

Churchill County
Agenda Report

Agenda Item: _____

Date Submitted: 09/19/07

Agenda Date Requested: 10/01/07

Time Requested: Appointment

To: Honorable County Commissioners

From: Eleanor Lockwood, Planning Director

Subject Title: Consideration and possible action re: Acceptance of a Will Serve letter issued to Dani 1987 Trust Agreement for partial water right dedication requirements to connect the Fallon Business Park to County water services .

Type of Action Requested: () Formal Action/Motion (____) Other (Specify)

Does this action require a Business Impact Statement? () Yes (x) No

Recommended Board Action: Motion to accept the Will Serve letter issued to Dani 1987 Trust Agreement, Document 318154 as partial water right dedication requirement for connection of the Fallon Business Park to County water services and make an additional payment of \$4,162.50 as a payment in lieu for 0.37AFA of underground water rights.

Discussion:

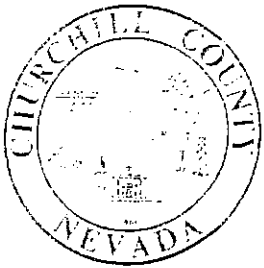
The Fallon Business Park located on the Reno Highway APN 008-361-40,41,42,43 is requesting connection to the County water system. A County water main abuts the property to the north and there is ample capacity within the system to provide service to Fallon Business Park. The Fallon Business Park is the holder of an underground permit #63941/certificate # 16301 in the amount of 0.039 cfs not to exceed 0.143 million gallons annually (=0.439 AFA) and the owner of the attached Will Serve letter. When the current owner of the Fallon Business Park purchased this property from Gary Laca in 2005, the attached Will Serve letter was included in the purchase and the current owner was led to believe that at some time, when the County was operating a water system, the Will Serve letter could be presented as a will serve credit. In 1998 the County accepted this water knowing it was challenged water and issued this Will Serve letter. Under current water right dedication requirements challenged water would not be acceptable.

Gary and Dana Laca did not consent to selling this water to the AB380 program.

To estimate the amount of (underground) water rights that Fallon Business Park should dedicate to the County, staff calculated fixture unit count (73 units = 1.23 AF), the amount of water used for landscaping (0.4875AF) and multiplied by a factor of 1.74 to account for fire protection, fire losses, system losses, water treatment and drought reserve which equal = 3.0 AFA of underground water rights. 0.439 AFA of this requirement will be satisfied by transferring all water rights from permit # 63941/ certificate 16301. The remaining dedication requirement of 2.56AF (underground) water right could be mostly satisfied by accepting the attached Will Serve letter for 3.96 AF (surface) water rights (assuming for this calculation 2.56AF underground w/r = 4.62 AF (surface) w/r).

Possible options:

1. Accept the attached Will Serve letter, require the transfer of permit #63941 AND consider the remaining 0.37AF underground w/r "a wash".
2. Accept the attached Will Serve letter, require the transfer of permit #63941 and require the property owner to dedicate an additional 0.37AF underground w/r. or, (if the property owner is



CHURCHILL COUNTY PLANNING

318154
Planning Commission
Planning Department
Drafting Department
Building Department
Zoning Enforcement

November 23, 1998

Dani 1987 Trust Agreement
John Gary Laca and Danette Noel Laca co-trustees
4700 Conrad Pl
Fallon, NV 89406

Re: Transfer of Water Rights

Dear Mr and Mrs Laca,

This letter acknowledges the transfer of 3.96 acre feet of water rights, more particularly described in the quitclaim deed dated November 18, 1998, File No.318032, a copy of which you are in receipt .

In consideration of the transfer of said water rights, the Board of County Commissioners of Churchill County, Nevada, hereby issues to the addressee, a will-serve credit for 3.96 acre feet of water rights to be used at some future date to obtain water service from the Churchill County Water Service Enterprise as created by Ordinance No. 71.

This will-serve letter is conditioned on the County's ability to provide water service at the time and place requested by the holder of this will-serve credit. The County's ability to provide service hereunder shall be determined solely by the Board of County Commissioners of Churchill County, Nevada.

In the event that Churchill County is unable to provide service at the time and place requested by the holder hereof within fifteen (15) years from the date hereof, then Churchill County shall transfer upon request, the water rights described herein to the holder of this will-serve credit letter.

This letter is transferable by the holder hereof and shall become binding on Churchill County upon service of a written copy of the documents effecting transfer of said rights. If there is a reconveyance of said water rights described in Quit Claim Deed, file no.318032, this will serve letter is canceled.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick W. Sugg".

Rick W. Sugg
Director of Planning
Authorized Officer of Churchill
County, Nevada

RWS:dk