 made [3] 4/4 12/13 23/32 main [3] 8/21 13/30 13/30 maintain [2] 5/36 7/13 major [2] 13/24 15/4 management [2] 12/10 12/16 map [1] 15/1 mark [2] 8/4 8/24 marked [2] 8/20 8/24 Massey [3] 2/5 3/21 3/22 master [11] 3/10 3/18 3/24 3/28 3/33 5/21 9/23 9/26 10/6 16/5 23/22 matter [2] 4/27 5/19 means [1] 10/10 measures [3] 7/8 9/1 17/15 meeting [12] 1/2 1/12 2/13 2/14 3/3 21/8 22/39 23/25 23/39 24/39 25/5 26/12 meetings [3] 2/27 20/33 23/36 members [2] 2/1 2/26 mention [1] 19/39 mentioned [1] 22/2 mercy [1] 16/19 met [1] 1/1 microphone [1] 22/9 middle [1] 4/14 mind [1] 23/39 mine [1] 7/25 minutes [4] 2/9 2/14 2/16 24/1 missing [1] 1/30 mitigation [1] 7/8 money [3] 10/9 13/33 19/2 MONTE [4] 1/8 1/26 2/29 23/16 months [2] 11/24 23/39 morning [5] 7/29 12/38 12/39 13/2 13/7 motion [2] 25/23 25/24 Mount [1] 5/14 Mountain [4] 1/3 12/33 16/13 23/33 move [5] 10/18 10/18 14/34 14/34 21/22 moving [1] 20/3 Mr. [2] 2/5 3/21 Mr. Massey [1] 2/5 Mr. Rex [1] 3/21 munic [1] 17/17 municipal [4] 13/22 17/18 18/35 19/32</p>	<p>O</p> <p>oath [1] 1/40 office [5] 4/17 4/24 9/39 14/28 20/29 official [1] 23/11 old [1] 16/37 older [1] 10/1 once [1] 7/30 one [40] one-acre [3] 19/26 19/28 19/33 one-page [1] 13/20 ones [3] 11/18 11/21 18/33 open [2] 3/4 25/15 options [1] 10/11 order [2] 1/13 5/36 ordinance [1] 8/25 original [2] 11/1 11/2 others [2] 22/10 22/12 ought [1] 24/38 outdoor [1] 10/3 outs [1] 8/24 outside [2] 10/20 19/4 outskirts [1] 15/31 override [4] 5/30 6/20 6/25 6/28 own [3] 6/26 10/10 15/11 owner [1] 10/16 owns [2] 10/15 11/17</p>
<p>N</p> <p>name [2] 21/38 22/8 NAMES [1] 26/16 necessary [1] 7/9 need [13] 9/11 9/27 9/27 10/25 11/40 18/28 19/25 19/29</p>	<p>P</p> <p>package [1] 13/19 page [7] 4/13 4/14 4/38 8/4 8/23 9/11 13/20 paper [1] 5/23 part [2] 13/13 14/16 PARTICIPANT [1] 26/16 particular [1] 4/37 particularly [1] 23/33 parts [2] 14/35 14/38 pass [1] 17/25 passed [2] 22/23 22/25 past [1] 18/13 pattern [1] 7/32 paving [1] 14/13 pay [1] 10/29 permission [1] 21/21 permit [4] 5/6 5/18 5/27 6/26 permitted [1] 7/13 Pershing [2] 9/25 9/38 PERTAINING [1] 26/16 phase [1] 21/17</p>

<p>P</p> <p>phrase [1] 18/24 pinion [1] 17/16 pizza [1] 25/1 place [4] 10/14 11/38 18/34 26/12 places [1] 20/19 plan [26] 3/10 3/18 3/24 3/28 3/28 3/30 3/33 3/33 4/11 5/21 5/22 5/33 9/23 9/26 10/6 12/10 12/16 13/27 14/6 16/5 18/6 23/22 23/30 23/35 24/21 24/40 planning [15] 1/1 1/7 1/8 1/9 1/10 1/13 4/40 5/16 7/35 12/11 12/23 20/29 25/35 25/39 26/16 played [1] 5/25 playing [1] 5/32 please [2] 1/14 1/22 Pledge [2] 1/14 1/17 plenty [2] 15/7 18/19 plumbing [4] 8/32 8/35 9/2 9/10 point [5] 2/25 3/3 4/33 7/11 12/3 policies [3] 4/12 4/39 5/23 policy [2] 9/36 18/25 possibly [1] 10/11 posting [2] 2/13 2/13 potential [2] 16/7 16/8 power [3] 4/31 5/11 6/29 powers [1] 6/17 practical [1] 7/11 practically [1] 14/11 preemptive [1] 10/18 PRESENT [1] 1/7 presentation [1] 2/6 presently [1] 12/35 pretty [4] 4/7 8/35 15/39 23/3 previous [1] 4/40 PRICE [2] 1/8 1/26 prices [1] 19/10 private [7] 5/3 6/29 8/27 18/33 18/37 18/38 19/3 pro [1] 7/38 problem [2] 7/33 19/30 problems [1] 23/5 proclaim [1] 25/28 produced [1] 1/5 program [1] 24/9 prohibit [1] 18/32 prohibiting [1] 19/3 prohibition [1] 18/37 project [8] 5/14 5/15 5/17 5/27 6/14 6/30 9/22 22/26 projects [2] 5/37 18/26 properly [2] 3/11 3/20 proposal [3] 7/17 11/4 11/7 protect [2] 7/18 7/37 protecting [1] 10/10 protection [2] 16/12 16/21 protections [1] 17/12 PROVIDED [1] 26/16 provides [1] 5/18 provisions [1] 8/31 public [21] 3/1 3/4 3/9 3/17 3/26 3/35 5/21 6/29 7/14 8/27 13/12 13/21 13/23 13/25 16/11 17/13 18/29 19/2 19/39 25/12 25/15 pumping [1] 6/12 purview [1] 12/25 putting [2] 18/8 19/4</p>	<p>question [3] 18/10 18/12 22/38 quick [1] 19/21 quickly [1] 15/39 quit [2] 16/22 16/24 quite [4] 1/38 5/18 23/24 23/31 quorum [1] 1/35</p> <hr/> <p>R</p> <p>ranch [2] 10/12 10/23 Randy [1] 15/40 rapid [1] 17/15 Ray [5] 21/27 21/35 22/1 22/2 22/20 reaching [1] 9/29 read [3] 2/8 5/20 5/29 reading [2] 9/24 9/33 ready [1] 20/39 real [1] 19/20 reallocating [1] 14/37 reason [2] 4/16 6/36 reasons [2] 14/4 18/36 recognize [1] 5/1 recognized [2] 5/11 5/23 recommended [1] 10/7 RECORD [1] 26/12 RECORDING [3] 26/12 26/14 26/20 recreation [4] 3/9 3/17 13/13 13/15 red [6] 4/39 5/2 5/3 5/4 7/22 18/28 regardless [1] 5/28 regime [1] 11/33 regularly [1] 8/36 regulate [5] 5/12 5/31 5/37 6/11 6/29 regulates [1] 5/24 regulating [1] 18/26 regulatory [1] 4/28 REICHERT [2] 1/9 1/24 reiterating [1] 18/25 relatively [1] 19/13 rem [1] 3/32 remaining [1] 3/24 remapping [1] 20/32 remember [6] 11/1 11/1 11/6 21/17 21/38 22/8 removal [1] 17/16 Reno [1] 5/4 REPORTER [1] 26/8 REPORTS [1] 2/23 research [1] 9/19 researching [1] 9/24 Reservoir [1] 10/13 residential [1] 13/35 residents [1] 18/40 resource [10] 3/9 3/17 5/17 5/37 6/4 7/13 10/19 12/10 12/16 18/26 resources [12] 3/25 3/25 3/35 4/11 4/33 5/13 5/33 6/21 9/22 10/10 10/11 12/31 respect [1] 19/26 response [1] 17/15 responsibility [1] 8/22 rest [1] 22/7 reuse [1] 10/6 review [1] 7/17 reviewed [2] 13/17 23/27 Revised [2] 3/11 3/19 revisited [1] 11/7 revisiting [1] 11/12 Rex [6] 3/21 3/22 5/38 7/30 23/17 23/22 Rex's [1] 2/6</p>
<p>Q</p> <p>quarter [1] 19/17 quarters [2] 19/11 19/15</p>	

R

rid [1] 23/27
rights [6] 6/8 7/9 10/9 10/23 11/8 11/39
rise [1] 1/14
River [1] 9/31
Road [2] 13/28 14/32
roads [3] 17/23 17/24 17/26
Rock [7] 5/2 5/3 5/4 9/13 10/39 11/8 18/28
role [3] 5/24 18/26 19/5
roll [2] 1/20 1/22
Room [1] 1/2
Route [1] 1/4
rulings [1] 6/28
rumblings [1] 20/27
run [3] 7/16 10/22 14/9
running [2] 14/4 20/29
runs [1] 20/11

S

safety [1] 13/23
sale [1] 10/23
Salisbury [2] 22/1 22/21
same [8] 4/7 5/35 5/38 8/4 11/7 17/6 20/9 26/18
saw [1] 13/7
school [1] 10/2
scratch [1] 4/13
scuttle [1] 17/3
second [3] 4/38 7/8 9/24
section [2] 9/22 16/7
seek [2] 5/6 5/17
seems [1] 4/36
segment [1] 20/11
selling [1] 10/16
Seminars [1] 2/27
sense [2] 4/23 19/15
sentence [1] 18/24
September [1] 2/16
septic [3] 19/14 19/18 19/33
serve [1] 18/16
Service's [1] 17/15
services [11] 3/26 3/36 13/13 13/22 13/28 13/29 16/12 17/14
17/18 18/29 19/40
session [1] 1/1
sets [1] 18/39
seven [1] 10/12
sewer [4] 15/4 19/32 22/5 22/17
shall [1] 25/28
share [1] 2/26
sheriff's [1] 14/28
shipping [1] 5/5
Short [1] 25/16
shortcut [1] 10/31
shortcuts [1] 10/33
shoulder [1] 8/22
show [2] 2/2 25/6
since [2] 9/16 22/23
sir [3] 1/36 2/30 2/32
situation [2] 7/17 20/19
six [1] 11/24
size [1] 18/18
skip [1] 21/22
slightly [1] 13/18
smaller [1] 17/23
someone [3] 5/24 10/15 18/38
someplace [1] 19/18
sorry [3] 7/1 17/6 18/11

sort [3] 2/28 13/24 23/27
sound [3] 2/3 22/13 23/4
sounds [2] 24/17 24/40
south [2] 20/11 23/33
Southwest [1] 14/24
space [1] 15/38
Speaking [1] 12/32
speaks [1] 18/30
special [4] 5/6 5/18 5/27 6/26
special-use [4] 5/6 5/18 5/27 6/26
speed [1] 22/30
spend [4] 23/30 23/36 23/37 23/37
spent [1] 19/2
springs [2] 7/16 15/24
sprinkle [1] 12/40
square [1] 15/10
squared [1] 20/40
squash [1] 4/29
squashed [1] 11/6
ss [1] 26/3
STAFF [1] 2/23
stand [1] 25/28
start [7] 11/20 19/32 21/32 24/12 24/13 24/14 24/14
started [3] 17/22 22/25 22/26
starting [2] 5/21 22/31
starts [1] 12/16
stating [1] 8/2
station [8] 14/21 14/22 14/35 15/18 15/26 15/28 16/36 16/37
Statutes [2] 3/11 3/19
stay [1] 12/28
Stead [1] 5/5
step [2] 7/36 19/3
stop [2] 5/27 20/34
stopping [1] 22/7
storage [4] 6/12 13/40 14/1 18/27
Street [1] 20/10
streets [1] 21/1
strip [1] 17/30
stuff [5] 2/28 11/27 12/20 13/1 24/10
subdivision [1] 19/18
subdivisions [2] 19/14 19/33
suited [1] 4/16
Summit [2] 20/37 23/6
support [4] 14/4 14/18 17/14 17/16
supported [1] 5/24
supporting [1] 17/19
suppression [2] 18/9 18/19
supreme [10] 5/8 5/9 5/10 5/22 5/28 5/34 6/2 6/19 6/20 6/21
sweet [1] 25/16
system [3] 14/35 14/39 18/38
systems [5] 18/31 18/33 18/35 18/37 19/4

T

table [1] 13/40
taken [1] 19/3
talk [3] 3/29 18/21 20/5
talking [9] 12/10 13/21 13/22 16/28 16/29 18/25 22/1 24/12
25/2
talks [1] 9/37
tank [1] 14/1
task [1] 19/9
taxes [1] 15/36
TELEPHONE [1] 1/9
tell [1] 10/31
ten [1] 18/39
terms [4] 5/14 7/15 16/11 24/13

<p>T</p> <p>testify [1] 1/40 that'll [2] 12/17 20/18 thinking [2] 7/5 22/40 thinks [1] 10/21 third [1] 8/23 though [2] 8/34 17/23 thought [5] 9/27 9/28 22/20 22/25 22/30 thoughts [4] 4/18 6/37 10/35 11/40 three [2] 1/40 3/25 throughout [1] 5/21 throw [4] 11/26 11/27 24/18 24/22 tied [1] 10/18 Tiffany [3] 1/5 26/8 26/28 today [3] 3/5 10/15 25/16 TOM [13] 1/9 1/24 2/31 6/37 7/29 9/17 13/18 15/4 20/24 21/16 21/38 22/11 23/14 tomorrow [1] 24/29 tonight [1] 3/35 took [3] 6/24 8/30 26/12 Top [1] 14/10 topic [2] 7/2 10/39 topics [3] 3/35 12/17 23/29 totally [1] 20/7 touch [1] 10/32 transactions [1] 11/16 TRANSCRIBED [1] 26/10 Transcript [1] 1/4 transfer [6] 7/9 15/13 15/15 15/16 15/26 15/28 transmission [1] 18/27 treated [1] 10/4 tribe [1] 11/17 TRUE [1] 26/18 try [2] 14/40 24/12 trying [6] 6/35 9/38 17/29 19/10 22/15 22/21 turn [1] 4/38 turned [1] 5/7 Turning [1] 8/23 TVs [1] 16/24 two [9] 3/23 3/25 13/30 13/30 14/21 20/33 21/18 22/34 23/36 Typically [1] 13/33</p>	<p>voice [1] 22/11</p> <hr/> <p>W</p> <p>Walt [2] 1/31 1/32 Washoe [8] 5/2 5/6 5/7 5/24 5/25 5/36 6/32 18/28 water [54] water-related [1] 12/2 watering [2] 10/2 10/3 watershed [2] 12/11 12/23 weeds [2] 17/36 18/2 wells [2] 10/1 19/14 west [2] 13/8 13/31 wet [1] 12/38 What'd [1] 18/11 whatnots [1] 22/6 whenever [2] 2/2 22/39 widening [1] 17/25 width [1] 18/5 wildland [1] 17/12 William's [1] 21/29 WILLIAMS [3] 1/7 21/35 22/3 wonder [1] 21/15 wound [1] 11/17 wrapped [1] 23/3</p>
<p>U</p> <p>Ugh [1] 2/18 understand [2] 14/20 24/2 Unfortunately [2] 8/33 15/33 units [1] 19/31 untreated [3] 10/1 10/6 13/37 update [2] 3/8 3/16 upgrading [1] 14/26 used [1] 13/38 uses [1] 14/18 using [4] 10/1 10/3 15/13 20/29 usurp [1] 5/30 UTAH [1] 26/2 utilities [1] 13/22 utilize [2] 14/38 15/38</p>	<p>X</p> <p>xeriscaping [1] 8/31</p> <hr/> <p>Y</p> <p>yesterday [1] 13/7</p>
<p>V</p> <p>valid [1] 7/13 validity [1] 9/20 Valley [5] 5/2 5/3 5/4 5/5 18/28 Valley/Stead [1] 5/5 Vegas [1] 5/15 versus [1] 18/28 VICE [1] 25/34</p>	<p>Z</p> <p>zoning [7] 13/32 13/36 14/7 20/21 23/30 23/33 24/13</p>