

**City of Carson City
Agenda Report**

Date Submitted: November 4, 2010

Agenda Date Requested: November 16, 2010
Time Requested: Consent

To: Mayor and Supervisors

From: Public Works Department

Subject Title: Action to recommend that the Nevada State Engineer approve Water Application 80166, Silver Bullet LLC water transfer. (Ken Arnold)

Staff Summary: This Application proposes to move the water being purchased from Silver Bullet LLC (Bodine's owners) to Carson City Well No. 9. Carson City's application to move water within Eagle Valley includes the Dayton portion of the Lyon County Utilities Service area in the place of use as a result of the existing water pipeline intertie and agreement between Carson City and Lyon County.

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

Does This Action Require A Business Impact Statement: Yes (XXX) No

Recommended Board Action: I move to recommend that the Nevada State Engineer approve Water Application 80166, Silver Bullet LLC water transfer.

Explanation for Recommended Board Action: This Application proposes to move the water being purchased from Silver Bullet LLC (Bodine's owners) to Carson City Well No. 9. This application comes to the Board because the Dayton portion of Lyon County Utilities is included in Carson City's new filings to reflect the inter-agency agreement under which Carson City and Lyon County are working together in the management of water resources. The pipeline constructed by Vidler Water Company allows the movement of water between Carson City and Moundhouse/Dayton as needed in the routine operations of the two utilities.

As new applications are filed the Lyon County service area will be included in the place of use requested in our filings with the State Engineer. Lyon County Utilities will do the same on their water applications. Each application will result in a notification by the State Engineer for an advisory recommendation by the counties involved. In some applications this will also include Douglas County. Unfortunately, the State Engineer has advised that he does not have the authority under Nevada Revised Statutes to allow a blanket approval action for all present and future changes by the Board to meet the requirements of the law.

Applicable Statue, Code, Policy, Rule or Regulation: N/A

Fiscal Impact: N/A

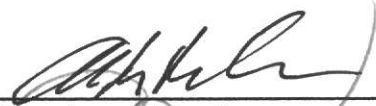
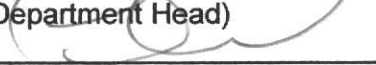
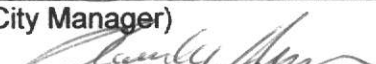
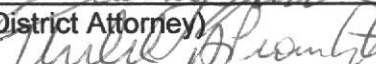
Explanation of Impact: N/A

Funding Source: N/A

Alternatives: N/A

Supporting Material: Copy of Application

Prepared By: Ken Arnold, Deputy Public Works Director

Reviewed By:  Date: 11/8/10
(Department Head)
 Date: 11/8/10
(City Manager)
 Date: 11/8/10
(District Attorney)
 Date: 11/8/10
(Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____ _____

(Vote Recorded By)

80166

Application No. _____

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 SEP 21 2010

Returned to applicant for correction _____

Corrected application filed _____ Map filed MAR 09 1973 under 27 320

The applicant Carson City, a Consolidated Municipality
3505 Butti Way of Carson City
Street Address or PO Box City or Town

Nevada 89701 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 12279, CERTIFICATE 4709

SJC

1. The source of water is Underground - Carson City Well #9
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 0.018 c.f.s., ~~11.294~~ ~~11.29~~ AFA
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

SJC

3. The water to be used for Municipal
Irrigation, power, mining, commercial, etc. If for stock, state number and kind of animals. Must limit to one major use

4. The water heretofore used for Quasi-Municipal and Domestic
If for stock, state number and kind of animals.

5. 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.)
NW¼NW¼ Section 32, T. 15N., R. 20E., M.D.M., or at a point from which the Center ¼ corner of said Section 32 bears South 44°34'12" East, a distance of 2,449.75 feet. (Carson City Well #9) Please see supporting map under Application 27320.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
SE¼SE¼ Section 31, T. 15N., R. 20E., M.D.M., or at a point from which the SE corner of said Section 31 bears South 52°24'45" East, a distance of 1,133.55 feet. Please see supporting map on file under Application 12279.

104-CC

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

See attached. Please see map on file under Temporary Application 76868T.

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.)

Within a portion of the SE¼SE¼ Section 31, T. 15N., R. 20E., M.D.M. Please see supporting map on file under Application 12279.

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 Carson City Well #9.

12. Estimated cost of works \$750,000

13. Estimated time required to construct works Existing

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 is being acquired from the current owners by Carson City subject to approval of this Application. The gradual acquisition of Eagle Valley water rights by Carson City is to provide increased duty, and to allow for better management of pumping in the basin.

16. Miscellaneous remarks:

Report of Conveyance and Abstract of Title to be filed prior to Ready For Action date.

rciwater@rci-nv.com

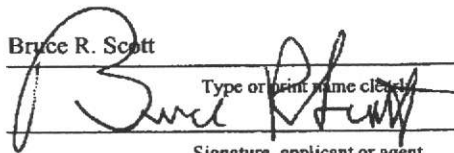
E-mail Address

775-883-1600

Phone No.

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

APPLICATION MUST BE SIGNED BY THE APPLICANT

STATE OF NEVADA

2010 SEP 21 10:41 AM

Attachment under Application to Change Permit 12279

ITEMS 7 PROPOSED PLACE OF USE

Carson City Utilities Department Service Area

Township 14 North, Range 20 East, M.D.M.

Sections 2, 3, 4, E½ of Section 5, and that portion of the N½ NE¼ of Section 6 which lies within Carson City.

ALL of Township 15 North, Range 20 East, M.D.M.

The E½ of Township 15 North, Range 19 East, M.D.M.

Township 16 North, Range 19 East, M.D.M.

The S½ of Section 34, the S½ of Section 35, those portions of the S½ NE¼ of Section 35 which lie within Carson City, the S½ of Section 36, the NE¼ of Section 36, and those portions of the SW¼ NW¼ of Section 36 which lie within Carson City.

Township 16 North, Range 20 East, M.D.M.

Sections 28, 29, 31, 32, 33, 34, 35, the W½ of Section 36, and those portions of the E½ of Section 36 which lie within Carson City.

Lyon County Utilities Department Service Area

Township 16 North, Range 20 East, M.D.M.

Section 24, the E½ of Section 25, those portions of the W½ of Section 25 which lie within Lyon County, the portions of the NE¼ and the NE¼ SE¼ of Section 36 which lie within Lyon County.

Township 16 North, Range 21 East, M.D.M.

Section 1, the SE¼ SE¼ of Section 2, Sections 11, 12, 13, 14, 19, 20, 23, 24, 26, 27, 28, 29, 30, the N½ of Section 31, the portion of the S½ of Section 31 which lies within Lyon County, the N½ of Section 32, the N½ of Section 33, the N½ of Section 34, and the N½ of Section 35.

Township 16 North, Range 22 East, M.D.M.

Sections 3, 4, 5, 6, 7, 8, 9, the N½ of Section 16, Sections 17, 18, 19, and 20.

Township 17 North, Range 22 East, M.D.M.

The portion of the S½ of Section 21 which lies within Lyon County, the S½ of Section 22, the portion of the N½ of Section 22 which lies within Lyon County, Section 27, the S½ of Section 28, the NE¼ of Section 28, the portion of the NW¼ of Section 28 which lies within Lyon County, the SE¼ of Section 29, those portions of the SW¼, NW¼, and NE¼ of Section 29 which lie within Lyon County, the portion of the S½ of Section 30 which lies within Lyon County, the S½ of Section 31, the NE¼ of Section 31, the portion of the NW¼ of Section 31 which lies within Lyon County, Sections 32, 33, 34, and 35.

Township 17 North, Range 21 East, M.D.M.

The SE¼ of Section 36, those portions of the SW¼, NW¼, and NE¼ of Section 36 which lie within Lyon County.

Please see map on file under Temporary Application 76868T.



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>

September 29, 2010

Carson City
Board of Supervisors
201 North Carson Street, Suite 2
Carson City, Nevada 89701-2100

Lyon County Board of Commissioners
27 South Main Street
Yerington, Nevada 89447-2571

RE: Application 80166

Ladies and Gentleman:

Carson City, a Consolidated Municipality, through their agent, Bruce R. Scott, filed Application 80166 on September 21, 2010. This application proposes to change the point of diversion, manner and place of use of existing Permit 12279, Certificate 4709. Application 80166 proposes to change the point of diversion from within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T.15N., R.20E., M.D.M. in Carson City to within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32, T.15N., R.20E., M.D.M., (Carson City Well #9), also in Carson City. The proposed change in manner of use and place of use is from quasi-municipal use within a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31, T.15N., R.20E., M.D.M. in Carson City to municipal use to a larger area in both Carson City Utilities Department's Service Area, being totally within Carson City and the Lyon County Utilities / Dayton Utilities Department's Service Area, being totally within Lyon County. Both the proposed and existing point of diversion and place of use remain within the Eagle Valley Hydrographic Basin (104).

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

Carson City Board of Supervisors
Lyon County Board of Commissioners
September 29, 2010
Re: 80166
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As a result of this proposed filing, 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 'Tracy Taylor', with a stylized flourish at the end.

Tracy Taylor, P.E.
Deputy State Engineer

TT/sc/ag
Enclosure

Cc: Carson City
Bruce R. Scott
Mike Workman, Lyon County Utilities Director

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)