

Tahoe water district sues Douglas County

By Kathryn Reed

Water customers at the lake say they are suing Douglas County because they are being forced to subsidize another water company, which is against state law, and therefore they are being discriminated against.

“If the county means what it says and every water system must stand on its own, then they need to split Uppaway from Cave Rock,” Brett Tibbetts told *Lake Tahoe News*. “We are subsidizing their \$1 million tank and their operation system. That is illegal under Nevada law.”

Tibbetts is one of 50 people named in the lawsuit. He and the others are customers of the Cave Rock/Skyland Water System, but make payments into the Cave Rock/Uppaway Enterprise Fund.

Douglas County District Attorney Doug Ritchie did not return multiple calls.

In 2010 the county was looking at consolidating all the public water districts, but opted not to because of perceived inequities. Four years later the thinking changed to having the lake consolidate without the valley. It progressed to the point where twice the commissioners approved such a deal.

The final vote, though, had them reversing course and that is where things stand today – fractured.

“Despite the county’s adopting a policy of each community’s standing on its own to pay for its water system, the county continues to lump together a select portion of the ratepayers in the Cave Rock/Skyland System (i.e., those ratepayers in the disadvantaged communities) in a manner in which these selected

ratepayers subsidize the Uppaway System since it has such a small base of ratepayers," the court filing says. "This is in direct violation of the county's policy that each community water system must stand on its own. And it is discriminatory against the ratepayers in the disadvantaged communities since ratepayers in the Skyland System and ZWUD [enterprise funds] have no similar responsibility to subsidize the Uppaway System."

There are four public water entities in the county at Lake Tahoe – Cave Rock, Zephyr Woods Utility District (ZWUD), Skyland and Uppaway. But they aren't completely separate. Cave Rock and Skyland are one operating system, meaning they use the same pipes and intake systems from the lake, as well have a shared water filtration-purification plant.

Rates are a different matter. Per a county decision, Cave Rock and Uppaway customers are together in an enterprise fund, meaning they share expenses/revenues. These water customers pay \$195 per month, which is one of the highest rates in the basin.

(Cave Rock Water System includes residents from Cave Rock Estates, Hidden Woods, Lakeridge, Lincoln Park, Bedell-Lyons, as well as a few others.)

Uppaway has 31 customers who use groundwater. Physically, there is no connection between this water system and Cave Rock. Cave Rock/Skyland has 516 customers who get their water from the lake.

"We are not trying to come down on Uppaway. We would have been fine with consolidation," Tibbetts said. "We are saying the way it stands today is unfair and illegal.

"We think they have been hypocrites," he said of the county commissioners.

The crux of the matter is the plaintiffs want to be treated

fairly and for the county to follow the law.

“We are open to any number of ways to solve it. We just don’t want to be the only ones at the lake that are discriminated against when it comes to subsidizing another water company,” Tibbetts said.