



Douglas County

Water Conveyance Advisory Committee

Public Meeting Notice and Agenda

Monday, October 5, 2026

4:00 PM

Minden Inn
1594 Esmeralda Ave
Room 306
Minden, NV 89423

Written public comment:

To offer public comment before the meeting, members of the public may submit public comments by email to planning@douglasnv.us. Please make sure to state your name, item number and position on the item.

Public comment during the meeting:

Members of the public may attend the meeting in person.

Members of the public may call the Planning Department at 775-782-6217 to obtain help making public comment prior to the meeting.

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- **State of Nevada Public Notices website:** <https://notice.nv.gov/>
- **Douglas County Meeting website:** https://douglascountynv.granicus.com/ViewPublisher.php?view_id=1

A copy of the finalized public notice and agenda is posted at the Minden Inn at 1594 Esmeralda Avenue, Minden Nevada.

It is the intent of the Water Conveyance Advisory Committee to protect the dignity of citizens who wish to comment before the Panel. It is also the members' wish to provide the citizens of Douglas County with an environment that upholds the highest professional standards. Citizens should have the ability to freely comment on items and/or projects that are brought before the Commission for action without interference.

Notice to Persons with Disabilities: Members of the public who are disabled or require special assistance or accommodations are requested to notify the Planning Department in writing at P.O. Box 218, Minden, Nevada 89423 or by calling 782-6217 at least 20 hours in advance.

DOUGLAS COUNTY WATER CONVEYANCE ADVISORY COMMITTEE

FINAL AGENDA

October 5, 2026

CALL TO ORDER AND DETERMINATION OF QUORUM

OPENING PUBLIC COMMENT

- At this time, public comment will be taken on those items within the jurisdiction and control of the panel or those agenda items where public comment will not be taken as a public hearing is not legally required.
- Public Comment is limited to 3 minutes per speaker.
- Please state your name for the record before you give your comment.
- If you are going to comment on a specific agenda item scheduled for discussion and action, please do so when that item is opened for public comment.
- On an item that is agendized under “presentations” or “planning matters” with no action listed, public comment is not legally required and any public comment on those items must be made at this time.

APPROVAL OF AGENDA

For Possible Action. Discussion on approval of Agenda.

The Water Conveyance Advisory Committee reserves the right to: take items in a different order; combine two or more agenda items for consideration; remove items from the agenda; and/or delay discussions relating to an item on the agenda at any time.

APPROVAL OF MINUTES

For possible action. Discussion to approve the draft minutes of the September 14, 2026 meeting of the Water Conveyance Advisory Committee.

PUBLIC HEARINGS

Public comment will be taken on each action item below. All interested persons are invited to attend this public hearing, state their views and provide comment.

1. For possible action. Discussion and possible action to approve an irrigation and drainage plan associated with tentative parcel map 2026-DP-TPM-0004 to subdivide a single 15.9 Acre parcel, located at 1725 Fish Springs Road (APN: 1220-02-001-012) into three parcels. The owner is Todd James O'Banion represented by the applicant Gary E. Thurm, Jr. of Three Castles Engineering. (Jeremy Hutchings)

CLOSING PUBLIC COMMENT (No Action)

At this time, public comment will be taken on those items that are within the jurisdiction and control of the Water Conveyance Advisory Committee or those agenda items where public comment has not already been taken.

ADJOURNMENT

**WATER CONVEYANCE ADVISORY COMMITTEE AGENDA ITEM
COVER PAGE**

MEETING DATE: October 5, 2026

TIME REQUIRED:

AGENDA: **APPROVAL OF MINUTES**

TITLE:

For possible action. Discussion to approve the draft minutes of the September 14, 2026 meeting of the Water Conveyance Advisory Committee.

RECOMMENDED MOTION:

Approve the minutes of the September 14, 2026 meeting of the Water Conveyance Advisory Committee as presented.

FINANCIAL IMPACT:

None

BACKGROUND:

ATTACHMENTS:

[2026-09-14 WCAC - draft.pdf](#)



Water Conveyance Advisory Committee

1594 Esmeralda Avenue, Ste 306
Minden, NV 89423
planning@douglasnv.us

The Water Conveyance Advisory Committee meeting was held on **September 14, 2026**, beginning at 4:00 pm.
When applicable, the minutes below have been transcribed. Approved on _____.

CALL TO ORDER AND DETERMINATION OF QUORUM

The meeting was called to order at 4:00 pm

ATTENDEES

WCAC Board Members:

Charles Hone, Chair
Frank Godecke, Vice Chair
David Hussman
Russell Scossa
Fred Stodieck (absent)

County Staff:

Jeremy Hutchings, County Engineer
AJ Hames, Deputy District Attorney
Steve O'Hearn, Deputy District Attorney
Courtney Walker, Stormwater Program Manager

Public:

Marilyn Ithurburu
Mark Dudley
Scott Bergen

OPENING PUBLIC COMMENT

Charlie Hone: Okay. I want to call this meeting to order. So, if there's any opening public comment. Seeing none, I'll close opening public comment.

ELECTION OF CHAIR & VICE CHAIR For Possible Action. Discussion on election of Chairman and Vice-Chairman in accordance with Douglas County Code, Chapter 2.56. This will be retroactive, effective January, 2026.

Charlie Hone: Election of Chair & Vice Chair. Any comments?

Russell Scossa: I would like this moved to the end of the meeting.

Frank Godecke: Second.

Charlie Hone: All in favor? Aye.

Frank Godecke: Aye.

David Hussman: Aye.

Russell Scossa: Aye.

APPROVAL OF AGENDA

Charlie Hone: Approval of the agenda. Do we have a motion to approve the agenda?

Russell Scossa: So moved.

David Hussman: Second.

Charlie Hone: All in favor? Aye.

Frank Godecke: Aye.

David Hussman: Aye.

Russell Scossa: Aye.

APPROVAL OF MINUTES

Charlie Hone: Approval of the minutes of the last meeting? I am going to make a motion that we approve the minutes subject to fix any spelling or grammar errors.

David Hussman: Second.

Charlie Hone: All those in favor? Aye.

Frank Godecke: Aye.

Russell Scossa: Aye.

David Hussman: Aye.

PUBLIC HEARINGS

1. **For presentation only.** A brief update on Nevada Department of Transportation Project 74375, which consists of improvements on US 395 between Minden and Carson City, as well as improvements on State Route 759 (Airport Road).

Item 1 was read into the record.

Jeremy Hutchings: So, Sue McCreevy is here from the Department of Transportation and Tyler Thew in the back is here to watch Sue and make sure she doesn't make any mistakes. Sue asked for a time to make a presentation on what is That is never going on in the area that might impact the irrigation facilities.

Sue McCreavy: My information is in the top right corner of the page that I just handed out. I am a hydraulic engineer at the Nevada Department of Transportation. As Jeremy said, my boss is sitting in the audience, so please be kind to me. All right. If you stayed awake to go through your whole package, you would see that there were some very teeny tiny plans in there. I brought a few additional sets of plans, if anybody is interested in seeing things closer on a larger scale. But what I'd really like to point out to you today, I have put on that single 8 1/2 x 11 that I've handed out, and I'm going to try and be brief. The Department of Transportation is going to be doing a pavement preservation project on 395 between Minden and Carson, from Ironwood Drive up to Old Clear Creek Road in Carson. Also, they're doing pavement preservation on Airport Road from 395 over to Heybourne. So, this is mainly a pavement. But when NDOT has a pavement project like this, they let us in the hydraulics division, look at some things along the corridor to see if there's anything that we would like to include in the project for drainage concerns or improvements. So, this cheat sheet that you have in front of you, I've labeled the sheet numbers from my plan set and where they are in the valley. So, starting from Ironwood Drive would be moving north. My first piece of work is on sheet D1 and it's at Genoa Lane. We have a median drainage culvert and the end is damaged. It needs to be repaired. The next item of work is sheet D2 and that's at Johnson Lane. Same sort of deal. The culvert draining the median needs some work on the end sections, and it needs to be dug out a little bit on the downstream end so that it will drain. Sheet D3. This one's a fun one. This is just a little bit north of the ski pond area there. We found when we were inspecting the area, that the box culvert section that's under the original highway lanes has a dirt bottom, but it's not a full square box concrete box culvert. So, this project proposes

to grout that dirt bottom, connect it to the adjacent box culverts in order to stabilize it so that we don't have trouble in the future. Also, at that same location, we are proposing to put some riprap in. The discharge has eroded, and so we want to put some riprap in there so that it doesn't get worse. Then sheet D4. That's at the Silver City RV Park area. Again, we have an end section for culvert that needs to be repaired. And then we start going up the hill towards Mica, which I think then goes beyond the area that you would be concerned about. Then I'm going to go real, real high level in that area. We are going to be lining some CMP culverts that are showing wear. And we're going to be doing some ditch improvements to stabilize them, prevent further erosion. Generally, what we're doing. And then I'm going to skip over to the airport road section, which is labeled as sheet D16 and D17. For the work on Airport Road, I wanted to let you know that I've already met with the Allerman Ditch Company, and I've shown them my plans, and we've discussed the plans, and they have provided comments for what we can include in our contract, which is comprised of scheduling for the seasonal schedule, and also for coordinating with the contractor for when a contractor is chosen to know what their construction schedule is. The work on Airport Road includes abandoning one culvert that is no longer used for irrigation purposes. And the second item of work is at the Heybourne Road intersection. And our plan there is to extend the box culvert 12ft to the north. Right now, the edge of the box culvert is very close to the edge of the pavement and the edge of the traveled way. So, the first step of trying to make that safer is to extend the box culvert. There are no plans in this project to do anything on the surface. So, the project just includes extending the culvert for now. And that is the extent of our project. I have a question for you, and I would also like to take any questions that you might have. I'll first launch into my question. The box culvert that's just north of the pond area. I haven't been able to find good information on who I would need to coordinate with on scheduling for that culvert. I believe it's just draining, not even the irrigation water, just storm water drainage.

Charlie Hone: Is that the one that's Bill Richter's property?

Sue McCreavy: Yes.

Charlie Hone: Yeah. It just drains that.

Sue McCreavy: But you're thinking it's not for irrigation, it's for stormwater?

Charlie Hone: Yeah. I don't think there's any irrigation water that goes through there.

Sue McCreavy: Okay, great. Thank you. That's consistent with what I have. And do any of you have any questions for me?

Frank Godecke: So, when you when we met with the Allerman people, you met with the alderman people that was mentioned that there was a large hole that had to be filled at the box culverts at Heybourne and Airport Road.

Sue McCreavy: I haven't yet with.

Frank Godecke: Okay. Because according to Mike Davies, the county put a trench plate over that. And then afterwards NDOT came in and I guess dumped about four loads of concrete in.

Sue McCreavy: To stabilize it.

Frank Godecke: To stabilize that. So, I didn't know if there was any idea of if they were going to go in and, and do something to that bottom of that culvert, obviously something caused that to wash out.

Sue McCreavy: Right. I have noted that in the things that I need to follow up on from the meeting. Thank you.

David Hussman: I was just going to ask Frank if Allerman people are good with this?

Frank Godecke: We were good with what they proposed on Airport Road. A couple of our board members talked about what was possibly going on down on the south end of 395 crossings going across the highway. David Park was concerned

about Water coming across to irrigate his highway fields over here, I guess. And then Eric Reiman pointed out that this culvert down here by Johnson Lane that I'm not sure if that's the exact culvert that they mentioned in this that Sue just mentioned, but there was another one down here that used to drain that property where Barney's fishponds were. And it's, it's either plugged up or, or I don't know. Anyway, at one point in time, there was a yellow jacket gate on the west side that was shut to keep the water in the ponds and it was actually welded in and since the Allerman Ditch Company came in and took and removed that or cut the welds and opened that up. And the ponds are no longer really there. But when we send irrigation water that way, it does tend to back up on those properties down there on that corner of Billy's Road. or not Billy's Road...

Charlie Hone: Michael Lane?

Jeremy Hutchings: Michael Lane.

Frank Godecke: Yeah. Some of those properties off of Michael Lane, the water tends to back up on their bottoms of their property. And Eric had mentioned that it was supposed to drain across and onto the Settlemeyer property.

David Hussman: So, is that a problem with the culvert?

Frank Godecke: Well, it may be the culvert may be plugged up. I don't know,

David Hussman: That's something that you were aware of or looked at?

Sue McCreavy: I do remember that being discussed at the meeting. Yeah. I didn't have any work proposed there. We weren't able to look into that culvert with it being full of water at one point when I went down there. And also, the ends are outside of the right of way.

Frank Godecke: Right. Yeah. It's probably, I'm guessing within 300 to 500ft of Johnson Lane South range there. But like I say Eric was expressing concerns on that. So those are the two those were the two concerns that were brought up at our board after we just basically Sue gave us a presentation on Airport Road only, and then we started asking about what was going on in the 395 corridor. And so, they had mentioned, you know, David Park mentioned culverts going across the highway too, to take water to his property. And Eric mentioned that.

Sue McCreavy: So, I did miss one. And so, in response to that after I had left the meeting, I provided the 395 plans through email and to show how little work we were proposing in that south end, just in the median. But there was one that we had discussed at the meeting that I forgot to mention to you. And it's lining of the CMP at the Airport Road and 395 intersection and so that one is also a scheduling concern, which is why the response from the ditch company was to make sure that we coordinate schedules.

Frank Godecke: Right.

Jeremy Hutchings: Do you have a schedule at all for when these projects might go?

Sue McCreavy: Timing. We are hoping that we can go out to advertise next spring and potentially start work next summer. It's in flux right now, so not sure. Might be a year later. We're keeping our fingers crossed because the southbound lanes by the river are needing some work. And that's included in this pavement preservation project.

Charlie Hone: Any further questions?

Sue McCreavy: And as I said, my contact details are in the upper right corner if you have any questions later. While you're thinking about it, please feel free to email me.

2. **For possible action.** Discussion and possible action regarding the irrigation and drainage plans and facilities associated with a tentative parcel map application to divide a single 18.7acre parcel, located at 1085 Kingston Lane (APN: 1220-17-201-005), into three parcels. The applicant is Jason Nailon and Dianne Edmonds. (Jeremy Hutchings)

Item 2 was read into the record.

Jeremy Hutchings: So just for the record, the applicant, Jason Nealon had brought to my attention. There was a typo, a grievous error on my part in the report that references a RV storage facility. That's a carryover from a previous report that I copied. So that is not a RV storage facility. It's just a parcel split. So, and staff recommends approval. It's doing a parcel split. There's a couple of conditions that I'm recommending according to code. Here's a picture of the map at the end of Kingston Lane. The parent parcel here. It's kind of hard to circle with this TV but this splits and then another split. So, one into three. I think it's the Edna, if I'm not mistaken. There is a ditch there needs to be a little bit wider. If we go with current code. Our current code for easements are 32ft plus the top width. So that's one of the conditions. I don't know if the applicant has anything that they want to add.

Jason Nailon: We currently pay into the Edna ditch foundation.

Jeremy Hutchings: Jason can you just come on up and.

Jason Nailon: Yep. Sure. I'm the divider here with my aunt Diane Edmonds. So, this is a three partial minor subdivision I think you're calling it. There currently is a structure in the left corner of that right there. Yep. That's currently a barn right there. We are not making any improvements to that ditch or even touching that ditch. Like I said, we've, we've been a ditch member for, for a long time. And we're hoping that we would continue that obligation of the ditch maintenance. Not necessarily in the form of a HOA if we don't have to, but something along the lines of doing some kind of contract with the current association there.

Jeremy Hutchings: So, staff is recommending approval with some conditions there at the end of the staff report. Happy to answer any questions from the board.

Frank Godecke: So, I noticed that they were talking about placing a road close to the ditch that doesn't interfere with the ditch easement.

Jeremy Hutchings: No, not as planned.

David Hussman: Do you anticipate the parcels will still be irrigated?

Jason Nailon: Very minimally. We believe we don't anticipate none for now, but there could be a little bit. Currently it is heavily irrigated with alfalfa.

David Hussman: But all three parcels could physically be irrigated?

Jason Nailon: When you say irrigated like hay and grass? That kind of thing.

David Hussman: Yeah.

Jason Nailon: We'd have to build the houses up if we were going to do that. But there's no plans for that now.

David Hussman: Well, our concern is this is all one parcel at the moment. And we have three separate owners. Each one owner needs to at least know if they could get water and if so, how it was going to get from one parcel to the next. I'm not sure, Jeremy, if they've addressed that?

Jeremy Hutchings: Well, David, they're just splitting it right now. So currently there's no improvements required of the parcel map to subdivide it on the property because they've got access out through a driveway. So, it's not like a subdivision where you've got to route the water around multiple high density lots. They might have a parcel, you know, one, one house on what, seven or 5 or 7 acres out there?

Charlie Hone: You still have to have a means of conveyance to each.

Jeremy Hutchings: Yeah, but they'd have to dig separate irrigation ditches to serve each parcel, the ditches on the high side over here.

Charlie Hone: Yeah. If you can't do that after the fact, if you know, someone buys it and then says, no, I don't want you to dig a ditch across my property, then, you know, yeah, there are issues.

Jeremy Hutchings: There are conditions here for headgates for the diversions.

Frank Godecke: So, would that be covered under irrigation management plan? Because that's part of your recommendation with conditions.

Jeremy Hutchings: Right.

Frank Godecke: And that's 5C. Irrigation management plan shall be submitted for approval. Because it does indicate that the existing parcel has water rights under claims 150, 151 and 152.

Jeremy Hutchings: And that is why it would be submitted before they finalize the parcel map, or they could come back. That's the other option too. If you guys actually want to see the individual irrigation plan, we can certainly have them come back.

Charlie Hone: Yeah.

Russell Scossa: Yes. Like Charlie said, when it comes to this board and there's going to be three parcels, we have to see where the easement is that's going to bring water to each parcel. You can't irrigate one parcel and let it drain into the other one. You actually have to have an easement and a proposed ditch. The ditch doesn't have to be built in a place where the ditch can be built, have to be on that map, before we're going to approve it.

Frank Godecke: We'll have to record an easement for that ditch. We had too many of those parcels over there, right next door to me off of Scotti Lane, where it requires that in order for a parcel to the west to get irrigation water, the person to the east of them has to irrigate their property and then let it continue across the next parcel. Let me say that there's seven parcels that are affected over there that have that situation where it requires the water to travel across your neighbor's property in order to get your property wet. And the reason for this, this conveyance committee was formed because Dennis Jensen was the one that saw that problem. And he said that we got to fix this. And that's why we're here, is to make sure that there's no longer a situation where each parcel doesn't have its own ditch to get them their water.

Jeremy Hutchings: Yeah, that makes a lot of sense. And if you want to continue to date certain, you have to re-advertise it, right. And I can work with Jason for a specific plan to bring back in probably November, if that gives you enough time to come up with a specific plan, Jason.

Jason Nailon: So that's a different plan that we already did for the irrigation. We did an irrigation map.

Jeremy Hutchings: So, what they're looking for is like specific easements. So, what Frank is saying, you can't just let it flood across. And rather than having me review it at some later date, this board actually wants to review it. So, you would come up with a plan to route irrigation to each specific parcel.

Jason Nailon: Okay.

Jeremy Hutchings: And then we bring that back to the board for them to approve. And it would be the same easements width as the existing one. If it's an open ditch, 32ft plus the top width, if it's a pipe 20ft. But then you'd show the routing to each parcel from the source.

Charlie Hone: And at the same time, you know, this issue with the easement not being wide enough subject to the road, needs to be clarified before it comes to that too, I think.

Russell Scossa: Yes, the existing easement needs to be wider width.

Jeremy Hutchings: That's part of the condition of approval that would go with the final map gets recorded.

Frank Godecke: But like I say, the other alternative is that the guy just sells the water rights off the property and dries it up.

Diane Edmunds: No.

Frank Godecke: Your other alternative, if you don't want to file an irrigation plan, is you take the water rights off the property. You've got a couple of choices here. But if that's not your option, then then fine.

Jason Nailon: It's family. So, we're not selling it off.

Russell Scossa: It's family now. But in 20 years it won't be family, right?

Jason Nailon: No, no, we got we got, we got plans. Just family. We got kids.

Russell Scossa: Well, you know how many times we've heard that? The reason is, we went through this in 1990. That each parcel has to have their own way to get the water to that parcel. The other people might not want to irrigate for a couple of years. Then they're screwed. So, they have to be able to do it. And that's the basis of the whole ditch committee. And it's not trying to make it hard on anybody. But when you split something, it has to be where you can irrigate it.

Charlie Hone: So, and under item 11 here, you know, you said you didn't want to do a homeowner's association, but it says right here it's part of it. It doesn't satisfy the requirement if you don't do that.

Jeremy Hutchings: That'd be something like if they had a common ditch that was serving all these parcels, then they'd have to come up with that maintenance, but they're already paying into the Edna. So, I don't think that applies.

Charlie Hone: Because it does not satisfy the requirement.

Jeremy Hutchings: He's not forming an HOA if I understand the project correctly. Right, so it could be not applicable.

Charlie Hone: A development which is entitled to water from a ditch must form a homeowner's association which will be obligated to their proportionate share the ditches maintenance that does not satisfy the requirements.

AJ Hames: The staff recommendation on page 46, 5B recommends the formation of a homeowner's association in order to fulfill that requirement.

Charlie Hone: So, I think we should make a motion to continue this until these things can be cleared up so that we can.

Frank Godecke: You think they'd have enough time to get this back to us by October's meeting, or are we too late?

Jeremy Hutchings: October is going to be too late because that's like in two weeks

Jeremy Hutchings: What's the deadline for October meeting? That's right.

Coleen Thran-Zepeda: Yeah, it'd have to come in in the next few days.

David Hussman: AJ, do we have the ability to waive the requirement for an HOA in this case?

AJ Hames: You have to ensure that all of the requirements are met. And so, if it's not a HOA specifically, there would need to be some means of satisfying that requirement. It'll be up to the board to determine.

Jason Nailon: Got some covenants on the final map.

AJ Hames: Possibly. And the applicant can present something to you that says this is the equivalent of and therefore satisfies this condition. And if you're satisfied, then.

Russell Scossa: Some sort of agreement that includes all three parcels or something.

AJ Hames: Yeah. It effectively does the job of an HOA, and therefore you can make, if you feel comfortable, you can make the finding. Then you make the finding and it can be approved. Okay, just a reminder, Mr. Chair, before you make any motion to continue, we have not yet had public comment.

Charlie Hone: Okay. Is there any public comment?

Marilyn Ithurburu: I just have a question. You're doing the water stuff before they have a final plot plan for the three lots. Am I understanding that correctly? It's not approved through the county yet. Correct?

Russell Scossa: We're just advising the county when they go to approve.

Marilyn Ithurburu: What to do with the ditch or the water. Okay. All right. Because he made the comment that they weren't going to irrigate them. Correct?

Jason Nailon: As of now, we're not touching the ditch. Yes.

Marilyn Ithurburu: I thought you made the comment that you weren't going to irrigate the property, though?

Jason Nailon: As of now. Correct? Yes. Once we build don't know.

Charlie Hone: The property still has water rights and it's being subdivided, which means that in the future, there is a chance that one of those heirs could sell the property and that could cause a problem for the new owner if they don't have a means of irrigating.

Marilyn Ithurburu: If they still need to get their water, correct?

Charlie Hone: Yeah.

Marilyn Ithurburu: Okay. Got it.

Charlie Hone: Anyone else? Well, then we will close public comment. And do we have a motion?

Frank Godecke: I move that we table this item till either the October meeting or November meeting depending on whether the applicant can get the necessary paperwork to community development.

Coleen Thran-Zepeda: Yeah, if it's after 30 days. Right?

AJ Hames: Well, and if we continue to a certain date and time and place and we do that on the record, then we don't need to send out new noticing for the applicant does not need to send any notice, but if we do a more general October or November type of continuance, then new noticing has to be sent out.

Frank Godecke: I think then we'll have to go with the November meeting, because it's pretty tight for them to get this stuff done in time for an October meeting. So, let's continue with this item to the November 2nd meeting.

Russell Scossa: I'll second that.

Charlie Hone: All those in favor? Aye.

David Hussman: Aye.

Russell Scossa: Aye.

Frank Godecke: Aye.

Charlie Hone: Motion passes. So, we'll see you in November.

AJ Hames: For the record, that would be at 4 p.m. here in this room.

3. **For possible action.** Discussion and possible action regarding the Douglas County Stormwater Department's plan to perform maintenance on an existing irrigation and drainage ditch located at 1250 Waterloo Lane (APN: 1220-04-201-013), including demolition of concrete diversion structures that are no longer used and deepening the ditch to ensure positive flow. The applicant is Douglas County, represented by Courtney Walker, Stormwater Program Manager. (Jeremy Hutchings)

Item 3 was read into the record.

AJ Hames: For the record, the applicant is Douglas County. Courtney Walker, stormwater program manager.

Courtney Walker: All right. Thank you. Thanks for having me. I believe this was your suggestion, David, to bring it here for this discussion. So basically, what we're talking about, if you can go to the next slide, Jeremy is just north of Waterloo Lane. There is an irrigation ditch that exists just to the west of the neighborhood. You can see it there. It's kind of situated in between the neighborhood and there's like some Washoe tribe buildings and a dentist office. As you're driving to the west it would be on your right-hand side. So that's where the ditch is located. So basically, there are some remnants abandoned concrete diversion structures. I believe that used to bring water to the east and the west of the old Lampe ranch. Then the ditch kind of ended up on our radar when we had a storm drain fail last fall, Mr. Hussman was irrigating with tailwater, and the storm drain failure was causing the water to back up and flood the food closet. I have a couple of photos on there, if you could. So, we had to do an emergency repair of the storm drain to get to flow. Since that repair has been made, the water does not back up to the food closet. So, it doesn't back up anymore, but we have seen it flow a few times through the storm drain and it hits these old concrete structures and it kind of backs it up and then the water's kind of sitting there so it can't drain out. And so, what we were proposing to do was remove those structures in order to have the water flow freely through without any obstructions in the ditch. It has recently been brought to my attention that there's some concerns from the adjacent property owners in that neighborhood about doing that. I was hoping to get some historical context here if you have any versus like pros and cons of just trying to facilitate the flow of water through this area.

Charlie Hone: Are there any water rights associated with these structures?

Courtney Walker: Not that I'm aware of. But I don't know for sure. I mean, the water can't travel in those directions. So, I don't know if it's contained to the tail water ditch or not. My understanding is that water rights are, well, I don't know, tail water is...

David Hussman: Anybody can use it as soon as it gets back to a live stream or whatever. Well, my first thought is who's the property owner?

Courtney Walker: The property owner is it's an LLC out of California. And there's a drainage irrigation easement that goes over the ditch. 39ft.

Charlie Hone: And what does that ditch go into?

Courtney Walker: So, it takes water from the cottonwood slough and then runs it through and drops it back into the cottonwood slough.

David Hussman: At the end of the north end of the property. I was out there today. It makes a 90-degree turn into what looks like a pipeline, and then must follow the edge of the subdivision on the west side and go north to... It could drop into an irrigation ditch that's still existing, which would have to do before it gets to Cottonwood Slough. So, I'm not really sure where it ends up. So, getting back to the owner. You had communication with the owner?

Courtney Walker: Unsuccessfully. We've sent correspondence, but they haven't responded.

Charlie Hone: So, who's going to pay for this maintenance.

Courtney Walker: The county would do it in-house with our existing equipment and staff. And it's just basically to make the stormwater drainage through that system, be able to flow freely.

Charlie Hone: The rest of us are responsible for cleaning ditches on our property to make sure the water flows, why do the taxpayers of Douglas County have to pay for this guy?

Courtney Walker: I would say mainly because it's draining Waterloo Lane. So, water from a county owned and maintained road.

Russell Scossa: David, when you irrigate do you need this ditch to get the water out of it?

David Hussman: Yeah, yeah. It's necessary. I only hesitate because, generally, I don't like the idea of going on somebody else's property and taking something out that's been built there without their okay. And I know we've discussed this before. So, I don't know what to think about that. I don't know how the county is getting authorization to remove something that somebody else built on their property. And it wasn't even the current owner that did this, obviously.

Courtney Walker: Right. But don't water rights holders have the right to go on someone else's property, to remove things, to ensure that they can get their water.

Russell Scossa: If you're looking at a water right being brought down there, if it's tail water, maybe not.

Courtney Walker: Okay.

Charlie Hone: That's what I want to know. If there's water rights associated with that ditch, because then yeah, we have to even if they're not used, you have to have a means of conveyance to them.

Russell Scossa: So, you might ask the district attorney's office question. It looks like David's the only one that has a lot of knowledge on this. I think we ought to open public comment. We have got some people that want to talk about this. Maybe we'll get some of our questions answered, and then we can bring it back and discuss it on the board with more intelligence.

Charlie Hone: At this point. Then I'll open it open to a public comment.

Mark Dudley: When it first starts from coming across Waterloo, right? Yeah. Right there. So as this water comes through, it hits a there's a couple of irrigation boxes come through here. And then it makes an L here and it goes to the to the east. And then it comes up on the other side of the, the ranch. This is the Lampe ranch here, the berry farm. I guess the berry farm. And then it comes across here. And then it goes on through the Catholic Church's property and goes on out in through the trailer park. So anyway, right where this thing turns right here, we have an irrigation culvert that feeds this part of the property that if there's tail water, we can take it. Or if we ask for the water from David it can be sent down through there for us to be able to irrigate through this subdivision here. There's a ditch that comes that

comes off the cottonwood as well. It comes through Lampe Park, and we don't take water from there. But it actually comes from, from David. It comes from another ditch, and it actually feeds on the east side of this subdivision. It comes through a ditch and then comes across. And then we actually take most of our water through there. But we were able to take water off of this ditch. We're able to take water off the ditch that we're talking about right now. It's getting harder and harder for us to be able to take water to the north side of that subdivision because it's hard to access the property to be able to take care of the water. And so that's why we put the pipe up on top to be able to feed the west side of our property. And so, we just, as long as that ditch stays open and we have access to it that we, if there's water or if we can ask for water when Bonnie Burr takes water off the same ditch that we do. And we just kind of coordinate where we're going to take water. And so, she's taking water off that ditch, we can coordinate with her to be able to send water through that, through this line. And her, her properties over here, if we can coordinate with her, she can send water to us through this and we can actually take water out of our pipe or out of the pipe onto our property, because it's the way it was laser leveled. This, this property doesn't get this part of our property doesn't get the flow that it needs to go to from south to north. And so, with this pipe, we get to access it. It gets to irrigate this part of our property instead of the water being all the way across. It winds up the way the flow of the land is. It winds up going out and going this way and out of that pipe. When we get to use it, it gets to flow this way. And so, our only concern was if, if that was abandoned that, that we might have an issue, you know, as long as it stays open, if they're just tearing out culverts and whatnot. If the water flows the water, we're going to get it. I mean, if there's a flood, we're going to get the water anyway. So yeah, but it's just being able to have the availability of using our pipe that we put in for the reason that we wanted to. But just, you know, just, just like anybody said, you're trying to get in somebody's backyard and clearing out all the debris and stuff that they've thrown in over the years, it's getting harder and harder for us to irrigate to the back part of that subdivision, to get into the property.

Charlie Hone: There's no ditch easement for maintenance?

Mark Dudley: I don't know. Well, there was a yeah, there was a fence.

Russell Scossa: On your water right, does it specifically say which ditch you're supposed to take water through?

Mark Dudley: And different. Probably more. No more than me. I just know there's two accesses to that property. There's a big diversion at the corner of Lampe Ranch. Well, I think this is the this goes through Lampe right here. Then this diverts right here. And there's water that can come this way. And they used to water the trees on their property. And then it goes on into the Catholic Church and then it goes through and, and nobody uses it past that. But there was a diversion for us to take water and. Well, there are, there's three diversions actually. One goes to Catholic Church, one comes around the Lampe Ranch and there used to irrigate trees or whatever in there, but we had a pipe in there that went to this property and right now we'd like to be able to use that because we don't have access to get behind those houses to be able to clean ditches and whatnot. And.

Russell Scossa: Did your property come off of the original ranch?

Mark Dudley: Yes.

Russell Scossa: Okay. You might want to talk to the federal watermaster who's supposed to know how your water is supposed to get to your place? If you do have a water, right. Or do you just use tailwater?

Mark Dudley: No, we have water rights.

Russell Scossa: So, the smart thing to do is have the federal watermaster through Mike Rippee tell you where you're supposed to get that parcel wet from. And if you can do it from two places and nobody ditches, that's fine. Okay. But to push this any farther, you really got to know whether you have rights on the other ditch. You know that is coming that way. Or whether it's just a tail water one. And then you can you could actually look in to see. I don't know, I've been on

this ditch committee since it started, and I don't remember every subdivision and everything, but I think those were already done before we got involved. So, they might not have easements on them.

David Hussman: That's exactly right. And in fact, that subdivision was one of the demonstrations points we used when we were taking county commission, the Planning commission, county staff around to show them places that were a problem and why we needed the ordinance in the first place. But it had already been constructed at that point.

Frank Godecke: I'm with David, you know, until you get an approval from the property owners that the ditch actually exists on, I would not be removing concrete structures from that ditch now. As far as cleaning that ditch is concerned, I mean, it's I believe county code, the state statute requires the property owners of the ditch to do the cleaning of the ditch across their properties. It's their responsibility to clean and maintain ditches across their own properties, whether or not they even if they don't irrigate out of them.

David Hussman: Yeah, or a downstream user, if there is one. Well, in this case, maybe there is, maybe there isn't.

Charlie Hone: Well, if that ends up in the cottonwood, it would be Brian, wouldn't it?

Frank Godecke: If Mr. Dudley uses a portion of that water coming out of that ditch, he would be a downstream user.

Mark Dudley: But it comes off the cottonwood. It's a diversion that actually feeds on David.

Charlie Hone: Well, I'm just saying the water ends up somewhere. Otherwise, it wouldn't drain.

Mark Dudley: It's going downstream.

Charlie Hone: So downstream that ditch, it has a terminus. Does it dump back into the cottonwood? Does it dump into the river? Where does it go?

Mark Dudley: It goes across from the Catholic Church, crosses the river, then it goes by. I think it goes behind Aspen Park. I think it winds up going dropping back into the river.

Frank Godecke: Okay. Or it could end up back in the cottonwood over there on that side. Who knows?

Charlie Hone: It has to end up somewhere. It's like it.

Mark Dudley: When we when we irrigate and our tail water actually goes into another ditch that goes in between the vet clinic and the Methodist church. Is that right? It goes into the vet clinic and the Methodist church, and then where it travels past. Once it goes past there, I, you know, I, I, there's got to be a ditch there through there somewhere.

Russell Scossa: There's, there's been nobody else asking to bring water through that?

Mark Dudley: No, nobody else asked.

[DISCUSSION BETWEEN GROUP]

Mark Dudley: If they took out the concrete culverts, you know, or through that ditch there, it wouldn't affect us as long as they didn't get stopped and detoured, as long as we got access to that water. You know, at that end of it, where the diversion is through the Catholic Church or through Lampe Park, like we had our pipe that we can get irrigation to the west side of our land then we're happy with it. If the water's great, we have a great year of water. We can flood everything if it's not so great. It only makes a corner and that part gets dry. So anyway, that's our concern.

Russell Scossa: Well, I think that Courtney should do just a little bit more research on that stuff or have somebody, like talk to the water regulator's office and either have Mike Rippee or somebody in their office find out if there's any currently active people that have rights on that ditch. Maybe Dudley's are the only ones that do. But yeah, before we

agree to start taking things apart, I think we ought to know a little bit more about who has any rights. You might ask the property owner to abandon their thing and, you know, give you permission to pull out the structures. My opinion, the only thing wrong with the structures is they're going to catch tumbleweeds and stuff like that. They're not going to increase the capacity enough to get by the pipe down at the end is still your clog. I think you have to come back after, you really know, and try to access these owners one more time or have the DA's office asked him, tell him you're having a problem on their property, and you'd like to straighten it out. But people can get really testy when they show up and something's been done on their property, and they didn't know about it. I didn't see anybody else comment. And we had a lot of comments sent to us.

Charlie Hone: All right. Well, let's open this up to public comment. Okay.

Scott Bergen: It's interesting. My name is Scott Bergen, and my wife Nancy and I live at 1343 Northampton Circle. So, we're the second house to the north on Waterloo Lane. And we've been there since 88. And, and we relied on that irrigation ditch during the 97 flood. And as you pointed out correctly water flowed down that ditch. And when it hit the property and went into that little 18-inch pipe, it just backed up and there was no way water was going through there. And, and once the levee broke by the Lutheran bridge, all that water just poured into our subdivision. So regardless of the size of that ditch or capacity, all bets were off if we were taking on water. And I believe the gentleman's name; he was a descendant of the Lampe family. I think his name was Ron. And we tried to clean that 97 flood cleaned out that irrigation box and, and we got it cleaned and, but, but again, when that, that levee broke, that was it was flooding and we shifted our focus to doing sandbags with the National Guard. So, we like that ditch. This is our home. My wife and I came here in 79, lived in Indian Hills and now we lived on Northampton Circle and that's it. We're not moving. So, we rely on that ditch. I provided some information rather hastily. So hopefully you've had a chance to at least glance at it, but the adding volume to that. I'm a little concerned about bringing that much water to the back of our property. And when the crew that fixed whatever, they fixed off Waterloo Lane last fall, they came unbeknownst to me, they came in with heavy equipment and cleaned out that ditch. And I'm not a construction person or anything like that, but I do recognize quality work, and I can say I was not impressed with what they did. We lost some of our property. Despite that, all those concrete diversion gates are still intact. And I love old things, and I think there's a certain historical aspect to retain those gates. That's the heritage of this Valley. It's kind of what makes the Carson Valley, the Carson Valley. If they were loose or falling down or creating a hazard, I would say something completely different. I also provided some calculations there. There were some quick calculations, but I measured the existing gates square inches. And I came up with, I think it was 900in². And then I just used the pi r squared formula for diameter for the area of the circle.

Scott Bergen: And those existing gates will pass three and a half times the water that that 18-inch pipe can handle and that pipe is buried. When you went out there, you saw. So, digging that up. If it was a 36-inch pipe buried. Probably wouldn't be here. But all that water is going to come back. And I even supplied some pictures. The neighbor's fence is already starting to erode. And again, with that scraping that was done last year, you know, we kind of lost some property back there and we didn't have much to begin with. But Jack Jacobs and I met, I think it was 2013-14. And we worked together on, obtaining that 39-foot easement. And until Jack and Diana left the area, you know, he would get his tractor out there and rake that area and, and I pull weeds. And I still do. Every fall I go out, and I do what I can, but I obviously don't have the equipment or anything like that. But I would like to leave the ditch as it is actually with my historical side of my personality, I would even like to see that ditch restored because it worked well for many, many years. For the best of my knowledge, it was never intended to be stormwater runoff. It was there for irrigation purposes. In later years, when there was heavy rainfall, the ditch filled up and did its job. We never took on water and only by the Catholic Church did it start to flood. And that's because they always have staffing problems. And, and sometimes those trash racks, which they have two on their property get clogged. And so, what I would like to see is some education. I do think to your point and some of the other members those ditches are supposed to be maintained by the current owner of the Lampe Ranch and I talked to Jack a few weeks ago, and he remembered that being recorded, and it was their responsibility to do the maintenance, and I would like nothing more than to continue to work with them to clean the

weeds and bottles and whatever else ends up. As you all know, in those ditches. And also, my wife is part of the Pastoral Council at church, and she co-chairs the Christmas sale that they have. So, I'm at the church fairly often helping her. I would again be more than happy to support the church in cleaning out the trash or do whatever I can. Again, this is our home.

Russell Scossa: So that was the ditch on your property?

Scott Bergen: We own just down easterly side, as I mentioned in my report. We don't have any water rights or it doesn't, I know it doesn't go down to the bottom of the ditch and, but when we moved in there in 88 you know, we put up our fence and I do remember markers in there and we didn't go down the ditch because, you know, we just wanted to make sure all of our fences were working.

Russell Scossa: There's no easement on there that you know of?

Scott Bergen: I haven't researched this. When the public notice went up, I, you know, I kind of looked at it and thought about it and made a call to Jeremy. And of course, I spoke with Courtney and, and but I our concern is property owners is water coming into our property, the water getting close to our fence right now, it's the top of the ditch to the back of our fences, maybe two and a half, three feet. It used to be about four feet. And I'd like to make sure I keep that fence as long as I can. And I am a little bit worried about erosion. And I think that ditch has been dug so deep. I don't know if water really can get through there anymore. There's been no elevation work that I'm aware of. I did talk to Jack Jacobs a few weeks ago, and the first thing he asked me was, well, first thing he asked me is, why is the County doing it? Because that was his property and he did the maintenance. And the second thing he said is, where's the hydraulic report? You know, he says, unless you can kind of guarantee or understand the flow of that water, you don't want to just do patch and do one section and create a problem further down or have the work that you put in, not to have a good cost to benefit.

Russell Scossa: Well, if you leave the old structures in there, the whole ditch is going to fill up to the level of the structures. If you take them out and then it's going to fill up to the level of the pipe that's down below. Or if it goes somewhere else, it's going to cut to that depth. From what I've heard today, I think the ditch ought to be there. But I think you ought to know a little bit more about who owns what. I would hate to see you do something that somebody's going to object to. And as far as any ditch that's out there that's moving storm water, you can make it as good as you can, the right storm is going to flood, and it's going to flood bad all over your property. Because it's just coming through there and it's only got a certain capacity no matter what. That's some of the things I've been arguing with Courtney a little bit about. You can do a lot of things. You get the right storm, you might as well stay at home, you know, come through. It's going to wash things out. All the culverts that you filled. When the debris starts coming with the flood, they're going to plug up again. So, it's a big problem.

Scott Bergen: When I looked at the length of that ditch, and I don't know what the intent is as far as how much to dig down, but That would fill up in a, just a split second with the amount of water that we had in 97. Yes. And I've, and, and I've watched that video that's posted on YouTube of that 97 flood. And, and it brings, it's chilling to watch the amount of water that this valley had. And, and you know, we had water on our property. Our backyard was ruined. But, you know, like you said, you know, basically we just when the water came up, there's nothing you can do, you know, and further to that, once you even start doing sandbags, every sandbag you put down that helps you, messes up the next guy. You know, so, but, but I'm here to help. I want to be part of the solution. I'm here to pick up bottles. The tribal building that's to the west cut I don't know how many branches off their trees and they just threw them on that property treated it as garbage. And like I said, you live here. I cut and I take loads to the dump. I like to do good neighbor, and I'll go over and talk to them and just make sure they have my contact information just so they know that, you know, I'd rather it was green. I'd take it away. But now that it's dry, that's all that stuff is going to end up in the ditch. And so, I'm trying to keep that clean and I do that on my own. I, like I said, live here and I just want the best. So, I'll be a good neighbor. I'll give him

my number and maybe the next time they can call me, and I'll be more than happy to take it away at my own expense. It's not a big deal. So, I think that's, I think that's really all I had on, on my notes. But you're right. I, you know, to your point, I think when that water came in 97, there's nothing you're going to do. But we probably had at least two, maybe three major storms since then. And that ditch. In its current form handled that water. No problem. You know, it flowed correctly. But as long as you keep that 90-degree turn where it goes on to the property open. And then I've talked to a few other neighbors where that does a right-hand turn and that left hand turn, and they said their fence posts are already being loosened up, you know, from a lot of that water that's going back there.

Russell Scossa: That's the biggest mistake. Half the ranchers in this valley ever made were to dig the ditch too close to their fence, and the fence falls in the ditch.

Scott Bergen: Yeah, yeah, yeah. I'll do my part. Whatever it takes. You know, to keep that, keep that ditch open and clean and, and like I said, I'm not above. Done it many, many times going in there and like I said, pulling out pop bottles and soda cans and Slurpee cups or whatever else that's in there. So. But that's all I got.

Charlie Hone: Well, just brings up more questions for Courtney. I've got a couple. All right. Let's say you get permission from the landowner or whatever we got to do, and you pull the structures out of there. How much will it increase the capacity of that ditch and in my opinion, the root of all evil is an open ditch going to a pipeline. How big does the pipe have to be to handle that increased capacity? Because it sounds like the buried pipe is more of an issue than the structures.

Courtney Walker: It depends on the storm event, right?

Charlie Hone: Well, no. Yeah. But how much can that ditch hold? And if you're going to stuff twice as much water down that ditch, but you only have a pipeline that's 18in. That's where the problem is. And that's where I really feel like that's where you come in, is those kinds of things.

Russell Scossa: The guy closest to the pipes going to get bigger floods. Everything's going to come down the ditch and spill out. Is there any appetite for the County to buy it for a buck a year or whatever, and make that a storm drain and allow the Dudley's to use it as a primary ditch for their property? Obviously, it's in amongst a bunch of houses and it's going to cause a problem no matter what. And when this thing first started. I think the first ordinance was approved in 1991, but we worked about a year and a half before that, drafting an ordinance. So, we started around 1998, 89. And. The problem at the time was everybody was interested in it. We were more interested in ranches being subdivided, providing access to the easements and access to each parcel. But what had evolved over the years as men in Garnerville were expanding? The same law we made started applying in town. But basically, everybody in town had no place to dump their water, so they dumped it in the irrigation system that went out to the rivers. And eventually. And that's the big problem. None of us want to put a whole bunch of new water from paved areas into our ditches and then have to worry about it. So, the plan was then Tony needs a storm system, needs a drainage system. So, you got to be the guinea pig if you yourself. And it's really hard to jump right in and make a make something that should have been designed 30 years ago and implemented along the way. So that brings me back. Is there any way you could go to the DA's office, the county start picking up a few of these ditches and making them storm ditches?

Courtney Walker: I don't know if that's a question I can answer. I mean, we have the capability, certainly. I mean, well.

Russell Scossa: I know you can't answer it, but what I'm telling you to talk to AJ.

Courtney Walker: Right. I mean, where it makes sense, you know, where it is taking primarily stormwater, I mean, and that and it it's the same. Same right. It carries irrigation water just the same as it carries stormwater, which in most cases it is both, you know.

Russell Scossa: Well, I remember when McDonald's was first in Minden. Dryer started yelling and screaming about all the stuff coming off the paved stuff across the highway. And I told Henry the easiest way to solve the problem or bring people's attention to it is when you're done irrigating at the end of the year, just dump your ditch full of dirt and there is no ditch there for the water to go in. So, I guess they illegally found out whether he had to leave it open or not. But that's the point. If you don't stop people from dumping stuff in your ditch, it's coming. And most of these ditches are private ditches. So, using this as an example, I think you ought to have a serious discussion with other people in the county...Commissioners, that there might be small times that you could designate something as a storm drain and work with the community and the people that are there to fix it up better as a storm drain. And like in their situation, you can leave their ability to use it again. I don't know where this pipe goes or how long it is, but it would have to be another thing that would have to be taken out in a ditch, would have to be similarly sized all the way to the Cottonwood. Maybe it would be a start because this isn't the first one. It isn't the only one you're going to run into like that. And so that's my suggestion is, I would suggest we probably table this or have you bring it back again after we know a little bit more. You guys have given me more thought.

Scott Bergen: To your question on what size pipe would you need on the property? I just kind of just threw some basic math. The existing structures that have the old wooden gates in them are about 30 by 30 which is 900in², and the 18-inch pipe will flow 254 cubic inches through it. You would need a 34-inch pipe to equal that.

Russell Scossa: How long is that?

Scott Bergen: I didn't get into any line loss or anything like that. It's probably corrugated. So, it even restricts flow or turbulent flow at that point. It's got to be 100ft would be my guess, maybe a little longer. And then it takes another 90 behind I think Wilson court. There's 2 90's in there.

Russell Scossa: So, but is that in an open ditch or is it in a pipe?

Scott Bergen: The back one is an open ditch. The 100 foot is, is a pipe and that's on the Lampe property. Where it goes from there it goes kind of to sort of like you were talking to the backside of the church.

Russell Scossa: Well, if the flood comes and it's backing up on you sometime, the mystery is, is how did that pipe wash out of there?

Scott Bergen: It's in there pretty good. It's got concrete and everything. So.

Russell Scossa: I think that's where the county ought to be leaning. The other thing is that I don't know what the rest of the guys think. Pulling those structures, I don't think is going to add a significant amount to the ditch, unless you're going to double the size of the ditch. The one thing about the structures being there, you stabilize some areas of that ditch. If you pull them out, you're going to be looking at more erosion, particularly right after you tear them out.

Frank Godecke: Depending on how much fall there is in the ditch.

Courtney Walker: 0%.

Frank Godecke: There's not a lot of fall. Because a lot of times with ditches that we have that have quite a bit of fall, we put structures in those ditches to keep the ditches from meandering.

Courtney Walker: Yeah, usually, I mean, so we're thinking, you know, we try to clean ditches, remove obstructions from ditches so that water can flow freely. And in this case, there's probably some additional factors.

Frank Godecke: What would you say that you're currently flowing in that ditch in terms of tailwater, maybe 3 to 5 cfs?

David Hussman: Yeah.

Frank Godecke: You're going to hit the 18-inch culvert at some point.

Courtney Walker: I don't even think it makes it there because it hits these structures and then it stops. I'm just telling you what I observed the next time that it saw water is that the water was ponding. I just walked down the ditch. So, it's the first structure and then it just ponds there.

Russell Scossa: Well, that's because the ditch is deeper on the one side of the structure than it is on the other side, and it's got to back the water up before it can flow through the structure.

Frank Godecke: But obviously there's not a lot of water flow that we're talking about. If it stops at the structure, it's not going to pass the structure.

David Hussman: That must be when I took the water off the field.

Russell Scossa: Yeah. Because if there was steady tail water, it would build up and go through. But that's my suggestion. Be careful when you think about taking them out. Is that a gravel ditch pretty much?

David Hussman: Yeah.

Russell Scossa: It erodes very well.

Russell Scossa: When you take out the structure, you're going to increase the thing. But if you really want to increase the thing, you dig the ditch ten feet deep. If you can find ten feet deep or downstream to bring the ditch.

Frank Godecke: Yeah. Otherwise, it's just going to back up before it gets to that wooden structure, and it just becomes a reservoir.

Russell Scossa: But it isn't going to go anywhere. It's going to back up in the ditch until it goes out.

Courtney Walker: And if we were to remove the concrete, we would compact it afterwards. We wouldn't just rip it out and leave.

Frank Godecke: Right. But I think you need to shoot some elevations too.

Courtney Walker: Where the storm drain outlets at Waterloo to where that 18-inch pipe is at the berry farm. It's exactly 0%.

Frank Godecke: So, if you're going to clean the ditch, you can't you're not going to remove an awful lot of material. Why would you remove an awful lot of material.

Courtney Walker: We weren't talking about removing any material, just the concrete.

Frank Godecke: I thought the proposal mentioned something about cleaning the ditch, deepening and widening.

Courtney Walker: It doesn't really need it.

Frank Godecke: Yeah. I'm going to say if you if you're shooting the elevation in the 18 inches, the wooden box where the 18-inch culvert is, is your restriction in your ditch. And so, if it's level from Waterloo to there and the bottom of the ditch is going to naturally seep the same, pretty much the same level between Waterloo and the 18-inch culvert. That's a normal given. So, I don't see that removing these concrete structures is going to improve the flow at all on the ditch.

David Hussman: Not if it's zero slope.

Courtney Walker: Just a small storm event. When you see flow through that storm drain, the water just ponds there. So that's all.

Russell Scossa: Well, that's a good thing. It isn't going out over the edges. It's ponding up there. If more comes in, then it'll finally go through the structures and down to the pond.

Courtney Walker: Someone talking about mosquitoes next.

Scott Bergen: With that, I will say. Ladies, gentlemen, board members, thank you so much for your time. I really appreciate your sharing your expertise and your talents and the history you bring to this board.

Russell Scossa: One other thing I'd say about your situation. You can work with the county. I don't know how many. Your neighbors have the same attitude you do or whatever. You get enough people together. You can make things happen. Find out what you need to do, what you want to do, some volunteer work. Working with them, that they have some equipment you can get something done. And that's a small enough area that eventually maybe you can turn it into a county storm drain or something.

Scott Bergen: And I do, I didn't mention, but I should have mentioned the house to the north of us. Excuse me. To the south of us is a rental house and we're the second house in. So, I cleaned that property as well. I clean all the way from our corner. So that would be the northwest corner all the way to Waterloo Lane. So, like I said, you know, in the area right around Waterloo is where you see all the highest buildup of garbage dump. So, I'm more than happy to have done that over the years, and I look forward to doing it in the future. I feel it's important for all of us to give back.

Charlie Hone: All right. Well, then I'm going to close public comment.

David Hussman: Well, I think it should be continued until the issue with the property owner can be resolved.

Courtney Walker: And the water right.

Frank Godecke: I would recommend that you call the water master Reno office water master. You'll probably get better results than with our local. Talk to Dave Watson. Dave's been a very good source of information on water rights and stuff.

Coleen Thran-Zepeda: David, did you make that motion then?

AJ Hames: Might I recommend the motion could be to continue this with direction that, that staff address the concerns expressed during the meeting.

Russell Scossa: I'll make that motion

Charlie Hone: I'll second.

Frank Godecke: To a specific time or specific date for the?

Russell Scossa: Until they get that information.

Frank Godecke: I'll second that.

Charlie Hone: Moved and seconded. All in favor? Aye.

David Hussman: Aye.

Russell Scossa: Aye.

Frank Godecke: Aye.

Charlie Hone: Okay. Motion passes. Which brings us to electing chairman.

ELECTION OF CHAIR & VICE CHAIR For Possible Action. Discussion on election of Chairman and Vice-Chairman in accordance with Douglas County Code, Chapter 2.56. This will be retroactive, effective January, 2026.

AJ Hames: Mr. Chair, could you read that item onto the record?

Charlie Hone: I can do that.

AJ Hames: Or I can do that, I have it here. We are now at election of Chair and Vice chair for possible action discussion on election of Chairman and Vice Chairman. In accordance with Douglas County Code, chapter 2.56. This will be retroactive, effective January 20th, 2016.

Frank Godecke: I move that Charlie continue as our chairman for the remainder of 2026.

Charlie Hone: And I nominate Frank as vice chairman.

Russell Scossa: I'll second that.

Charlie Hone: All those in favor? Aye.

David Hussman: Aye.

Russell Scossa: Aye.

Frank Godecke: Aye.

Charlie Hone: Any closing public comment? Seeing none, I move to adjourn.

AJ Hames: Mr. chair, I just have a comment. I just want to introduce Steve O'Hearn. He's a new attorney in our office. He is going to be sitting with this board going forward. So, I just say it's been a pleasure to assist you. You all have such great experience and knowledge, and you've been serving the county for so long. It's been enjoyable to be able to attend your meetings and help you in whatever way I could. So, thank you for that.

Charlie Hone: Thank you.

Respectfully submitted,

Charlie Hone,
Chair

Coleen Thran-Zepeda,
Clerk/Development Coordinator

**WATER CONVEYANCE ADVISORY COMMITTEE AGENDA ITEM
COVER PAGE**

MEETING DATE: October 5, 2026

TIME REQUIRED:

AGENDA: PUBLIC HEARINGS

TITLE:

For possible action. Discussion and possible action to approve an irrigation and drainage plan associated with tentative parcel map 2026-DP-TPM-0004 to subdivide a single 15.9 Acre parcel, located at 1725 Fish Springs Road (APN: 1220-02-001-012) into three parcels. The owner is Todd James O'Banion represented by the applicant Gary E. Thurm, Jr. of Three Castles Engineering. (Jeremy Hutchings)

RECOMMENDED MOTION:

Approve a tentative parcel map 2026-DP-TPM-0004 to subdivide a single 15.9 Acre parcel, located at 1725 Fish Springs Road (APN: 1220-02-001-012) into three parcels.

FINANCIAL IMPACT:

None known.

BACKGROUND:

The project is located at 1725 Fish Springs Road (APN: 1220-02-001-012). The applicant is proposing to parcel an existing 15.9 Acre parcel into three new residential parcels under the Douglas County Land Division Application 2026-DP-TPM-0004. The property is currently zoned RA-5. The Upper Allerman irrigation ditch runs northerly along the west boundary of the parcel and is located within an existing 100-Foot-wide irrigation easement recorded as Document Number 20648 (attached).

The applicant is not proposing to modify the existing irrigation ditch or easement and states that they do not have any irrigation rights to the water in the Upper Allerman Canal.

The Allerman Upper Virginia Irrigation Co. Inc. reviewed the project on September 8, 2026, and

provided the letter attached with this report. The ditch company stated that the Upper Allerman Canal is no longer used for irrigation and concluded that there was no need for downstream notice beyond their board. The review letter did not identify any specific concern with the proposed project.

ATTACHMENTS:

[WCAC Staff Report 2026-DP-AM-0004.pdf](#)

[03. Digital Copy of Submittal 2026-DP-AM-0004.pdf](#)



COMMUNITY DEVELOPMENT

ENGINEERING DEPARTMENT
1594 Esmeralda Avenue, Minden, Nevada 89423
Jeremy Hutchings, P.E.
County Engineer
jhutchings@douglasnv.us
775.782.9063
www.douglascountynv.gov

To: Water Conveyance Advisory Committee
From: Jeremy J. Hutchings PE, County Engineer
Date: September 17, 2026 *J.J.H.*
Subject: 2026-DP-AM-0004 O'Banion Tentative Parcel Map
Staff Report

Description: The project is located at 1725 Fish Springs Road (APN: 1220-02-001-012). The applicant is proposing to parcel an existing 15.9 Acre parcel into three new residential parcels under the Douglas County Land Division Application 2026-DP-TPM-0004. The property is currently zoned RA-5. The Upper Allerman irrigation ditch runs northerly along the west boundary of the parcel and is located within an existing 100-Foot-wide irrigation easement recorded as Document Number 20648 (attached).

The applicant is not proposing to modify the existing irrigation ditch or easement and states that they do not have any irrigation rights to the water in the Upper Allerman Canal.

The Allerman Upper Virginia Irrigation Co. Inc. reviewed the project on September 8, 2026, and provided the letter attached with this report. The ditch company stated that the Upper Allerman Canal is no longer used for irrigation and concluded that there was no need for downstream notice beyond their board. The review letter did not identify any specific concern with the proposed project.

20.100.070 Irrigation facilities.

- A. If proposed development includes or directly impacts existing irrigation facilities, an irrigation plan must be prepared by a registered engineer to analyze and provide mitigation for the impacts of the proposed development. The irrigation plan, together with the drainage plan for the development, must be publicly noticed per section 20.20.030 and presented to the water conveyance advisory committee for their review and written comment to the community development department and to any affected towns or districts.
1. The plan must include the location, size, and capacity of all drainage and irrigation facilities within the proposed area of development. In addition, the plan must address upstream areas and facilities tributary to the site and downstream from the site which will be affected or impacted by the proposed development to the point of discharge.

☐ Satisfies Requirement	☐ Does Not Satisfy Requirement
☒ Not Applicable	☐ To Be Determined

Discussion:

1. There is no proposed improvement that will directly impact the existing irrigation facilities, and the applicant has no right to irrigation water from the Upper Allerman Canal.

2. In all development, the impact on downstream facilities and lands must be analyzed and addressed in the plan. New development is responsible for either improving downstream drainage facilities to meet the increased peak flows as a result of the proposed project or to provide facilities which will result in no increase in peak runoff from that which existed before the development. If downstream peak flows are increased by the project, the plan must provide mitigation to the point of discharge as approved by the county and any affected towns and districts.

☒ Satisfies Requirement	☐ Does Not Satisfy Requirement
☐ Not Applicable	☐ To Be Determined

Discussion:

1. A small section of Sawmill Road will be improved which will directly discharge to the existing Sawmill Road right of way and is directly connected to the Pine Nut Creek floodplain which serves as an approved point of discharge.

3. The plans must incorporate water quality and erosion controls in conformance with the *Handbook of Best Management Practices* for all drainage water leaving the site. The use of irrigation ditches or sloughs for the discharge of urban runoff is highly discouraged and in no case will be permitted without the written notice to, and reasonable efforts to obtain consent of, the affected downstream ditch users. In no case may urban drainage leaving a development be of a quality that will adversely affect downstream water uses.

☐ Satisfies Requirement	☐ Does Not Satisfy Requirement
☒ Not Applicable	☐ To Be Determined

Discussion:

1. There are no improvements proposed that would require mitigation of water quality.

4. As a part of the plan, a ditch may be redesigned or upgraded for low maintenance through the use of riprap, channel lining, culvert or pipe. Landscaping of ditch easements in an urban setting is permitted as part of an approved plan of the water conveyance advisory committee, but must not inhibit the integrity of the ditch bank or the intended maintenance and access function of the ditch easement.

☐ Satisfies Requirement	☐ Does Not Satisfy Requirement
☒ Not Applicable	☐ To Be Determined

Discussion:

1. The applicant is not planning to modify the existing ditch.

- B. No development may interfere with the historic custom and use of waters adjacent to and upstream and downstream from the development. Any changes in conveyance facilities or the course of conveyance facilities, including the abandonment of part or all of a conveyance facility, must be done in a reasonable manner with due regard to the rights of the owners of the easement or right-of-way and shall be subject to approval of the water conveyance committee, the county, any affected towns or districts or irrigation companies.

☒ Satisfies Requirement	☐ Does Not Satisfy Requirement
☐ Not Applicable	☐ To Be Determined

Discussion:

1. The applicant is not planning to modify the existing irrigation ditch and therefore will not interfere with the historic custom use of waters.

- C. Standards. Except as set forth herein, all improvements for drainage and irrigation facilities shall be in conformance with this title and the design criteria and improvement standards manual.

☒ Satisfies Requirement

☐ Does Not Satisfy Requirement

☐ Not Applicable

☐ To Be Determined

Discussion:

1. None.

- D. Rights-of-way for water conveyance. All development subject to this title must designate irrigation and drainage rights-of-way or easements as required to implement the approved irrigation and drainage plan for the development. Right-of-way widths must be appropriate for the operation and maintenance of the facilities as shown on the approved plan. Required right-of-way widths will vary depending on the size, type, location and accessibility of the improvements as shown on the plan. In no case shall the rights-of-way be less than 20 feet in width. For open irrigation ditches, a right-of-way width equal to the top width of the ditch plus 32 feet must be provided to allow adequate access for maintenance and servicing of the ditch. A minimum 20-Foot right-of-way must be provided, including cases where the irrigation or drainage is placed in an underground conveyance. These criteria for rights-of-way and piping for irrigation must be met unless otherwise provided by the design criteria and improvement standards manual and approved by the water conveyance advisory committee.

☒ Satisfies Requirement

☐ Does Not Satisfy Requirement

☐ Not Applicable

☐ To Be Determined

Discussion:

1. The Upper Allerman Canal has an existing easement that is 100-Foot wide already recorded as Document Number 20648 (attached).

- E. Where the development contains lots of one net acre or less the right-of-way for an open irrigation or drainage ditch may not be included in the net or gross lot area.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

- F. Maintenance. When water conveyances are placed in an underground culvert or pipe, the plans must address and provide for maintenance of the facilities.

1. If the underground facilities lie under a street or alley dedicated for public use, the town, general improvement district, or other governmental entity in whose jurisdiction the street or alley is located is responsible for maintenance of trash racks, sand and oil separators and the pipe or culvert.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

2. If the underground facilities cross private property, then the private property owner is responsible for maintenance of trash racks, sand and oil separators and routine maintenance of the pipe. When such property is subdivided, the subdivider shall provide security or other adequate assurances for continuing maintenance.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

3. When underground facilities cross a combination of public and private property, responsibility for maintenance will be shared by the private and public entities upon whose property the facilities are located. In the absence of a written agreement to the contrary, shares of the costs of maintenance will be in direct relationship with the length of the pipe within such private or public property.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

4. If the person or entity responsible for maintenance fails or refuses to conduct such maintenance, then the downstream user may enter upon such property and perform the maintenance. The person or entity responsible for maintenance will be liable to the downstream user for the reasonable costs of the maintenance, plus interest, attorneys' fees and court costs.

☒ Satisfies Requirement

☐ Does Not Satisfy Requirement

☐ Not Applicable

☐ To Be Determined

Discussion:

1. None.

5. The county, on recommendation of the water conveyance advisory committee, may require the developer or property owner, as a condition of development approval, to estimate the annual cost of routine maintenance, and post security to pay for the maintenance, in advance, for a period not to exceed twenty years. In the event security is required and posted, the developer or property owner, as the case may be, or its successor in interest, shall be entitled to a proportionate release of the security on an annual basis after the maintenance is performed. If the developer, property owner or successor fails or refuses to conduct the maintenance, then the downstream user may perform the maintenance, in which case the downstream user shall have recourse to the security for reimbursement of the reasonable costs of the maintenance. Recourse to the security shall not be an exclusive remedy, and does not prevent the downstream user from bringing an action for the balance due, plus reasonable costs, attorneys' fees, and interest. (Ord. 1036, 2003; Ord. 1012, 2002; Ord. 763, 1996; Ord. 539, 1991; Ord. 390, 1981).

☒ Satisfies Requirement

☐ Does Not Satisfy Requirement

☐ Not Applicable

☐ To Be Determined

Discussion:

1. The applicant is not proposing any improvements that would require them to post security.

20.100.080 Irrigation facilities standards.

- A. Standards. All ditch rights-of-way must be provided access for maintenance in accordance with these standards and restrictions:

1. Cross fencing of ditches on parcels of 20 net acres and greater may be permitted upon recommendation of the water conveyance advisory committee.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

2. Lots or parcels of less than 20 net acres must not be designed to require cross fencing of the ditch.

☒ Satisfies Requirement

☐ Does Not Satisfy Requirement

☐ Not Applicable

☐ To Be Determined

Discussion:

1. None.

3. On parcels of less than 20 net acres, livestock access to the ditch right-of-way may be permitted as long as the integrity of the ditch bank is maintained.

☒ Satisfies Requirement

☐ Does Not Satisfy Requirement

☐ Not Applicable

☐ To Be Determined

Discussion:

1. None.

4. Where ditch rights-of-way are cross fenced there must be a 16-foot-wide metal gate providing continuous access for ditch maintenance.

☒ Satisfies Requirement

☐ Does Not Satisfy Requirement

☐ Not Applicable

☐ To Be Determined

Discussion:

1. None.

5. Where a project creates parcels or lots of one acre or less, underground piping for irrigation and storm drainage must be required, unless otherwise approved by the water conveyance advisory committee.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

6. Where a road or driveway intercepts a ditch and its construction would restrict or prohibit access along the ditch, ramps or other facilities as approved on the drainage and irrigation plan must be provided for both the upstream and downstream faces to facilitate access by ditch maintenance vehicles.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

7. The culvert installed in a ditch or ditch crossing installed as a consequence of a subdivision or parcel map must be capable of passing 150 percent of the hydraulic capacity of the ditch up to the capacity

of a 48-inch culvert. Beyond the capacity of a 48-inch culvert, the culvert must be capable of passing 100 percent of the hydraulic capacity of the ditch. The installation must not change velocity in any manner which increases erosion. Erosion controls may be required to the satisfaction of the water conveyance advisory committee.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

1. None.

8. Piping of ditches exclusive of road, street, alley, or driveway crossings must be capable of passing at least 150 percent of the hydraulic capacity of the ditch, up to the capacity of a 48-inch pipe. Beyond the capacity of a 48-inch pipe, the pipe must be capable of passing 100 percent of the hydraulic capacity of the ditch. Piped ditches must have manholes and other points of access to provide for routine maintenance and cleaning in accordance with the design manual. The installation must not change velocity in any manner which increases erosion. Erosion controls may be required to the satisfaction of the water conveyance advisory committee. The committee may recommend, and the final decision maker may allow, variations in the capacity of the pipe to not less than 100% of the hydraulic capacity of the ditch when supported by sound engineering principles and practical consideration.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

9. When a culvert greater than 24 feet in length is installed as a consequence of subdivision or a parcel map there must be a trash rack installed on the upstream side. The trash rack must be constructed in compliance with the Standard Details for Public Works Construction.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

10. A development which is entitled to water from a ditch must provide a head gate and measuring device diversion structure in the ditch, approved by the federal water master or the state engineer.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

11. A development which is entitled to water from a ditch must form a homeowner's association which will be obligated to their proportionate share of the ditch's maintenance.

☐ Satisfies Requirement

☐ Does Not Satisfy Requirement

☒ Not Applicable

☐ To Be Determined

Discussion:

1. None.

12. For any development with lots ten acres in size or smaller which are entitled to irrigation water, the developer must provide an irrigation management plan which designates administrative responsibility. The drainage or irrigation plan must show how water will be supplied to and tailwater collected for each lot within the development.

☐ Satisfies Requirement☐ Does Not Satisfy Requirement☒ Not Applicable☐ To Be Determined**Discussion:**

1. None.

13. Where a ditch is piped, where water rights are transferred from a ditch or where drainage goes into a ditch, there must be a continuing responsibility to pay a proportionate share of the costs of ditch maintenance, which can be calculated in terms of the actual costs of ditch maintenance or as though the water rights were still delivered through the ditch by the owner of the water rights. This is required until a change is approved either by all parties holding water rights in the ditch or by the water conveyance advisory committee.

☐ Satisfies Requirement☐ Does Not Satisfy Requirement☒ Not Applicable☐ To Be Determined**Discussion:**

1. None.

- B. Use of the ditch right-of-way for the storage or disposal of wood, debris, garbage or other waste or any other use of the right-of-way area which impedes the access along or maintenance of the ditch is prohibited. (Ord. 1012, 2002; Ord. 763, 1996; Ord. 539, 1991; Ord. 390, 1981).

☒ Satisfies Requirement☐ Does Not Satisfy Requirement☐ Not Applicable☐ To Be Determined**Discussion:**

1. None.

STAFF RECOMMENDATION:

Staff recommends approval of 2026-DP-AM-0004 as proposed.

Exhibit - A

Allerman Upper Virginia Irrigation Co. Inc.
P O Box 55
Minden, Nevada 89423

September 11, 2026

Jeremy Hutchings
Douglas County Community Development
P O Box 218
Minden, Nevada 89423

Dear Jeremy,

At the Allerman Upper Virginia Irrigation Company board meeting of September 8, 2026, Todd O'Banion with his engineer Gary Thurm of Three Castles Engineering, LLC, presented plans to subdivide A.P.N. 1220-02-001-012. The reason for coming to the board was a portion of the Upper Allerman Canal is within the parcel and since the owner is being required to provide an irrigation plan, they were requesting a downstream users list from us. The board informed Todd and Gary that the Upper Allerman is no longer used to convey irrigation water and hasn't for over 20 years. When it was being used for irrigation water it was used to convey Bently ranch water to Dangberg Reservoir #4, which has been abandoned and the storage rights transferred. Currently the Upper Allerman Canal collects storm water run-off from the east valley region of Carson Valley. The Allerman Board has no intention of conveying irrigation water through the Upper Allerman Canal now or in the future. As another matter, we have indicated our desire to work with Douglas County in granting the easement for the Upper Allerman Canal to the county for its inclusion in the Douglas County Storm Water Master Plan. In conclusion, it was the board's consensus that there isn't a need for a downstream users list and that if the county were to still require one, there is a single downstream user, Bently Ranch. I hope this information has been useful in this matter. If you have any questions feel free to contact me at 775-790-0163 or frankgodecke@yahoo.com.

Frank Godecke



Secretary Treasurer

Cc: Gary Thurm

Exhibit - B

AGREEMENT AND CONVEYANCE OF
EASEMENTS AND WATER RIGHTS

DATE: May 10, 1978

PARTIES: JOHN B. ANDERSON and EDITH ANDERSON, husband and
wife (hereinafter referred to as "Anderson");
and

NEVIS INDUSTRIES, INC., a Nevada corporation
(hereinafter referred to as "Nevis").

RECITALS:

1. Anderson and Nevis have acquired substantially all
of the stock of H. F. Dangberg Land & Live Stock Company, a
Nevada corporation (hereinafter referred to as "Dangberg
Company").

2. On March 30, 1978, Dangberg Company completely
dissolved, liquidated and distributed almost substantially all of
its land and water rights to Anderson and Nevis.

3. Anderson and Nevis by other agreements and deeds
have divided the land among themselves.

4. The land which Anderson and Nevis have acquired
and which was formerly owned by the Dangberg Company is described
in Exhibit "A" which is attached hereto and made a part hereof
(hereinafter referred to as the "Dangberg Land"). The Dangberg
Land has historically been irrigated as a unit from waters of
the Carson River and from wells.

5. The parties wish to transfer all water rights to
the owner of the property to which those water rights have been
historically appurtenant, to convey all easements necessary for
the use of such water and water rights, and to insure the
continued delivery and drainage of irrigation water through the
common irrigation system located upon the Dangberg Land in
accordance with historic custom and usage.

6. Anderson has or will be deeded the real property

1 described in Exhibit "B" which is attached hereto and made a
2 part hereof (hereinafter referred to as the "Anderson Real
3 Property"). Nevis has or will be deeded the real property
4 described in Exhibit "C" hereto which is made a part hereof
5 (hereinafter referred to as the "Nevis Real Property").

6 7. The parties intend that all easements and rights
7 granted to Nevis herein shall be appurtenant to the Nevis Real
8 Property and shall run with and attach to title to the Nevis
9 Real Property and shall benefit Nevis and his successors in
10 interest to the Nevis Real Property. The parties intend that
11 all easements and rights granted to Anderson shall be appurtenant
12 to the Anderson Real Property and shall run with and attach to
13 the Anderson Real Property and shall benefit Anderson and his
14 successors in interest in and to the Anderson Real Property.

15 AGREEMENTS:

16 In consideration of the mutual covenants contained
17 herein, the parties agree as follows:

18 ARTICLE I. RESERVOIR RIGHTS AND RELATED EASEMENTS

19 Section 1.01. Allerman Reservoirs. Nevis hereby
20 grants to Anderson permanent rights and easements to store water
21 in, convey water through, and to beneficially use water from
22 those three reservoirs known as Allerman No. 1 (located in the
23 North 1/2 of Section 35 and the South 1/2 of Section 26, T. 13
24 N., R. 20 E., M.D.B. & M.), Allerman No. 2 (located in the West
25 1/2 of the West 1/2 of Section 26, T. 13 N., R. 20 E., M.D.B. &
26 M.), and Allerman No. 4 (located in the West 1/2 of Section 14
27 and the Northwest 1/4 of the Northwest 1/4 of Section 23, T. 13
28 N., R. 20 E., M.D.B. & M.).

29 Section 1.02. Right to Flood. To carry out the rights
30 and easements granted by Section 1.01 hereof, Nevis grants to
31 Anderson permanent rights, and easements to, at any time, flood,
32 overflow, and cover the land described below with water:

1 (A) Allerman No. 1. All lands located below 4849
2 feet, mean sea level datum, or the actual elevation of the
3 highwater mark of such reservoir whichever is higher within the
4 SW 1/4 of the NE 1/4, SE 1/4 of the NW 1/4, the NE 1/4 of the NW
5 1/4, and the NW 1/4 of the NW 1/4 of Section 35, T. 13 N., R. 20
6 E., M.D.B. & M. and the SE 1/4 of the SW 1/4 and the NE 1/4 of
7 the SW 1/4 of Section 26, T. 13 N., R. 20 E., M.D.B. & M., which
8 are currently utilized to store water in Allerman No. 1.

9 (B) Allerman No. 2. All lands located below 4849
10 feet, mean sea level datum, or the actual elevation of the
11 highwater mark of such reservoir whichever is higher within the
12 SW 1/4 of the SW 1/4, NW 1/4 of the SW 1/4, the NE 1/4 of the SW
13 1/4 and the SW 1/4 of the NW 1/4 of Section 26, T. 13 N., R. 20
14 E., M.D.B. & M., which are currently used to store water in
15 Allerman No. 2.

16 (C) Allerman No. 4. All lands located below 4849
17 feet, mean sea level datum, or the actual elevation of the
18 highwater mark of such reservoir whichever is higher within the
19 NW 1/4 of the NW 1/4 of Section 23, T. 13 N., R. 20 E., M.D.B. &
20 M., and portions of the W 1/2 of Section 14, T. 13 N., R. 20 E.,
21 M.D.B. & M., which are currently utilized to store water in
22 Allerman No. 4.

23 Section 1.03. Map. A map showing the approximate
24 locations of the Allerman reservoirs is attached hereto as
25 Exhibit "D" and made a part hereof. Each reservoir is marked
26 1, 2, and 4.

27 Section 1.04. Right of Entry. Nevis hereby grants
28 to Anderson the right to enter the real property upon which the
29 Allerman reservoirs are located, and all land within a one
30 hundred (100) foot distance from the highwater mark of such
31 reservoir property for the purpose of operating, maintaining,
32 repairing, and replacing such reservoirs. Nevis further grants

1 to Anderson the right to enter all real property located between
2 Allerman No. 1 and Allerman No. 2 as shown on the map attached
3 hereto as Exhibit "D", notwithstanding the fact that portions
4 of such real property may exceed the one hundred (100) feet
5 from the highwater mark of such reservoir property.

6 Section 1.05. Maintenance of Dams, Dikes, Levies,
7 Gates, and Other Artificial Structures. As a part of the
8 easements granted in this Article and in exercising the rights
9 granted herein, Anderson may continue to maintain on the real
10 property adjacent to the Allerman reservoirs, the existing
11 dams, dikes, banks, levees, gates, and other appurtenant struc-
12 tures, and may replace and rebuild these structures and any other
13 structures necessary to allow continued use of the Allerman
14 reservoirs for the storage, conveyance, and diversion of water
15 for the benefit of the Anderson Real Property. Nevis hereby
16 grants to Anderson an easement upon the Nevis Real Property
17 adjacent to such reservoirs such easement to cover such area as
18 is necessary (including area beyond the one hundred (100) foot
19 distance set forth in Section 1.04 hereof) not to exceed 300
20 feet to operate the machinery and equipment necessary to main-
21 tain or replace the aforementioned dams, dikes, banks, levees,
22 gates, and other artificial and appurtenant structures.

23 Section 1.06. Removal of Shrubs, Vegetation, and
24 Silt. As a part of the easements and rights granted by this
25 Article, Anderson shall have the right to carry out such
26 maintenance activities within such easements as are necessary
27 for proper and efficient use of the Allerman reservoirs, in-
28 cluding, but not limited to, removal of trees, shrubs, and
29 other vegetation, silt and other debris from the Allerman reser-
30 voirs, and the storage of such materials within the easements as
31 are described in this Article.

32 Section 1.07. Fences. Anderson or Nevis at their

1 own expense may at any time fence all or a portion of the
2 reservoirs; provided, that any such fencing shall be placed on
3 the exterior boundaries of the easements described in Section
4 1.04 and shall include all gates required for access to the
5 reservoirs and easement space. Nevis hereby grants to Anderson
6 the right and easement to temporarily remove any such fence
7 built by Nevis if such removal is necessary to carry out his
8 rights granted by this Article so long as Anderson replaces
9
10 such fence within a reasonable period at his expense. Notwith-
11 standing the foregoing, Anderson may fence all or a portion of
12 the Allerman reservoirs at any location within the exterior
13 boundaries of the easements described in this Article and any
14 such fencing within such boundaries shall not be construed or
15 held to be a waiver of any of Anderson's rights or easements
16 granted hereunder and Anderson shall have the right at all times
17 to relocate the fence on the exterior boundaries of such ease-
18 ments.

19 Section 1.08. Non-Exclusive. The easements granted
20 by this Article to Anderson are non-exclusive as between the
21 parties and Nevis shall retain the right to pass over and other-
22 wise use the real property included in the easements so long as
23 such use does not interfere with the rights or easements granted
24 and the uses permitted by this Article.

25 Section 1.09. Indemnity. Anderson agrees to hold
26 and save Nevis harmless from any and all claims, damages, or
27 costs resulting from Anderson's use and maintenance of the
28 Allerman reservoirs. Nevis agrees to hold and save Anderson
29 harmless from any and all claims, damages, or costs resulting
30 from Nevis's use of the easement area granted by this Article.

31 Section 1.10. Gott Reservoir. The easement and
32 storage rights granted by this Article shall include all rights

1 to the storage of water in Gott Reservoir to the extent such
2 storage rights have or are determined to have been transferred to
3 the Allerman reservoirs.

4 Section 1.11 Roads. Included in this grant of easement
5 and right is the right of Anderson to reasonable access to the
6 Allerman reservoirs and artificial structures presently located
7 adjacent thereto or to be constructed by Anderson in the future
8 adjacent thereto over existing roads; provided, that Nevis shall
9 have the right to abandon, relocate, or modify such roads upon
10 the condition that it first provides at its expense suitable
11 access roads of equal quality and width and grants to Anderson
12 and his successors in interest, in recordable form, an easement
13 in the Nevis Real Property identical in scope to the easement
14 granted hereby over any such replacement roads.

15 ARTICLE II. HEENAN LAKE

16 Section 2.01. Grant of Rights. Nevis hereby quit-
17 claims, releases to, and grants to Anderson all its interest in
18 water rights which authorize the diversion, use, and storage of
19 water in Heenan Lake, located in Alpine County, California, and
20 which authorize the redirection of such water to beneficially use
21 on the Dangberg Land. The rights granted hereunder include, but
22 are not limited to, all rights created by California Water Rights
23 License No. 2020 (issues pursuant to Application No. 3611, Permit
24 No. 1679).

25 Section 2.02 Burnside Lake Reservoir. Nevis quit-
26 claims, releases to, and grants to Anderson, all its interest in
27 its interest in water rights which authorize the diversion, use,
28 and storage of water in Burnside Lake Reservoir, located in
29 Alpine County, California, and which authorize the redirection of
30 such water to beneficially use on the Dangberg Land.

31 ARTICLE III. SURFACE WATER RIGHTS AND RELATED EASEMENTS

32 Section 3.01. Pine Nut Creek and Buckeye Creek.

1 Nevis covenants and agrees that he will allow the flow of Buckeye
2 Creek and Pinenut Creek to discharge into the Allerman Canal and
3 the Allerman Reservoirs as has historically occurred.

4 Section 3.02 Mutual Recognition of Water Rights.

5 Anderson grants to Nevis all of Andersons's interest in the
6 following rights to divert and beneficially use water from the
7 east fork of the Carson River upon the following portions of the
8 Nevis Real Property:

9 (A) All rights which authorize the diversion
10 of water for the benefit of and use on the
11 S 1/2 of the N 1/2 and the S 1/2 of the S 1/2
12 of the N 1/2 of the N 1/2, Section 27 T. 13 N.,
13 R. 20 E., M.D.B. & M., all lying westerly of
14 the Allerman Canal diversion ditch as established,
15 situate and existing in 1978; the N 1/2 of the
16 SW 1/4 and SE 1/4 of the SW 1/4 of Section 27,
17 T.13 N., R.20 E., M.D. B. & M.

18 (B) All rights which authorize the diversion of
19 water, the use of return flows, the use of water
20 conveyed from the Haybourne Ditch, and any other
21 rights to use water derived from the east fork of
22 the Carson River for the benefit of and use on the
23 North 1/2 of the NE 1/4 of Section 31, the North
24 1/2 of the NW 1/4 of Section 32, the SE 1/4 of
25 Section 30, the SW 1/4 of Section 29, and the
26 SW 1/4 of the SE 1/4 of Section 20, all in T.
27 14 N., R. 20 E., M.D.B. & M.

28 (C) All rights which authorize the diversion
29 of water for the benefit of and use on Section
30 8 of T. 14, N. R. 20 E., M.D.B. & M. and the
31 NW 1/4 of the NE 1/4 of Section 17 of T. 14, N.
32 R. 20 E., M.D.B. & M.

1 (D) All rights which authorize the diver-
2 sion of water for the benefit of and use
3 on the property described in Exhibit "E"
4 attached hereto.

5 Nevis grants to Anderson all of its interest and rights to
6 divert, redivert, and use water from the Carson River except for
7 Nevis's interest in such rights which are appurtenant to the
8 Nevis Real Property and described in Subparagraphs (A), (B), (C),
9 and (D) above. It is the intent of the parties under this
10 Section to transfer to Anderson all east fork Carson River water
11 rights which are appurtenant to and all Carson River water rights
12 which have been historically used on the Dangberg Land, except
13 for those rights which are specifically reserved to Nevis pur-
14 suant to Subparagraphs (A), (B), (C) and (D).

15 Section 3.03. Covenant of Historic use. It is the
16 intent of the parties to this Agreement that the rights granted
17 under Section 3.02 above is intended to confirm unto Anderson and
18 to transfer to him all water rights which are or may be appur-
19 tenant to the Anderson Real Property and to confirm upon Nevis
20 and transfer to him all water rights which are or may be appur-
21 tenant to the Nevis Real Property, whether such right may be
22 derived from permits from the Nevada State Engineer, Court
23 decrees, historic^{practice} use or custom, California water rights permits,
24 or any other means of acquiring water rights. It is further
25 the intent of the parties that these water rights be recognized
26 and continued whether they be based on direct diversion from
27 surface streams, reuse of tail water or drainage flow, or ground
28 water pumping. This Agreement shall not be interpreted as con-
29 stituting an exclusive or all inclusive compilation of the water
30 rights inuring to the benefit of the parties hereto and any other
31 rights which are later determined to be appurtenant to the real
32 property of either party hereto shall be deemed to have been

1 transferred and confirmed upon the owner of that property by this
2 Agreement.

3 Each party covenants with the other that they shall
4 do all acts necessary to preserve the historic diversion, irri-
5 gation, rediversion, flooding and drainage of water upon the
6 Dangberg Land so that the manner of application, amount of,
7 time of and place of usage of water upon the Dangberg Land
8 shall continue and remain in accordance with historic custom practice,
9 and usage within the existing water system of the Dangberg
10 Land. Each party covenants with the other that they shall do
11 nothing to interfere with the use of water upon the Anderson
12 Real Property and the Nevis Real Property in accordance with
13 the historic and customary time of, amount of, place of and
14 manner of application, usage, and drainage of water upon the
15 Dangberg Land.

16 Section 3.04. Water Rights Litigation. The parties
17 to this Agreement recognize that the nature and extent of some
18 of the water rights appurtenant to the Dangberg Land are subject
19 to dispute and involved in litigation in the case of The United
20 States of America v. Alpine Land and Reservoir Company, et al.,
21 Case No. D-183 BRT in the United States District Court for the
22 District of Nevada. The grant of reservation of water rights in
23 this document shall not be interpreted as an agreement or warr-
24 anty that such a water right exists. Each party hereto shall be
25 responsible for protecting and defining the water rights appur-
26 tenant to the property to which that party has received title.

27 ARTICLE IV. GRANTS OF DITCH, CANAL, AND SURFACE WATER EASEMENTS

28 Section 4.01. Allerman Canals. Nevis hereby grants
29 to Anderson a perpetual easement to operate, maintain, repair,
30 and replace those certain water conveyance facilities known as
31 the Upper Allerman Canal and the Lower Allerman Canal and
32 Allerman division ditches at their present location in Sections

1 11 and 2, T. 12 N., R. 20 E., and Sections 34, 35, 26, 27, 23,
2 22, 15 and 14, T. 13 N., R. 20 E., M.D.B. & M., and all struc-
3 tures appurtenant to said canals and diversion ditches. Said
4 canals, ditches, and structures shall hereinafter be referred to
5 as the "Allerman Canals." Said easements shall be Fifty (50)
6 feet in width on both sides of the centerlines of the Lower
7 Allerman Canal, the Upper Allerman Canal and each diversion ditch
8 at its present location for total widths of 100 feet. Said
9 easements shall also include all of that portion of the Nevis
10 Real Property situated between the Lower Allerman Canal and the
11 Upper Allerman Canal and located in Sections 11 and the South 1/2
12 of the South 1/2 of Section 2, T. 12 N., R. 20 E., M.D.B. and M.
13 Anderson may utilize the area within the easements which are not
14 utilized for the conveyance of water, for access to the Allerman
15 Canals, operation of construction and maintenance equipment,
16 storage of waste materials removed from the sections of the
17 Allerman Canals, and all other activities reasonably required to
18 efficiently use, maintain, repair, replace and rebuild the Aller-
19 man Canals for water conveyance and distribution purposes. Nevis
20 further grants to Anderson the right of reasonable access to the
21 Allerman Canals over existing roads located upon the Nevis Real
22 Property; provided, that Nevis shall have the right to abandon
23 relocate, or modify such roads upon the condition that he first
24 provides at his expense suitable access roads of equal quality
25 and width and grants to Anderson in recordable form easements
26 identical to the easements reserved hereby over such replacement
27 roads.

28 Section 4.02. Other Easements. Nevis grants to
29 Anderson easements to operate, maintain, repair, and replace
30 all existing water conveyance canals and appurtenant structures
31 located upon the Nevis Real Property in Section 14, T. 13 N.,
32 R. 20 E., and in Sections 23, 26, 27, 34 and 35, T. 13 N., R. 20

1 E., M.D.B. & M., including without limitation, the following:

2 (A) A 100 foot easement (50 feet on each side of the
3 existing centerline) for the canal which runs west and northwest
4 from Allerman No. 1 Reservoir as described in Exhibit "D" hereto
5 across the Northwest 1/4 of the NW 1/4 of Section 35, T. 13 N.,
6 R. 20 E., M.D.B. & M.

7 (B) A 100 foot easement (50) feet on each side of
8 the existing centerline) for the canal which runs generally
9 west from Allerman No. 4 Reservoir as described in Exhibit "D"
10 hereto across Section 14, T. 13 N., R. 20 E., M.D.B. & M., just
11 South of the midline of that Section.

12 (C) A 100 foot easement (50) feet on each side of
13 the existing centerline) for the canal which runs generally
14 southwest from Allerman No. 4 Reservoir as described in Exhibit
15 "D" hereto across the NW 1/4 of the SW 1/4 of Section 14, T. 13
16 N., R. 20 E., M.D.B. & M. (this canal is located just South of
17 the easement described in Sub-paragraph (B) above).

18 (D) A 100 foot wide easement (50 feet on each side of
19 the existing centerline) for the canal which runs generally north
20 from Allerman No. 1 to Allerman No. 4 as described in Exhibit "D"
21 hereto through the West 1/2 of Section 26 and the West 1/2 of
22 Section 23, T. 13 N., R. 20 E., M.D.B. & M.

23 The rights granted with respect to the uses of the
24 easements described in this Section shall be identical to the
25 uses and rights described for the Allerman Canal in Section
26 4.01 above and the general uses and rights granted by this
27 Article:

28 Section 4.03. Upper New Virginia and Lower Old
29 Virginia Canals. Nevis hereby grants to Anderson:

30 (A) A 100 foot easement (50 feet on each side of
31 the existing centerline) for all Virginia Canals and Virginia
32 diversion ditches which traverse Sections 27, 28 and 34 of T.

1 13 N., R. 20 E. M.D.B. & M.

2 The rights granted with respect to the uses
3 of the easements described in this Section shall be identical
4 to the uses and rights described for the Allerman Canal in
5 Section 4.01 above and the general uses and rights granted by
6 this Article.

7 Section 4.04. Klauber Pond. Nevis hereby grants to
8 Anderson a right and easement to store water in, convey water
9 through, and to beneficially use water from the Klauber Pond
10 located in the NW 1/2 of the NW 1/4 of Section 30, ^{AND the 3/4 of the 5/2 of the SW 1/4 of Section 19,} T. 13 N.,
11 R. 20 E., M.D.B. & M. To carry out the right and easement
12 granted by this Section, Nevis grants to Anderson a permanent
13 right, and easement to, at any time, flood overflow, and cover
14 all or any portion of the Nevis Real Property located below the
15 existing highwater mark of said pond.

16 Nevis hereby grants to Anderson the right to enter the
17 real property upon which the Klauber Pond is located, and all
18 land within a one hundred (100) foot distance from the existing
19 highwater mark of said pond for the purpose of operating, main-
20 taining, repairing and replacing such pond. Included in this
21 easement is the right of reasonable access to the Klauber Pond
22 over existing roads located upon the Nevis Real Property; pro-
23 vided, that Nevis shall have the right to abandon, relocate, or
24 modify such roads upon the condition that he first provides at
25 his expense suitable access roads of equal quality and width and
26 grants to Anderson in recordable form an easement identical to
27 the easement reserved hereby over such replacement roads.

28 Section 4.05. Easements Near East Fork of Carson River
29 Nevis hereby grants to Anderson perpetual easements to operate,
30 maintain, repair, and replace all irrigation and other ditches,
31 canals, water works, sloughs, streams, and all appurtenant
32 devices presently existing upon the real property described in

EXHIBIT E hereto and used to convey irrigation and other water across such real property to the Anderson Real Property, including but not limited to the Cottonwood Slough, the Martin Slough, the diversion ditch running northerly along the west side of U.S. 395 and the extension thereof from U.S. 395 to Klauber Pond. Nevis also grants to Anderson the right to maintain, repair, and reconstruct diversion facilities within the bed of the Carson River as necessary to permit diversion of water into the ditches, canals and streams for which easements are granted herein. Nevis also grants to Anderson the right of reasonable access to the aforementioned ditches, canals, water works, sloughs, streams and other devices over existing roads located upon such real property; provided, that Nevis shall have the right to abandon, relocate, or modify such roads upon the condition that it first provides at his expense suitable access roads of equal quality and width and grants to Anderson an easement in recordable form identical to the easement granted hereby over such replacement roads. The easements granted hereby are 100 feet in width (50 feet on each side of the existing centerlines), upon each side of the centerlines of all existing ditches, canals, sloughs, and streams located upon the real property described in Exhibit "E" which are used to convey irrigation and other water across such properties. Those portions of the easements granted herein not used to convey water, may be used by Anderson for the purpose of ditch cleaning, the storage of silt, debris, and other materials removed from such ditches, canals, streams, and sloughs, and the use, operation, maintenance, relocation, and other activities and work connected with such ditches, canals, water works, sloughs, streams, and water facilities.

Section 4.06. Easements on Other Lands. It is acknowledged that there currently exist rights of way, easements,

1 licenses, and other rights, both written and of a prescriptive
2 nature upon the lands of third parties and appurtenant to the
3 Dangberg Land and which have been used by the Dangberg Company
4 for the diversion, conveyance, and transport of water across such
5 real property owned by third parties (including the diversion of
6 water from the Carson River) and for road purposes. Such rights
7 shall hereinafter be referred to as "Third Party Easements".

8 Anderson hereby releases, quitclaims, confirms unto and grants
9 Nevis all Third Party Easement rights in the St. Louis Straight
10 Ditch. Nevis hereby releases, quitclaims, confirms unto and
11 grants to Anderson any and all other Third Party Easements,
12 including the sole right to divert water from the Carson River
13 subject to Anderson's continued delivery of water to and through
14 Nevis Real Property in accordance with historic custom and usage.

15 Section 4.07. Ground Water Rights of Anderson.

16 Nevis releases, quitclaims, confirms upon, and grants to Anderson
17 all of his interest to the rights to extract and beneficially
18 use water from those wells described in the following permits
19 issued by the Nevada State Engineer:

- 20 (A) 8616
- 21 (B) 8617
- 22 (C) 20531
- 23 (D) 20532
- 24 (E) 20533
- 25 (F) 20534
- 26 (G) 20535
- 27 (H) 20536
- 28 (I) 20537

29 Section 4.08. Ground Water Rights of Nevis. Anderson

30 grants to Nevis all of his interest in the rights to extract
31 and beneficially use water from those wells described in the
32 following permits issued by the Nevada State Engineer except

1 those rights to tail water and drainage from water from such
2 wells, which Anderson expressly retains for the benefit of the
3 Anderson Real Property:

4 (A) 12026

5 (B) 11853

6 Section 4.09. Costs of Maintenance, Replacement,
7 Repairs, and Other Work. Anderson shall maintain, at his cost
8 and expense, all ditches, canals, reservoirs, ponds, sloughs,
9 streams, roads, and all structures, improvements, and water
10 facilities appurtenant thereto located upon Third Party Ease-
11 ments or upon the Anderson Real Property; provided, however,
12 that Nevis shall reserve the right to maintain, repair, or
13 replace the Third Party Easement portion of the Cottonwood
14 Slough and the St. Louis Straight ditches at his expense and
15 cost.

16 Anderson may maintain, at his cost and expense, all
17 ditches, canals, reservoirs, ponds, sloughs, streams, roads,
18 structures, improvements and water facilities appurtenant thereto
19 located upon the Nevis Real Property from which is used to convey
20 water to the Anderson Real Property.

21 Section 4.10. Removal of Shrubs, Vegetation, and Silt.
22 As part of the easements and rights granted by this Article,
23 Anderson shall have the right to carry out such maintenance
24 activities within such easements as are necessary for proper
25 and efficient use of the ditches, canals, ponds, and water
26 facilities covered by such easements, including, but not limited
27 to removal of trees, shrubs, and other vegetation, removal of
28 silt and other debris from such facilities and the storage of
29 such materials within the easements as are described in this
30 Article.

31 Section 4.11 Fences. Anderson or Nevis at their own
32 expense, may at any time fence all or a portion of any of the

1 easements granted under this Article, provided, that any such
2 fencing shall be placed on the exterior boundaries of the
3 easements described in this Article and shall include all gates
4 required for access to the easements. Nevis hereby grants to
5 Anderson the right and easement to temporarily remove any such
6 fence if such removal is necessary to carry out his rights
7 granted by this Article so long as Anderson replaces such fence
8 within a reasonable time at his expense. Notwithstanding the
9 foregoing, Anderson may fence all or a portion of the easements
10 granted under this Article at any location within the exterior
11 boundaries of the easements described in this Article and any
12 such fencing within such boundaries shall not be construed or
13 held to be a waiver of any of Anderson's rights or easements
14 granted hereunder, and Anderson shall have the right at all times
15 to relocate the fence on the exterior boundaries of such ease-
16 ments.

17 Section 4.12. Non-Exclusive. The easements granted
18 by this Article upon the Nevis Real Property are non-exclusive
19 as between the parties and Nevis shall retain the right to pass
20 over and otherwise use the real property included in the ease-
21 ments so long as such use does not interfere with the rights or
22 easements granted and the uses permitted by this Article.

23 Section 4.13. Indemnity. Anderson agrees to hold
24 and save Nevis harmless from any and all claims, damages, or
25 costs resulting from Anderson's use and maintenance of the
26 easements granted pursuant to this Article. Nevis agrees to
27 hold and save Anderson harmless from any and all claims, damages,
28 or costs resulting from Nevis' use of the easement areas granted
29 by this Article.

30 ARTICLE V. MISCELLANEOUS

31 Section 5.01. Binding Effect. As used herein, the term
32 "Anderson" includes JOHN B. ANDERSON and EDITH ANDERSON, their

1 heirs, assigns, and successors in interest to any portion or
2 all of the Anderson Real Property. As used herein, the term
3 "Nevis" includes NEVIS INDUSTRIES, INC., its successors in
4 interest and assigns to any portion or all of the Nevis Real
5 Property. The covenants, rights, and obligations contained in
6 this Agreement are permanent, shall run in perpetuity, shall
7 inure to the benefit of, and bind all future assigns, successors
8 in interest, and transferees of both the Nevis Real Property and
9 the Anderson Real Property (also "parties" shall include succes-
10 sors and assigns of Anderson and Nevis).

11 Section 5.02. Appurtenant Easement. All easements
12 and rights granted to Nevis herein shall be appurtenant to the
13 Nevis Real Property and shall run with and attach to title to the
14 Nevis Real Property and shall benefit Nevis and his successors
15 in interest to the Nevis Real Property. All easements and rights
16 granted to Anderson shall be appurtenant to the Anderson Real
17 Property and shall run with and attach to the Anderson Real
18 Property and shall benefit Anderson and his successors in
19 interest in and to the Anderson Real Property.

20 Section 5.03. Severability. The invalidity or
21 illegality of any provision of this Agreement shall not affect
22 the remainder of this Agreement.

23 Section 5.04. Attorney's Fees. In the event of any
24 controversy, claim, or dispute relating to this instrument or
25 the breach thereof, the prevailing party shall be entitled to
26 recover from the losing party reasonable expenses, attorney's
27 fees, and costs.

28 Section 5.05. Remedies. Each party's obligations
29 under this agreement are unique. If either party should violate
30 its covenants given hereunder or breach this agreement, the
31 parties acknowledge that it would be extremely impracticable to
32 measure the resulting damages; accordingly, the non-defaulting

1 party, in addition, to any other available rights or remedies,
2 may sue in equity for specific performance or injunctive relief,
3 and the parties each expressly waive the defense that a remedy
4 in damages will be adequate.

5 Section 5.06. Parties in Interest. Nothing in this
6 agreement, whether express or implied is intended to confer any
7 rights or remedies under or by reason of this agreement in any
8 person other than the parties to it and their respective succes-
9 sors and assigns, nor is anything in this agreement intended to
10 relieve or discharge the obligations or liability of any third
11 persons to any party to this agreement, nor shall any provisions
12 give any third person the right of subrogation or action against
13 any party to this agreement.

14 Section 5.07. Governmental Applications, etc. If
15 to carry out the purposes and intent of this Agreement, either
16 party deems it necessary to make any application to any govern-
17 mental agency, court or administrative agency for any order, dec-
18 ree, or ruling consistent with the terms hereof, the other party
19 agrees to join in and cooperate with such party in making such
20 application and not oppose the same.

21 Section 5.08. Roads. Included in all grants of
22 easements and rights in this agreement is the right of Anderson
23 to reasonable access to all of such easements and the canals,
24 ditches, streams, sloughs, and artificial structures covered
25 thereby together with artificial structures to be constructed
26 by Anderson in the future within such easements, over existing
27 roads; provided, that Nevis shall have the right to abandon,
28 relocate, or modify such roads upon the condition that he first
29 provides at his expense suitable access roads of equal quality
30 and width and grants to Anderson and his successors in interest,
31 an easement in the Nevis Real Property identical in scope to the
32 easement granted hereby over any such replacement roads.

1 Anderson shall also have the right to maintain at his expense
2 any access roads which he utilizes and shall repair any damage
3 to such access roads resulting from such use and maintenance
4 activities. Also included within all reservoir and ditch ease-
5 ments crested by this agreement is the right to construct and
6 maintain roadways within the easement areas.

7 Section 5.09. Further Assurances. It is the intent
8 of the parties to transfer all necessary easement rights to one
9 another to allow continued irrigation of all lands being acquired
10 by the parties hereto. To the extent this Agreement fails to
11 transfer to the proper party an easement or easements required
12 to allow irrigation to continue in its historic manner, such an
13 easement will be deemed to have been created by this agreement
14 and the parties shall execute a supplemental deed confirming
15 the easement rights. Each party agrees to execute such further
16 easements, rights of way, deeds, and documents as may be reason-
17 ably requested by the other to more effectively transfer or
18 define the easements granted pursuant to this Article.

19 Section 5.10. Bridges. No bridges or other crossings
20 shall be constructed over or across any ditches, canals, streams,
21 or sloughs which would unreasonably interfere with the use,
22 operation or maintenance of any such facilities. At least 10
23 days prior to the construction of any such bridge or crossing,
24 the party so constructin shall notify the easement holder of
25 his intent to so construct and furnish said party with the
26 plans for such bridge or crossing.

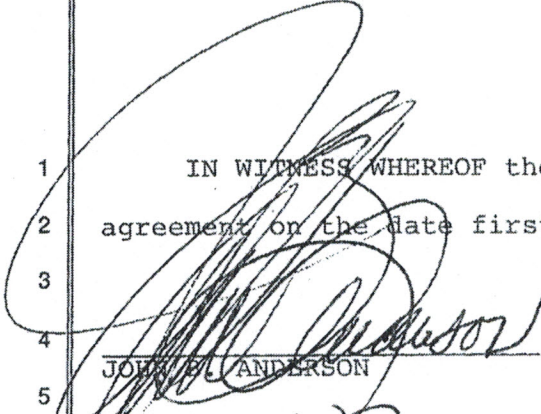
27 Section 5.11. Modification. This agreement may only
28 be modified by an agent, in writing executed by the parties
29 hereto after the date of this agreement.

30 ---

31 ---

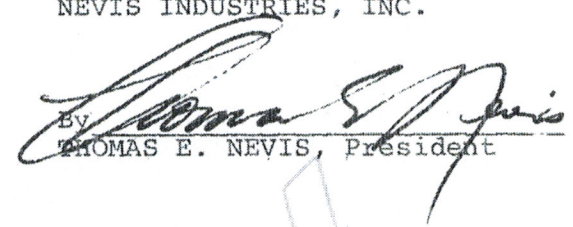
32 ---

1 IN WITNESS WHEREOF the parties hereto have executed this
2 agreement on the date first above referenced.
3

4 
JOHN E. ANDERSON

NEVIS INDUSTRIES, INC.

5 
6 EDITH ANDERSON

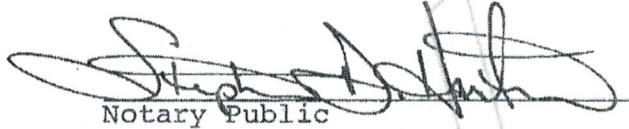
By 
THOMAS E. NEVIS, President

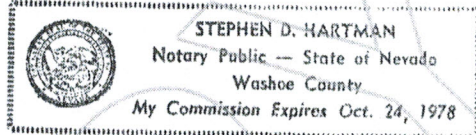
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1 STATE OF NEVADA)
2) ss
3 CARSON CITY)

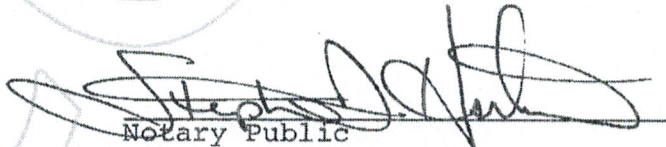
4 On this 10th day of May, 1978, personally
5 appeared before me, a Notary Public, THOMAS E. NEVIS, known to
6 me to be the President of Nevis Industries, Inc., and who
7 acknowledged that he executed the foregoing instrument on behalf
8 of said corporation.

9 
10 Notary Public



15 STATE OF NEVADA)
16 COUNTY OF Carson City) ss

17 On this 10th day of May, 1978, personally
18 appeared before me, a Notary Public, JOHN B. ANDERSON and
19 EDITH ANDERSON, who each acknowledged that they executed the
20 foregoing instrument.

21 
22 Notary Public

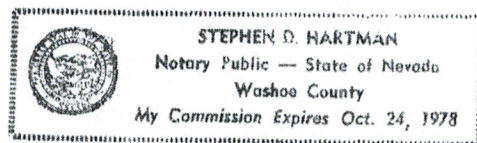


EXHIBIT "A"DESCRIPTION

All those certain lots, pieces or parcels of land situate in the County of Douglas, State of Nevada, described as follows:

PARCEL No. 1:

A parcel of land in the TOWN OF MINDEN, North of Highway 395 and East of Buckeye Lane (Sixth Street) and also being in the Southeast 1/4 of the Southwest 1/4 of Section 29, Township 13 North, Range 20 East, M.D.B. & M., in Douglas County, Nevada, more particularly described as follows:

BEGINNING at a point on the Easterly side of Buckeye Lane (Sixth Street extended) from which the Minden Town Monument bears South 52°37'28" East, 651.52 feet. The Town Monument being located South 89°18'25" East, 4,649.90 feet from the one-quarter corner common to Sections 30 and 31, Township 13 North, Range 20 East; thence from the said Point of Beginning, running South 63°25' East, 522.10 feet; thence on a curve to the right with a radius of 618.23 feet, through an angle of 4°26'20" for a length of 47.90 feet; thence North 26°25' East, 241.76 feet; thence on a curve to the right from a tangent bearing of South 80°21'23" West, with a radius of 548.00 feet, through an angle of 36°13'37" for a distance of 346.49 feet; thence North 63°25' West, 246.14 feet; thence South 26°35' West, 134.00 feet to the POINT OF BEGINNING.

EXCEPTING that portion conveyed to BENTLY NEVADA CORPORATION, a Nevada corporation, by Deed recorded September 24, 1975, in Book 975, Page 929, and Book 975, Page 926, Official Records of Douglas County, Nevada.

PARCEL NO. 2:

A parcel of land in the TOWN OF MINDEN, North of Highway 395, and West of Buckeye Lane (Sixth Street) and also being in the South 1/2 of the Southwest 1/4 of Section 29, Township 13 North, Range 20 East, M.D.B. & M., in Douglas County, Nevada, more particularly described as follows:

BEGINNING at the Northwest corner of the intersection of Buckeye Lane and Highway 395 from which the Minden Town Monument bears South 58°06'23" East, 713.05 feet. The Town Monument being located South 89°18'25" East, 4649.90 feet from the one-quarter corner common to Sections 30 and 31, Township 13 North, Range 20 East; thence from said Point of Beginning, running along the Northerly side of Highway 395, North 63°25' West, 1,423.40 feet; thence North 26°35' East, 120.00 feet; thence South 63°25' East 690.00 feet; thence North 79°00' East, 114.27 feet; thence South 63°25' East, 642.45 feet; thence South 26°35' West, 190.00 feet along the Westerly side of Buckeye Lane to the POINT OF BEGINNING.

EXCEPTING that portion conveyed to the STATE OF NEVADA by Deed recorded July 21, 1965, in Book 33, Page 143, Official Records of Douglas County, Nevada.

EXHIBIT "A" - DESCRIPTION (CONT.):PARCEL NO. 2 (CONT.):

EXCEPTING that portion conveyed to the DOUGLAS COUNTY SCHOOL DISTRICT by Patent recorded August 10, 1966, in Book 43, Page 11, as File No. 33307, Official Records of Douglas County, more particularly described as follows:

BEGINNING at a point on the Northerly side of the State Highway right-of-way line, North 63°25' West, 146 feet from the Southeast corner of the Wool Warehouse lot, said Point of Beginning further described as bearing North 58°58'40" West, 855.32 feet from the established Town Monument of the said TOWN OF MINDEN; thence North 63°25' West, along the Highway right-of-way line 60 feet to a point; thence North 26°35' East, 55 feet, to a point; thence South 63°25' East, parallel with the railroad spur track, 60 feet to a point; thence South 26°35' West, 55 feet to the POINT OF BEGINNING; all within Section 29, Township 13 North, Range 20 East, M.D.B. & M.

EXCEPTING that portion conveyed to JOHN L. JOHNSON and wife, recorded September 25, 1968, in Book 62, Page 160, as File No. 42368, Official Records of Douglas County, Nevada, more particularly described as follows:

A parcel of land in the TOWN OF MINDEN, NEVADA, lying in the South 1/2 of the Southwest 1/4 of Section 29, Township 13 North, Range 20 East, M.D.B. & M., being further described as follows:

BEGINNING on the Northerly right-of-way line of Highway 395, at the Southwesterly corner of that certain parcel as described to U. S. BUREAU OF LAND MANAGEMENT, in Book Y of Deeds, Page 463, and recorded August 16, 1948, Douglas County, Nevada, records; thence along the right-of-way line of U. S. Highway 395, North 63°25'00" West, 44.00 feet to the Easterly line of Seventh Street extended; thence along said extension North 26°35'00" East, 125.00 feet; thence parallel to Highway 395, South 63°25'00" East, 44.00 feet to the Westerly line of aforesaid Bureau of Land Management parcel extended; thence along said extension South 26°35'00" West, 125.00 feet to the POINT OF BEGINNING.

EXCEPTING that portion conveyed to GERALD L. BELANGER and wife, recorded February 5, 1969, in Book 65, Page 38, File No. 43658, Official Records of Douglas County, Nevada, more particularly described as follows:

A parcel of land situate in the TOWN OF MINDEN, NEVADA, and being a portion of the Southwest 1/4 of the Southwest 1/4 of Section 29, Township 13 North, Range 20 East, M.D.B. & M., and being further described as follows:

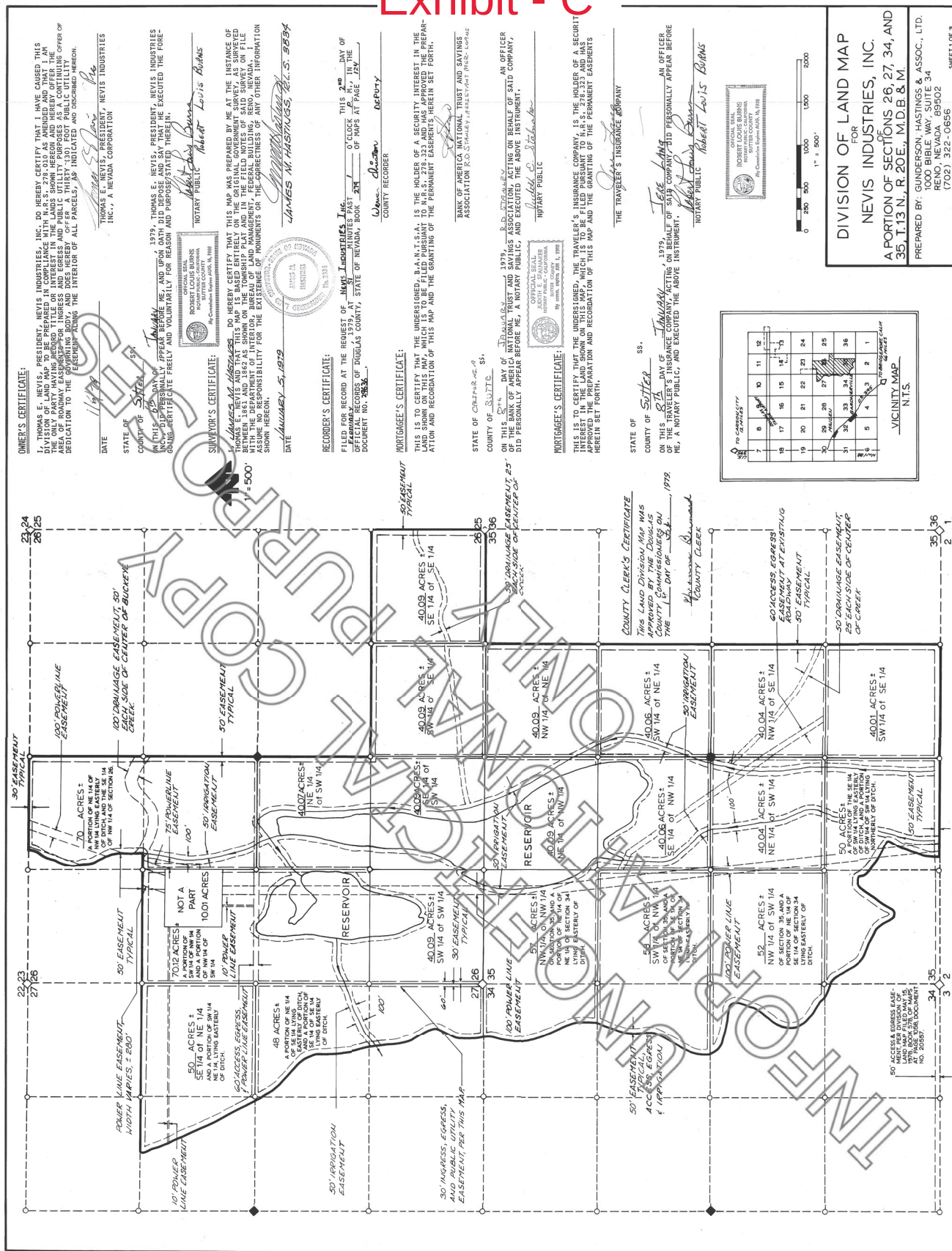
COMMENCING at a point in the Northerly right-of-way line of Railroad Avenue, at the intersection of the centerline of Ninth Street, produced;

(continued)

20648

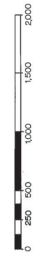
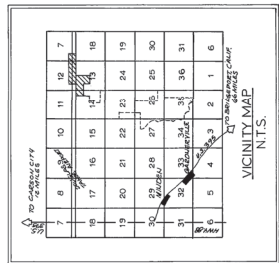
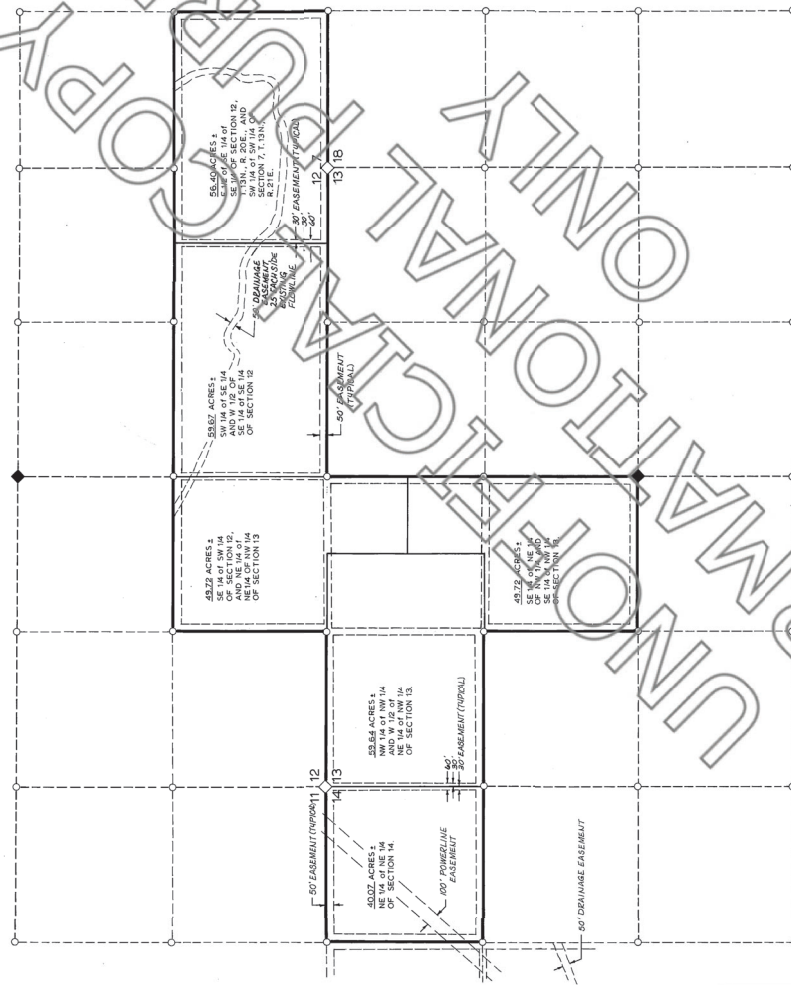
BOOK 578 PAGE 971

55



INFORMATIONAL ONLY

UNOFFICIAL COPY



DIVISION OF LAND MAP
FOR
NEVIS INDUSTRIES, INC.
OF
A PORTION OF SECTIONS 12, 13 & 14, T13N,
R20E, & SECTION 7, T13N, R21E, M1B & M1E,
PREPARED BY: GUNDERSON, HASTINGS & ASSOC., LTD.
1000 BIBLE WAY, SUITE 34
RENO, NEVADA 89502
(702) 322-0856

SHEET 3 OF 3
DOC 29684
2/27/13-20 NEVIS IND



GENERAL DEVELOPMENT APPLICATION (PLANNING)

PLEASE NOTE: The following application form is provided to applicants to assist in the submittal of our **General Development Application** with Douglas County. ***This application form is not required when submitting via Oracle Permitting and Licensing (OPAL).*** All requested information, as prescribed by the submittal requirements, before the application is accepted by the Community Development Department. By completing this application, you are also confirming you have read Title [20.01.100 Right to Farm](#).

APPLICATION TYPE: (CHECK ALL THAT APPLY):

Development

- ☐ Agreement
- ☐ Annexation
- ☐ Design Review ☐ Major ☐ Minor
- ☐ Master Plan Amd ☐ Text ☐ Map
- ☐ Mixed Use Commercial
- ☐ Modification to Approved Permit:
 - ☐ Major ☐ Minor
- ☐ Planned Development
- ☐ Special Use Permit
- ☐ Specific Plan
- ☐ Variance ☐ Major ☐ Minor
- ☐ Zoning Amd ☐ Text ☐ Map

Land Division

- ☐ Boundary Line Adjustment ([BLA](#))
- ☐ Division of Land into Large Parcels
- ☐ Land Adjustment:
 - ☐ Amended Map
 - ☐ Map Type: _____
 - ☐ Certificate of Amendment
 - ☐ Modification to Approved Tent Map:
 - ☐ Major ☐ Minor
 - ☐ Lot Consolidation/Reversion to Ac
 - ☐ Merger / Resubdivision
 - ☐ Abandonment ☐ Road ☐ PUE
- ☐ Parcel Map ☐ Tentative ☐ Final
- ☐ Subdivision Map ☐ Tentative ☐ Final
- ☐ Variance to Improvement Standards

General Planning

- ☐ Address Request or Change
- ☒ Advisory Meeting (WCAC)
- ☐ Master Sign Plan ☐ New ☐ Amd
- ☐ Road Name Application
- ☐ Temporary Application
- ☐ Waiver Request
- ☐ Extension of Time*

Pre-Application Meeting

- ☐ Pre-Application Meeting

*Extension of Time requests shall be submitted to planning@douglasnv.us

PROJECT LOCATION/INFORMATION:

Street Address (if available): 1725 Fish Springs Road

Space/Unit #:

Assessor's Parcel Number(s): 1220-02-001-012

In Genoa – Prior to accepting any Zoning & Building Permits in the Genoa Historic District non-residential zoned areas, a Certificate of Appropriateness from the Genoa Historic District Commission is required.

PROJECT DESCRIPTION:

Project Name (if applicable): O'Banion Parcel Map

Is there a Development Agreement on this property? ☐ Yes ☒ No

If yes, Document Number # _____

Past approval numbers?

Brief description of project or request: (Your detailed description of the project is required to be submitted as item #4 on our checklist)
Create 3 parcels from the current 15.9 acre parcel, zone RA-5. The current parcel has an existing irrigation easement from the tailwaters of Pine Nut Creek, where the Upper Allerman and Lower Allerman Canals continue. No changes to the irrigation easement are proposed and this parcel does not have any rights to the use of the water in those canals / ditches. Reference TMP-0004, required WCAC for tentative parcel map approval.

Note: Upon review of this application, Douglas County may require additional documentation and/or applications.

APPLICANT INFORMATION:	
Property Owner	Applicant
Name: Todd James O'Banion	Name: Gary E. Thurm, Jr.
Name (if applicable):	Company: Three Castles Engineering
Address: 1316 Chichester Drive	Address: 1228 Pep Circle
City: Gardnerville State: NV Zip: 89410	City: Gardnerville State: NV Zip: 89410
Phone: 775-790-4309	Phone: 775-783-1058
Email: todd@enviroscapeinc.com	Email: threecastlesengineering@gmail.com

Note: For permits requiring a public hearing, this application must include the names of all owners and, if a corporation, all stockholders and officers (Douglas County Code 20.04.010). You must provide documentation from the legal entity which authorizes the person executing this document to act on the legal entity's behalf.

A. PROPERTY OWNER AFFIDAVIT:

I do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Todd James O'Banion

Printed Name



Signature

8-6-2026

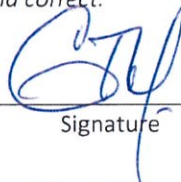
Date

B. APPLICANT/APPLICANT'S REPRESENTATIVE:

I certify under penalty of perjury that I am the applicant and that the foregoing statements and answers contained herein and the information herein submitted, are in all respects true and correct.

Gary E. Thurm, Jr.

Printed Name



Signature

8/6/26

Date

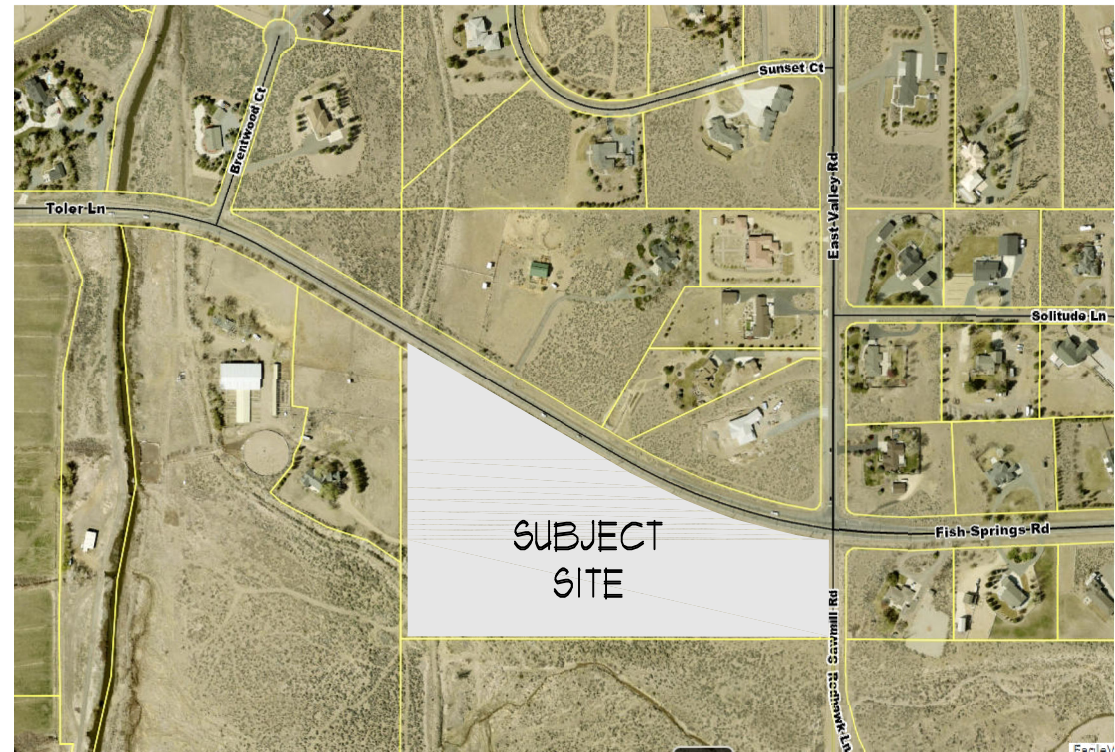
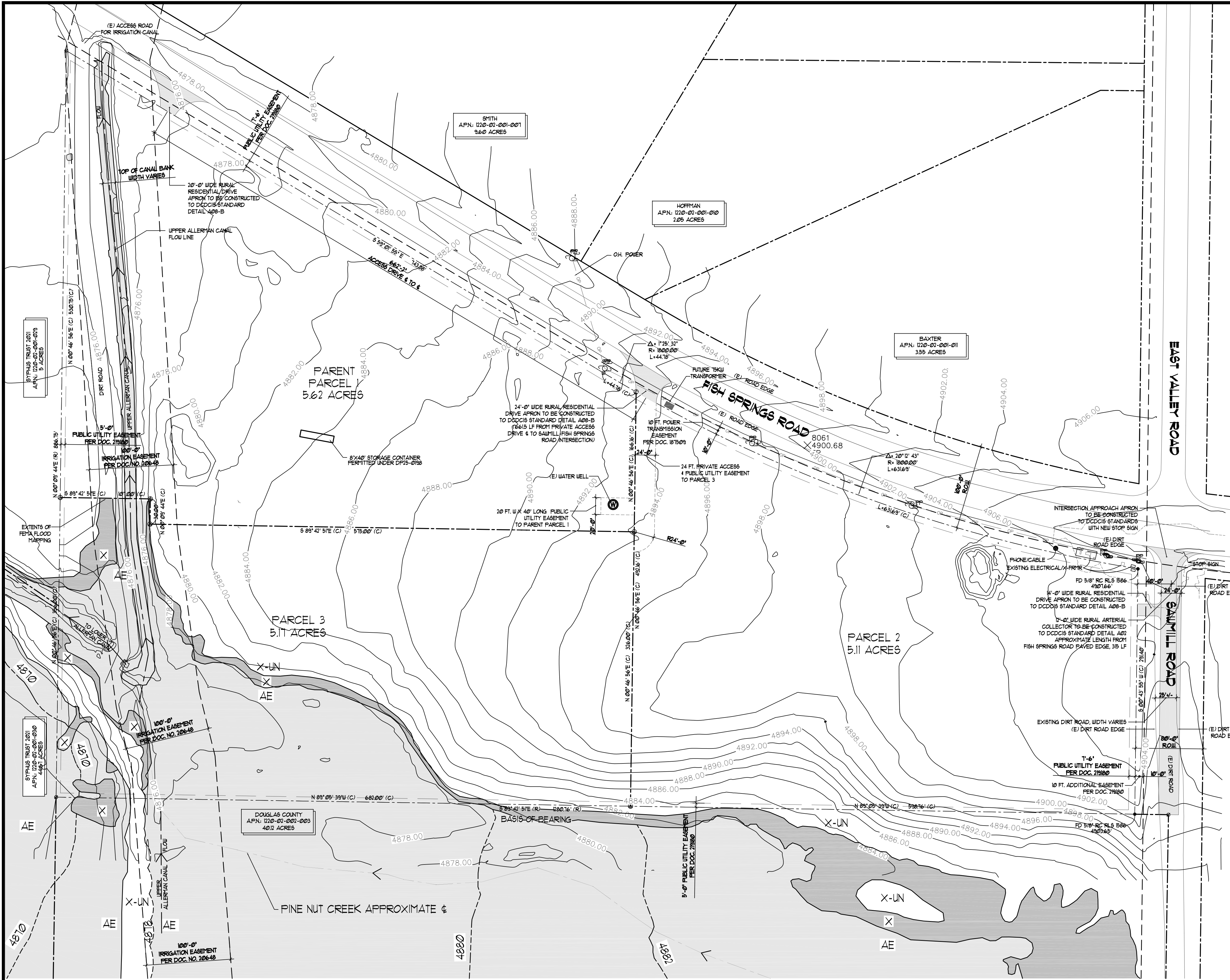
NOTE: If your project is within Town boundaries you will need to reach out to the applicable governing body for submittal.

- Town of Gardnerville - <https://www.townofgardnerville.com/>
- Town of Minden - <https://www.townofminden.com/>
- Town of Genoa - <https://www.genoanevada.org/>

NOTE: Please reach out to East Fork Fire (<https://eastforkfire.org/> or ARay@eastforkfire.org or 775-782-9040) or Tahoe Douglas Fire (<https://tahoe-fire.org/>) for their submittal requirements.

Please see pages 3 & 4 for document requirements.

For items required that are listed under General Planning on page 1 (Extension of Time, Master Sign Plan, Waiver Request). Please check with staff.



VICINITY MAP
N.T.S.

OWNER INFORMATION

OWNER: TODD JAMES O'BANION
MAILING ADDRESS:
136 CLOCHETTER DRIVE
GARDNERVILLE, NV 89410

PROPOSED PARCELS

PARCEL 1 - 5.62 AC. (PARENT PARCEL)
PARCEL 2 - 5.11 AC. (NEW PARCEL)
PARCEL 3 - 5.11 AC. (NEW PARCEL)
TOTAL - 15.8 AC.

UTILITY PROVIDERS:

POWER: NV ENERGY
6726 WEST SAHARA AVE.
LAS VEGAS, NV 89140
(702) 864-1331

INTERNET: DTS FIBER
6025 WEST 88, MINDEN, NV 89413
(775) 593-3611

CABLE INTERNET, PHONE: CHARTER SPECTRUM
4302 ENERGY WAY
RENO, NV 89502
(775) 823-1331

GAS: SOUTHWEST GAS
400 EAGLE STATION LN.
GARDNERVILLE, NV 89410
(877) 860-6400

PHONE: FRONTIER COMMUNICATIONS
5300 CHURCH ST.
GARDNERVILLE, NV 89410
(775) 782-0961

SURVEYOR'S NOTES:

1. ANDREW LINDSAY, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, AS AN AGENT FOR THREE CASTLES ENGINEERING, LLC, DO HEREBY CERTIFY THAT:
- THIS PLAT REPRESENTS THE RESULTS OF A FIELD SURVEY, SUFFICIENT TO LOCATE AND IDENTIFY PROPERLY THE NEWLY CREATED PARCELS AND WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF TODD J. O'BANION.
 - THE LANDS SURVEYED LIE WITHIN A PORTION OF SECTION 2 T.10N., R.20E., M.D.B. & M., DOUGLAS COUNTY, NEVADA AND THE SURVEY WAS COMPLETED ON NOVEMBER 14, 2025.
 - THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE SURVEY WAS COMPLETED AND WAS PERFORMED IN ACCORDANCE WITH CHAPTER 615 OF THE NEVADA ADMINISTRATIVE CODE.
 - ALL CORNERS AND ANGLE POINTS OF THE NEW PROPERTY LINE BOUNDARIES HAVE BEEN DEFINED BY MONUMENTS OR WILL BE OTHERWISE DEFINED ON A DOCUMENT OF RECORD AS REQUIRED BY NRS 633.340.
 - THIS PARCEL MAP IS NOT IN CONFLICT WITH THE PROVISIONS OF NRS 718.010 TO 718.630 INCLUSIVE.
 - A 15 FT. WIDE PUBLIC UTILITY EASEMENT ALONG ALL ROAD FRONTS AND A 5 FT. WIDE PUBLIC UTILITY EASEMENT ALONG THE SIDE AND REAR LOT LINES IS HEREBY GRANTED FOR THE NEW PARCELS AND EXISTS AS SHOWN ON THE EXISTING PARCEL MAPS, NO PER DOC. 7980-21880.
 - PARCELS 1 & 3 HAVE AN IRRIGATION EASEMENT, 100 FT. WIDE ALONG THE WEST SIDE, SHOWN AND DEPICTED ON THIS MAP, RECORDED AS DOC. 18648 ON MAY 12, 1918. THIS EASEMENT SHALL REMAIN FOR THE PURPOSES OF ACCESS AND MAINTENANCE AND FOR OTHER PURPOSES AS DESCRIBED IN THE EASEMENT DOCUMENT. THESE PARCELS DO NOT HAVE ANY RIGHTS TO USE ANY SURFACE WATERS FROM THE CARRON RIVER THAT MAY FLOW THROUGH THE UPPER ALLERMAN CANAL BY DIVERSION FOR IRRIGATION OR ANY OTHER PURPOSE.

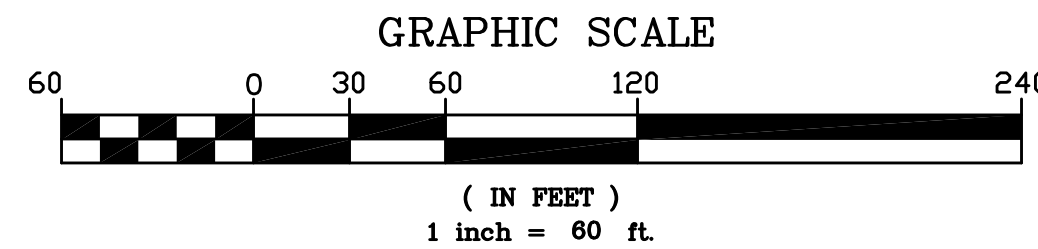
SURVEYOR'S CERTIFICATE:

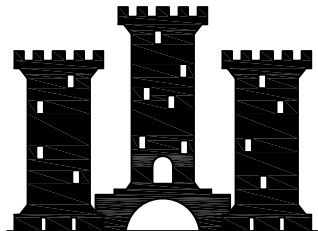
ANDREW LINDSAY, P.L.S. DATE

LEGEND:
EXISTING MAJOR CONTOUR (10 FT. - NAVD83)
EXISTING MINOR CONTOUR (2 FT. - NAVD83)
PROPOSED CONTOUR (1 FT. - NAVD83)
PROPERTY BOUNDARY
BUILDING SETBACK LINE
FLOW LINE (APPROXIMATE CENTERLINE)
EASEMENT LINE
EXISTING OVERHEAD POWER LINE

TO BE SET: REBAR WITH CAP PL. 15441
FOUND MONUMENT AS NOTED
PROPERTY CORNER NOTHING SET OR FOUND

ABBREVIATIONS
A.P.N. ASSESSOR'S PARCEL NUMBER
FD FOUND
P.L.S. PROFESSIONAL LAND SURVEYOR
S.B. SETBACK (NO BUILDING)
E.G. EXISTING GRADE
N.C. NOT IN CONTRACT (OR PERMIT)
N NEW
E EXISTING
P PROPOSED



REVISION	DATE	DESCRIPTION OF REVISION / JURISDICTION	PROJECT#: 625005		 THREE CASTLES ENGINEERING, LLC An Engineering and Consulting Company 1228 Pop Circle Gardnerville, NV 89410 Phone: (775) 783-1058 E-mail: threecastlesengineering@gmail.com	TENTATIVE PARCEL MAP TODD JAMES O'BANION	SHEET 1
1	08/31/26	TMP-0004, ENGINEERING DEPT. PLAN REVIEW COMMENTS SUB 1	SURVEYOR: AL			A.P.N.: 1220-02-001-012	
			DRAWN BY: GT			LOCATED WITHIN A PORTION OF SECTION 2, T.12N., R.20E., M.D.B. & M. DOUGLAS COUNTY, NV	
			SCALE: 1" = 60'-0"				

Allerman Upper Virginia Irrigation Co. Inc.

P O Box 55

Minden, Nevada 89423

September 11, 2026

Jeremy Hutchings
Douglas County Community Development
P O Box 218
Minden, Nevada 89423

Dear Jeremy,

At the Allerman Upper Virginia Irrigation Company board meeting of September 8, 2026, Todd O'Banion with his engineer Gary Thurm of Three Castles Engineering, LLC, presented plans to subdivide A.P.N. 1220-02-001-012. The reason for coming to the board was a portion of the Upper Allerman Canal is within the parcel and since the owner is being required to provide an irrigation plan, they were requesting a downstream users list from us. The board informed Todd and Gary that the Upper Allerman is no longer used to convey irrigation water and hasn't for over 20 years. When it was being used for irrigation water it was used to convey Bently ranch water to Dangberg Reservoir #4, which has been abandoned and the storage rights transferred. Currently the Upper Allerman Canal collects storm water run-off from the east valley region of Carson Valley. The Allerman Board has no intention of conveying irrigation water through the Upper Allerman Canal now or in the future. As another matter, we have indicated our desire to work with Douglas County in granting the easement for the Upper Allerman Canal to the county for its inclusion in the Douglas County Storm Water Master Plan. In conclusion, it was the board's consensus that there isn't a need for a downstream users list and that if the county were to still require one, there is a single downstream user, Bently Ranch. I hope this information has been useful in this matter. If you have any questions feel free to contact me at 775-790-0163 or frankgodecke@yahoo.com.

Frank Godecke



Secretary Treasurer

Cc: Gary Thurm