

**Carson City
Agenda Report**

Date Submitted: April 2, 2012

Agenda Date Requested: April 19, 2012

Time Requested: Consent

To: Board of Supervisors

From: Public Works Department

Subject Title: For Possible Action: To accept Public Works recommendation to have the Mayor execute the water right transfer documents from Carson City to the Town of Minden in conformance with Section 4 of the "Interlocal Agreement By and Between Carson City and the Town of Minden for the Sale and Transfer of Water Rights and the Delivery of Water", dated February 5, 2010.

Staff Summary: Pursuant to Section 4 of Interlocal Agreement By and Between Carson City and the Town of Minden for the Sale and Transfer of Water Right and the Delivery of Water, dated February 5, 2010, Carson City is executing the Water Rights Deed for the pending water applications to the Town of Minden. The 1250 Acre Feet of water that Carson City purchased is already in the Town of Minden's name with a place of use including Carson City. This action would transfer another 1250 Acre Feet of Carson City, Carson Valley Water Rights to the Town of Minden. The Applications to establish the above transfer have been through the State Engineering process without protest and are awaiting the filing of the Water Rights Deed for final processing and permit issuance by the Division of Water Resources.

Type of Action Requested: (check one)
☐ Resolution ☐ Ordinance
☒ Formal Action/Motion ☐ Other (Specify)

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to accept Public Works Recommendation to have the Mayor execute the water right transfer documents from Carson City to the Town of Minden in conformance with Section 4 of the "Interlocal Agreement By and Between Carson City and the Town of Minden for the Sale and Transfer of Water Rights and the Delivery of Water", dated February 5, 2010.

Explanation for Recommended Board Action: As part of the multiple agreements executed to implement the proposed regional water system, Douglas County, Indian Hills, and Carson City have all entered into Interlocal Agreements with the Town of Minden, who will be supplying the wholesale water for all of the entities. In order for the Town of Minden to develop and maintain the water supply system necessary to meet its obligations, each of the Interlocal Agreements requires that water rights pumped by Minden and delivered to the other entities for water service be transferred to the Town of Minden and relocated in Minden water supply sources. Much of this has already been accomplished, including the water rights which were purchased by Carson City from the Town of Minden. At this time most of the remaining Carson City water rights, which have the Carson Valley as a groundwater source, have pending Applications to Change ready for action by the State Engineer, subject to the transfer of ownership from Carson City to the Town of Minden. When the ownership transfer is complete, the pending applications can be processed and finalized by the State Engineer, allowing for permits to be issued. To date, 1250

acre-feet of water is held by the Town of Minden for Carson City's use, under existing permits. The pending applications would provide an additional 1250 acre-feet of water for delivery to Carson City through the pipeline system.

The request before the Board is to allow the Mayor to execute a Water Rights Deed which would transfer the water rights under the pending Applications to Change. Under the Interlocal Agreement the Town of Minden has full responsibility to maintain the water rights in good standing and preserve them for current or future needs of Carson City.

The transfers of water which are currently pending before the State Engineer represent the majority of the water rights which are anticipated to be transferred to the Town of Minden for delivery through the regional pipeline system. There are, however, other rights which are planned to be transferred at a future time. It is requested that in considering action on this item, that the Board also provide authorization for the Mayor to execute deeds in the future for subsequent water right transfers which Carson City may wish to make under the same Interlocal Agreement.

Applicable Statute, Code, Policy, Rule or Regulation: Section 4 of Interlocal Agreement By and Between Carson City and the Town of Minden for the Sale and Transfer of Water Right and the Delivery of Water, dated February 5, 2010.

Fiscal Impact: None

Explanation of Impact: N/A

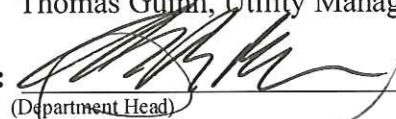
Funding Source: N/A

Alternatives: Provide other direction pursuant to Board Action

Supporting Material: Draft Water Right Deed

Prepared By: Thomas Guinn, Utility Manager

Reviewed By:


(Department Head)

Date: 4.10.12

(City Manager)

Date: 4/10/12

(District Attorney)

Date: 4/10/12

(Finance Director)

Date: 4/10/12

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

The undersigned hereby affirms that there is no
Social Security number contained in this document

APN: No APN – Water Rights only

WHEN RECORDED MAIL TO:
Town of Minden
1604 Esmeralda Avenue, Suite 101
Minden, NV 89423

DRAFT

WATER RIGHTS DEED

THIS WATER RIGHTS DEED is made and entered into this ____ day of _____, 2012, between Carson City, a Consolidated Municipality, Grantor, and The Town of Minden, Grantee, whose address is 1604 Esmeralda Avenue, Suite 101, Minden, NV 89423;

WITNESSETH:

That said Grantor, for good and valuable consideration, the receipt whereof is hereby acknowledged, does convey to Grantee, and to its successors, heirs and assigns forever, all of their right, title and interest in and to the following described water rights, in the County of Carson City, State of Nevada, more particularly described as follows:

All rights, title, and interest in and to a portion of **Permit 54866**, being **500 Acre Feet Annually**, with a diversion rate of **2.5 c.f.s.**, together with pending Application 81145;

All rights, title, and interest in and to **Permit 76619**, being **250 Acre Feet Annually**, with a diversion rate of **0.3453 c.f.s.**, together with pending Application 81146;

All rights, title, and interest in and to a portion of **Permit 77336**, being **50 Acre Feet Annually**, with a diversion rate of **2.5 c.f.s.**, together with pending Application 81147;

All rights, title, and interest in and to a portion of **Permit 77336**, being **450 Acre Feet Annually**, with a diversion rate of **1.0 c.f.s.**, together with pending Application 81148;

All on file at the State of Nevada, Division of Water Resources.

TO HAVE AND TO HOLD the said water rights, together with the appurtenances, unto the said Grantee and to its successors, heirs and assigns forever.

These water rights are being transferred pursuant to the “Interlocal Agreement By and Between Carson City and the Town of Minden For the Sale and Transfer of Water Rights and the Delivery of Water”, entered into between Parties on February 5, 2012.

IN WITNESS WHEREOF, the Grantor has executed this Water Right Deed the day and year first hereinabove written.

Carson City Board of Supervisors

By: _____

Robert L. Crowell, Mayor

Date _____

STATE OF NEVADA)
) SS
COUNTY OF CARSON CITY)

On this ____ day of _____, 2012, Robert L. Crowell, personally appeared before me, who is personally known to me to be the signer of the above instrument, and he acknowledged that he signed it.

Notary Public