

**City of Carson City
Agenda Report**

Date Submitted: May 23, 2014

Agenda Date Requested: June 5, 2014

Time Requested: 5 Minutes

To: Mayor and Supervisors

From: Public Works

Subject Title: Action to recommend to the State Engineer that Carson City does not object to the approval of Water Right Application 83491 for transfer of water rights from Carson City to Lyon County. (Bruce Scott).

Staff Summary: This item is to provide comments to the State Engineer for changing the point of diversion for surface water rights from lands in Carson City to Lyon County for Water Right Application 83491.

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

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

Recommended Board Action: I move to recommend to the State Engineer that Carson City does not object to the approval of Water Right Application 83491 for transfer of water rights from Carson City to Lyon County.

Explanation for Recommended Board Action: Application 83491 is for the transfer of surface water rights owned by Vidler Water Company from Carson City to Lyon County from lands adjacent to the Carson River which are currently diverted at the Mexican Ditch. The City is required to hold a public hearing regarding the transfer and provide comments to the State Engineer. This transfer is consistent with the banking agreement between the City and Vidler.

Applicable Statue, Code, Policy, Rule or Regulation: NRS 533.363

Fiscal Impact: NA.

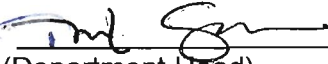
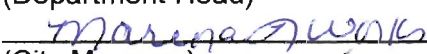
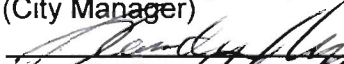
Explanation of Impact: NA.

Funding Source: NA.

Alternatives: Do not approve and direct staff otherwise.

Supporting Material: Letter from State Engineer and Application 83491.

Prepared By: Andrew Burnham, Deputy Public Works Director

Reviewed By:  Date: 5/27/14
 (Department Head)
 Date: 5/27/14
 (City Manager)
 Date: 5/27/14
 (District Attorney)
 Date: 5/27/14
 (Finance Director)

Board Action Taken:

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

 (Vote Recorded By)

Legal Notice

The Carson City Board of Supervisors, at their regularly scheduled meeting on June 5, 2014, will hold a public hearing in the Sierra Room at 851 East William Street, Carson City, Nevada 89701, regarding water application 83491. This water application requests approval to allow water to be transferred from Carson City to Lyon County. This application proposes to change the point of diversion, the place of use, and the manner of use for water owned by Vidler Water Company.

Under NRS 533.363 Carson City and Lyon County are required to hold public hearings and make formal recommendations for action regarding this application to the Nevada State Engineer.

Public Input will be taken by the Board of Supervisors at their meeting on June 5, 2014. At the conclusion of the meeting, the Board may make a non-binding recommendation to the State Engineer. This notice will be published May 14, May 21, and May 27 of 2014.

For more information, please contact Darren Schulz, Public Works Director at 775-887-2355 or e-mail to dschulz@carson.org.

BRIAN SANDOVAL
Governor

STATE OF NEVADA



CC: BOS

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>

February 14, 2014

RECEIVED

FEB 18 2014

CARSON CITY
EXECUTIVE OFFICES

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 83491

Ladies and Gentleman:

Vidler Water Company, Inc, through their agent, LeAnn Brandt, filed Application 83491 on January 31, 2014. This application proposes to change the point of diversion, manner and place of use of a portion of Claim 701 and all of Claim 702 under the Carson River Decree. Application 83491 proposes to change the point of diversion from the Mexican Ditch (Carson River) from the left bank in the NE part of the NE¼ SW¼, Section 35, T.15N., R.20E., M.D.M. in Carson City, to within the NW¼ SW¼ Section 4, T.16N., R.22E., M.D.M., in Lyon County. The proposed change in place of use is from as decreed within Carson City to the Lyon County / Dayton Utilities Expanded Service Area, being totally within Lyon County. The change in manner of use is from as decreed to Municipal purposes. Both the proposed and existing points of diversion and places of use are totally within the Dayton Valley Hydrographic Basin (103).

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 Commissioners
Lyon County Board of Commissioners
DATE
Re: 83491
Page 2 of 2

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 be 'Tracy Taylor', with a long horizontal line extending to the right.

Tracy Taylor, P.E.
Deputy State Engineer

TT/SNC/ac
Enclosure

Cc: LeAnn Brandt, Vidler Water Company
Mike Workman, Lyon County Public Works 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)

Application No. **83491**

**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 **JAN 31 2014**

Returned to applicant for correction _____

Corrected application filed _____ Map filed **Nov 21 2003** under **70656**

The applicant **Vidler Water Company, Inc.**
3480 GS Richards Blvd. Ste. 101 of **Carson City**
Street Address or PO Box City or Town
Nevada 89703
State and ZIP Code hereby make(s) application for permission to change the

☒ 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.)

Changing the point of diversion, the place of use, the manner of use of a portion of claim # 701DCR totaling 37.08 acres of the Carson River and Changing the point of diversion, the place of use, the manner of use of claim # 702DCR totaling 5.00 acres of the Carson River. The United States of America vs. The Alpine Land & Reservoir Company, under the Carson River Final Decree, Civil No. D-183 BRT(D.NV1980).

1. The source of water is **Carson River**
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed **Consumptive Use Portion 105.20 AFA, not to exceed diversion as decreed**
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
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 **As Decreed**
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.)
NW1/4 SW1/4, Section 4, T.16N., R.22E., M.D.B. & M., or at a point from which the W1/4 corner of said Section 4, bears N. 38 04'10" W., a distance of 224.43 feet. Segment 7B. See supporting map on file under Permit 70656.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
Water is diverted at Mexican Ditch from the left bank in NE part of the NE1/4 SW1/4, Section 35, T.15N., R.20 E., M.D.B. & M.

8-103 LY
Payton Valley

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

The Lyon County Utilities service area. Reference map filed under Permit 74922. Attached.

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.)

A portion of Claim 701, 4.78 Acres within the SW1/4NW1/4, 32.30 Acres within the SE1/4 NW1/4 of Section 14, T.15N., R.20E., M.D.B. & M. totaling 37.08 acres being removed from irrigation Claim 701. See attached stripping map. Being within a portion of APN #010-681-02, 03, 04, 05, 06 and Carson City Right of Way (Cul de sac). All of Claim 702 a total of 5.0 acres, SE1/4 NW1/4 Section 14, T.15N., R.20E., M.D.B. & M. Being within a portion of APN #010-681-02.

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 as decreed to as decreed 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.)

Water is pumped from an induction well (Rolling A Well) and distributed through the municipal system.

12. Estimated cost of works \$100,000.00

13. Estimated time required to construct works 5 years

If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use 10 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 for future development within the Dayton Utilities Service Area. The Point of Diversion is in the Lyon County Rolling A Induction Well, drillers log 95284. Vilder is the current owner of a 950 acre property, part of the former "Rolling A Ranch", in Lyon County, this water would be used for this future development.

16. Miscellaneous remarks:

Attached is the Parcel Map #2701 Recorded Document #383668 at the Carson City Clerk Recorders office dated 10/22/2008. Also, attached is Carson City APN #10-68. The current Carson River decreed rights are in Segment 7A and are being moved to Segment 7B the applicant is aware that the priority date will change.

leann@vidlerwater.com

E-mail Address

775-885-5000

Phone No.

106

Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

LeAnn Brandt

Type or print name clearly

Signature, applicant or agent

Vidler Water Company, Inc.

Company Name

3480 GS Richards Blvd. Suite 101

Street Address or PO Box

Carson City, NV 89703

City, State, ZIP Code

EXHIBIT "A"**Question #7 - Proposed Place of Use****T.16 N., R.20 E., M.D.B. & M.:**

All of Section 24; E $\frac{1}{2}$, those portions of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Section 25 lying within Lyon County, the portion of the NE $\frac{1}{4}$ Section 36 lying within Lyon County.

T. 16 N., R. 21 E., M.D.B. & M.:

All of Section 1; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2; All of Section 11; All of Section 12; All of Section 13; All of Section 14; All of Section 19; All of Section 20; All of Section 23; All of Section 24; All of Section 26; All of Section 27; All of Section 28; All of Section 29; All of Section 30; N $\frac{1}{2}$, the portion of the S $\frac{1}{2}$ Section 31 lying within Lyon County; N $\frac{1}{2}$ Section 32; N $\frac{1}{2}$ Section 33; N $\frac{1}{2}$ Section 34; N $\frac{1}{2}$ Section 35.

T. 16 N., R. 22 E., M.D.B. & M.:

All of Section 3; All of Section 4; All of Section 5; All of Section 6; All of Section 7; All of Section 8; All of Section 9; N $\frac{1}{2}$ Section 16; All of Section 17; All of Section 18; All of Section 19; All of Section 20.

T. 17 N., R. 21 E., M.D.B. & M.:

SE $\frac{1}{4}$, those portions of the SW $\frac{1}{4}$, NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 36 lying within Lyon County.

T. 17N., R. 22 E., M.D.B. & M.:

The portion of the S $\frac{1}{2}$ Section 21 lying within Lyon County; S $\frac{1}{2}$, the portion of the N $\frac{1}{2}$ Section 22 lying within Lyon County; All of Section 27; All of Section 28 lying within Lyon County; SE $\frac{1}{4}$, those portions of the SW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 29 lying within Lyon County; the portion of the S $\frac{1}{2}$ Section 30 lying within Lyon County; S $\frac{1}{2}$, NE $\frac{1}{4}$, the portion of the NW $\frac{1}{4}$ Section 31 lying within Lyon County; All of Section 32; All of Section 33; All of Section 34; All of Section 35.

In addition to the above described Place of Use, it is the intent of these applications to provide water service to the entire Lyon County/Dayton Utilities service area as determined by the Lyon County Public Works Director. If in the future, some other entity is determined to have that authority, the Place of Use of this permit shall be pursuant to that authority's determination of the service area.

RECEIVED

JAN 31 2014

STATE ENGINEER'S OFFICE