



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: April 25, 2017

DATE: March 24, 2017
TO: Board of County Commissioners
FROM: Vahid Behmaram, Water Management Planner Coordinator, Community Services Department, 954-4647, vbehmaram@washoecounty.us,
THROUGH: Dave Solaro, Arch., P.E., Director
Community Services Department, 328-3600, dsolaro@washoecounty.us
SUBJECT: Approve three separate Water Rights Deeds transferring a total of 44.5 acre-feet of water rights from Washoe County to: 1) Charles M. Spitzer (17.5 acre feet); 2) Gannett Family Trust (17.5 acre feet); and 3) Trust Company of American for the benefit of Eric and Constance Roberts (9.5 acre feet). (Commission District 5.)

SUMMARY

Washoe County is conveying a portion of permit 68709, being 44.5 acre-feet of Warm Springs ground water rights to: 1) Charles M. Spitzer (17.5 acre feet); 2) Gannett Family Trust (17.5 acre feet); and 3) Trust Company of America for the benefit of Eric and Constance Roberts (9.5 acre feet). These water rights were dedicated to Washoe County in 2005 in anticipation of future land development and parceling in Warm Springs. Due to economic downturn, none of the three entities proceeded with their land development projects.

Washoe County Strategic Objective supported by this item: Stewardship of Our Community.

PREVIOUS ACTION

June 28, 2016, the Board approved water rights deed conveying certain water right permit to Mr. Robert Howell.

BACKGROUND

Article 422 of the Washoe County Development Code requires the dedication of water rights as a pre-requisite to approval of all development in the unincorporated Washoe County. Most often water rights would be dedicated and informally banked with Washoe County in anticipation of compliance with the provisions of Article 422. The subject water rights were dedicated in 2005 in anticipation of satisfying this requirement. Mr. Charles M. Spitzer, The Gannett Family Trust and Maurice & Constance Roberts Trust, dedicated the subject water rights in anticipation of filing and approval of Parcel Maps

within Warm Springs area. However, the downturn in the real estate market eventually affected and delayed these individuals' developments plans.

Correspondence dated December 2015 to all three entities asked if they had any immediate plans to develop or parcel any lands in Warm Springs Valley which would use up these water rights. The letter indicated the re-conveyance of these water rights if there are no immediate plans. None of the three entities responded to the 2015 letter. Certified mail, dated December 2016, to the parties indicated that Washoe County will proceed with the re-conveyance of these water rights in 90 days if we have no response. No response has been received to date, other than the return receipts from the U.S. Postal service indicating the 2016 certified letters were delivered to the recipients.

Washoe County Department of Water Resources (DWR), now a part of Community Services Department (CSD), managed and maintained a large number of water rights associated with the County Municipal Water Systems. Water Rights dedicated in the manner described above, also require management and maintenance. County DWR staff which managed the DWR water system water rights also maintained these water rights, which were a small component of the overall water rights holdings. However, with the completion of the merger of water systems between Washoe County and TMWA, CSD has limited resources to continue this effort. Furthermore, the lack of response from these individuals suggests that they have no immediate plans to use these water rights. It is then appropriate that they retain title to their asset and manage their water rights with their own resources and at their own risk.

FISCAL IMPACT

There is no fiscal impact associated with execution of these Water Rights Deeds.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve three separate Water Rights Deeds transferring a total of 44.5 acre-feet of water rights from Washoe County to: 1) Charles M. Spitzer (17.5 acre feet); 2) Gannett Family Trust (17.5 acre feet); and 3) Trust Company of American for the benefit of Eric and Constance Roberts (9.5 acre feet).

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve three separate Water Rights Deeds transferring a total of 44.5 acre-feet of water rights from Washoe County to: 1) Charles M. Spitzer (17.5 acre feet); 2) Gannett Family Trust (17.5 acre feet); and 3) Trust Company of American for the benefit of Eric and Constance Roberts (9.5 acre feet)."

No APN

When recorded, return to:
Trust Company of America, a Colorado Corporation
for the benefit of Eric Maurice Roberts and Constance Louise Roberts
2449 Granite Ln.
Lincoln, CA 95648

WATER RIGHTS DEED

WASHOE COUNTY, a political subdivision of the State of Nevada, as GRANTOR, hereby conveys to **Trust Company of America, a Colorado Corporation for the benefit of Eric Maurice Roberts and Constance Louise Roberts**, as GRANTEE, the real property consisting of water rights described as follows:

A portion of Permit Number 68709, on file with the Nevada State Engineer, Division of Water Resources, to appropriate 9.5 acre-feet of ground water rights and a proportionate share of the rate of diversion of said permit.

GRANTOR:
WASHOE COUNTY
A political subdivision of the
State of Nevada

By: _____
Bob Lucey, Chair
Washoe County Commission

Attest:
By: _____
Nancy Parent, County Clerk

Date: _____

Date: _____

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

On this day of , 2017, before me, a Notary Public, personally appeared Bob Lucey, personally known to me to be the **Chair of the Washoe County Board of Commissioners**, who acknowledged to me that he executed the foregoing document.

Notary Public

My Commission expires: _____