

**Churchill County
Agenda Report**

Agenda Item: _____

Date Submitted: 10/10/2007

Agenda Date Requested: 10/17/07
Time Requested: Appointment

To: Honorable County Commissioners

From: Planning Department

Subject Title: Reconveyance of 0.45 acres of challenged water rights to Marshall and Joanne Brown

Type of Action Requested: (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

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

Recommended Board Action: Motion to approve the reconveyance of 0.45 acres of challenged water rights to Marshall and Joanne Brown and approval for Chairwoman Washburn to sign the water rights deed dedicating the water rights to the Browns.

Discussion: Marshall and Joanne Brown dedicated 0.45 acres of water rights to Churchill County when they applied for a building permit in 2001 for their property located on Workman Road. At that time, the procedure in the County for accepting dedicated water rights did not include verifying whether or not the water was challenged. We have been notified that this water is part of the petition challenge from the Pyramid Lake Paiute Tribe. Therefore, we would like to dedicate it back to the Browns and they have agreed to make a payment in lieu of dedication for the house they built.

Fiscal Impact: none

Explanation of Impact:

Funding Source:

Alternatives: Retain the challenged water that will probably never be used by the County nor will it be eligible for transfer to the County.

Prepared By: Terri Pereira _____

Date: October 10, 2007

Reviewed By: _____
(Department Head)

Date: _____

(County Comptroller)

Date: _____

(County Manager)

Date: _____

(District Attorney, as to legality and form only)

Date: _____

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

APN: 008-071-56

WATER RIGHTS DEED

TO ALL CONCERNED, and more specifically to the County of Churchill:
On this ____ day of _____, 2007, for ten dollars (\$10) and other valuable consideration, Churchill County, a political subdivision of the State of Nevada, does hereby convey to Marshall L. Brown and Joanne W. Brown, husband and wife, as joint tenants, all of the rights of the Grantor to divert the water appurtenant to land situate in the County of Churchill, State of Nevada, bearing Truckee-Carson Irrigation District serial number 452-2, Assessor's Parcel Number 008-071-56, amounting to 0.45 acres of water rights, on the following parcel:

A parcel of land located in the East ½ of the Southwest ¼ of Section 5, Township 19 North, Range 28 East, M.D.B. & M., bounded and described as follows: the Northeast ¼ of the Southwest ¼ and the North ½ of the Southeast ¼ of the Southwest ¼ of Section 5, Township 19 North, Range 28 East, M.D.B. & M. Legal description obtained from Grant, Bargain and Sale Deed Document #265148, recorded January 21, 1992, located in the Churchill County Recorder's Office.

Note: Description as appears in Document No. 339780, Official Records, Churchill County, Nevada

Said water and water rights being conveyed herein total an amount no to exceed 2.02 acre feet per irrigation season, based upon the decreed duty of 4.5 acre feet per acre pursuant to The United States of America v. Alpine Land & Reservoir Company, United States District Court for the State of Nevada.

Grantor does hereby represent said water rights to be free and clear of all liens and encumbrances. The terms of this deed shall be binding upon the heirs, successors and assigns of the signatory parties hereto.

APN 008-071-56

Gwen Washburn
Chair, Board of County Commissioners, Churchill County

State of Nevada

§

County of Churchill

This instrument was acknowledged before me on the _____ day of
_____, 2007 by _____

Notary Public

My commission expires _____