



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

www.co.washoe.nv.us

CM/ACM [Signature]
Finance DF
DA [Signature]
Risk Mgt. DC
HR N/A
Comptroller: MS

STAFF REPORT

BOARD MEETING DATE: August 25, 2015

DATE: July 22, 2015
TO: Board of County Commissioners
FROM: Vahid Behmaram, Water Management Planner Coordinator, Community Services Department, 954-4647, vbehmaram@washoecounty.us,
THROUGH: Dwayne Smith, P.E., Division Director, Engineering & Capital Projects, Community Services Department, 328-2043, desmith@washoecounty.us
Dave Solaro, Arch., P.E., Director
Community Services Department, 328-3600, dsolaro@washoecounty.us
SUBJECT: Approve the Agreement Regarding Satisfaction of the Obligation of the City of Reno, City of Sparks and Washoe County pursuant to Section 1.E.4 of the Truckee River Operating Agreement (TROA) to provide 6,700 acre-feet of water rights, between Washoe County, the City of Reno, the City of Sparks, and the Pyramid Lake Paiute Tribe.

SUMMARY

The subject agreement is between the Cities of Reno and Sparks and Washoe County (Entities) and the Pyramid Lake Paiute Tribe (PLPT). This agreement represents the final step in satisfying the obligation of the Entities to provide 6700 acre-feet of water rights to benefit the Truckee River water quality pursuant to the 1.E.4 provision of Truckee River Operating Agreement (TROA).

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

PREVIOUS ACTION

December 19, 2006 - Approval of three agreements relating to TROA

The Board of County Commissioners (Board) approved an Agreement Designating Water Rights (to be used for satisfaction of Truckee River Operating Agreement obligation to provide water rights for water quality purposes); an Agreement Confirming and Acknowledging Satisfaction of Certain Conditions Relating to the Truckee River Operating Agreement; and an Agreement on Management of Water Rights Appurtenant to Street Right of Ways Between Reno, Sparks and Washoe County.

November 2006 – Approval of Professional Services Agreement for Title Research of Water Rights Associated with Street Rights-of-Ways

The Board approved a professional services agreement with TEC 1 to document the title to water rights associated with street rights-of-way so that the water rights may be utilized to satisfy the requirement of the Truckee River Operating Agreement for Reno, Sparks and Washoe County to provide 6,700 acre-feet of water quality water rights.

October 2006 - Status Report on the Truckee River Operating Agreement

The Board received a status report on the TROA, including the requirement for Reno, Sparks and Washoe County to provide 6,700 acre-feet of water quality water rights.

AGENDA ITEM # 5.f.5

March 2006 – Approval of 1.E.4 Agreement

The Board, along with the City Councils of Reno and Sparks, approved an agreement relating to Section 1.E.4 of TROA and the provision of the 6,700 acre-feet of water quality water rights.

October 2003 – Draft TROA

At the request of the Pyramid Lake Paiute Tribe, as a mechanism to enforce the verbal commitments made in 1998, the Draft TROA which has been used as the basis of the EIS contained a requirement that Reno, Sparks, and Washoe County (RSW) will provide 6,700 acre-feet of Truckee Meadows water rights (surface water) by the effective date of TROA to be owned and managed by RSW for water quality purposes, in addition to the water acquired under the Water Quality Settlement Agreement of 1996.

October 2000 – Resolution in Support of Joint Bid for Water Business

The Board adopted a resolution supporting the joint bid for the acquisition of the Sierra Pacific Power Company water business. That resolution cited the protection of the TROA as one of the reasons for the acquisition.

December 1998 – Management Commitment Regarding Unappropriated Water Agreement

The managers of Reno, Sparks, Washoe County and Sierra Pacific Power Company made a verbal commitment to the Pyramid Lake Paiute Tribe (Tribe) and Senator Reid to continue to honor the commitments made in the Unappropriated Water Agreement and to continue to pursue the TROA. This commitment occurred at a meeting hosted by Senator Reid at his Reno office.

August 1998 – State Engineer Ruling on Unappropriated Water

The Nevada State Engineer issued ruling 4683 approving the Tribe's application for the appropriation of the remaining waters of the Truckee River without adopting or implementing the Unappropriated Water Agreement. By the terms of the Unappropriated Water Agreement, it technically expired as the result of the lack of implementation by the State Engineer.

June 1998 – County EIS Comments

The Board directed staff to send EIS comments to the Bureau of Reclamation regarding the TROA Draft EIS generally addressing the level of Lake Tahoe. This version of the draft EIS was prepared based upon a version of TROA that was not fully negotiated. Negotiations continued for another five years to resolve the remaining issues and clarify misunderstandings between the parties.

November 1997 – Extension of Unappropriated Water Agreement

The Board approved an agreement for the extension of time for the Unappropriated Water Agreement extending the agreement through December 31, 2001.

October 1996 – Water Quality Settlement Agreement

The Pyramid Lake Paiute Tribe, Reno, Sparks, Washoe County, the Nevada Division of Environmental Protection, the U.S. Environmental Protection Agency, the U.S. Department of Justice and the U.S. Department of the Interior executed the Truckee River Water Quality Settlement Agreement settling litigation surrounding the permitting and construction of the Truckee Meadows Water Reclamation Facility. This agreement requires Reno, Sparks, and Washoe County, as a group, to spend \$12,000,000 to acquire Truckee River water rights to be managed to augment the flow of the Truckee River for

water quality purposes. The Department of the Interior is also required to spend a matching \$12,000,000 for water rights acquisitions for the same purposes.

October 1996 – TROA storage priorities

The Board considered staff recommendations and sent a letter to Bureau of Reclamation regarding the storage priority that should be given to those seeking benefits of TROA if they were not original parties to TROA. That recommendation limited the quantity of storage and said that the storage should not interfere with the storage of the original parties to TROA.

November 1995 – Board Discussion of Draft TROA and PDEIS

The Board held a discussion of the draft TROA and staff's concerns regarding the agency review draft Environmental Impact Statement (EIS). Staff raised concerns regarding the water quality impacts of TROA, as it did not address water quality flows in this draft of TROA.

May 1994 – Approval of Unappropriated Water Agreement

The Board approved the Agreement Concerning Applications to Appropriate the Waters of the Truckee River and its Tributaries (Unappropriated Water Agreement) with the Pyramid Lake Paiute Tribe, Sierra Pacific Power Company, the cities of Reno and Sparks and the Washoe County Water Conservation District. The agreement provided the following: 1) the withdrawal of pending water rights applications filed by the Cites, County and Sierra Pacific Power Company for the unappropriated waters of the Truckee River; 2) the issuance of permits for effluent reuse associated with the Truckee Meadows Water Reclamation Facility; 3) the provision of 6,700 acre-feet of water rights by Reno and Sparks for instream flow and water quality purposes; and, 4) the issuance of the water rights permits to the Tribe for the remaining waters of the Truckee River and its Tributaries. The 6,700 acre-feet of water rights was a condition of obtaining the consent of the Tribe for the effluent reuse provisions of the agreement pertaining to the Truckee Meadows Water Reclamation Facility.

BACKGROUND

The Truckee River Operating Agreement (“TROA”) is an agreement among five mandatory signatory parties: California, Nevada, the Pyramid Lake Paiute Tribe (“PLPT”), the United States, and the Truckee Meadows Water Authority (TMWA) and was signed pursuant to Public Law 101-618. This legislation was approved by the 101st Congress at the end of its 1990 session. When implemented, TROA will allow for a congressionally authorized interstate allocation of water between Nevada and California and change the operations of the Truckee River system to accommodate multiple beneficial uses for drought supply, improve spawning flows for endangered and threatened fish species, and improve water quality and California water use and storage. In addition, operations will enhance riparian habitat, re-establish river canopy, enhance reservoir releases, improve recreational pools in the reservoirs, and improve emergency draw-down procedures for Lake Tahoe.

Section 1.E.4 of the TROA requires that Washoe County, Sparks and Reno (the “Entities”) allocate 6700 acre-feet of Truckee Meadows Truckee River (Orr Ditch decreed) water rights to improve water quality within the Truckee River (the “Obligation”).

At the time of entering the 1.E.4 Agreement, the Entities anticipated the decreed Truckee River water rights appurtenant to roadways and street rights of ways within each jurisdiction would produce sufficient water rights to meet this 6700 acre-feet requirement. Early

estimates supported this assumption. However, detailed analysis in 2008 found the amount of uncommitted water rights with clear chain of title associated with the streets to fall short of the anticipated amounts.

The Entities have accumulated 3952.08 acre-feet of water rights towards the obligation, which consists of 3499.18 acre-feet from streets and rights of ways and 452.90 acre-feet acquired by TMWA through funding from Western Regional Water Commission ("WRWC") for the specific purpose of satisfying the Obligation, which has transferred to the Entities. Each Entity retains ownership of the water associated with their streets and rights-of-ways. As to the acquired block of water rights (452.90 acre-feet), the Entities will each own one-third interest.

Washoe County's component of water rights set forth to meet this obligation is 341.03 acre-feet in the name of Washoe County, and our one-third interest in the WRWC water rights acquisition. Of the 341.03 acre-feet, 264.70 acre-feet are decreed Truckee River water rights which originate from and are still appurtenant to Streets and Rights of Ways, and 30.02 acre-feet of permitted water rights which also originate from Streets and Rights of Way, but were stripped in 1987 and used on an interim basis at Northgate Golf Course. The remaining portion, 46.22 acre-feet originate from the grounds of "Washoe County Hospital" the predecessor to Washoe Medical Center. This block was also used at Northgate and RSCVA facilities on an interim basis.

To address the remaining shortage, funding available from federal sources was sought. Numerous meetings with Senator Reid's Office, the Entities and the PLPT, resulted in Great Basin Land and Water (GBLW), a Nevada non-profit corporation, to receive, on behalf of the Tribe, grant funds (Terminal Lakes Assistance Grant), in the sum of \$7 million to buy water for the purpose of satisfying the balance of the Entities 6700 acre-feet obligation. With this grant funding, GBLW will acquire 2747.92 acre-feet of Truckee River water rights from the Truckee Meadows Water Authority. This water when added to the water rights accumulated by the Entities will total the sum of 6700 acre-feet to satisfy the obligation ($3499.18 + 452.90 + 2747.92 = 6700.00$). The attached agreement memorializes this and is the final step for satisfaction of Obligation arising from Section 1.E.4 of TROA.

The agreement is also to assure the Entities that the water acquired by GBLW with the grant funds, which will be owned and managed by the PLPT, is credited toward satisfaction of the obligation of Reno, Sparks and Washoe County to provide 6,700 acre-feet of water rights as set forth in the Truckee River Operating Agreement. The agreement further provides that the water acquired with grant funds is to be used for water quality purposes. The agreement provides a timeline (the end of calendar 2015) where the Entities are to file the transfer applications with the State Engineer for the purposes of water quality. Moreover, upon full execution of this agreement by all parties, PLPT deems Section 1.E.4 of TROA (the 6700 acre-foot obligation; the 1.E.4 Agreement) to be fully and completely satisfied.

This agreement was approved by the PLPT on August 19, the City of Sparks on August 24, and the City of Reno will act on this agreement on August 26, 2015.

FISCAL IMPACT

Existing Washoe County water rights make up the County's portion of the 6700 acre-feet of water rights. There was no money expended to acquire these rights. The source of said water rights are those rights appurtenant to public roadways and street rights of ways dedicated to Washoe County within the Truckee Meadows (294.81 acre-feet), and those appurtenant to the grounds of Washoe County Hospital (46.22 acre-feet), as identified in the Orr Ditch decree, the predecessor to Washoe Medical Center.

The agreement requires filing of applications to change the water rights with the Nevada State Engineer. These applications will convert the water rights for *Water Quality* purposes in accordance with the terms of the agreement. Filing fees for each one of these applications are an application fee of \$240.00 and permitting fee of \$240 + \$50 for each cubic feet per second or fraction thereof. Therefore, a typical permit will cost less than \$1000.00 each. However, the total number of applications necessary is unknown. Assuming that Washoe County will file only on County owned water rights and consolidate the water rights by each of the irrigation ditches associated with our water rights, then the total cost will not exceed \$25,000.00, which includes an estimated cost for preparation of supporting maps. Consolidating all the Reno, Sparks and Washoe County water rights in this manner may reduce the overall cost for all the entities.

The source of funding for the filing fees may be either from Community Services Department budget, or it is possible that the WRWC funds still remaining with TMWA may be utilized to pay for all the entity's filing fees.

Any water rights application may encounter protests in the State of Nevada. If these applications are subject to legal challenges, staff may return to the Board to seek additional funding to litigate the potential challenges.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the agreement regarding satisfaction of the obligation of the City of Reno, City of Sparks and Washoe County pursuant to section 1.E.4 of the Truckee River Operating Agreement (TROA) to provide 6,700 acre-feet of water rights between Washoe County, the City of Reno, the City of Sparks, and the Pyramid Lake Paiute Tribe.

POSSIBLE MOTION

Should the Board wish to implement the staff recommendation, a possible motion would be "move to approve the agreement regarding satisfaction of the obligation of the City of Reno, City of Sparks and Washoe County pursuant to section 1.E.4 of the Truckee River Operating Agreement (TROA) to provide 6,700 acre-feet of water rights between Washoe County, the City of Reno, the City of Sparks, and the Pyramid Lake Paiute Tribe."

**AGREEMENT REGARDING SATISFACTION OF THE OBLIGATION OF
THE CITY OF RENO, CITY OF SPARKS AND WASHOE COUNTY PURSUANT
TO SECTION 1.E.4 OF THE TRUCKEE RIVER OPERATING AGREEMENT
TO PROVIDE 6,700 ACRE FEET OF WATER RIGHTS**

This Agreement is entered into by and among the Pyramid Lake Paiute Tribe, a federally recognized Indian Tribe (“Tribe”); the County of Washoe, Nevada (“Washoe County”); the City of Reno, Nevada (“Reno”); and the City of Sparks, Nevada (“Sparks”), collectively referred to herein as the Parties.

WHEREAS, on May 2, 2007, the Parties entered into the Agreement Regarding Section 1.E. of the Draft Truckee River Operating Agreement (the “1.E.4 Agreement”);

WHEREAS, on June 11, 2007, the Parties entered into the Agreement designating water rights associated with certain street rights of way to meet the criteria of the 1.E.4 Agreement for the purpose of satisfying the obligation to provide 6,700 acre-feet of Truckee Meadows water rights;

WHEREAS, on September 6, 2008, the Truckee River Operating Agreement (“TROA”) was executed by all necessary parties, including the Parties hereto;

WHEREAS, Section 1.E.4 of the TROA provides, in relevant part, that “Reno, Sparks, and Washoe County agree to provide 6,700 acre feet of water rights for water quality purposes, no later than when [the TROA] takes effect. . . .”;

WHEREAS, pursuant to Section 1.E.4 of the TROA and the 1.E.4 Agreement, Reno, Sparks, and Washoe County have provided that certain 3952.08 acre-feet of water rights towards the 6,700 acre-foot obligation as of the date of this Agreement, which certain water rights are set forth in detail in Exhibit A attached hereto and incorporated herein by this reference (the “Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory”);

WHEREAS, Great Basin Land & Water, a Nevada non-profit corporation (“GBLW”), entered into a Terminal Lakes Assistance Grant Agreement dated September 19, 2014, with the United States of America, acting through the Department of the Interior, Bureau of Reclamation (“GBLW Grant Agreement”), which provides, in part, for the acquisition of Truckee River water rights to be owned and managed by the Tribe as a credit toward the obligations of Reno, Sparks and Washoe County to acquire 6,700 acre-feet of water rights pursuant to the 1.E.4 Agreement and the TROA;

WHEREAS, GBLW, the Tribe and the Truckee Meadows Water Authority have entered into a legally enforceable and binding agreement for the purchase and sale of approximately 2747.92 acre-feet of Truckee River water rights for and on behalf of the Tribe using funds from the GBLW Grant Agreement (the “DTL Acquisition”) which ensures that the DTL Acquisition will result in not less than 2747.92 acre-feet of Truckee River water rights to be owned by the Tribe and to be used for purposes consistent with Section 1.E.4 of the TROA;

WHEREAS, Reno, Sparks and Washoe County seek assurance that the DTL Acquisition, which will be owned and managed by the Tribe, will be credited by the Parties toward satisfaction of the obligation of Reno, Sparks and Washoe County to provide 6,700 acre-feet of Truckee River water rights as set forth in the TROA, and therefore, with respect to only the DTL Acquisition seek to waive the requirement in the 1.E.4 Agreement that all water rights provided for the purpose of satisfaction of the 6,700 acre-foot obligation shall be owned by Reno, Sparks and Washoe County;

WHEREAS, the Parties recognize that all water rights identified in Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory and the DTL

Acquisition will be formally changed to and permitted for use in the Truckee River for purposes consistent with Section 1.E.4 of the TROA; and

WHEREAS, the Tribe is willing to deem Section 1.E.4 of TROA to be satisfied provided that this binding, enforceable Agreement is in place to ensure that the 6,700 acre-foot obligation, including the change of 6,700 acre-feet of water rights for use in the Truckee River for purposes consistent with Section 1.E.4 of the TROA, will be fully satisfied, and Reno, Sparks and Washoe County by this Agreement have provided such assurance;

NOW, THEREFORE, in furtherance thereof, the Parties hereby agree as follows:

ARTICLE I

Recitals

The foregoing recitals are integral and operative provisions of this Agreement and are incorporated herein by this reference and shall form a part of this Agreement as if recited herein in full.

ARTICLE II

Satisfaction of the 1.E.4 Agreement Dated May 2, 2007

The Parties agree that the DTL Acquisition shall be credited toward the obligation of Reno, Sparks and Washoe County pursuant to the 1.E.4 Agreement and Section 1.E.4 of the TROA to provide 6,700 acre-feet of water rights and acknowledge that the DTL Acquisition will be owned and scheduled by the Tribe for the benefit of Pyramid Lake. Consistent with this intention, the Parties hereby waive the requirement of the 1.E.4 Agreement which requires that all water rights provided for this purpose shall be owned by Reno, Sparks and Washoe County, such that the use of the DTL Acquisition as set forth

above qualifies for the purposes of partial satisfaction of Section 1.E.4 of the TROA. Reno, Sparks and Washoe County will not seek a cost share credit under Section 113 of the Energy and Water Development Appropriations Act of 2006 for the DTL Acquisition. Consistent with the 1.E.4 Agreement, the Tribe will not seek to impose any requirement to replace the groundwater component of effluent that is not returned to the Truckee River or a tributary of the Truckee River. The DTL acquisition may not be used by Reno, Sparks and Washoe County to fulfill any requirement to replace any groundwater component of effluent that is not returned to the Truckee River or a tributary of the Truckee River, which requirement is imposed as a result of actions taken by any person, firm or entity other than the Tribe.

ARTICLE III

Reports of Conveyance and Change Applications

The Parties agree that in furtherance of the purposes of Section 1.E.4 of the TROA, on or before December 31, 2015, Reno, Sparks and Washoe County shall cause to be prepared and filed with the Nevada Division of Water Resources (the “Nevada State Engineer”) both Reports of Conveyance and Applications to Change the Points of Diversion and Places and Manners of Use (the “Change Applications”) for the water rights identified in Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory.

As to the 3952.08 acre-feet of water rights provided by Reno, Sparks and Washoe County as identified in Exhibit A hereto, in the event that the Nevada State Engineer has denied all or any portion of the Change Applications for those water rights, or an applicant withdraws an application due to complications with the permitting process, Reno, Sparks

and Washoe County shall, within ninety (90) days of receipt of such denial or withdrawal from the Nevada State Engineer, replace such water rights that were the subject of the Nevada State Engineer's denial or withdrawal with other Truckee River water rights consistent with the provision in Article IV of the 1.E.4 Agreement or as mutually agreed upon by the Tribe, Reno, Sparks and Washoe County (the "Replacement Water Rights"). Reno, Sparks and Washoe County shall, within ninety (90) days of identification of any such Replacement Water Rights, file Reports of Conveyance and Change Applications for the Replacement Water Rights with the Nevada State Engineer.

Reno, Sparks and Washoe County shall provide to the Tribe Change Application numbers for the water rights identified in Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory and for any Replacement Water Rights within five (5) business days after filing the Change Applications, and shall thereafter provide to the Tribe copies of any and all correspondence among the Nevada State Engineer and Reno, Sparks and Washoe County regarding the Change Applications within five (5) business days after receipt thereof.

Reno, Sparks and Washoe County shall work in good faith with the Nevada State Engineer to ensure the timely approval of the Change Applications, and following approval and permitting of the same, shall timely proceed with certification of such permits.

ARTICLE IV

Satisfaction of Section 1.E.4 of Truckee River Operating Agreement

Based upon the obligations of the Parties pursuant to, this Agreement and the agreement among the Tribe, GBLW and the Truckee Meadows Water Authority for the

DTL Acquisition, the Tribe deems Section 1.E.4 of TROA to be fully and completely satisfied for all purposes, including for the purpose of the implementation of the TROA.

ARTICLE V

Miscellaneous

Section 5.1 Notices. All notices required or permitted to be given by law or by the terms of this Agreement shall be in writing and shall be considered given upon personal service of a copy on the Party to be served, or by mailing such notice by certified mail, return receipt requested, postage prepaid, addressed to the Parties as follows:

- (a) If to the Tribe, such notices shall be sent to:
Chairman
Pyramid Lake Paiute Tribe
P.O. Box 256
Nixon, Nevada 89424

- (b) If to Washoe County, such notices shall be sent to:
Washoe County Community Services Department
Attn: Director
P.O. Box 11130
Reno, Nevada 89520

- (c) If to Reno, such notices shall be sent to:
City of Reno
Attn: Director of Public Works
One East First Street
Reno, Nevada 89501

- (d) If to Sparks, such notices shall be sent to:
City of Sparks
Attn: Deputy City Manager for Community Services
431 Prater Way
P.O. Box 857
Sparks, Nevada 89432-0857

Any Party may change the address to which notices are sent by a notice in writing to the others.

Section 5.2 Waiver. Neither a course of conduct, nor any waiver by any Party with respect to a default or breach of any provision of this Agreement by the other Party, shall operate or be construed to operate as a waiver of any subsequent default or breach, or as a modification of this Agreement.

Section 5.3 Captions. The captions of this Agreement do not in any way limit or amplify its terms and provisions.

Section 5.4 Binding on Successors. This Agreement shall be binding upon and shall inure to the benefit of the Parties hereto and to their respective successors and assigns for all time.

Section 5.5 Authorship. This Agreement has been reviewed by attorneys representing the respective Parties. For the purposes of interpretation of this Agreement, no Party shall be deemed to have been the drafter of this Agreement.

Section 5.6 Good Faith and Fair Dealing. The Parties shall implement the provisions of this Agreement in good faith and shall observe all standards of fair dealing with respect thereto.

Section 5.7 Remedies Upon Default. If Reno, Sparks and/or Washoe County defaults in the performance of any of its obligations under this Agreement, the Tribe will, in addition to any and all other remedies provided in this Agreement or by law or equity, have the right of specific performance. In addition, and not by limitation, the Tribe shall have the right to seek compliance from the Orr Ditch Court and/or the Truckee River Special Hearing Officer.

Section 5.8 Counterparts. This Agreement may be executed in counterparts and is binding when all counterpart signatures have been assembled and attached to this Agreement.

IN WITNESS WHEREOF, the Parties have executed and delivered this Agreement as of the date and year first above written.

WASHOE COUNTY

PYRAMID LAKE PAIUTE TRIBE

By: _____
Marsha Berkgigler, Chairman

By: _____
Vinton Hawley, Chairman

Attest: _____
Washoe County Clerk

Attest: _____
Tribal Secretary

Approved as to Form:

By: _____
District Attorney

CITY OF RENO

CITY OF SPARKS

By: _____
Hillary L. Schieve, Mayor

By: _____
Geno Martini, Mayor

Attest: _____
Reno City Clerk

Attest: _____
Sparks City Clerk

Approved as to Form:

Approved as to Form:

By: _____
Deputy City Attorney

By: _____
Sparks City Attorney

EXHIBIT A

Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory

This Exhibit A lists the Claim or Permit Number, Associated Claim Number, Ditch Name, Water Rights in acre-feet and date of Assignment Letter for the 3,952.08 acre-feet of water rights provided by Reno, Sparks and Washoe County in satisfaction of Section 1.E.4 of TROA.

Copies of all Assignment Letters from the State Engineer, or other proof of valid ownership satisfactory to the Parties, as to the water rights identified in this **Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory** are hereby acknowledged to be in the possession of the Parties by the execution of this Agreement, and are by this reference incorporated into this Exhibit A and into this Agreement.

Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory

Water Rights Provided by City of Reno for Satisfaction of TROA Sec. 1.E.4

Claim/Permit No.	Associated Claim No.	Ditch Name	Water Rights Provided (acre-feet)	Assignment Letter Dated
55		Steamboat Canal	24.32	3/3/2008
56		Steamboat Canal	1.04	1/4/2008
64		Steamboat Canal	57.69	4/2/2009
106		Highland	1.16	10/15/2009
107		Highland	3.87	10/15/2009
126		Highland	29.2	5/14/2007
126		Highland	3.88	12/8/2014
127		Highland	4.28	5/28/2009
127		Highland	51.82	Already on File *
128		Highland	15.26	8/20/2009
129		Highland	8.37	6/15/2009
130		Highland	4.31	11/20/2008
130		Highland	3.79	10/27/2010
131		Highland	0.68	11/2/2010
133		Highland	24.83	2/17/2009
135		Highland	7.96	3/17/2010
136		Highland	4.86	8/16/2010
137		Highland	5.14	7/29/2010
138		Highland	13.05	10/8/2009
138		Highland	3.08	4/1/2008
139		Highland	3.28	10/15/2009
146		Last Chance	17.44	11/12/2009
150		Last Chance	28.84	8/5/2009
151		Last Chance	1.2	10/20/2009
152		Last Chance	6.07	6/10/2009
152		Last Chance	0.59	Already on File
153		Last Chance	0.586	3/31/2009
153		Last Chance	17.632	3/31/2009
154		Last Chance	11.97	2/15/2008
155		Last Chance	0.32	2/10/2010
157		Last Chance	2.09	3/2/2009
159		Last Chance	4.39	2/25/2008
160		Last Chance	1.24	2/26/2008
161		Last Chance	4.784	10/19/2009
162		Last Chance	4.53	10/20/2009
163		Last Chance	1	10/20/2009
164		Last Chance	2.38	10/20/2009

Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory

Claim/Permit No.	Associated Claim No.	Ditch Name	Water Rights Provided (acre-feet)	Assignment Letter Dated
165		Last Chance	31.35	5/8/2007
166		Last Chance	5.3	1/4/2008
167		Last Chance	0.08	4/7/2008
168		Last Chance	15.94	10/7/2009
168		Last Chance	3.047	6/29/2012
168		Last Chance	0.514	6/13/2012
168		Last Chance	1.658	11/27/2012
172		Last Chance	2.78	10/20/2009
173		Last Chance	2.38	10/20/2009
175		Last Chance	2.66	10/21/2009
177	204	Last Chance	17.99	7/2/2008
178	262	Last Chance	2.25	2/25/2010
178.5	205	Last Chance	27.334	6/22/2009
179	257	Last Chance	14.213	Already on File
179		Last Chance	53.94	7/3/2008
179.5	206/259	Last Chance	15.16	10/23/2008
180		Last Chance	1.62	2/22/2010
198		Lake	0.86	4/21/2008
199		Lake	0.5	2/8/2010
201		Lake	3.98	1/8/2008
207		Lake	25.39	8/6/2009
208	181	Lake	0.48	Already on File
208.5		Lake	8.6	2/1/2011
209	210	Lake	78.23	7/27/2009 8/17/2009
211	212	Lake	8.76	11/19/2008
215		Lake	24.29	5/1/2007
220		Lake	10.73	6/1/2009
221	222	Lake	91.985	11/9/2007
221	222	Lake	11.28	1/27/2010
231		South Side Canal	6.01	6/23/2009
231		South Side Canal	1.7	Already on File
232		South Side Canal	19.12	3/24/2010
232		South Side Canal	0.7	11/8/2013
233		South Side Canal	5.44	7/29/2009
234		South Side Canal	2.42	11/6/2013
235		South Side Canal	3.68	10/19/2009
236		South Side Canal	64.83	10/12/2007
237		South Side Canal	0.2	1/28/2010
238		South Side Canal	4.24	8/14/2009

Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory

Claim/Permit No.	Associated Claim No.	Ditch Name	Water Rights Provided (acre-feet)	Assignment Letter Dated
239		South Side Canal	4	10/15/2009
240		South Side Canal	3.96	8/10/2009
241		South Side Canal	9.734	10/14/2008
242		South Side Canal	44.44	8/28/2009
243		South Side Canal	2.88	2/11/2008
243		South Side Canal	3.73	2/3/2010
244		South Side Canal	48.79	8/25/2009
246		South Side Canal	0.2	Already on File
247		South Side Canal	7.24	8/12/2007
249		South Side Canal	27.48	12/19/2007
250		South Side Canal	7.36	10/7/2010
251		South Side Canal	56.96	10/9/2007
251		South Side Canal	7.2	2/11/2010
252		South Side Canal	0.32	2/10/2010
254		South Side Canal	22.27	2/25/2009
255		South Side Canal	0.8	8/11/2009
256		South Side Canal	2.93	3/25/2010
261		South Side Canal	0.77	5/4/2009
264		South Side Canal	12.33	8/26/2009
270		Orr	1.4	2/19/2010
271		Orr	1.36	1/26/2010
271		Orr	0.16	Already on File
277		Orr	2.22	2/4/2010
278		Orr	15.07	6/23/2010
278		Orr	2.18	6/23/2010
280		Orr	2.96	1/6/2010
288		Orr	1.51	11/9/2009
293		Orr	0.69	4/1/2010
294		Orr	10.84	3/2/2009
295		Orr	17.22	9/2/2008
299		Orr	2.64	Already on File
300		Orr	2.79	5/11/2010
301		Orr	0.48	1/21/2009
302		Orr	4.96	7/28/2009
303	404	Orr	11.92	4/14/2010
303	404	Orr	6.96	4/21/2010
356		Indian Flat	66.13	8/10/2009
357		Indian Flat	2.54	12/19/2014
357		Indian Flat	3.74	Already on File

Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory

Claim/Permit No.	Associated Claim No.	Ditch Name	Water Rights Provided (acre-feet)	Assignment Letter Dated
358	359	Indian Flat	1	4/5/2010
363		Indian Flat	1.15	Already on File
369		Chism	13.55	11/13/2008
387		English Mill	34.2	4/28/2010 7/29/2010
387		English Mill	2.36	4/28/2010 7/29/2010
388		English Mill	32.92	5/28/2009
389		English Mill	2.16	12/8/2014
390		English Mill	29.855	3/2/2010
401		Sullivan & Kelly	1.88	10/21/2009
402		Sullivan & Kelly	0.32	10/21/2009
407		Sullivan & Kelly	14.52	10/26/2009
407		Sullivan & Kelly	8.76	2/24/2010
419		Cochran	1.68	4/14/2010
426		Cochran	0.35	4/15/2010
431		Cochran	84.545	9/15/2009
431		Cochran	1.12	Already on File
432		Cochran	4.31	10/26/2009
434		Cochran	24.93	5/6/2009
434a			10.12	5/7/2009
435		Cochran	0.55	8/31/2011
436		Cochran	0.6	8/31/2011
437		Cochran	0.63	10/26/2009
438		Cochran	0.96	5/7/2010
442		Cochran	3.88	12/22/2014
443		Cochran	1	10/12/2009
444		Cochran	24.58	8/19/2009
445		Cochran	13.94	2/11/2009
445		Cochran	2.42	11/9/2010
446		Cochran	0.48	2/11/2009
447		Cochran	0.65	4/13/2010
448		Cochran	2.63	1/21/2015
452		Cochran	2.88	2/3/2010
454	455	Cochran	2.64	10/13/2009
456		Cochran	11.08	11/10/2009
457		Cochran	1.25	10/27/2009
457		Cochran	4.98	4/27/2009
458		Cochran	8.88	3/18/2010
462		Cochran	0.73	4/12/2010

Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory

Claim/Permit No.	Associated Claim No.	Ditch Name	Water Rights Provided (acre-feet)	Assignment Letter Dated
467	468	Cochran	3.3	2/10/2010
470		Cochran	17.2	8/31/2009
471		Cochran	6.92	11/12/2009
474	475	Cochran Drain	74.12	7/6/2009
477	479	Cochran Drain	73.34	7/17/2008
478	479	Cochran Drain	36.22	7/17/2008
480	484	Cochran Drain	1.4	11/18/2008
491		Scott Ranch	7.33	Already on File
492		Scott Ranch	5.23	Already on File
493		Scott Ranch	2.52	10/8/2009
496		Scott Ranch	6.072	10/19/2009
498		Scott Ranch	20.38	2/25/2009
498		Scott Ranch	0.77	5/5/2010
502		Scott Ranch	4.96	7/6/2009
504		Scott Ranch	4.53	10/27/2009
505		Scott Ranch	7.04	10/28/2009
505		Scott Ranch	3.89	10/28/2009
516		Abbee	1.67	10/28/2009
601		Pioneer	7.96	11/4/2009
601		Pioneer	5.12	4/29/2010
602		Pioneer	24.83	5/4/2010
606	606a	Pioneer	8.8	7/13/2010
Permit 11009		Spanish Springs Valley	13.05	10/20/2009
Permit 11009		Spanish Springs Valley	3.08	4/1/2008
Permit 11204		English Mill	2.4	5/12/2010
Permit 14057		Scott Ranch	2.71	3/25/2008
Total Provided by City of Reno:			2069.069	Acre-Feet

Water Rights Provided by City of Sparks for Satisfaction of TROA Sec. 1.E.4

Claim/Permit No.	Associated Claim No.	Ditch Name	Water Rights Provided (acre-feet)	Assignment Letter Dated
303	404	Orr	11.2400	5/1/2008
303	404	Orr	5.5200	7/22/2010
305		Orr	3.4400	4/13/2009
316		Orr	43.6800	Already on File
326		Orr Extension	1.7200	10/15/2008
326		Orr Extension	0.04	10/15/2008

Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory

Claim/Permit No.	Associated Claim No.	Ditch Name	Water Rights Provided (acre-feet)	Assignment Letter Dated
327		Orr Extension	15.6500	12/30/2010
329		Orr Extension	4.3200	8/6/2009
330		Orr Extension	15.2400	11/17/2008
331		Orr Extension	15.2100	3/14/2008
331		Orr Extension	0.84	11/24/2008
333	334	Orr Extension	23.6400	1/9/2009
333	334	Orr Extension	7.5600	Already on File
335	336	Orr Extension	36.2100	Already on File
337	338	Orr Extension	143.7200	12/13/2007
337	338	Orr Extension	17.11	5/20/2010
394		English Mill	8.6000	1/14/2008
395		English Mill	5.5600	2/26/2008
396		English Mill	0.4300	2/5/2009
397		English Mill	9.7700	1/17/2008
407		Sullivan & Kelly	6.3600	11/27/2007
407		Sullivan & Kelly	6.1600	7/27/2010
408		Sullivan & Kelly	2.3200	5/27/2008
410		Pump	1.84	5/20/2009
410		Pump	11.54	Already on File
528		North Truckee Ditch	1.7600	1/29/2008
529		North Truckee Ditch	4.2100	1/29/2008
530		North Truckee Ditch	2.9900	1/29/2008
531		North Truckee Ditch	1.9300	1/29/2008
536		North Truckee Ditch	0.2000	9/11/2008
541		North Truckee Ditch	0.0400	2/23/2009
543		North Truckee Ditch	0.1000	12/1/2008
548		North Truckee Ditch	1.1800	Already on File
553		North Truckee Ditch	2.0700	9/19/2008
556		North Truckee Ditch	0.2560	12/3/2008
561		North Truckee Ditch	0.1000	9/11/2008
563		North Truckee Ditch	0.0500	12/9/2008
566		North Truckee Ditch	0.0500	12/15/2008
566		North Truckee Ditch	0.2000	Already on File
568		North Truckee Ditch	23.7600	12/9/2008
569		North Truckee Ditch	2.6100	12/12/2008
571		North Truckee Ditch	28.4000	5/18/2008
571		North Truckee Ditch	3.6400	Already on File
572		North Truckee Ditch	2.4500	5/14/2008
573		North Truckee Ditch	25.2000	5/20/2008

Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory

Claim/Permit No.	Associated Claim No.	Ditch Name	Water Rights Provided (acre-feet)	Assignment Letter Dated
573		North Truckee Ditch	9.4000	11/20/2008
574	575	North Truckee Ditch	12.8400	10/14/2008
574	575	North Truckee Ditch	11.3700	6/29/2006
576	577	North Truckee Ditch	59.1000	11/20/2007
576	577	North Truckee Ditch	15.38	5/25/2010
576	577	North Truckee Ditch	2.76	Already on File
576		North Truckee Ditch	9.0400	5/25/2010
576		North Truckee Ditch	2.3200	11/20/2007
579	580	North Truckee Ditch	13.7600	4/2/2008
581		North Truckee Ditch	4.4700	2/28/2008
581		North Truckee Ditch	17.28	10/28/2008
582		North Truckee Ditch	2.0400	10/16/2008
585		Sessions Ditch	11.0000	10/2/2008
586		Sessions Ditch	21.7400	5/29/2008
588		Sessions Ditch	33.6500	11/21/2007
588		Sessions Ditch	0.04	9/29/2008
609		Stephens Ditch	50.0700	1/28/2008
609		Stephens Ditch	1.19	11/5/2008
611		Stephens Ditch	3.2300	7/12/2010
613		Glendale Ditch	7.0500	5/28/2008
613		Glendale Ditch	2.11	10/28/2008
614		Glendale Ditch	6.5500	Already on File
617		Glendale Ditch	3.2000	10/27/2008
16969		North Truckee Ditch	31.0860	10/10/2008
19938		North Truckee Ditch	12	N/A
62043	571	North Truckee Ditch	33.5	Already on File
48397	461	Cochran	40.00	Already on File
42737	582	North Truckee Ditch	13.96	Already on File
66582	498	Scott Ranch	155.78	Already on File
66666	431	Cochran	4.25	Already on File
Total Provided by City of Sparks:			1089.08	Acre-Feet

Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory

Water Rights Provided by Washoe County for Satisfaction of TROA Sec. 1.E.4

Claim/Permit No.	Associated Claim No.	Ditch Name	Water Rights Provided (acre-feet)	Assignment Letter Dated
48		Steamboat Canal	4.37	12/11/2008
53		Steamboat Canal	13.57	11/2/2007
54		Steamboat Canal	13.83	Already on File
67		Steamboat Canal	37.60	5/1/2007
68		Steamboat Canal	11.60	4/30/2007
71		Steamboat Canal	0.77	7/30/2008
72		Steamboat Canal	25.94	6/12/2008
76	76A	Steamboat Canal	4.95	7/15/2008
78		Steamboat Canal	7.15	3/6/2007
79	189	Steamboat Canal	24.21	Already on File
81		Steamboat Canal	7.98	11/29/2007
82		Steamboat Canal	7.45	11/29/2007
88	88A	Steamboat Canal	1.04	11/19/2008
89		Steamboat Canal	11.68	11/19/2007
138		Highland	4.47	4/1/2008
147		Last Chance	4.78	7/16/2008
150		Last Chance	11.23	5/5/2009
183		Last Chance	8.88	8/6/2008
185		Last Chance	11.41	Already on File
188		Last Chance	2.08	7/17/2008
191		Last Chance	9.70	3/3/2008
208.5		Lake	8.90	1/10/2008
218		Lake	10.31	1/30/2008
219		Lake	4.98	Already on File
302		Orr	0.20	Already on File
306		Orr	0.22	6/11/2008
314		Orr	0.28	7/15/2008
472		Cochran	4.06	9/18/2008
603		Pioneer	3.60	3/31/2008
606	606A	Pioneer	2.08	6/12/2008
607		Pioneer	1.00	3/24/2008
11009		Highland	4.47	4/1/2008
51568	Cert.14658		21.85	Already on File
51569	Cert.14659		8.17	Already on File
51587			46.22	Already on File
Total Provided by Washoe County:			341.03	Acre-Feet

Exhibit A – Reno, Sparks and Washoe County Section 1.E.4 Water Rights Inventory

Water Rights Owned Jointly as Tentants in Common by Reno, Sparks and Washoe Co. Provided for Satisfaction of TROA Sec. 1.E.4

Claim/Permit No.	Associated Claim No.	Ditch Name	Water Rights Provided (acre-feet)	Assignment Letter Dated
74062 ptn. of	93	Coldron	52.60	ROC filed 3/20/15
73047 ptn. of	345	Spanish Valley	229.92	Already on File
63701	389	English Mill	8.92	Already on File
48396	458	Cochran	3.74	Already on File
66567	508	Scott Ranch	149.07	Already on File
73632	630	Preston	8.65	Already on File
Total Provided by Reno, Sparks & Washoe Co. as Tenants in Common:			452.90	Acre-Feet

* “Already on File” is a reference that the NV Division of Water Resources has ownership documentation within their official records.

Summary of All Water Rights Provided by Reno, Sparks and Washoe County in Satisfaction of Section 1.E.4 of TROA

Entity	Water Rights Provided (acre-feet)
City of Reno	2069.07 Acre-Feet
City of Sparks	1089.08 Acre-Feet
Washoe County	341.03 Acre-Feet
Reno, Sparks and Washoe County Jointly	452.90 Acre-Feet
TOTAL	3952.08 Acre-Feet

The attached document was submitted to the
Washoe County Board of Commissioners during
the meeting held on August 25, 2015.
by Chair Bertbigler
for Agenda Item No. 5F5
and included here pursuant to NRS 241.020(7) as
amended by AB65 of the 2013 Legislative Session.

United States Senate

WASHINGTON, DC 20510-7020

August 25, 2015

The Honorable Marsha Berkgigler
Chair, Washoe County Commission
1001 East Ninth Street, A-201
Reno, Nevada 89520

Dear Chairwoman Berkgigler:

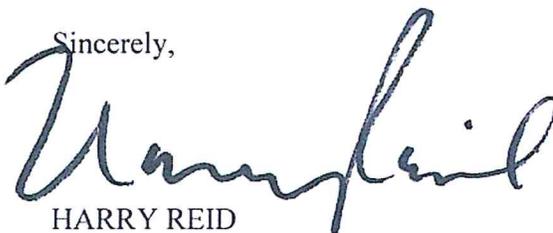
Thank you for the opportunity to comment on your agenda item providing for the sale of water rights to complete the obligations of the Cities and County to provide 6700 acre feet of water rights for water quality purposes under section 1.E.4 of the Truckee River Operating Agreement (TROA).

This transaction is a necessary step to finally trigger the dismissal of lawsuits and to commence the implementation of TROA by the end of this year.

We are incredibly grateful to Truckee Meadows Water Authority (TMWA) for stepping up with its generous offer to bridge a very difficult problem that would have prevented the final implementation of TROA. Not only will the implementation of TROA provide the Truckee Meadows with the very favorable drought rules to allow for more upstream storage of water for use by residents of the Truckee Meadows, but it will provide flexibility to cope with changing weather patterns that this area has been experiencing in recent years.

Again, this office supports and applauds TMWA for bridging this difficult issue by selling enough water to complete the City and County TROA obligations.

Sincerely,



HARRY REID
United States Senator

- BCC 8-25-15 #5K5
Chairman Berkgigler