



# WASHOE COUNTY

"Dedicated To Excellence in Public Service"

www.washoecounty.us

CM/ACM	<u>        </u>
Finance	<u>DN</u>
DA	<u>SH</u>
Risk Mgt.	<u>N/A</u>
HR	<u>N/A</u>
Comptroller	<u>CH</u>

## STAFF REPORT

BOARD MEETING DATE: August 23, 2016

**DATE:** July 18, 2016

**TO:** Board of County Commissioners

**FROM:** Vahid Behmaram, Community Services Department, Water Management Planner Coordinator, [vbehmaram@washoecounty.us](mailto:vbehmaram@washoecounty.us) 954-4647

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

**SUBJECT:** Authorize the Chair to recommend conditional approval of Water Right Application 86233 to the Nevada State Engineer, proposing to export 7000 acre-feet of ground water from Mud Meadows hydrographic basin in northern Pershing County to Lyon, Storey and Washoe Counties for use at the Tahoe Reno Industrial Park, with the State Engineer approval to be conditioned upon review of more current hydro-geologic analysis of estimated available perennial yield within this basin. (Commission District 4.)

### SUMMARY

Staff requests the Board of County Commissioners (Board) authorize the Chair to recommend conditional approval of Water Right Application 86233 to the Nevada State Engineer.

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 86233.

On February 23, 2016, the Board recommended the approval of Water Right Application 85348 to the Nevada State Engineer, proposing to change the point of diversion and place of use of 4.00 acre-feet of ground water rights from Douglas County to Washoe County in the Tahoe Basin.

On November 12, 2013, the Board recommended approval of Water Rights Applications 83083 through 83086 to the Nevada State Engineer, proposing to change the point of 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.

AGENDA ITEM # 10

## **BACKGROUND**

On May 25, 2016, Rodney St. Clair through agent Stanka Consulting LTD, filed Water Rights Application 86233 with the Nevada State Engineer's Office. Application 86233 proposes to appropriate a new water right from an underground source within Mud Meadow hydrographic basin in Pershing County. The manner of use is Municipal and the place of use encompasses lands within Lyon, Storey and Washoe Counties for use at the Tahoe Reno Industrial Park. State Engineer's records indicate existing ground water appropriations totaling 5759.16 acre-feet and an estimated available perennial yield of 13,000 acre-feet for the Mud Meadow hydrographic basin. The request for this additional 7,000 acre-feet of ground water is therefore within the available perennial yield estimate. However, the estimate originates from USGS Open File report 78-768, a report over 30 years old. Staff recommends that the State Engineer seek additional current data and analysis to determine a more accurate estimate of available perennial yield within this basin as part of the consideration of this application.

Chapter 533.363, Section 1, of the Nevada Revised Statutes, requires that the State Engineer notify the County Commissioners of the county of origin and the county of destination. Furthermore, NRS. 533.363, Section 4, addresses the responsibilities of the Board of County Commissioners in this matter. 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 authorize the Chair to recommend conditional approval of Water Right Application 86233 to the Nevada State Engineer, proposing to export 7000 acre-feet of ground water from Mud Meadows hydrographic basin in northern Pershing County to Lyon, Storey and Washoe Counties for use at the Tahoe Reno Industrial Park, with the State Engineer approval to be conditioned upon review of more current hydro-geologic analysis of estimated available perennial yield within this basin.

## **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be: "Move to authorize the Chair to recommend conditional approval of Water Right Application 86233 to the Nevada State Engineer, proposing to export 7000 acre-feet of ground water from Mud Meadows hydrographic basin in northern Pershing County to Lyon, Storey and Washoe Counties for use at the Tahoe Reno Industrial Park, with the State Engineer approval to be conditioned upon review of more current hydro-geologic analysis of estimated available perennial yield within this basin."

**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)

BRIAN SANDOVAL  
Governor

STATE OF NEVADA

LEO DROZDOFF  
Director

JASON KING, P.E.  
State Engineer



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>

June 3, 2016

Pershing County Board of Commissioners  
Drawer E  
Lovelock, NV 89419

Churchill County Board of Commissioners  
155 N. Taylor Street, Suite 110  
Fallon, NV 89406

Lyon County Board of Commissioners  
27 South Main St.  
Yerington, NV 89447-2571

Storey County Board of Commissioners  
City Courthouse  
B Street  
Virginia City, NV 89440

Washoe County Board of Commissioners  
PO Box 11130  
Reno, NV 89520-0027

**RE: Application 86233**

Ladies and Gentleman:

Rodney St. Clair, through his agent, Michael A. Stanka, P.E., filed Application 86233 on May 25, 2016. This application proposes to appropriate the public waters of the State of Nevada. Application 86233 proposes a point of diversion in the NW ¼ NW ¼ of Section 26, Township 35 1/2 North, Range 25 East M.D.B.&M., located in Pershing County. The proposed manner of use is municipal. Proposed point of diversion is in the Mud Meadow Hydrographic Basin (026) and the place of use is within the Brady's Hot Springs Area Hydrographic Basin (075), Fernley Area Hydrographic Basin (076), Tracey Segment Hydrographic Basin (083), Carson Desert Hydrographic Basin (101), Churchill Valley Hydrographic Basin (102) and the Dayton Valley Hydrographic Basin (103).

The proposed place of use of Application 86233 is described in the attachment "Exhibit A" from the application filed with the Office of the State Engineer and is located within Lyon, Storey and Washoe County.


Pershing County  
Churchill County  
Lyon County  
Storey County  
Washoe County  
June 3, 2016  
RE: 86233  
Page 2

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

As a result of this proposed filing, our office is required to notify the County Commissioners of all 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,



Kelvin Hickenbottom, P.E.  
Deputy State Engineer

KH/ab/js

Enclosure: Copy of NRS 533.363  
cc: Michael Stanka

**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.

(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 his application and any information relevant to his request.

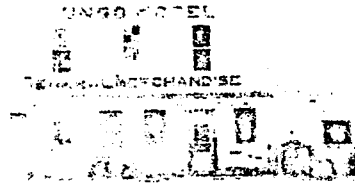
4. Each board of county commissioners which is notified of a request for a permit pursuant to this section shall consider the request at the next regular or special meeting of the board held not earlier than 3 weeks after the notice is received. The board shall provide public notice of the meeting for 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)

RECEIVED

JUN 30 2016

OFFICE OF  
C.S.D. ENGINEERING & CAPITAL PROJECTS



**JUNGO RANCHES**

Rodney St. Clair  
8319 Clark Rd. Marsing, ID 83639  
208-896-4352 jungoranches@hotmail.com

June 14, 2016

Washoe County Board of Commissioners  
PO Box 11130  
Reno, Nevada 89520-0027

Subject: Rodney St. Clair's Application 86233

We have recently filed an application [No. 86233] to appropriate groundwater from the Mud Meadow Hydrographic Basin (026). The Division of Water Resources has sent a letter dated June 3, 2016 (attached), notifying your office of this application.

Application 86233 was submitted to replace previously-submitted application number 85902. The manner of use, place of use, and amount of water to be appropriated is the same as application 85902. The point of diversion was moved to a more accessible location. Application 85902 was withdrawn on May 26, 2016.

Please give me a call if you have any questions concerning this application.

Sincerely,

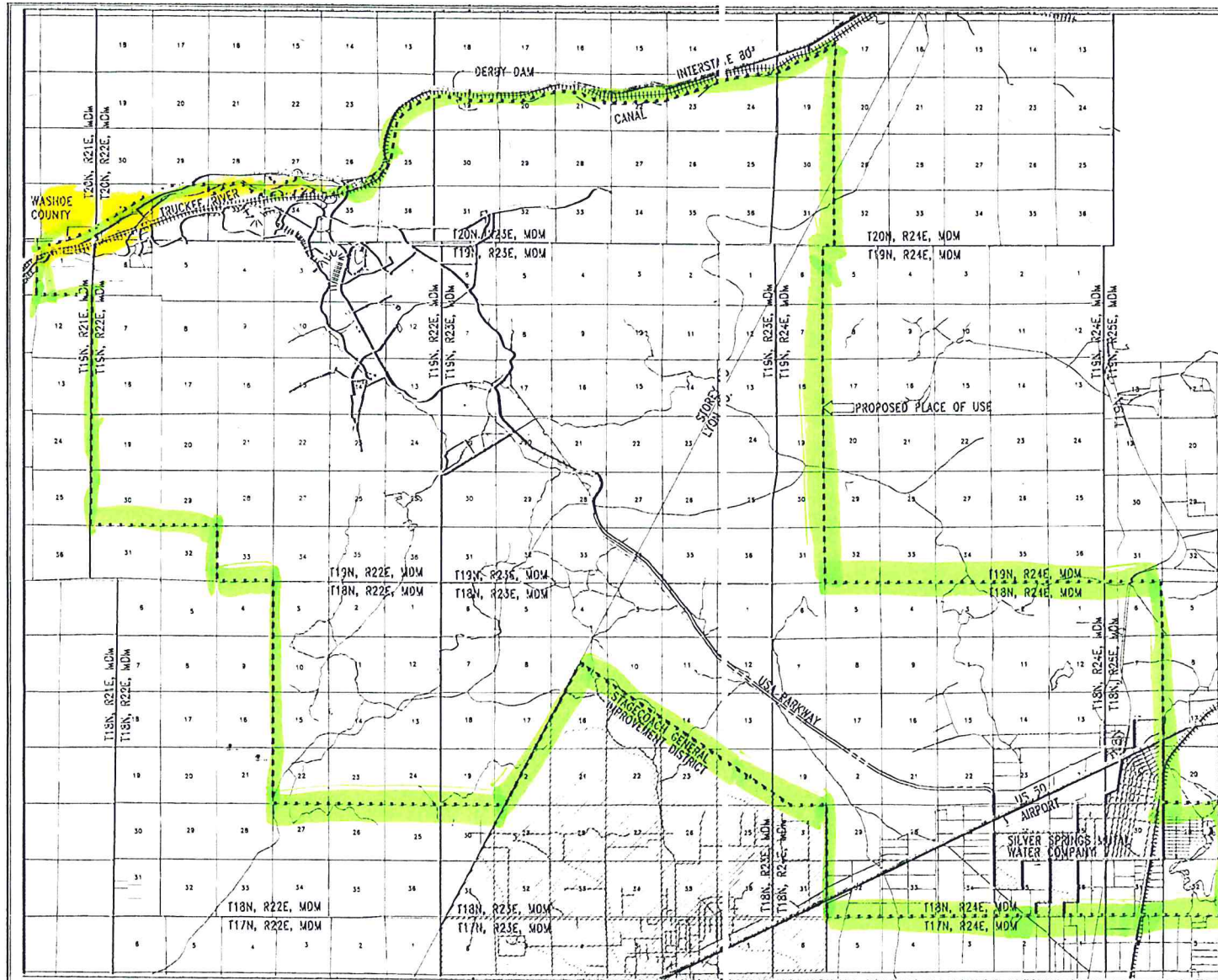
A handwritten signature in black ink, appearing to read "Rodney St. Clair". The signature is written in a cursive style with a large, prominent initial "R".

Rodney St. Clair





BCC 8-23-16 # 10  
CSD



STATE OF NEVADA SS  
COUNTY OF WASHOE

I, MICHAEL D. BUSCHELMAN, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT THIS MAP, CONSISTING OF ONE (1) SHEET, HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE FROM INFORMATION OBTAINED FROM THE NEVADA STATE ENGINEER'S OFFICE AND A SURVEY CONDUCTED UNDER MY SUPERVISION OR DIRECTION ON OR BEFORE MARCH 31, 2011; THAT IT TRULY AND CORRECTLY REPRESENTS THE PROPOSED PLACE OF USE UNDER APPLICATION TO CHANGE NO. 53146 AND 57459 FROM AN UNDERGROUND SOURCE WITHIN WASHOE COUNTY AND STOREY COUNTY, NEVADA, BY TRI GENERAL IMPROVEMENT DISTRICT FOR MUNICIPAL PURPOSES.

*Michael D. Buschelman*  
MICHAEL D. BUSCHELMAN  
STATE WATER RIGHTS SURVEYOR NO. 792  
9-12-13

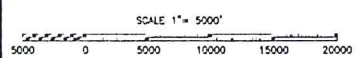
SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF September, 2013.



*Ruth L Smith*  
NOTARY PUBLIC IN AND FOR WASHOE COUNTY, NEVADA

NOTE:  
SECTIONAL BREAKDOWN PROVIDED BY BUREAU OF LAND MANAGEMENT GEOGRAPHIC COORDINATE DATA BASE.  
http://www.blm.gov/eoos/coord\_survey/default.html  
BASIS OF BEARING TAKEN AS N89° 12' N, PER SUPPORTING MAP FILED UNDER PERMIT NO. 35283, ON FILE AT THE DIVISION OF WATER RESOURCES; REFER TO SUPPORTING MAP UNDER APPLICATION NO. 30241.  
REFER TO SUPPORTING MAP FILED UNDER APPLICATION NO. 53146 FOR THE EXISTING POOL AND PLACE OF USE.

LEGEND  
 - - - - - PROPOSED PLACE OF USE  
 ——— ROADWAY  
 - - - - - DRAINAGE  
 [ ] NOT A PART OF PLACE OF USE



PROPOSED PLACE OF USE

STATE ENGINEER'S USE

FILED  
SEP 13 2013  
STATE ENGINEER'S OFFICE

MICHAEL D. BUSCHELMAN CONSULTING, INC  
P.O. BOX 51371  
SPARKS, NEVADA 89435  
PH: (775) 355-9628

MAP TO ACCOMPANY APPLICATION TO CHANGE PLACES AND MANNER OF USE OF A PORTION OF PERMITS #53146 & 57459 FOR MUNICIPAL PURPOSES BY TRI GENERAL IMPROVEMENT DISTRICT FROM AN UNDERGROUND SOURCE IN WASHOE, STOREY LYON COUNTIES NEVADA

6233  
85702  
85701  
855074

85505 85284 85285 84430 84429 84008 84005 14004 84003 83298 83297 83296 83254 83086 83085 83084 83083