

**Churchill County
Agenda Report**

Date Submitted: December 31, 2007

Agenda Item: Consent # D
Agenda Date Requested: January 16, 2008

To: Board of Churchill County Commissioners
From: Pamela D. Moore, Administrative Aide to the Board of County Commissioners
Subject Title: The Nevada Division of Water Resources provides notice to Churchill County that its Application for Extension of Time has been granted to December 4, 2008 for the filing of the Proof of Beneficial Use.

Type of Action Requested: (check one)

Resolution Ordinance
 Formal Action/Motion Other – Informational Only

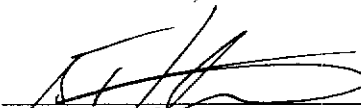
Does this action require a Business Impact Statement? No

Recommended Board Action: None.

Discussion: The Nevada Division of Water Resources provides notice to Churchill County that its Application for Extension of Time has been granted to December 4, 2008 for the filing of the Proof of Beneficial Use. No further extensions will be granted for filing of such proof. Copies of this notice were provided to Chris Mahannah & Associates.

Prepared By: Pamela D. Moore, Administrative Aide

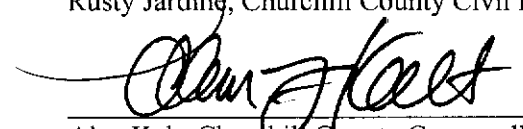
Date: December 31, 2007

Reviewed By: 
Brad Goetsch, Churchill County Manager

Date: 


Rusty Jardine, Churchill County Civil Deputy Attorney

Date: 31 Dec. 2007


Alan Kalt, Churchill County Comptroller

Date: 1/3/08

Board Action Taken:

Motion: _____

1) _____ Aye/Nay
2) _____

(Vote Recorded By)

ALLEN BIAGGI
Director

TRACY TAYLOR, P.E.
State Engineer

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701
<http://water.nv.gov>

RECEIVED
DEC 31 2007
CHURCHILL COUNTY
COMMISSIONERS

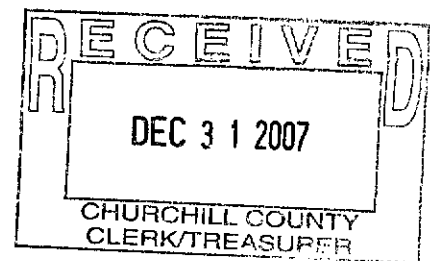
Address All Communication to
the State Engineer, Division
of Water Resources

December 27, 2007

Telephone (775) 684-2800 or
1-800-992-0900 x 2400
(In Nevada Only)

In reply refer to: **67051 and 67052**

Churchill County
155 N. Taylor Street, Suite 110
Fallon, Nevada 89406



This is to inform you that Application for Extension of Time has been granted to **December 4, 2008** with the provision that no further extensions will be granted for filing of the **Proof of Beneficial Use** except for good cause shown as provided under NRS 533.390 and 533.410.

Please be advised that the permittee is responsible for notifying the State Engineer's Office of any address change. Furthermore, when multiple addresses are used by the applicant or agent, the required legal notices will be sent to the latest address of record, and not to earlier addresses unless proper written notification from the applicant or agent directs otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason King".

Jason King, P.E.
Deputy State Engineer

JK/ef

Enclosure: Important Notice: "Future Application for Extension of Time Filings"

cc: Chris C. Mahannah, Mahannah & Associates



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>

IMPORTANT NOTICE: Future Application for Extension of Time Filings

Dear Permittee and/or Agent:

You recently submitted an Application for Extension of Time to the State Engineer's office. The requested extension of time **has been granted**, and the standard letter granting the extension of time is enclosed. Please be advised that the State Engineer has adopted a **new** Application for Extension of Time form that requires detailed documentation of the reasonable diligence with which the applicant is pursuing the perfection of the permit. The new form can be obtained at <http://water.nv.gov>. Nevada Revised Statutes provide the State Engineer with guidance in reviewing the information given by the permittee and/or agent in support of an Application for Extension of Time.

Specifically, NRS 533.380 3(b) states that an application for extension must in all cases be "Accompanied by proof and evidence of the reasonable diligence with which the applicant is pursuing the perfection of the application. The State Engineer shall not grant an extension of time unless he determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the application. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the application." NRS 533.380 (6) states in part "For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances". NRS 533.395 (1) states in part "If, in his judgment, the holder of a permit is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the State Engineer shall cancel the permit, and advise the holder of its cancellation." (Emphasis added).

In any future Application for Extension of Time, please provide specific information that documents reasonable diligence. **Please highlight progress made during the previous year.** Examples of this type of information follow:

- 1) Describe any work in progress and any facility or feature completed.
- 2) Specify any project reports or engineering drawings that have been submitted for review or recorded pursuant to applicable laws.
- 3) If water is being diverted, describe the actual use of the water (e.g. acres irrigated, number of units served, number and kind of livestock watered, customers served, etc).
- 4) Submit the record of water measurements (e.g. meter readings) for the last one-year period. Specify the measurement volume units (e.g. gallons, million gallons, or acre-feet).
- 5) Submit any other proof and evidence that documents reasonable diligence.
- 6) Explain anticipated development of water distribution facilities to serve the place of use under the permit and specify completion dates.
- 7) Explain any adverse conditions and their affect upon the permittee's ability to establish full beneficial use.