



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: May 28, 2024

**DATE:** April 26, 2024

**TO:** Board of County Commissioners

**FROM:** Dwayne Smith, Division Director, Engineering & Capital Projects  
Community Services, 775-328-2043, [Desmith@washoecounty.gov](mailto:Desmith@washoecounty.gov)

**THROUGH:** Eric Crump, Director,  
Community Services, 775-328-3625, [ecrump@washoecounty.gov](mailto:ecrump@washoecounty.gov)

**SUBJECT:** Recommendation to the Board of County Commissioners to provide a recommendation to the Nevada State Engineer, Adam Sullivan, P.E., to approve Application numbers 93364, 93365, and 93366 for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada, as filed with the Nevada State Engineer pursuant to Nevada Revised Statute 533.363. The Applications submitted by TRI General Improvement District propose to change the points of diversion and places of use of 10.0818 acre-feet of water rights from the Tracy Segment Hydrographic Basin (via underground sources) to points of diversion and places of use within Storey County. The water rights were previously diverted from the Tracy Segment Hydrographic Basin and placed for use in Washoe County. (Commission District 4.)

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### SUMMARY

On March 21, 2024, the Nevada State Engineer's Office sent notification to the Washoe County Board of Commissioners (Board) and the Storey County Board of Commissioners that Application numbers 93364, 93365, and 93366 have been submitted to propose changes to the points of diversion and places of use of 10.0818 acre-feet of water rights from underground sources, previously diverted and placed to use in Washoe County, to points of diversion and places of use within Storey County.

Pursuant to NRS 533.363, the Board is to consider the request at a duly noticed public meeting and make a non-binding recommendation to the State Engineer's Office to approve or to deny the applications. The recommendation by the Board is not binding on the State Engineer in his consideration for possible approval.

Washoe County Strategic Objective supported by this item: Economic Impacts: Support a thriving community.

### PREVIOUS ACTION

The Board has not taken previous action in regard to the subject Applications 93364, 93365, and 93366.

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

**November 30, 2018** – The Board recommended the approval of Water Right Applications 88248 and 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.

**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.

**August 23, 2016** – The Board recommended the conditional approval of Water Rights Application 86233 to the Nevada State Engineer, proposing to export 7,000 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.

**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.

**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 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**

Applications 93364, 93365, and 93366 were filed with the Nevada State Engineer's Office on March 13, 2024, by TRI General Improvement District. The existing manner of use for the subject water rights is stock watering and quasi municipal use and the proposed manner of use for all three applications is for municipal use. These applications also propose to change the points of diversion and places of use of 10.0818 acre-feet of water rights from underground sources previously diverted and placed to use in Washoe County to points of diversion and places of use within Storey County.

Nevada Revised Statute 533.363 requires that the State Engineer notify the County Commissioners of the county of origin and the county of destination and addresses the responsibilities of the Board of County Commissioners in this matter.

### **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 or a temporary permit issued pursuant to [NRS 533.436](#) or [533.504](#).
- (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 the application and any information relevant to the 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](#); [2011, 1565](#); [2013, 498, 3679](#))

Notice of this matter has been published in the Reno Gazette Journal, for three consecutive weeks on May 7, May 14, and May 21, 2024.

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.

### **RECOMMENDATION**

It is recommended that the Board of County Commissioners recommend to the Nevada State Engineer, Adam Sullivan, P.E., approval of Application numbers 93364, 93365, and 93366 for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada, as filed with the Nevada State Engineer pursuant to Nevada Revised Statute 533.363. The Applications submitted by TRI General Improvement District propose to change the points of diversion and places of use of 10.0818 acre-feet of water rights from the Tracy Segment Hydrographic Basin (via underground sources) to points of diversion and places of use within Storey County. The water rights were previously diverted from the Tracy Segment Hydrographic Basin and placed for use in Washoe County.

### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be: "Move to recommend the Nevada State Engineer, Adam Sullivan, P.E., approve Application numbers 93364, 93365, and 93366 for Permission to Change Point of Diversion, Manner of Use and Place of Use of the Public Waters of the State of Nevada, as filed with the Nevada State Engineer pursuant to Nevada Revised Statute 533.363."