

**CITY OF FERNLEY**  
**RESOLUTION #19-002**

**A RESOLUTION SUPPORTING THE SUBMITAL AND APPROVAL OF AN APPLICATION TO THE UNITED STATES BUREAU OF RECLAMATION REQUESTING AUTHORIZATION TO CONSTRUCT A NEW TAKEOUT STRUCTURE ON THE TRUCKEE CANAL; APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE BUREAU FOR REIMBURSEMENT OF COSTS ASSOCIATED WITH REVIEW OF SAID APPLICATION; AND AUTHORIZING THE CITY MANAGER TO TRANSMIT TO THE BUREAU THE DEPOSITS REQUIRED BY SAID CONTRACT**

**WHEREAS**, the City of Fernley (hereinafter “City” or “Fernley”) owns certain Newlands Project water rights that authorize the City to divert water from the Truckee River, via the Truckee Canal, for the purpose of using such water within the City’s municipal water system, and

**WHEREAS**, the United States Bureau of Reclamation (hereinafter the “Bureau”) is the owner and operates the Truckee Canal for the purpose of providing water to the Newlands Project, and

**WHEREAS**, pursuant to the terms of a Settlement Agreement entered into on November 13, 2009, by and between the City of Fernley and the Bureau, Fernley agreed to submit to the Bureau an SF-299 authorization request, and have such request approved, prior to taking any action (including modification of existing takeout structures or construction of new takeout structures) required to divert water from the Truckee Canal to Fernley’s municipal water treatment facility, and

**WHEREAS**, on November 1, 2018, City staff, acting under the direction of the City Council, submitted a completed SF-299 application to the Bureau requesting authorization to construct a new takeout structure and pipeline to convey water from the Truckee Canal to the City’s municipal water treatment facility, and

**WHEREAS**, On December 19, 2018, the Bureau sent Fernley a notification that it had received the SF-299 application and was requesting, pursuant to the terms of the 2009 Settlement Agreement, execution by Fernley of a reimbursement agreement providing that Fernley will reimburse the Bureau for all costs associated with review of the application and provide an initial deposit of \$30,000 to cover said costs;

**NOW THEREFORE, BE IT RESOLEVD** that the City Council of the City of Fernley hereby supports the submittal and approval of Fernley’s SF-299 authorization request to construct a new takeout structure on the Truckee Canal for the purpose of diverting water from the canal to the municipal water treatment facility in accordance with the terms of Fernley’s Newlands Project water rights permits, and

**BE IT FURTHER RESOLVED** that the City Council of the City of Fernley hereby authorizes the Mayor to execute the reimbursement agreement (attached hereto as Exhibit A) and authorizes the City Manager to transmit to the Bureau the initial \$30,000 deposit and any additional deposits required to be made from time to time pursuant to the terms of the reimbursement agreement.

**PASSED, APPROVED, AND ADOPTED** this 6th day of February, 2019, by the following vote of the Council:

AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSTENTIONS: \_\_\_\_\_ ABSENT: \_\_\_\_\_

FERNLEY CITY COUNCIL

ATTEST

By: \_\_\_\_\_  
Roy Edgington, Mayor

By: \_\_\_\_\_  
Kimberley Swanson, City Clerk