

Summary- A Resolution identifying the preferred place of beneficial use for water, water right applications and/or water right permits that Lincoln County is to receive pursuant to the 2003 Agreement with Southern Nevada Water Authority and Las Vegas Valley Water District and which are located in Dry Lake Valley, Basin #181, Delamar Valley, Basin #182, and/or Cave Valley, Basin #180.

**RESOLUTION NO. 2011-09**

**A RESOLUTION IDENTIFYING THE PREFERRED PLACE OF BENEFICIAL USE FOR WATER, WATER RIGHT APPLICATIONS, AND/OR WATER RIGHT PERMITS THAT LINCOLN COUNTY IS TO RECEIVE PURSUANT TO LINCOLN COUNTY'S 2003 AGREEMENT WITH SOUTHERN NEVADA WATER AUTHORITY AND LAS VEGAS VALLEY WATER DISTRICT AND WHICH ARE LOCATED IN DRY LAKE VALLEY, BASIN #181, DELAMAR VALLEY, BASIN #182, CAVE VALLEY, BASIN #180.**

**WHEREAS**, Lincoln County is a party to a Cooperative Agreement with Las Vegas Valley Water District ("LVVWD") and the Southern Nevada Water Authority ("SNWA") dated 17<sup>th</sup> of April, 2003 (hereinafter "Cooperative Agreement") regarding ownership of water applications in designated basins within Lincoln County; and

**WHEREAS**, the Cooperative Agreement establishes shared basins in which the parties will share water appropriated under the SNWA/LVVWD Applications within those basins, which basins include Deleamar, Dry Lake, Cave, and the Lincoln County portion of Spring Valley;

**WHEREAS**, Lincoln County's portion of the water appropriated from the shared basins includes the initial 3,000 acre feet, with no more than 1,500 acre-feet coming from any one individual basin, and 15% of any water appropriated in excess of 30,000 acre-feet for all of the shared basins excluding the Lincoln County portion of Spring Valley; and

**WHEREAS**, Lincoln County has adopted a Water Plan in 2001; and

**WHEREAS**, the 2001 Water Plan does not anticipate any proposed development or use of water within the Delemar, Dry Lake, Cave and Coyote Springs Valleys; and

**WHEREAS**, the Lincoln County Master Plan does not anticipate any proposed development or municipal use of water within the Delemar, Dry Lake, or Cave Valleys; and

**WHEREAS**, the Lincoln County Master Plan does anticipate and include provisions for a large private development in the Coyote Springs Valley; and

**WHEREAS**, Lincoln County has entered into a development agreement with Coyote Springs Investments (“CSI”) for development of a master planned community on private land owned by CSI in the Coyote Springs Valley located within Lincoln County; and

**WHEREAS**, Lincoln County has adopted by ordinance Title 15 of the Lincoln County Code, which establishes a Planned Unit Development for the CSI development; and

**WHEREAS**, Lincoln County has created by ordinance the Coyote Springs General Improvement District (“CSGID”), which among other things will provide municipal water service within the CSGID boundaries; and

**WHEREAS**, the Lincoln County Water District has a General Capacity Agreement with SNWA to be able to move water through SNWA’s proposed groundwater pipeline in Lincoln County with the District being responsible for any upsizing of the pipeline, among other things; and

**WHEREAS**, CSGID has assumed in part the Lincoln County Water District’s obligations under the General Capacity Agreement with SNWA and has agreed to cover costs associated with the upsizing of the SNWA pipeline that the District may incur to transport water through the SNWA pipeline to the CSI development and/or CSGID;

**WHEREAS**, the 2001 Water Plan does not currently anticipate water use within the Coyote Springs Valley, but is in the process of being updated; and

**WHEREAS**, the Board of County Commissioners desires to declare, by resolution, its intention and preference that municipal water obtained by Lincoln County through its Cooperative Agreement with SNWA/LVVWD be placed to beneficial use within the boundaries of the CSGID and other areas anticipated by the Lincoln County Master Plan; and

**NOW THEREFORE, BE IT RESOLVED BY THE LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS THAT:**

All water, water right applications, and/or water right permits obtained by Lincoln County in accordance with the Cooperative Agreement with Southern Nevada Water Authority and Las Vegas Valley Water District and which are located within Delamar Valley (Basin #182) Dry Lake Valley (Basin # 181) and/or Cave Valley (Basin #180) and which are not designated and/or restricted for use within the basin of origin shall be put to beneficial use with Lincoln County for projects identified within Lincoln County's Master Plan, including projects and development within the Coyote Springs General Improvement District which is currently the only project identified within Lincoln County's Master Plan that could place municipal water from Delemar, Dry Lake, and/or Cave Valleys to beneficial use.

///  
///  
///  
///  
///  
///  
///

**CONSIDERED AND ADOPTED**, this 20<sup>th</sup> day of June 2011 by the Lincoln County

Board of County Commissioners.

**Vote:**

**Ayes**

**Commissioner** George T. Row

**Commissioner** E. Ed Holt

**Commissioner** Jimmy Peely

**Commissioner** Roll Mathis

**Commissioner** A. Paul Sommers

**Nays**

**Commissioner** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

**Commissioner** \_\_\_\_\_

Attest:



\_\_\_\_\_  
Lisa Lloyd, Lincoln County Clerk



*Board of County Commissioners*  
*Lincoln County, Nevada*

P.O. Box 90 – Pioche, Nevada 89043  
Telephone (775) 962-5390  
Fax (775) 962-5180

**COUNTY COMMISSIONERS**

George T. Rowe, Chair  
Ed Higbee, Vice Chair  
Paul Mathews  
Kevin Phillips  
Paul Donohue

**DISTRICT ATTORNEY**

Daniel M. Hooge

**COUNTY CLERK**

Lisa C. Lloyd

June 20, 2011

Southern Nevada Water Authority  
Attn: John Entsminger  
100 City Parkway, Suite 700  
Las Vegas, Nevada 89106

RE: Dry Lake, Delemar, Cave and Spring Valley Hearing for SNWA  
Applications

Dear Mr. Entsminger,

Pursuant to an Interlocal Agreement between Lincoln County and Lincoln County Water District (“LCWD”) adopted in April 2011, LCWD and its staff are authorized to represent Lincoln County with regards to management of water rights owned by Lincoln County. Further, Lincoln County has authorized LCWD to represent and manage the County’s interest, rights and obligations as outlined in the

Pursuant to the Agreement dated April 17, 2003 (“2003 Agreement”) between Lincoln County, the Southern Nevada Water Authority (“SNWA”), and the Las Vegas Valley Water District (“LVVWD”), Lincoln County is entitled to an amount not to exceed 3,000 acre feet of the water from any permit and/or certificate granted pursuant to SNWA’s and LVVWD’s applications within the following basins:

Basin 180 – Cave Valley  
Basin 181 – Dry Lake Valley  
Basin 182 – Delemar Valley  
Lincoln County Portion of Basin 184 – Spring Valley.

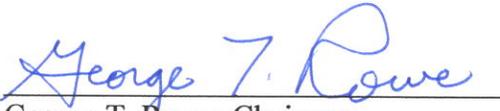
The 2003 Agreement further provides that if the State Engineer grants SNWA and/or LVVWD over 30,000 acre-feet of groundwater from their applications within Delemar, Dry Lake and/or Cave Valleys, then Lincoln County is entitled to fifteen percent (15%) of any groundwater granted in excess of 30,000 acre-feet from those applications.

At a special meeting of the Lincoln County Commission held on December 19, 2007, the Board of County Commissioners identified that any and all water received by Lincoln County under the 2003 Agreement would be put to beneficial use within Lincoln County for projects identified within Lincoln County's Master Plan, including projects and development within the Coyote Springs-Lincoln County General Improvement District. The current Lincoln County Master Plan (2008) and Water Plan (2001) do not anticipate any projects or development within Delemar, Dry Lake, and Cave Valleys, and/or the Lincoln County Portion of Spring Valley. Further, Lincoln County has not identified any public lands within the above mentioned basins for release and auction in accordance with the 2004 Lincoln County Conservation, Recreation and Development Act.

At the regular meeting of the Lincoln County Commission on June 20, 2011, the Board of County Commissioners further identified in Resolution 2011-\_\_\_ that any and all water received by Lincoln County under the 2003 Agreement would be put to beneficial use within Lincoln County for projects identified within Lincoln County's Master Plan, with the preferred place of beneficial use being within the Coyote Springs General Improvement District within Lincoln County.

If you have any questions or need additional information regarding Lincoln County's proposed use of its portion of any water appropriations under the 2003 Agreement, please call the LCWD General Manager, Wade Poulsen, or General Counsel, Dylan Frehner at (775) 962-5164 or (775) 962-5533.

Sincerely,



George T. Rowe, Chairman  
Lincoln County Board of County Commissioners