



STAFF REPORT

TO: Chairman and Board Members
THRU: Mark Foree, General Manager
FROM: John Erwin, Dir. Natural Resources-Planning & Management
DATE: May 8, 2015
SUBJECT: Request for Board to amend the June 19, 2013 Contract for the Delivery of Water between TMWA and the Reno Sparks Indian Colony

Recommendation

Staff recommends the Board approve the amendment to the “Contract for Delivery of Water” (“Contract”) between TMWA and the Reno Sparks Indian Colony (“RSIC”).

Discussion

On June 19, 2013, the Board approved the Contract for the Delivery of Water between TMWA and RSIC (see attached copy). Included in the agreement is Exhibit “B” which identifies the various properties RSIC owns and the allocation of water and delivery capacity to those properties. Since the agreement was executed RSIC has acquired other properties, has re-assigned resources to properties, and is preparing for a land/resource trade with the State of Nevada who is in process of constructing a new facility on the southeast corner of Keitzke Lane and Glendale Avenue.

At the request of RSIC, the purpose of this amendment is to substitute the revised Exhibit B for the original Exhibit shown in the contract.

Amending the contract does not change the billing nor the rates charged for the delivery of water to RSIC.

AMENDMENT TO
CONTRACT FOR DELIVERY OF WATER

This Amendment to Contract for Delivery of Water ("Contract") dated for identification purposes only as of May __, 2015, is entered by and between the TRUCKEE MEADOWS WATER AUTHORITY, a Joint Powers Authority created pursuant to NRS Chapter 277 among Reno, Sparks and Washoe County, Nevada ("TMWA") and the RENO SPARKS INDIAN RSIC, a federally recognized Indian Tribe organized and existing under Section 16 of the Indian Reorganization Act (25U.S.C. § 476) ("RSIC").

RECITALS

WHEREAS, on or about June 19, 2013, TMWA and RSIC entered into that certain Contract for the Delivery of Water ("Original Contract"), pursuant to which the Parties agreed to certain terms to facilitate creating and then billing the RSIC directly rather than billing individual customers of the RSIC.

WHEREAS, included in the Original Contract is Exhibit "B" which identifies the allocation of water resources and rates of delivery to the properties owned by the RSIC.

WHEREAS, RSIC has requested that Exhibit "B" be revised based on changes and additions to the RSIC.

NOW THEREFORE, TMWA and RSIC desire to amend the Original Agreement as follows:

1. Replacement of Exhibit "B". The Original Agreement is hereby amended by replacing the original Exhibit "B" in its entirety with a new Exhibit "B" attached hereto.

2. Entire Understanding of the Parties, and Interpretation. This Amendment and the Original Agreement contains all the commitments and agreements of the parties with respect to the subject matter thereof. To the extent the provisions of this Amendment conflict with any of the terms and conditions of the Original Agreement, the provisions of this Amendment shall control.

3. Amendment. This Amendment may be amended or modified only by the mutual written agreement of TMWA and RSIC and ratification by their respective governing boards.

4. Effective Date. This Amendment is contingent upon ratification by official action each governing body of the Parties, and shall be effective on the latest date approved by the governing boards.

IN WITNESS WHEREOF, the Parties have set their hands with the intent to be bound.

TRUCKEE MEADOWS WATER AUTHORITY

Dated _____, 2015

By: _____
Geno Martini, Chairman

APPROVED AS TO FORM:

By: _____
Michael A.T. Pagni
McDonald Carano Wilson LLP
TMWA Legal Counsel

LIST OF RENO SPARKS INDIAN COLONY (RSIC) BILLING LOCATIONS, RSIC PARCELS RECEIVING WATER AND IDENTIFICATION OF REVISED BILLING CUSTOMER

EXHIBIT B

	House Number	Dirctn	Street Name	Street Suffix	Unit	Meter Located on this Parcel Parcel	Commitments and Delivery of Water to these Parcel(s)	Current Billed Customer	Revised Billed Customer	Commitments:	
										Resources Acre Feet	Delivery gallons/minute
NON-RESIDENTIAL SERVICES											
1	1840	E	2ND	ST		12-182-03	12-182-03		Transitional Facility	14.36	5.70
2	1945	E	2ND	ST		12-203-23	12-203-23		RSIC - Residential	[1]	[1]
3	1955	E	2ND	ST		12-203-23	12-203-23		RSIC - Residential	[1]	[1]
4	1985	E	2ND	ST		12-203-23	12-203-23		RSIC - Residential	[1]	[1]
5	1991	E	2ND	ST		12-203-23	12-203-23		RSIC - Residential	[1]	[1]
6	1995	E	2ND	ST		12-203-23	12-203-23		RSIC - Cultural Center	[1]	[1]
7	2001	E	2ND	ST		12-302-17	12-302-17		RSIC - Smokeshop I	[1]	[1]
8	2425	E	2ND	ST		12-301-21	12-301-21	Wal Mart	Tenant - Wal Mart	12.94	17.60
9	100		GIROUX	ST		12-382-04	12-382-04	RSIC	RSIC - H.C. Parking Lot	0.09	1.10
10	357		GOLDEN	LN		12-192-31	12-192-31		RSIC - Public Works	0.15	0.40
11	401 & 405		GOLDEN	LN		12-202-27	12-202-27	RSIC	RSIC - Police Dept, Court	0.60	0.70
12	625		GOLDEN	LN		12-203-04	12-203-04				
13							12-203-02				
14							12-203-03	RSIC	RSIC - Church	} 0.15	0.25
15							12-203-05				
16	901		GOLDEN	LN		12-203-19	12-203-19				
17							12-203-06				
18							12-203-07				
19							12-203-08	RSIC	RSIC - Smokeshop II	} 0.20	0.25
20							12-203-20				
21							12-203-21				
22	290		KEITZKE	LN		12-182-02	12-182-02	Dayton Valley Turf	Tenant - Dayton Valley Turf		
23	1715		KUENZLI	ST		12-391-14	12-391-14	RSIC	RSIC - Health Center	7.36	10.50
24	1939		PROSPERITY	ST		12-192-26	12-192-26	RSIC	RSIC - Planning Complex	0.30	0.30
25	80		SUNSHINE	LN		12-302-10	12-302-10		Tenant - Oxborrow	2.59	3.70
26	400		SUNSHINE	LN		12-192-31	12-302-31	RSIC	RSIC - Public Works	0.19	0.50
27	690		SUNSHINE	LN		12-203-14	12-203-14				
28							12-203-15	Mill Street Motors	Tenant - Mill Street Motors	} 0.36	0.40
29							12-203-22				
30							12-203-23				
31	1962		PYRAMID	WY			28-361-03	RSIC	RSIC - Smokeshop V	0.56	3.50
SUBTOTAL COMMERCIAL										40.82	45.90

[1] Parcels receive a combined resource commitment of 84.25 acre feet and maximum day delivery capacity of 209 gpm.

LIST OF RENO SPARKS INDIAN COLONY (RSIC) BILLING LOCATIONS, RSIC PARCELS RECEIVING WATER AND IDENTIFICATION OF REVISED BILLING CUSTOMER

EXHIBIT B

House Number	Dirctn	Street Name	Street Suffix	Unit	Meter Located on this Parcel Parcel	Commitments and Delivery of Water to these Parcel(s)	Current Billed Customer	Revised Billed Customer	Commitments:	
									Resources Acre Feet	Delivery gallons/minute
RESIDENTIAL SERVICES										
32	50	COLONY	CIR			12-302-23	Occupant	RSIC	[1]	[1]
33	51	COLONY	CIR			12-302-23	Occupant	RSIC	[1]	[1]
34	52	COLONY	CIR			12-302-23	Occupant	RSIC	[1]	[1]
35	53	COLONY	CIR			12-302-23	Occupant	RSIC	[1]	[1]
36	54	COLONY	CIR			12-302-23	Occupant	RSIC	[1]	[1]
37	55	COLONY	CIR			12-302-23	Occupant	RSIC	[1]	[1]
38	79	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
39	80	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
40	81	COLONY	RD	ABCD		12-302-23	Occupant	RSIC	[1]	[1]
41	82	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
42	83	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
43	84	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
44	85	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
45	86	COLONY	RD	A		12-302-23	Occupant	RSIC	[1]	[1]
46	86	COLONY	RD	B		12-302-23	Occupant	RSIC	[1]	[1]
47	87	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
48	89	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
49	91	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
50	93	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
51	95	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
52	97	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
53	98	COLONY	RD	RSIC - Office Complex		12-302-23		RSIC	[1]	[1]
54	99	COLONY	RD	A		12-302-23	Occupant	RSIC	[1]	[1]
55	100	COLONY	RD	A		12-302-23	Occupant	RSIC	[1]	[1]
56	101	COLONY	RD			12-302-23		RSIC	[1]	[1]
57	103	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
58	105	COLONY	RD			12-302-23		RSIC	[1]	[1]
59	107	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
60	110	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
61	APT HYDRNT	COLONY	RD			12-302-23	Occupant	RSIC	[1]	[1]
62	3	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
63	4	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
64	5	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
65	6	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
66	7	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
67	8	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
68	8 1/2	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
69	9	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
70	10	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
71	11	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
72	12	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
73	13	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
74	14	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
75	15	RESERVATION	RD	Res		12-212-02		RSIC	[1]	[1]
76	15 A	RESERVATION	RD	RSIC - Archives/Records		12-212-02		RSIC	[1]	[1]
77	15 1/2	RESERVATION	RD	ABCD		12-212-02	Occupant	RSIC	[1]	[1]
78	16	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
79	17	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
80	18	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
81	18 1/2	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
82	19	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
83	20	RESERVATION	RD	4 Plex		12-212-02		RSIC	[1]	[1]
84	20 1/2	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
85	21	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
86	21 1/2	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
87	22	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
88	24	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
89	25	RESERVATION	RD	UNIT15		12-212-02		RSIC	[1]	[1]
90	26	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
91	26 1/2	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
92	27	RESERVATION	RD			12-212-02		RSIC	[1]	[1]
93	28	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
94	29	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
95	31	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
96	33	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
97	34	RESERVATION	RD	RSIC - Admin & Recreation Complex		12-212-02		RSIC	[1]	[1]
98	34	RESERVATION	RD	RSIC - Seniors & Education Complex		12-212-02		RSIC	[1]	[1]
99	35	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
100	44	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
101	46	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
102	47	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
103	48	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
104	49	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
105	50	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
106	51	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
107	52	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
108	53	RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]

[1] Parcels receive a combined resource commitment of 84.25 acre feet and maximum day delivery capacity of 209 gpm.

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										Resources Acre Feet	Delivery gallons/minute
109	53 1/2		RESERVATION	RD			12-212-02		RSIC	[1]	[1]
110	54		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
111	54 1/2		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
112	55		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
113	56		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
114	57		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
115	58		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
116	59		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
117	60		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
118	60 1/2		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
119	61		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
120	62		RESERVATION	RD			12-212-02		RSIC	[1]	[1]
121	63		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
122	63 1/2		RESERVATION	RD			12-212-02		RSIC	[1]	[1]
123	64		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
124	65		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
125	66		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
126	67		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
127	68		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
128	69		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
129	70		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
130	71		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
131	72		RESERVATION	RD			12-212-02		RSIC	[1]	[1]
132	73		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
133	75		RESERVATION	RD			12-212-02	Occupant	RSIC	[1]	[1]
134	77		RESERVATION	RD			12-212-02		RSIC	[1]	[1]
135	PARK		RESERVATION	RD	Part of the RSIC Complex		12-212-02	Occupant	RSIC	[1]	[1]
136	50		WA PAI SHONE	CIR			12-302-23	Occupant	RSIC	[1]	[1]
137	51		WA PAI SHONE	CIR			12-302-23	Occupant	RSIC	[1]	[1]
138	52		WA PAI SHONE	CIR			12-302-23		RSIC	[1]	[1]
139	53		WA PAI SHONE	CIR			12-302-23	Occupant	RSIC	[1]	[1]
140	54		WA PAI SHONE	CIR			12-302-23	Occupant	RSIC	[1]	[1]
141	55		WA PAI SHONE	CIR			12-302-23	Occupant	RSIC	[1]	[1]
142	56		WA PAI SHONE	CIR			12-302-23	Occupant	RSIC	[1]	[1]
143	57		WA PAI SHONE	CIR			12-302-23		RSIC	[1]	[1]
144	58		WA PAI SHONE	CIR			12-302-23		RSIC	[1]	[1]
SUBTOTAL RESIDENTIAL										-----	-----
TOTALS										-----	-----
TOTALS										125.07	209.00
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[1] Parcels receive a combined resource commitment of 84.25 acre feet and maximum day delivery capacity of 209 gpm.