

RESOLUTION

RESOLUTION OF THE COUNTY OF WASHOE APPROVING THE WATER RIGHTS LEASE WITH SKY TAVERN OF APPROXIMATELY 4.5972 ACRE FEET OF WATER RIGHTS ASSOCIATED WITH THE BROWNS CREEK DECREE (WASHOE COUNTY'S ONE-HALF INTEREST IN PROOF OF VESTED RIGHT V-02748) PURSUANT TO NRS 533.550 WITH THE REQUIRED FINDINGS FOR THE LEASE OF WATER RIGHTS.

A. WHEREAS, County has approximately 4.5972 acre-feet of water rights associated with the Browns Creek Decree (Washoe County's one-half interest in Proof of Vested Right V-02748) which is eligible for use by Sky Tavern for snow making.

B. WHEREAS, Sky Tavern was first established in 1948. In 1991, the City of Reno decided it could no longer run the Sky Tavern Ski Program. Sky Tavern is a Nevada nonprofit organization who is established in 1991, as Sky Tavern Junior Ski Program and contracted to operate the City's ski hill. The program is America's oldest and largest nonprofit 501(c)(3) ski and snowboard program.

C. WHEREAS, Washoe County and the City of Reno jointly own the water rights appurtenant to the Sky Tavern property identified as Proof of Vested Right V-02748 as decreed "in the matter of determination of the relative rights in and to the waters of Browns Creek and its tributaries in Washoe County, State of Nevada" in the Second Judicial District Court of the State of Nevada in and for the County of Washoe, dated August 18t, 1976.

D. WHEREAS, County desires to lease to Sky Tavern 4.5972 acre-feet of water rights associated with the Browns Creek Decree (County's one-half interest in V-02748) for use in snow making.

E. WHEREAS, the proposed lease agreement for water rights is included as Attachment A.

F. WHEREAS, under NRS 533.550, County may lease for a period of five years or more County owed water rights after first holding a public hearing and making certain findings.

G. WHEREAS, the Board of County Commissioners held a public hearing on April 27, 2021, at which public comment was solicited.

H. WHEREAS, the City Council of the City of Reno has adopted a similar resolution and has approved a similar lease agreement for their 50% interest into the water rights on February 24, 2021.

NOW THEREFORE, BE IT RESOLVED BY THE WASHOE COUNTY BOARD OF COMMISSIONERS:

Section 1. That the foregoing recitals and findings are hereby adopted as being true and correct.

Section 2. As to the lease of 4.5972 acre feet of water rights associated with the Browns Creek Decree (County's one-half interest in V-02748), this Commission finds and determines that based on information provided at a public hearing and the provisions of Attachment A:

a. The lease of the water rights is consistent with the prudent, long-term management of the water resources within the County of Washoe as it is for the expressed desire to benefit Sky Tavern Junior Ski Program to use the water for snow making, and the snow melt and spring runoff will either percolate into the ground or sheet flow back to the Grassy Lake impoundment, and ultimately return to the surface water resources of Browns Creek drainage and its hydrologic system, with small component subject to evaporation losses which losses may or may not be equal to losses of historical/decreed use;

b. The lease of the water rights will not deprive residents and businesses within the County of Washoe reasonable access to water resources for growth and development as this source of water has little utility elsewhere; and as such the County has not utilized this water for any purpose to date;

c. The lease of the water rights is a reasonable means of promoting development and the use of the water right by promoting the snow making efforts of Sky Tavern Junior Ski Program; and

d. The means by which the water rights are sold or leased reasonably ensures that the County will receive that actual value of the water right or comparable economic benefits as the type of water (spring) and the location of the source of this water resource limits its use; and the economic benefit to Sky Tavern Junior Ski Program has socio-economic value for the County and its citizens.

Section 3. That the Board approves the Water Rights Lease attached hereto as Attachment A and authorizes the Chair to sign the Water Rights Lease and any documents associated with leasing the water rights.

The motion to adopt the above resolution was made by County Commissioner _____ and seconded by County Commissioner _____ and the vote of said motion is as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Dated this _____ day of _____, 2021.

Bob Lucey, Chair
Washoe County Commission

ATTEST:

Washoe County Clerk