



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: January 12, 2021

DATE: December 1, 2020

TO: Board of County Commissioners

FROM: Vahid Behmaram, Water Rights and Water Resources Consultant to Washoe County, 954-4647, ybehmaram@washoecounty.us

THROUGH: Dave Solaro, Arch., P.E., Assistant County Manager
Community Services Department, 328-3600, dsolaro@washoecounty.us

SUBJECT: Recommendation to approve a Cancellation Agreement and associated Water Rights Deed to terminate a Water Sale Agreement between Washoe County and Penegor's JJ Trust Dated April 24, 2017, Michael Johnson and John Hartigan, successor Co-Trustees, said trust being the successor in interest to Wade M. Penegor, deceased, and re-convey 0.56 acre-feet of water rights from Washoe County to Michael Johnson and John Hartigan, Co-Trustees of The Penegor's JJ Trust Dated April 24, 2017, said Trust being the successor in interest to Wade M. Penegor, Deceased. (Commission District 2.)

SUMMARY

Pursuant to amendments to Washoe County Development Code, Chapter 110, Article 422, adopted on December 12, 2017, Washoe County is terminating a Water Sale Agreement between Washoe County and Penegor's JJ Trust Dated April 24, 2017, Michael Johnson and John Hartigan, successor Co-Trustees, said trust being the successor in interest to Wade M. Penegor, deceased, and re-convey 0.56 acre-feet of water rights from Washoe County to Michael Johnson and John Hartigan, Co-Trustees of The Penegor's JJ Trust Dated April 24, 2017, said Trust being the successor in interest to Wade M. Penegor, Deceased.

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

PREVIOUS ACTION

On August 14, 2001, a Water Rights Deed and a Water Sale Agreement were recorded with the Washoe County Recorder as document numbers 2607879 and 2607880 (for 0.56 acre-feet of water rights).

BACKGROUND

In accordance with Article 422 of Washoe County Development Code, Wade Penegor, caused the dedication of 0.56 acre-feet of ground water rights in support of Wade Penegor commercial stables in East Washoe Valley. By means of the Water Sale

AGENDA ITEM # _____

Agreement, Washoe County made the dedicated water rights available to Wade Penegor to be used in support of water service associated with the project.

Washoe County amended its code to remove the mandate for the water rights dedication process and allow for re-conveyance of previously dedicated water rights. The documents attached herewith will accomplish the termination of the Agreement between Washoe County and Wade Penegor and transfers title of said water rights to Michael Johnson and John Hartigan, Co-Trustees of The Penegor's JJ Trust Dated April 24, 2017, said Trust being the successor in interest to Wade M. Penegor, Deceased.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

It is recommended the Board of County Commissioners approve a Cancellation Agreement and associated Water Rights Deed to terminate a Water Sale Agreement between Washoe County and Penegor's JJ Trust Dated April 24, 2017, Michael Johnson and John Hartigan, successor Co-Trustees, said trust being the successor in interest to Wade M. Penegor, deceased, and re-convey 0.56 acre-feet of water rights from Washoe County to Michael Johnson and John Hartigan, Co-Trustees of The Penegor's JJ Trust Dated April 24, 2017, said Trust being the successor in interest to Wade M. Penegor, Deceased.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve a Cancellation Agreement and associated Water Rights Deed to terminate a Water Sale Agreement between Washoe County and Penegor's JJ Trust Dated April 24, 2017, Michael Johnson and John Hartigan, successor Co-Trustees, said trust being the successor in interest to Wade M. Penegor, deceased, and re-convey 0.56 acre-feet of water rights from Washoe County to Michael Johnson and John Hartigan, Co-Trustees of The Penegor's JJ Trust Dated April 24, 2017, said Trust being the successor in interest to Wade M. Penegor, Deceased."