



WASHOE COUNTY

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Risk Mgt. N/A

HR N/A

Comptroller CH

STAFF REPORT

BOARD MEETING DATE: February 23, 2016

DATE: January 25, 2016

TO: Board of County Commissioners

FROM: Vahid Behmaram, Community Services Department, Water Management Planner Coordinator, vbehmaram@washoecounty.us 954-4647

THROUGH: Dwayne Smith, P.E., Division Director, Engineering & Capital Projects, Community Services Department, 328-2043, desmith@washoecounty.us

SUBJECT: Recommendation that the Board of County Commissioners recommend to the Nevada State Engineer approving Water Right Application 85348, which proposes to change the point of diversion and place of use of 4 acre-feet of Tahoe-Basin groundwater rights from Douglas County to Washoe County. (Commission District 1.)

SUMMARY

Staff requests that the Board of County Commissioners (Board) formally recommend to the Nevada State Engineer approval of Water Right Application 85348, changing the diversion and place of use for 4 acre-feet of Tahoe-Basin groundwater rights from Douglas County to Washoe County.

If water for which a permit is requested is to be diverted from or used in a different county than that in which it is currently being diverted or used, NRS 533.363(1) requires that the State Engineer notify the County Commissioners of the county of origin and the county of destination. Further, NRS 533.363 addresses when the Board must meet to consider the request and the requirements for providing notice of the meeting.

As required by NRS 533.363, public notice of this meeting was advertised in the Reno Gazette Journal on January 29, February 5, and February 12, 2016.

Washoe County Strategic Objective supported by this item: Stewardship of Our Community.

PREVIOUS ACTION

The Board has not taken previous action in regard to the subject Water Right Application 85348.

On December 10, 2013, the Board recommended to the Nevada State Engineer approval of Water Rights Applications 83083 through 83086, proposing to change the point of

AGENDA ITEM # 8.D.1.

diversion and place and manner of use of 89.736 acre-feet of ground water rights from Washoe County to Storey County.

The Board has made numerous previous recommendations to the State Engineer to approve or deny water rights applications for intra-basin/inter-County transfer of water in the Tracy Segment Basin within the Interstate 80 corridor or within the Tahoe Basin.

BACKGROUND

On July 24, 2015, SF Pacific, LLC and Tahoe Estates, LLC, through agent Bruce R. Scott, filed Water Rights Application 85348 at the Nevada State Engineer's Office. Application 85348 proposes to change the point of diversion and place of use of 4.00 acre-feet of water rights appropriated under Permit 82969, from an underground source of water within Tahoe Basin, from Douglas County to Washoe County. The manner of use for both existing and proposed use is Quasi-municipal.

NRS 533.363(1) requires that the State Engineer notify the County Commissioners of the county of origin and the county of destination. Furthermore, NRS 533.363(4) addresses the Board's responsibilities to meet to consider the request and to provide notice of the meeting. A copy of NRS 533.363 is attached for review.

Upon consideration, the Board may recommend a course of action to the State Engineer, but the recommendation is not binding on the State Engineer.

FISCAL IMPACT

There is no fiscal impact associated with this staff report.

RECOMMENDATION

It is recommended the Board of County Commissioners recommend to the Nevada State Engineer approval of Water Right Application 85348, which proposes to change the point of diversion and place use of 4 acre-feet of Tahoe-Basin groundwater rights from Douglas County to Washoe County.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:
"Move to recommend to the Nevada State Engineer approval of Water Right Application 85348, proposing to change the point of diversion and place use of 4 acre-feet of Tahoe-Basin groundwater rights from Douglas County to Washoe County."

Attachments

NRS 533.363 State Engineer to notify county commissioners of application to use water in county other than that in which it is appropriated or currently diverted or used.

1. Except as otherwise provided in subsection 2, if water for which a permit is requested is to be used in a county other than that county in which it is to be appropriated, or is to be diverted from or used in a different county than that in which it is currently being diverted or used, then the State Engineer shall give notice of the receipt of the request for the permit to:

(a) The board of county commissioners of the county in which the water for which the permit is requested will be appropriated or is currently being diverted or used; and

(b) The board of county commissioners of the county in which the water will be diverted or used.

2. The provisions of subsection 1 do not apply:

(a) To an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

(b) If:

(1) The water is to be appropriated and used; or

(2) Both the current and requested place of diversion or use of the water are,

→ within a single, contiguous parcel of real property.

3. A person who requests a permit to which the provisions of subsection 1 apply shall submit to each appropriate board of county commissioners a copy of the application and any information relevant to the request.

4. Each board of county commissioners which is notified of a request for a permit pursuant to this section shall consider the request at the next regular or special meeting of the board held not earlier than 3 weeks after the notice is received. The board shall provide public notice of the meeting for 3 consecutive weeks in a newspaper of general circulation in its county. The notice must state the time, place and purpose of the meeting. At the conclusion of the meeting the board may recommend a course of action to the State Engineer, but the recommendation is not binding on the State Engineer.

(Added to NRS by 1981, 782; A 1991, 758; 2011, 1565; 2013, 498, 3679)

McCoy

STATE OF NEVADA

11/18/2015 10:00 AM

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Sent: 11/18/2015



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 South Stewart Street, Suite 2002
Carson City, Nevada 89701-5250
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>
November 18, 2015

Douglas County
Board of County Commissioners
P.O. Box 218
Minden, Nevada 89423

Washoe County
Board of County Commissioners
P.O. Box 11130
Reno, NV 89520-0027

RE: Application 85348

Dear Ladies and Gentleman:

SF Pacific, LLC and Tahoe Estates, LLC, through their agent, Bruce R. Scott, filed Application No. 85348 on July 24, 2015. These applications propose to change the point of diversion and place of use of all of the waters appropriated under the base right (please refer to Permit 82969). The proposed place of use is within the Lake Tahoe Basin lying within Washoe County.

Copies of the application and supporting maps can be viewed and/or printed from the Division's website <http://water.nv.gov>.

As a result of these filings, our office is required to notify the County Commissioners of both counties pursuant to Nevada Revised Statutes (NRS) 533.363. I would like to draw your attention to NRS 533.363 Section 4, which addresses the responsibilities of the Board of County Commissioners in this matter. A copy of NRS 533.363 is enclosed for your convenience.

Should you have any questions, please contact me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Hickenbottom".

Kelvin Hickenbottom, P.E.
Deputy State Engineer

KH MMM/ac
Enclosure
cc: Bruce R. Scott, Resource Concepts Inc

Application No. 85348

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

THIS SPACE FOR OFFICE USE ONLY	
Date of filing in State Engineer's Office	<u>JUL 24 2015</u>
Returned to applicant for correction	_____
Corrected application filed	Map filed <u>Oct 11 1962 Under 1962</u>

The applicant SF Pacific, LLC and Tahoe Estates, LLC
101 Ygnacio Valley Road of Walnut Creek
Street Address or PO Box City or Town
California 94596 hereby make(s) application for permission to change the
State and ZIP Code

Point of diversion Place of use Manner of use of a portion
of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)
Permit No. 82969

RECEIVED
2015 JUL 24 PM 3:41
STATE ENGINEERS OFFICE

- The source of water is underground
Name of stream, lake, underground, spring or other sources.
- The amount of water to be changed 0.074 cfs, not to exceed 4.0 acre-feet annually
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
- The water to be used for Quasi-municipal
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use
- The water heretofore used for Quasi-municipal
If for stock, state number and kind of animals.
- The water is to be diverted at the following point (Describe as being within a 40-acre subdivision of public survey and by course and distance to a found section corner. If on unsurveyed land, it should be stated.)
within Lot 5 of the NE1/4 (SE1/4 NE1/4) of Section 22, T.16N., R.18E., M.D.M., or at a point from which the East 1/4 Corner of said Section 22 bears South 74° 09' 10" East a distance of 775.3 feet. Refer to the map supporting Permit 19262.
- The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
Lake Tahoe, at a point from which the meander corner on the south line of Section 15, T.14N., R.18E., M.D.M. bears South 48° 15' East a distance of 2,090.0 feet. (Lake Tahoe intake structure.) Refer to the map supporting Permit 21140.

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wr

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)
within Lot 5 of the NE1/4 (SE1/4 NE1/4) and Lot 6 of the SE1/4 (NE1/4 SE1/4) of Section 22, T.16N., R.18E., M.D.M., being Washoe County Assessor's Parcel Numbers 130-230-05, 130-230-36 and 130-230-37, as shown on the map supporting this application.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

A portion of the S1/2 of Lot 3, Section 15, T.14N., R.18E., M.D.M., being Douglas County Assessor's Parcel Nos. 1418-15-701-005, 1418-15-701-006, 1418-15-701-007, 1418-15-701-008, 1418-15-701-009 and 1418-15-701-010. Refer to the map supporting Permit No. 82969.

9. Proposed use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Existing use permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

Existing drilled and cased well with an electric motor, submersible pump and distribution system.

12. Estimated cost of works Existing.

13. Estimated time required to construct works Drilled and cased 8" well, 96 ft. deep. See Log #3894.

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 3 years

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

This water would serve six residences, landscaping and related on site uses.

16. Miscellaneous remarks:

rciwater@rci-nv.com

E-mail Address

(775) 883-1600

Phone No.

Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Bruce R. Scott

Type or print name clearly

Signature, applicant or agent

Resource Concepts, Inc.

Company Name

340 N. Minnesota Street

Street Address or PO Box

Carson City, Nevada 89703

City, State, ZIP Code