

Item # 10

**City of Carson City
Agenda Report**

Date Submitted: October 9, 2007 **Agenda Date Requested:** October 18, 2007
Time Requested: 10 Minutes

To: Mayor and Supervisors

From: Andrew Burnham, Public Works Director

Subject Title: Action to approve filing a protest with the State Engineer regarding pending water rights Application 76144.

Staff Summary: Filing of the protest will preserve the rights which Carson City needs to maintain, in order to provide input, express concerns, and be a party to the consideration of the application as it processes through 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 approve filing a protest with the State Engineer regarding pending water rights Application 76144.

Explanation for Recommended Board Action: The protest must be filed on or before October 26, 2007. The application to the Nevada State Engineer was filed on behalf of the Schultz Family to supplement the claims of underground vested right which were previously filed. The city has a contract to purchase those underground rights that may be ultimately approved. The filing of the protest will give the city standing in the application process and preserve city rights. Please refer to the attached memo from Bruce Scott from Resource Concepts, the City's water rights engineer, for further background relative to the protest.

Applicable Statute, Code, Policy, Rule or Regulation: NRS Chapter 534
Fiscal Impact: None

Explanation of Impact: NA

Funding Source: NA

Alternatives: Not approve filing the protest.

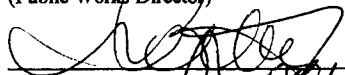
Supporting Material: Memo from Resource Concepts

Prepared By: Andrew Burnham, Public Works Director

Reviewed By:


(Public Works Director)

Date: 10/9/07


(City Manager)

Date: 10-10-07


(District Attorney)

Date: 10-10-07

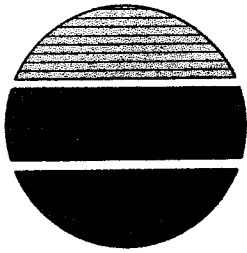
Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)



ENGINEERING • SURVEYING • RESOURCES & ENVIRONMENTAL SERVICES

RESOURCE CONCEPTS, INC.

MEMORANDUM

To: Andrew Burnham, Public Works Director, and Ken Arnold, Utilities Manager

From: Bruce R. Scott, P.E. /cB

Date: October 9, 2007

Re: Schultz Water Appropriation Request in the Clear Creek Area (Application 76144)

Harry Swainston, on behalf of Don Schulz, and family, has made an application for an underground water right to supplement the claims of underground vested rights which they are presently asserting with the Nevada State Engineer. This supplemental request as well as the underlying claims of vested rights are substantial and I will be most surprised if a significant amount of it is actually considered favorably by the State Engineer.

The arrangements between Carson City and the Schultz family on the potential purchase of groundwater under the original claim of vested right notwithstanding, I would recommend that Carson City file a protest to the pending application. It is my opinion that the protesting of the application preserves the rights which Carson City needs to maintain in order to provide input, express concerns, and be a party to the consideration of the application as it processes through the Division of Water Resources.

As a matter of general policy, I do not believe it is in Carson City's interest to have Mr. Schultz filing for water rights for municipal purposes in Carson City. Carson City Utilities is in the business of serving water in Carson City and I see no reason to stand by and allow someone else to, in effect, get into that business so that you can turn around and pay them for the water in the future. It also places a third party between Carson City and Douglas County, the other potential beneficiary mentioned in the application. I would view the application as in the Schulz's interest but not necessarily in the overall public interest.

If you have questions or would like additional information, I would be happy to discuss this with you further. Please feel free to give me a call.

BRS:cb

2007-10-09 mmo Burnham 06301.1 Carson City PW BRScb 10-3.doc