

**City of Carson City
Agenda Report**

Date Submitted: January 3, 2013

Agenda Date Requested: January 16, 2013
Time Requested: Consent

To: Mayor and Supervisors

From: Public Works

Subject Title: For Possible Action: To accept Public Works recommendations to have the Mayor execute the water rights 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. (Burnham).

Staff Summary: Carson City is executing the Water Rights Deed for the pending water applications to the Town of Minden. This proposed Board action would transfer 190 acre-feet of Carson City-Carson Valley Water Rights to the Town of Minden.

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

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

Recommended Board Action: I move to accept Public Works recommendation to have the Mayor execute the water rights 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: Pursuant to 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, Carson City is executing the Water Rights Deed for the pending water applications to the Town of Minden. A total of 1,250 acre-feet of water that Carson City previously purchased from the Town of Minden, is held in the name of the Town of Minden's under permits with a place of use including Carson City. An additional 1,250 acre-feet of water was transferred by Carson City in 2012 to the Town of Minden's name to support Permits 81145, 81146, 81147 and 81148, with a place of use including Carson City. This proposed Board action would transfer another 190 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 Engineer's publication 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.

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. At this time most of the remaining Carson City water

rights with 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, 2,500 acre-feet of water are held by the Town of Minden for Carson City's use, under existing permits. The pending applications would provide an additional 190 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 and future needs of Carson City.

Applicable Statute, Code, Policy, Rule or Regulation: Section 4 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: NA.

Explanation of Impact: NA.

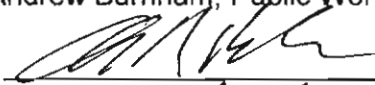
Funding Source: Water Fund.

Alternatives: Do not approve and direct staff otherwise.

Supporting Material: Deed and Value Form

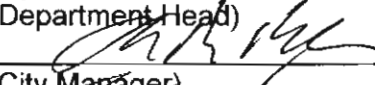
Prepared By: Andrew Burnham, Public Works Director

Reviewed By:


(Department Head)

Date:

1-7-14


(City Manager)

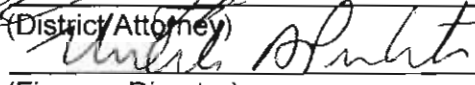
Date:

1-7-14


(District Attorney)

Date:

1/7/14


(Finance Director)

Date:

1/7/14

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

WATER RIGHTS DEED

THIS WATER RIGHTS DEED is made and entered into this ____ day of _____, 2014, between Carson City, a Consolidated Municipality, Grantor, and The Town of Minden, Grantee, whose address is 1604 Esmeralda Avenue, Suite 101, Minden, NV 89423;

W I T N E S S E T H:

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 53141**, being **150 Acre Feet Annually**, with a diversion rate of **0.207 c.f.s.**, together with pending Application 82303

All rights, title, and interest in and to **Permit 73750**, being **40 Acre Feet Annually**, with a diversion rate of **0.0617 c.f.s.**, together with pending Application 82304

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.

Notes to Celeste: Figure amounts; have BRS/Sheila sign as agent rep; email to Sheila with Deed

STATE OF NEVADA DECLARATION OF VALUE

FOR RECORDERS OPTIONAL USE ONLY

Document/Instruments #: _____
Book: _____ Page: _____
Date of Recording: _____
Notes: _____

1. Assessor Parcel Number (s)

- a) N / A
b) _____
c) _____
d) _____

2. Type of Property:

- a) ☐ Vacant Land b) ☐ Single Fam Res.
c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
e) ☐ Apt. Bldg. f) ☐ Comm'l/Ind'l
g) ☐ Agricultural h) ☐ Mobile Home
i) ☒ Other – Water Rights

3. Total Value/Sales Price of Property:

Deed in Lieu of Foreclosure Only (value of property): \$ _____
Transfer Tax Value: \$ _____
Real Property Transfer Tax Due: \$ 0.00 (see exemption claimed below)

4. If Exemption Claimed:

- a. Transfer Tax Exemption, per NRS 375.090, Section: #2
b. Explain Reason for Exemption: Title is being transferred to The Town of Minden, an agency of Douglas County Nevada.

5. Partial Interest: Percentage being transferred: A portion of Permit 53141 and all of Permit 73750.

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature _____ Capacity Grantor
Signature _____ Capacity Grantee

SELLER (GRANTOR) INFORMATION

(REQUIRED)

Print Name: Carson City
Address: 3505 Butti Way
City: Carson City
State: Nevada Zip: 89701

BUYER (GRANTEE) INFORMATION

(REQUIRED)

Print Name: The Town of Minden
Address: 1604 Esmeralda Avenue
City: Minden
State: NV Zip: 89423

COMPANY/PERSON REQUESTING RECORDING

(REQUIRED IF NOT THE SELLER OR BUYER)

Print Name: Bruce R. Scott, Resource Concepts, Inc. Escrow # _____
Address: 340 North Minnesota Street
City: Carson City State: Nevada Zip: 89703

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED)