



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: December 10, 2019

DATE: November 5, 2019

TO: Board of County Commissioners

FROM: Vahid Behmaram, Water Management Planner Coordinator
Community Services Dept., 954-4647, vbehmaram@washoecounty.us,

THROUGH: Dave Solaro, Arch., P.E., Assistant County Manager
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SUBJECT: Recommendation to direct staff to permanently retire 2.00 acre-feet of Ground Water Rights from the East Lemmon Valley Hydrographic Basin. (Commission District 5.)

SUMMARY

Washoe County holds legal title to 2.00 acre-feet of ground water rights appropriated under permit numbers 71231 and 71232. These water rights are now considered abandoned, and as such, staff recommends that these water rights be permanently retired for the benefit of the East Lemmon Valley ground water resources.

Washoe County Strategic Objective supported by this item: Stewardship of our community.

PREVIOUS ACTION

On June 22, 2004 the Board of County Commissioners approved a water rights deed transferring 2.00 acre-feet of ground water rights from Reno 307, LP, to Washoe County on behalf of and for the benefit of American Land Conservancy (ALC).

BACKGROUND

American Land Conservancy, a non-profit entity, acquired 2.00 acre-feet of ground water rights from the East Lemmon Valley Hydrographic basin in 2004. The water rights were in support of a proposed parcel map dividing a 70 + acre parcel of land in the Peavine Mountain foothills within the East Lemmon Valley hydrographic basin. The water rights were dedicated to Washoe County in anticipation of recordation of the parcel map, which per County Development Code, would require the dedication and eventual relinquishment of said 2.00 acre-feet of ground water rights to the State of Nevada per NRS 534.350.3 The parcel map was processed and a final action order dated June 22, 2004 was issued by Washoe County. A copy of the map and action order is included as Attachment A.

However, due to reasons unknown, the parcel map was never recorded. These water rights have been maintained by Washoe County and were held in trust for ALC. Several

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attempts were made to communicate with the ALC, but no representatives were found. Recent documentation from the State of California Secretary of State indicates that ALC was dissolved in 2016. The certificate of dissolution states that the corporation has neither assets nor any liabilities. The discovery of the certificate of dissolution led to communication with the law firm which handled the dissolution process. During this communication County staff informed the legal representative that ALC in fact had remaining assets in the form of 2.00 acre-feet of ground water rights.

A letter dated October 3, 2019, from the law firm of Murphy Austin, which represented the ALC and its eventual dissolution, confirms that ALC has been dissolved and that the subject water rights should be considered abandoned by ALC. The letter further instructs Washoe County staff to escheat or revert the subject water rights to the State of Nevada. A copy of the letter and dissolution documents are included as Attachment B.

The water resources of Lemmon Valley have long been considered to be over-appropriated. An over-appropriated water basin, by definition, suggests the existence of more “paper water” than actual water resource. Staff supports the reversion process of the subject water rights to the State of Nevada. The subject water rights would then be retired in perpetuity for the benefit of East Lemmon Valley hydrographic basin water resources. This recommendation is consistent with Washoe County’s mission in protecting and managing its water resources, it is consistent with ALC’s overall mission in conservancy of natural resources (whether land or water), and consistent with the request in the 2019 letter to Washoe County. Any other alternative to the permanent retirement of these water rights would cause the eventual commitment of these water rights to a new water demand. Therefore, the permanent retirement of the subject water rights is the recommended course of action. The process to retire the water rights involves a letter of withdrawal to the State Engineer, a draft of which is included as Attachment C.

FISCAL IMPACT

No Fiscal Impact.

RECOMMENDATION

It is recommended the Board of County Commissioners direct staff to permanently retire 2.00 acre-feet of Ground Water Rights from the East Lemmon Valley Hydrographic Basin.

POSSIBLE MOTION

Should the Board agree with staff’s recommendation, a possible motion would be: “Move to direct staff to permanently retire 2.00 acre-feet of Ground Water Rights from the East Lemmon Valley Hydrographic Basin.”