



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: September 22, 2020

**DATE:** July 21, 2020

**TO:** Board of County Commissioners

**FROM:** Dave Solaro, Arch., P.E., Assistant County Manager  
Community Services Department, 328-3624, [dsolaro@washoecounty.us](mailto:dsolaro@washoecounty.us)

**THROUGH:** Eric Brown, County Manager

**SUBJECT:** Recommendation to authorize the Chair to recommend approval of Water Right Application 89732 to the Nevada State Engineer, proposing to change the point of diversion and place of use of 3.00 acre-feet of underground water rights previously diverted and placed to use in Washoe County to points of diversion and places of use within Douglas County. (Commission District 1.)

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### SUMMARY

Staff requests the Board of County Commissioners (Board) authorize the Chair to recommend approval of Water Right Application 89732 to the Nevada State Engineer. The prior manner of use and the proposed manner of use of this application is for recreational purposes. The subject application proposes to change the point of diversion and place of use of 3.00 acre-feet of underground water rights previously diverted and placed to use in Washoe County (Sand Harbor State Park) to a point of diversion and place of use within Douglas County (Spooner Lake State Park).

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

### PREVIOUS ACTION

The Board has not taken action in regard to the subject Water Right Application 89732.

On December 18, 2018 the Board recommend approval of Water Right Applications 88248 & 88249 to the Nevada State Engineer proposing to change the points of diversion and places of use of 6.00 acre-feet of water rights from Lake Tahoe (via Glenbrook Creek) previously diverted and placed to use in Douglas County to points of diversion and places of use within Washoe County.

On October 23, 2018, the Board recommended the approval of Water Right Applications 86608, 86609 and 87616 to the Nevada State Engineer, proposing to change the points of diversion and places of use of underground water rights previously diverted and placed to use in Pershing County to points of diversion and places of use within Washoe County.

AGENDA ITEM # \_\_\_\_\_

On August 23, 2016, the Board recommended the conditional approval of Water Rights Application 86233 to the Nevada State Engineer, proposing to export 7000 acre-feet of ground water from Mud Meadows hydrographic basin in northern Pershing County to Lyon, Storey and Washoe Counties for use at the Reno Tahoe Industrial Center.

On February 23, 2016, the Board recommended the approval of Water Rights Application 85348 to the Nevada State Engineer, proposing to change the point of diversion and place use of 4.00 acre-feet of ground water rights from Douglas County to Washoe County in the Tahoe Basin.

On November 12, 2013, the Board recommended approval of Water Rights Applications 83083 through 83086 to the Nevada State Engineer, proposing to change the point of diversion and place and manner of use of 89.736 acre-feet of ground water rights from Washoe County to Storey County.

The Board has made numerous previous recommendations to the State Engineer to approve or deny water rights applications for intra-basin/inter-County transfers of water in various locations within Washoe County.

### **BACKGROUND**

Application 89732 was filed on April 28, 2020, by State of Nevada Department of Conservation and Natural Resources, Division of State Parks. The existing and proposed manner of use remains as recreation use on lands located within the Lake Tahoe Basin. This application proposes to change the point of diversion and place of use of 3.00 acre-feet of underground water rights previously diverted and placed to use in Washoe County (Sand Harbor State Park) to point of diversion and place of use within Douglas County (Spooner Lake State Park).

Chapter 533.363, Section 1, of the Nevada Revised Statutes, requires that the State Engineer notify the County Commissioners of the county of origin and the county of destination. Furthermore, NRS 533.363, Section 4, addresses the responsibilities of the Board of County Commissioners in this matter. A copy of NRS 533.363 is attached for review.

Notice of this matter has been published in the Reno Gazette Journal, per Statute, for three consecutive weeks on September 2, September 9, and September 16, 2020.

Upon consideration, the Board may recommend a course of action to the State Engineer, but the recommendation is not binding on the State Engineer.

### **FISCAL IMPACT**

There is no fiscal impact associated with this staff report.

### **RECOMMENDATION**

It is recommended the Board of County Commissioners authorize the Chair to recommend approval of Water Right Application 89732 to the Nevada State Engineer, proposing to change the point of diversion and place of use of 3.00 acre-feet of

underground water rights previously diverted and placed to use in Washoe County to points of diversion and places of use within Douglas County.

**POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be:  
"Move to authorize the Chair to recommend approval of Water Right Application 89732 to the Nevada State Engineer, proposing to change the point of diversion and place of use of 3.00 acre-feet of underground water rights previously diverted and placed to use in Washoe County to points of diversion and places of use within Douglas County."