

Pyramid Lake Paiute Tribal Council

Post Office Box 256

Nixon, Nevada 89424

Telephone: (775) 574-1000 / 574-1001 / 574-1002

FAX (775) 574-1008

WATER TEAM MEETING MINUTES

Tribal Chambers ~ Nixon, NV

January 21, 2026, WTM

Members Present:

Steven Wadsworth, Tribal Chairman
Nicholas Cortez, Councilmember
Judith Davis, Councilmember
Loren Decker, Councilmember
Nathan Dunn, Councilmember

Edward Ely III, Vice Chairman
John Guerrero, Councilmember
Della John, Councilmember
Ceira Sampson, Councilmember
Georgina Wadsworth, Councilmember

CALL TO ORDER

Chairman Wadsworth called the January 21, 2026, Water Team meeting of the Pyramid Lake Paiute Tribal Council to order at 6:00 p.m.

ROLL CALL

Brenda A. Henry, Tribal Council Secretary, took roll call. All Councilmembers were present at roll call, and a quorum was established for this meeting.

APPROVAL OF AGENDA

Before presenting the agenda, Chairman Wadsworth informed the Council, the Pyramid Lake Police Department with the assistance of Sparks Police Department arrested individuals who illegally dumped trash off SR 445 by the cross which occurred early in the day.

Chairman Wadsworth presented the agenda with the removal of public comment which is not typically on the Water Team agenda, and the addition of an approval for the Temporary Land Use Permit for NV Energy.

Councilmember Decker motioned to *approve the agenda for the January 21, 2026, Water Team meeting with changes*. Councilmember Dunn seconded the motion. Votes were nine (9) for and zero (0) opposed with zero (0) abstentions. **MOTION PASSED**

CONSENT AGENDA

The following item was listed under the Consent Agenda:

1. Approval of Kemp Jones LLP December 2025 Invoice

Councilmember Cortez motioned to *approve the Consent Agenda*. Councilmember Davis seconded the motion. Votes were nine (9) for and zero (0) opposed with zero (0) abstentions. **MOTION PASSED**

MINUTES

1. Approval of Minutes:

a. November 21, 2025, WTM.

No changes and no further discussion.

Vice Chairman Ely motioned to *approve the November 21, 2025, WTM minutes*. Councilmember Sampson seconded the motion. Votes were nine (9) for and zero (0) opposed with zero (0) abstentions. **MOTION PASSED**

PRESENTATION.

1. BLM Update. *Shedra Rakestraw, Lands & Realty, and Kim Dow, BLM Carson City District Office.*

Dodge Flat II Solar Project. Currently their Nevada State office is working on a batch to send up the Department of Interior (DOI) Secretary and anticipate Dodge Flat II Solar Project to be a part of that batch. However, they don't know when it's going to happen or how long the Secretary will take to review it.

Ms. Rakestraw provided the following overview for the BLM Carson City District Office. For the Fernley Land Conveyance, they are continuing with the survey, which the Tribe allows them access, they will learn more once the survey is completed. They are working on phase two for the City of Fernley; this one goes from the Carson City District into Winnemucca District, and they will have an update at the next meeting. Next is the Reno Tahoe Connector, this is a connector road around the USA Parkway to split up the traffic. This is around the Pah-Rah Mountains and they're looking at three different routes. They're currently conducting a feasibility study which she and her district manager, Kim Dow attended. Along with discussing routes they're talking about different forms of transportation. They have not yet received a SF 299 application which is a part of submitting a request to BLM for a project. They have submitted field work authorization to conduct cultural surveys which currently is with their district manager for review. Their archeologists conducted a desktop analysis for now to get the form completed and then a field work authorization to get started. Carson City District is becoming a popular area for data centers, they now have five applications, one of them being the Silver Springs West Data Center or Kimberly Mountain Data Center LLC, in Lyon County, it's proposed to be a 6 million square feet hyperscale data center campus located on 696 acres of BLM administrative land three miles west of Silver Springs and one mile north of US Highway 50. The proponent Arivia is the construction company planning to start in 2027 and go through 2031. The same proponent has four applications, their first priorities are the West and the South, the South is around 700 square acres but still within the same square feet within the Silver Springs area. They had a pre-NEPA kickoff meeting with them based on baseline needs last week and informed them to work with all the tribal communities to keep continuity and awareness of the project. The data centers will have some types of natural gas, a battery, energy storage system, and a transmission kV line incorporated which means different types of right-of-ways. Another project is the Greenlink North Transmission, a 500 kV line with 4 gigawatts of power that extends from Walker Substation in Yerington to Robinson Substation in Ely, NV following Highway 50. In

February 2026 they would like to publish the supplemental EIS proposed RMP with a 30-day comment period. Continuing with the Resource Programs, the Flanigan Allotment is in the early engagement period where the public has an opportunity to provide input on the standards determination document which ended on January 20, 2026. Feedback from this engagement period will be used to develop the Environmental Assessment which they anticipate finalizing around April or May. The tribal consultation letters were mailed last summer. The allotment includes Sheet Springs, which was damaged by wild horses and livestock, a fence was repaired around the springs, and a trough was put outside the fenced area. The goal is to provide water to the wild horses and livestock while protecting the springs in the riparian area. More on the North Complex Wild Horse Gather Plan, they are beginning the efforts to write an environmental assessment and associated herd management plan (HMP) for Flanagan, Dogskin Mountains and Granite Peak management areas. They are collectively calling this the North Complex scoping and is scheduled to start on February 2, 2026. The tribal notification letters were to be sent out no later than February 2, 2026, for this scoping period. For the Invasive Plant Species Control, they are in partnership with the Eastern Nevada Landscape Coalition, the district is currently planning for invasive plant species inventory treatment and monitoring in 2026. They are expecting two seasonal workers to come on board in late April with inventory work to start shortly after.

Councilmember John asked where the water is coming from for the data centers. Ms. Rakestraw said they are not sure where they are getting their water, but it is one of the questions they are asking as well during their bi-weekly meetings with NV Energy so they can understand the impact of the resources plus this is new not only for BLM but for the Carson City District as well. They have been tasked to generate a data center initiative plan and are doing more research on these questions. Councilmember John said she heard through a tribe that is near there, that there is a non-disclosure agreement (NDA), so nobody can talk about it. How does this impact the public? BLM said they haven't heard of a NDA but in this data initiative plan it will help them to understand how to process the data centers because the Carson City District has received the most applications. It is a heavy load for them to understand how to implement and she has tasked their archeologists to connect with the THPOs to gain more perspective and understanding from the tribal communities of the resources and the impacts of other data centers when they are being implemented. Councilmember John said she's surprised how big they really are and the land values decrease. BLM said they are about 6 million square feet and have four in the area, that's 24 million square feet, they're large.

Councilmember Dunn asked if they had a list for who they would approach for water. Ms. Rakestraw said the water is the proponent's responsibility; BLM's responsibility is to offer tribal consultation and for their archeologists to work with the THPOs.

Vice Chairman Ely said regarding Dodge Flat II, it was stated the package is becoming complete, what can they expect when it's complete? Ms. Rakestraw said they are composing a package for the Secretary of the Interior (Secretary), any solar related projects must be reviewed by the Secretary for concurrence. Currently Dodge Flat II is at the EA level for approval and concurrence. Once they get approval or concurrence it will become a part of the package. Depending upon what the Secretary says for concurrence, whether they need more information or must amend something in the packet will depend on where the project goes.

NATURAL RESOURCES. *Donna Noel, Natural Resources (NR) Director*

1. Request for Approval of Natural Resources Conservation Services (NRCS) Funding for the Nixon Ditch Repair with Resolution. Donna Noel, NR Director

Ms. Noel stated this is not a grant but a contract and is to fix the Nixon ditch. If the Council remembers back in 2019-2020, they had a complete overhaul of the ditches with new engineering. They paved or concrete lined the ditches and redid piping. Since it was completed, they've had issues with getting water to land assignments because of an elevation issue. There were lined areas that needed a wider bottom, and it was overflowing and to find out it was the 36-inch pipe which should have been 48-inches, so they've been working with NRCS for a couple of years just trying to identify the issue. NRCS came out and assessed all the areas and now have a plan and packet for doing the construction. The bids went to four different companies; they received two back and the one they are recommending is A&K Construction, who happened to be the company that did it in the first place and already knows the system. She put the budget together for the contracting costs, and tribal time for field work, the budget is \$1.7 million which she provided to NRCS so they can ask for the funding. Typically, NRCS doesn't pay the full price but this time they will pay for the full constructions costs plus she included other costs just in case.

Doug Higby, NRCS State Engineer and Ari DeLara, Assistant State Conservationist for Programs, were also in attendance for questions.

Vice Chairman Ely, also a farmer, asked when the project is going to start, when is it going to be complete because farming is coming up very soon. Ms. Noel said it depends on when they get the funding and they won't be interfering with irrigation season. They would like to get some of it started before the season starts but due to the turmoil in Washington they are prepared to do it after fall.

Councilmember John said the main ditch goes past her brother's farm and he's lost acreage because they didn't put a head gate in, so he bought a yellow jacket gate and was going to put it in but because it's all concrete now, he can't get water. They said it would be fixed but then his yellow jacket gate disappeared and he still doesn't have water. She would like to see them communicate with the farmers.

Councilmember Davis motioned to *accept the recommendation for A&K Earth Movers Contract for the Nixon Ditch Repair*. Councilmember Decker seconded the motion.

Councilmember John said there is a difference of \$300,000 in the bids, is it because of past history that they are choosing A&K Earth Movers. Ms. Noel said it is due to their past history, and their bid was better constructed, laid out and they were also willing to do a bond, whereas the other company wouldn't do a bond.

Votes were nine (9) for and zero (0) opposed with zero (0) abstentions. **MOTION PASSED.**

Vice Chairman Ely said A&K Earth Works needs to be change to A&K Earth Movers on the resolution.

Councilmember Davis motioned to *approve the resolution with the name correction*. Vice Chairman Ely seconded the motion. Votes were nine (9) for and zero (0) opposed with zero (0) abstentions. **MOTION PASSED. RESOLUTION NO.: PL 005-26 NRCS FUNDING NIXON DITCH REPAIR**

Before moving on to the next item, Chairman Wadsworth gave a visual of the data center acreage of 6 million square feet, for the Council it would be larger than Little Nixon.

2. Request for Approval of EPA General Assistance Program (GAP) Grant with Resolution. *Donna Noel, NR Director*

Ms. Noel explained they've had the GAP Grant for over 30 years, and it covers half her salary, half her executive assistant's salary, half the Environmental Assistant's salary plus the recycling program, covering items she oversees, NEPA and traveling to meetings.

Vice Chairman Ely motioned to *approve the submission of the EPA General Assistance Program (GAP) Grant with resolution*. Councilmember Decker seconded the motion.

Councilmember Cortez said with the budget submitted there are typos, recommends going through it and making sure the numbers are correct.

Votes were nine (9) for and zero (0) opposed with zero (0) abstention (Wadsworth). **MOTION PASSED. RESOLUTION NO.: 006-26 EPA GENERAL ASSISTANCE PROGRAM (GAP) GRANT**

Councilmember Dunn said regarding the Recycling Program, can they do community projects where they up cycle the materials that get dumped in the recycling place. For people who are building doghouses or fences can go through the materials and utilize them in the community. Ms. Noel said that it is in the next grant.

3. Request for Approval of EPA Solid Waste Infrastructure for Recycling (SWIFR) Grant with Resolution. *Donna Noel, NR Director*

Ms. Noel explained this grant is for infrastructure for recycling. There are two main sites they are looking at: the first one is the recycling building that is on Reservation Road in Wadsworth, which they are currently getting the sewer worked on now. They will also bring in a building for storage and purchase a bobcat with attachments so they can collect the cardboard that is gathered at the I-80 Smoke shop. They will get them a baler for the cardboard and will pick it up for recycling. They will be fencing the area around it and in their GAP grant this year they are putting a new roof on it. They are also considering outreach with the high school for a mural on the side of the building. The second site might be the new transfer station, PUD, which may be built near the bypass road. This grant will provide them with a truck scale and a scale house so PUD can start weighing their transfers. There will be a section for recycling, an area for composting and an area for reuse materials, like furniture, fences, things that the community might want to reuse. The Environmental Assistant will be doing outreach for this grant plus will be able to collect data to see how much they are spending on the land fill.

Councilmember Davis asked with this grant and the last one will they have a full-time recycling person. Ms. Noel said it would be a 50/50 situation since the Environmental spends 50% on the GAP grant, which is the recycling part, and then the other half would be on the SWIFR Grant to get it situated and moving.

Councilmember Cortez said he was reviewing the project summary, have they been in communication with PUD because it sounds like extra deliverables on PUD. Ms. Noel said they have been in communication with the PUD and Benjamin John, Business Officer. She has been speaking with Mr. John, and the Environmental Assistant has been coordinating with the PUD Director to make sure everything they want is included in the grant. The PUD will also be putting in for an Indian Health Service (IHS) grant which she is assisting with the NEPA part of it. Councilmember Cortez was asking about the collection of the data, who that person will be. Ms. Noel said it would be the Environmental Assistant, but PUD would supply the scale numbers which would be reported in their GAP grant.

Councilmember Dunn asked if either the PUD or their department had talked about an enclosure for the transfer station due to blowing trash when the wind picks up. Ms. Noel said Mr. John told her they are looking for a site off the bypass road and there will be a cement pit for dumping the trash, but they will also have fencing around the site.

Councilmember Cortez asked the Chairman when those plans are coming to the Council level. Chairman Wadsworth said they are looking for funding plus there are engineering costs. Ms. Noel added she is working with Mr. John because there is funding with IHS and the US Department of Agriculture (USDA). Councilmember Cortez mentioned there are timelines for the various purposes in the grant. Ms. Noel said she understands the transfer station is in the third year and if they don't get funding or it doesn't look like it will happen anytime soon, then they will go with the old site that they currently have.

Councilmember John said the proposed area for the transfer station, which she calls soft mountain because of the sand in the area, was excavated by the university for a burial and they shouldn't disturb that area. Ms. Noel said they will have an archeology survey before anything is dug and they will have a cultural observer present on-site.

Councilmember Davis said it was a good grant to submit for but before they start moving dirt, they need to decide where the transfer station is going to be located because it hasn't been discussed yet.

Councilmember Davis motioned to *approve submission of the SWIFR Grant with resolution*. Councilmember Dunn seconded the motion. Votes were nine (9) for and zero (0) opposed with zero (0) abstentions.

MOTION PASSED. RESOLUTION NO.: PL 007-26 EPA SOLID WASTE INFRASTRUCTURE FOR RECYCLING (SWIFR) GRANT

Councilmember Wadsworth said in her report she was talking about the Brownsfield Program and the transfer of the Smith property, where is the Smith property? Ms. Noel said it's on the corner of SR427 and SR447, northwest junction.

3. Request for Approval Land Use Permit for NV Energy.

Chairman Wadsworth explained this land use permit is for NV Energy. The Tribe already has an easement and right-of-way agreement with NV Energy, but they want to be sure they have permission for this project. It's a transmission power line near the Food Distribution building, which goes across the river. A map is included for the Council to review. Jason Croxton, Quarles and Brady, have been working on this draft with NV Energy's attorneys for the Council's consideration. He recommended that section two be removed because they already are invoicing them in the agreement. This is substantial repairs and they will be on-site for a while. Councilmember Cortez asked why they would remove that section; its usage of land that is not right-of-way. Chairman Wadsworth said it's a part of the right-of-way already, in the right-of-way it includes maintenance and repairs. Everything is covered under the original right-of-way agreement they signed last year. If the Council wants to think about a different dollar amount, they can table it and take it back to them for consideration. When asked what the attorney recommended, they didn't recommend anything because it's already in the original right-of-way but recommended taking section two out completely.

Vice Chairman Ely said he would like to see a timeline on when they will be finished other than it was recommended 60 days.

Councilmember Cortez asked if the right-of-way gives them the ability to go through different areas of land to access those areas of the right-of-way or do they only follow the area outlined in the right-of-way. Chairman Wadsworth said they must have the room to get there which is the purpose of the right-of-way is to go through there, to get in there, to the easement, to make the repairs.

Vice Chairman Ely said you would think they would give notification to go in there and repair other than a new land use permit and agreement. Chairman Wadsworth said the whole thing has been odd, as reported at the last meeting, when it comes to the Tribe invoicing them and pay, the way he reads the agreement is they won't do any of that until the BIA had approved and signed off which they haven't not done yet. The Secretary of the Interior's signature is on the form, but it has been accomplished yet and NV Energy keeps asking if the Tribe is going to invoice them, but they tell them the agreement hasn't been officially approved yet.

Councilmember John said it's hard to trust them because they went 12 years without paying the Tribe and their services didn't stop.

Chairman Wadsworth said because this is a temporary use permit, they will need to add that language that this is a temporary permit and for how long and there is the question about section two.

Councilmember Dunn asked if they wanted to assess a fee.

Councilmember Cortez motioned to *table the Land Use Permit for NV Energy*. Councilmember Sampson seconded the motion. Votes were nine (9) for and zero (0) opposed with zero (0) abstentions. **MOTION PASSED.**

WATER TEAM

1. Kemp Jones. *Chris Mixson, Kemp Jones*

Mr. Mixson doesn't require an Executive Session.

TROA NAVY WATER LITIGATION. They have already reached a settlement in concept that the Council approved to split the Navy Water Rights, 80% for the Tribe, 20% for Stillwater Refuge. They reached the agreement in principle, the lawyers worked out the written settlement agreement because it's a lawsuit they're settling, it will be a formal settlement agreement. They decided they needed an attachment or exhibit to the settlement agreement that was a map or something that identified the specific water rights that they call Navy Water and then identify the specific water rights that are going to be 80% managed for the Tribe and 20% managed for Stillwater which is where things got tricky. They dealt with most of the mapping issues last year and they finally thought it was explained and resolved. Then the issue was that TCID who is in charge of their mapping for the Newlands Project had maps that showed water righted acres and non-water righted acres and so they're trying to identify what are the water righted acres at the Naval Base that are now going to be managed 80% for the Tribe and 20% for Stillwater, then they will do the change applications to make it all work. But TCID's maps turned out have another designation that they were not aware of called allocated and not allocated, so now you have land that is water righted but not allocated and is eligible to receive water under water rights but they're not using those water rights and maybe they temporarily sent them over to some other parcel. They had maps that showed a lot of weird stuff that had lands with water rights, but they weren't eligible to receive water which doesn't make sense from a legal perspective. There were some that were not eligible to receive water but were shown as allocated so they were potentially eligible to get water even though they weren't water righted. So, now they have somewhat figured it all out enough to be confident enough that the Navy water rights are going to be managed in a way that is intended by the Settlement Act. He has asked the feds to still create an exhibit that is going to go with the settlement agreement that identifies the specific water rights they are talking about. So now they are just waiting for them to provide that documentation, all the information is with TCID, BOR and the USFWS and the Water Team told them they need to sort out the mapping issue and to think about what the exhibit is going to look like. Hopefully, they will have a final settlement agreement by next month.

Councilmember Dunn asked for an overview. Mr. Mixson said this is where the Naval Base in Fallon was growing alfalfa and the Tribe sued them back in the early 90s and the lawsuit was they were using Truckee River water to grow hay at a Naval Base when the Tribe have endangered fish in Pyramid Lake and under the Endangered Species Act, you can't use that resource for that purpose. The Tribe lost the lawsuit but in this 1990 Settlement Act, it was directed the Navy needs to conserve water and the conserved water is supposed to be managed to benefit Pyramid Lake Fisheries. That is what the more recent lawsuit is for, is that they haven't been using that conserved water to benefit the Pyramid Lake Fisheries and that is what the Settlement Agreement does.

CEMEX. There is the Northern pit that they are working on now, Area A, Northern Pit. There is also Area A, Southern Pit that CEMEX is trying to say they didn't have to regrade the pit walls because they never did the mining there. The team told them it's a part of the leased area and their lease area says they must reclaim all the pit walls. They relented and agreed to do that but in order to get the sloping right, originally

they were proposing really steep slopes on the Southern Pit and their excuse was in order to get the slope to where the Tribe wants it, they would have to encroach to the west outside of what is the current leased boundary. The team told them to draw up a map to show them what that would look like, it's just a sliver of land about 16 feet wide and over a couple of 100 linear feet. They are preparing an amendment to the existing lease to include these two slivers of land so they can lay back the berm and get the right sloping. He doesn't think that lease amendment needs to come to the full Council, it's a very minor amendment to the existing lease and they've been discussing it for a few months with the Council, so once it's ready he can either bring it back next month to the Council or work with the Chairman to sign the minor lease amendment. Councilmember Dunn said for record purposes, it would be better to bring back to the Council.

Vice Chairman Ely asked if they are going to use this timeline between amending the contract for the more land as an excuse to extend because they are paying a lease. Mr. Mixson said no they're not, they are in a hurry though to get the lease amendment so they can put it out to bid and he's sure they won't be happy they will have to wait another month.

Councilmember Guerrero asked if the material coming in is certified, tested or is static material. Mr. Mixson said he thinks it is tested to meet the size requirements.

Councilmember Cortez asked if there was anything in the lease agreement that forces them to keep the road clear because there have been a lot of people who have complained about debris in the road. Mr. Mixson said he doesn't know if there is anything there specifically, but he would have to look at the lease agreement, there might be language that says best management practices. There could be something more specific in the construction contract between CEMEX and their contractor doing the actual work. That's where he would expect to see language about keeping the road clean. He knows they are aware there is a problem and would assume they're doing better since Rob Cutter mentioned it.

TROA JOINT PROGRAM FISH CREDIT WATER. This isn't a settlement agreement because there is no litigation but it's another MOU they've been working on with the State of California over what is called Joint Program Fish Credit Water which is a TROA category of credit water. The MOU is complete with the State of California, there are exhibits to this MOU, but they keep messing with the exhibits so it's not ready to be presented to the Council yet but hopefully by next month. As an overview, this is water that the Tribe established called Fish Credit Water in storage under TROA and a portion of Fish Credit Water gets designated as Joint Program Fish Credit Water so the State of California has some water in storage they can manage for their own for environmental and fish purposes. It's non-consumptive and all in-stream flows just like the Tribe's but it's so the State of California can manage water in between the upper reservoirs for their own fishery purposes. It's water that is shared between the Tribe and California and California gets to determine when it gets released but it still ultimately is supposed to flow to Pyramid Lake. California was managing it, but it didn't flow to Pyramid Lake, they were creatively moving this water around in the upper reservoirs without it actually coming back down the river. Instead of suing them, they said they were going to stop creating fish credit water and California was not going to get any Joint Program Fish Credit Water. That was leveraged to bring them to the table, and they now have this agreement which puts boundaries on their management of that water to ensure it comes down to Pyramid Lake. More on this next month.

ATRIUM APARTMENTS. The lawsuit is filed; the filed copy is in the Council's packet. Just this week they received the summons issued by the court; this is the document that they turn over to the process server who delivers it to the defendants. They will get the summons to the server this week and expect the defendants to be served next week and they will have 21 days to respond to the complaint. Their response can either be an answer which is the typical one or they can file a motion to dismiss the complaint if they determine or if they want to argue that the complaint completely lacks merit. He is not scared of losing a motion to dismiss, they have a perfectly meritorious lawsuit. What route they take will determine what type of lawyers they will be dealing with. He expects when the defendants get served with the complaint, they will immediately tender the claim to their insurance companies, and they will be dealing with insurance defense lawyers. That is the lawsuit.

The State Administration Action is where Nevada Department of Environmental Protection (NDEP) went after both the developer and the City of Sparks for failure to notify them when the discharge occurred. They settled with the developer for \$33,000 and the City of Sparks (Sparks) challenged it. Sparks has taken the position that they didn't have an obligation to notify NDEP, so NDEP shouldn't be coming after them for this administrative action. He emailed NDEP asking for the status of that proceeding but they haven't responded to him yet. He thinks the Sparks will hold their ground and continue to maintain their position they didn't do anything wrong. Based on the slap on the wrist NDEP gave the developer, maybe Sparks is making the right move from a strategic point that NDEP will roll over.

Councilmember John asked how much is the Tribe's damage? Mr. Mixson said it's unvalued at this point, they have not put a value amount on it. Stetson had done some preliminary work to try to determine the dollar value of the harm, what would it cost to remediate the sewage discharge out of Pyramid Lake, it was tens of millions of dollars but there is going to be a lot of different ways the different parties are going to approach trying to put a value on this. The complaint says in the amount over \$15,000, which is the jurisdictional amount to get into County District Court.

FERNLEY AND STIX 9TH CIRCUIT APPEAL OF TRUCKEE CANAL REPAIR (XM) EIS. This is where the City of Fernley is trying to appeal to the EIS that approved the Truckee Canal Lining which that project occurred maybe a year and a half ago, when they lined the canal. The lawsuit is still on the books, even though the canal project has been completed, it's because Fernley thinks that if they win this, they can somehow get water rights out of the Bureau of Reclamation (BOR) as their compensation for the erroneous and illegal lining of the Fernley Canal. It's on appeal to the Ninth Circuit because Fernley lost in the District Court. The Ninth Circuit originally wanted to hold the oral argument in March but the federal attorney for BOR was not available, so they just got an order from the Ninth Circuit on Tuesday, and they are asking if they can do it in either middle of April or early May. He filed his response that he was available anytime. The lawyer for David Stix, who is a co-plaintiff with the City of Fernley, filed a notice that they are not available for April or May. At some point the Ninth Circuit Court might say since none of your attorneys are available, they will schedule a date and tell them to find another attorney to represent them. They don't get to keep extending the court date.

RECOUPMENT. This is where TCID diverted water they weren't allowed to divert for many years, a couple of decades. The Tribe ultimately received a judgement against them for 340,000-acre feet of water and

we're now in the repayment phase. In July of last year, TCID filed a request for certification of water repaid when the canal was closed for the lining project and they also filed on January 2026 for another request for repayment credit when the canal was turned off when they were doing some work on check structures in November and December. Interestingly, the Truckee Canal lining was closed for six-nine months, and it turned out to be a wet year, so TCID's foregone diversions were relatively low during that time only. They're only seeking 11,000-acre feet; the Water Team doesn't agree with that, it's probably less than that for the whole period. The one they filed last week, they are asking for 16,000-acre feet of payment credit. TCID's numbers are high, but the Water Team has a different way of calculating these foregone diversions. The Water Team is going to be working with BOR and the Department of Justice to talk about how they are going to respond to these requests, these are not going to be their final credits.

Councilmember John said when there is water in the Carson River they don't have to divert. Mr. Mixson said that's correct when TCID was doing the lining project, when it was closed for so long, they didn't miss much from the Truckee because it was a wet year and they were getting so much from the Carson River.

GREAT BASIN WATER NETWORK. The Great Basin Water Network is a nonprofit progressive water group who is well known for winning the fight against the Southern Nevada Water Authority to stop the big pipeline when they were proposing to pipe water from the valleys over in Northeast Nevada, down to Las Vegas. Great Basin Water Network was the primary plaintiff that killed that pipeline. During the last State Legislative session, they were the primary proponents of a bill that would require non-consumptive water users to go to the State Engineer to get a permit for that water use. Currently, if it's a mine or a geothermal company and they want to pump water for their project, but it's non-consumptive use, in the case of geothermal, you're pumping it back into the ground, when they are done, they don't have to go to the State to get a water right permit, they only have to go through the land use permitting. If it's on federal land, they still must do a NEPA, but they don't require a water permit. AB 109 was the bill last session that they were trying to change to say everybody who uses water, even if it is a non-consumptive use, should still go to the State Engineer and get a permit. That bill didn't get a hearing last session, but the Interim Joint Natural Resources committee of the Assembly Natural Resources and the State Senate Natural Resources have asked the Chairman to testify again in support of the bill. Great Basins Water Network's Kyle Roerink, Executive Director is preparing testimony for the Chairman to give next week. He will be assisting the Chairman review their draft testimony and making sure it aligns with all the Tribe's water policies. The Chairman asked that he brief the Council on this request and the Tribe did write a letter of support for the bill during the last legislative session, so this isn't a new position for the Tribe.

Vice Chairman Ely asked if the State hired a new Water Master. Mr. Mixson said the State fired the State Engineer, the Water Master is a federal person, and he is still the same guy and will be around for a while. The Governor fired the State Engineer right before Christmas, that person was Adam Sullivan, there is now an acting State Engineer by the name of Chris Thorson. It's going to be struggle for them to find a replacement, this is the first time in his 20 years of practicing Water Law in Nevada that a State Engineer has been fired. They offered the job to the former State Engineer who was well respected and liked but he politely declined. Luckily for the Tribe, there are some pending applications for the temporary instream flows for the claims one and two but there is nothing that is needed from the State Engineer.

Councilmember John said she made a public comment at the last meeting about the settlement they took for the floods and they haven't done any kind of projects if it floods again. They are losing their farmland, its going down the river in some places. They don't have a priority list or any construction occurring. They have half the funds that was projected 12 years ago. Who looks out for the farms, it impacts their water, if they don't have land in production, they can't ask for their irrigation water because they're not producing anything now. They just hold the funds with interest and don't do any projects, or were they told they couldn't do any projects. Mr. Mixson said they hadn't said that yet and he did hear her comments. The Tribe can't access those funds yet is the short answer. No projects have been completed because no proposals have been submitted because they can't access the funds until TRFMA breaks ground on their Vista Narrows widening project. TRFMA can't break ground on their project until they get a permit from the Army Corps of Engineers and BLM was saying permits are hard to get from the federal government right now. His understanding is that TRFMA is struggling to get their Army Corps permit, so the Tribe, and Natural Resources, haven't made any formal proposals for projects because they are not eligible to ask for the funds. They did receive \$500,000 in seed money that Ms. Noel is used for staffing, but those funds were not for projects but to start looking at what the priority projects are and to start getting ready for when the Tribe can ask for those funds. Once those projects are made for the farmers then they will come to the Council with respect to using the TRFMA Mitigation Fund.

Councilmember Guerrero said he had an idea for underwater groundwater; they need to get a program or project over by Wadsworth above Fernley and put some tanks and wells in there to block Fernley from taking the groundwater. In case they must lease water to Fernley, they can. That is what other tribes in Arizona are doing, they're leasing their water. It's a temporary lease and how much water is Fernley taking from Truckee River and from the ground water from the big well. Mr. Mixson said they will add it to their list for when the Water Team gets together and they've been looking at legal strategies also.

Councilmember Guerrero would also like them to look at Law 618 where the Pyramid Lake (PL) Fisheries with their 25%, could they waive it because the government takes back 25% and reinvests it. Vice Chairman Ely said they discussed it at the PL Fisheries level with the investors, Bureau of Trust Fund Administration (BTFA) and they said absolutely not, that was a contract agreement they had when they were funded the funds, which was the agreement. They would have to take it back to change the 101-618 law. Councilmember John said if they don't want to mess with the agreement, to get an add on funds to make up for the interest they lost because they manage the funds for them. It was due to the way it was invested, both the PL Fisheries Fund and the Economic Development Fund.

2. Stetson Engineers Inc. Allan Richards, Stetson Engineers Inc.

Mr. Richards report covers the month of December 2025.

CEMEX. Stetson's work has been limited to participating in the monthly check-in meetings that CEMEX has with it's contractor Q&D Construction, following the progress of their work on the Pit Lake west wall repair and the north wall repair. He went to the site on January 9th to take some photos which are included as attachments to his report. To date, the north wall repair work has involved grading and access roadway improvements to allow delivery of rock to the west side of Pit Lake A. CEMEX has placed rock along the entire west wall of the northern Pit Lake A creating a terrace approximately 75 feet wide. The terrace will

be used to set up conveyors and pontoons in the lake that will move rock deeper into the lake for the required 3:1 underwater slope. They've put in two-thirds of the total volume of rock that they had in their original plan. When they first came to them, they said it was going to be a ten- or five-year plan, he thinks they're planning to have it finished in a few months. They've been doing bathymetric surveys of their progress over time and just by pushing the rock in they've created a two to one slope under water.

NUMANA DAM FISH SCREEN AND FISH PASSAGE PROJECTS. On December 8, 2025, Stetson participated in a call regarding the project with the United States Fish and Wildlife Service (USFWS). They submitted an addendum for the fish ramp that is going to go up and over the Numana Dam, there were no questions received during the bidding process, but they decided to put an addendum out just to bolster the importance of the project and remind potential contractors the rock has been procured and stockpiled and clarifying everything to make the project easier. Bids were due last Friday on January 16th, unfortunately they didn't receive any bids. Now they are conducting outreach, they put the bid out to 20 or so contractors and put it on two bid boards, they extended the time to submit bids, clarified and reduced the scope of work and extended the period of time they could work in the river. They are doing outreach to contractors and asking why they didn't submit a bid so they can move this forward and of course, they are thinking of different options. It's potential for sole sourcing the project or potentially breaking the project into smaller pieces, elements or phasing it. It's a big job even for a big contractor, if they break it out and talk with contractors individually, they might be able to get a part of the project done by one contractor and another part by another contractor. They are just trying to think, out of the box, for solutions. There is a possibility of some of the work being done by force account, there is a lot of rock or stockpile on site. The smaller size rock is intended to be used for bank stabilization and if they can find someone with a front-end loader and a couple dump trucks, they can put some of that rock on the banks with force account. That part of the project was \$400,000 and Q&D Construction's first bid for that part was \$12 million, which was ridiculously high. Councilmember Guerrero said with the size of the rock, it's tearing up their trucks and trailers, it's a lot of rock and not worth it for companies to come in and tear up their trucks. Mr. Richards said it took Gopher Construction a long time to deliver the rock and if they had not procured the rock and had it delivered, stockpiled and ready to use, it would have been a multi-year project for a contractor to install.

Councilmember Davis asked if they received any surveys back. Mr. Richards said the bids were due last Friday and they just submitted the survey this morning to all the contractors, everyone who was on the plan hold list.

Noel Scheuerman, NR Executive Assistant, said they received two responses back, one from Philip Felton with Mammoth and his response was they are a pre concrete subcontractor and they didn't recall seeing any of their products on the project, and the other one was from the US Bureau of Reclamations (BOR) who said they don't compete with private contractors.

Mr. Richards said they did reach out to Ryan (no last name) in Utah because he expressed an interest in helping the Tribe with some portion of the project if they had time and resources to do it. They requested a copy of the bid, and it was provided to him. In the next couple of days, he is going to reach out to the bigger contractors: Q&D Construction, Granite Construction and A&K Earth Movers who were at the pre-bid

meeting to see what their reasoning for not bidding was. Hopefully, out of those surveys it will give them some direction on how to move forward.

TROA MEETINGS AND SCHEDULING. Stetson had their regular TROA MOA conference call on December 9, 2025, and TROA scheduling meeting on December 11th. In December they discussed holdbacks for the Newlands Project Credit Water, OCAP studies and Marble Bluff operations. The updated hydrograph for the Truckee River at Nixon had big flows in the river at the end of December and beginning of January, about 500 CFS on average flow to the lake in December. Lake elevation went up about half a foot because of those December/January flows. For the inflow into Pyramid Lake, December was big, almost 42,000-acre feet went into the lake, which is the second highest for the prior ten years. It was good start for the new year.

Councilmember Guerrero asked Mr. Richards if Stetson had an opinion about leasing water back in 1987 or 97. The Council back then requested if they could lease underground water rights. Mr. Mixson asked if that was what resulted in the Tribe passing a resolution that it couldn't sell its water? Councilmember Guerrero confirmed but leasing is different. Mr. Mixson said if there was a legal opinion he hasn't seen it but it was about the Tribe wanting to sell its water rights to USFWS but the condition was going to be that the USFWS had to use it for instream flow to Pyramid Lake and the Tribe was going to get about \$15 million. It was before his time but think that was what it was but then the Council said they didn't want to do that and so that was the reason for the approval of a resolution.

Mr. Richards added with the December/January storm, the snowpack looks dismal, just from the drive over the hill. They are above normal for this time of the year in terms of precipitation, like 130% of normal.

Vice Chairman Ely said he heard that the State Engineer was fired because he was interested in studying how well water pumps were affecting surface water. Mr. Richards said they were doing some pilot studies in the Humboldt River system, which is over-appreciated in terms of groundwater. They were looking at ways to correct the over appropriations that prior State Engineers had granted and conjunctive use of surface water and groundwater to mitigate the impacts of pumping on surface water instreams. Not sure if this was the reason he was fired. Mr. Mixson said they were about to approve the Humboldt River rule that said if you pump groundwater and you're capturing surface water then you must buy surface water and dedicate it as instream flow to mitigate the capture. They already released the State Engineer ruling in a proposal and they were going to finalize it.

ADJOURNMENT

With no further business before the Tribal Council, Vice Chairman Ely made a motion to adjourn the meeting. The motion was seconded by Councilmember Sampson. Votes taken were all in favor, **MOTION CARRIED.**

The meeting adjourned at 7:55 p.m.

Submitted by,


Brenda A. Henry
Tribal Council Secretary

CERTIFICATION

The foregoing minutes were adopted by the Pyramid Lake Tribal Council, governing body of the Pyramid Lake Paiute Tribe, at a meeting duly held on the 18th day of March 2026, having nine (9) members present, constituting a quorum, by the vote of eight (8) FOR and zero (0) OPPOSED, with zero (0) ABSTENTIONS.

Minutes attested and concurred by: 
Steven Wadsworth, Tribal Chairman
Pyramid Lake Paiute Tribal Council

//
//
/