

Churchill County
Agenda Report

Date Submitted: January 29, 2008

Agenda Date Requested: February 7, 2008
Time Requested: 10min.

To: Board of Churchill County Commissioners

From: Rusty Jardine, Civil Deputy District Attorney

Subject Title: Consideration of a Resolution Calling for the Immediate Restoration of Diversions of Water in the Truckee Canal – Following the Rupture thereto at Fernley, Nevada on January 5, 2008.

Type of Action Requested: (check one)

Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does this action require a Business Impact Statement? NO

Recommended Board Action: I move to approve/deny a Resolution (04-08) calling for the immediate restoration of diversions of water within the Truckee Canal, for the benefit of water right holders in Newlands Federal Reclamation Project and for the benefit of the ground-water aquifer within the Project.

Discussion: On January 5, 2008, a rupture in the bank of the Truckee Canal occurred in Fernley. As a result of the rupture, and the flood waters that ensued, approximately 800 homes and businesses were flooded; about 1,500 persons were displaced from their homes.

Following the flood, Governor Jim Gibbons declared a state of emergency, and, a declaration of the flood, as a federal disaster followed – allowing for the presence of the Federal Emergency Management Agency (FEMA) in Fernley.

According to TCID, the Bureau of Reclamation presented the District with a proposed plan for the permanent repair of the Truckee Canal breach. The District has been undertaking removal of fill material placed soon after the breach. And according to the District, removal of such fill material was completed January 24, 2008. Final repair of the breach is presently underway.

The mid January, *April – July* forecast for the Carson River at the Fort Churchill gage is for 120,000 acre feet, which is approximately 67 percent of average. This forecast elevates concerns as to contributions necessary from the Truckee Division for the benefit of the project.

BOR has stated that certain conditions must be met before the canal may be opened: That all repairs are completed; and, that an inspection of the canal be made –subject to the Bureau’s final approval. Results of such inspection are expected in a few weeks.

Staff is concerned that diversion within the canal resume as soon as possible. First, important rights in property are implicated with the use of Truckee River waters under Claim 3 of the Orr Ditch Decree. Second, historically, efforts have been made to close delivery of water from the Truckee River, through the Truckee Canal. The safety of persons living near the Truckee Canal is all important. Repairs and inspections to the canal must be completed expeditiously. Following completion of all such, diversions must resume. Waters from the Truckee River are the lifeblood of Fernley and Fallon. Among the many benefits of waters delivered in the canal, is that the flow within the canal and the uses to which the waters are placed, results in recharge for both cities and for private wells also.

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) No Action 2) Take independent County action

Prepared By:

Rusty Jardine

Date:

1/31/2008

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(Phone #, email address, etc.)

Reviewed By:

Date:

(County Manager)

Date:

1/31/2008

[Signature]
(District Attorney)

(Comptroller)

Date:

(Other)

Date:

Board Action Taken:

Motion: _____
Aye/Nay

1) _____

2) _____