

NYE COUNTY AGENDA INFORMATION FORM

☒ Action
 ☐ Presentation
 ☐ Presentation & Action

Department: Board of Commissioners	Agenda Date:
Category: Regular Agenda Item	May 4, 2010

Contact: Lorinda Wichman	Phone: 775-482-8191	Continued from meeting of:
Return to:	Location:	Phone:

Action requested: (Include what, with whom, when, where, why, how much (\$) and terms)

Discussion, deliberation, and possible decision to set a date, time, and location for a Public Hearing on Acknowledgment and Notice of Acceptance of R.S. 2477 Right-of-Way Grant for a road number 994810 Barrel Springs Road.

Complete description of requested action: (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)

Staff recommends setting a date, time, and location for June 1, 2010 at 10:45 a.m. at the Commissioners Chambers in Tonopah, Nevada.

Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.

Expenditure Impact by FY(s): (Provide detail on Financial Form)

☐ No financial impact

Routing & Approval (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR	Date
3.	Date	8. Legal	Date
4.	Date	9. Finance	Date
5.	Date	10. County Manager	Date

☒ Place on Agenda

Board of County Commissioners Action

<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Amended as follows:
Clerk of the Board	Date	

ITEM # RC4

**Acknowledgment and Notice
of Acceptance of R.S. 2477
Right-of-Way Grant
Barrel Springs Road Co.#994810**

**NYE COUNTY
STATE OF NEVADA**

This Acknowledgment and Notice of Acceptance of RS 2477 Right-of Way grant made under Nevada Revised Statutes chapters 403 and 405, in accordance with Nevada Senate Concurrent Resolution No. 6, 75th Leg., 2009 Nv. Sess (2009) (enacted) and under 43 U.S.C. Section 932 (repealed Pub. L 94-579, title VII, Sec. 706(a), Oct. 21, 1976, 90 Stat. 2793) (with provision recognizing the validity of rights-of way already established) is accepted for and on behalf of the State of Nevada and it's political subdivision, Nye County as it pertains to the road located in Nye County known as Barrel Spring Road; County Road Number 994810; United States Geological Survey (USGS) Reference Code: 38117-E4-TF-024. Total road length is 3085.125 feet long (3/5 of one mile).

The intent of this Acknowledgment and Notice of Acceptance includes, but not limited to, the fact that the road was constructed, mechanically, or by continuous use as a public highway for a period of at least one hundred and forty seven (147) years over public lands and prior to the earlier of;

- (a) October 21, 1976 repeal of R.S. 2477 and/or
- (b) Date of reserved status by the USFS of 1907.

This Acknowledgment and Notice of Acceptance applies only to the segments of the road that traverse land reserved by the United States Forest Service, Department of Agriculture and land managed by the Bureau of Land Management, United States Department of the Interior, and does not apply to segments of the road that traverse land owned by any other person or entity. The State of Nevada and its subdivisions reserve the right to make further acknowledgments and notices of acceptance with regard to road segments that traverses land owned by other entities, including the United States of America, through one or more of its agencies.

Pursuant to and in accordance with Nevada Revised Statutes 403.170 Barrel Spring's road is hereby designated as a minor county road and will be represented on the Nye County Road Inventory as a minor road. Public Hearing was held on June 1, 2010 and Nye County Board of Road Commission approved the acceptance and designation of the minor road known as Barrel Spring Road with an effective date of _____, _____ pursuant to and in accordance with Nevada Revised Statute 403.170.

Although not required by Nevada Revised Statute 403.190, the Nye County Board of Road Commissioners will cause a copy of the map to be filed with the Nye County Clerk, a copy with the Nye County Recorder and a copy to the Nevada Department of Transportation with the designation of minor road made on each copy. The filing of the map is evidence of the existence and location of the road pursuant to and in accordance with Nevada Revised Statutes 403.190.

There will be no change in the maintenance schedule of the Nye County Road Department until and at such time it is determined to be necessary.

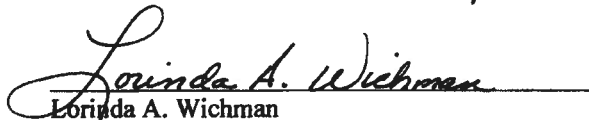
Signs indicating the road number, lack of maintenance, common name or any other informational message deemed appropriate by the Nye County Road Department may be placed on this road.

**Acknowledgment and Notice
of Acceptance of R.S. 2477
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Barrel Springs Road Co.#994810**

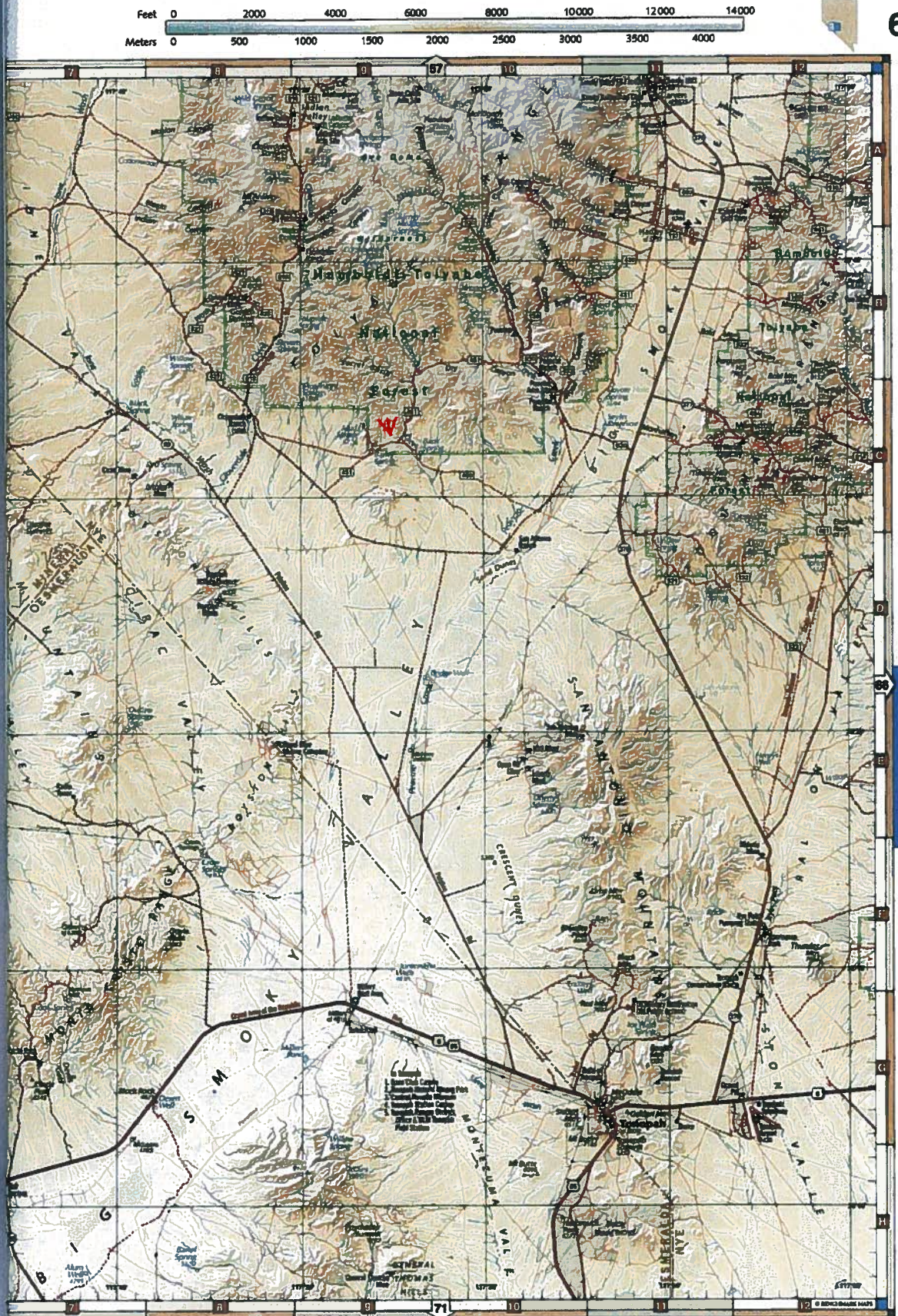
On January 19, 2010 the Nye County Board of County Commissioners approved to pursue the activities necessary to map and document all county roads over which historical jurisdiction exists and Commissioner Lorinda A. Wichman was designated as point of contact for the project.

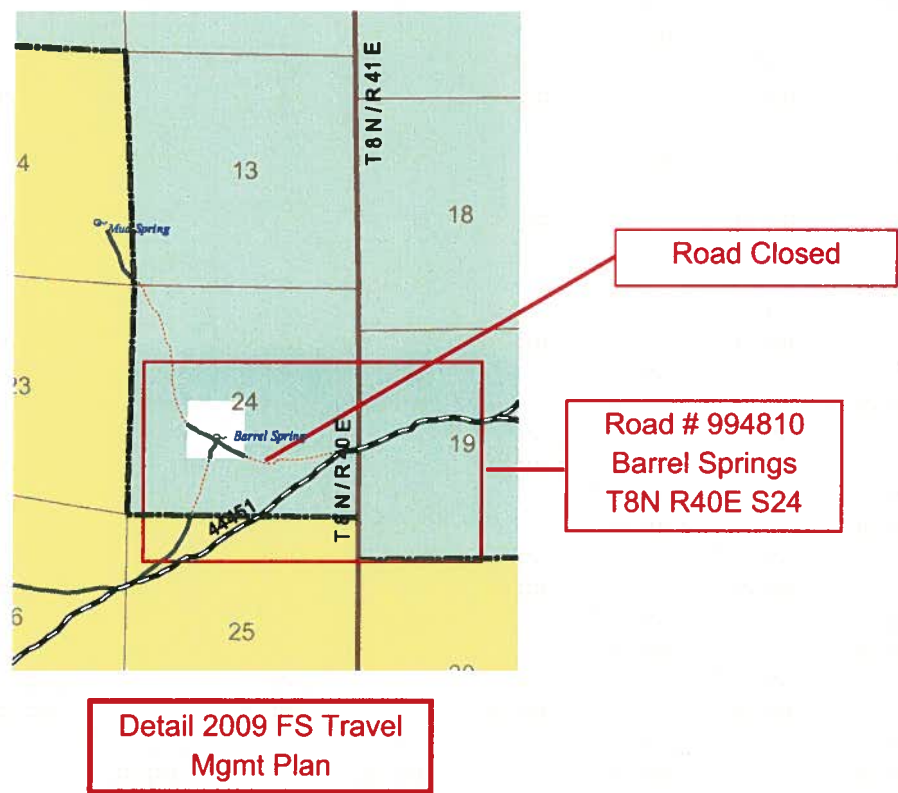
IN WITNESS WHEREOF, I, Lorinda A. Wichman, the designee and point of contact for the project of mapping and documenting all county roads which historical jurisdiction exists and Chairman of the Nye County Road Commission, in conformity to the laws of the State of Nevada, have caused this Acknowledgment and Notice of Acceptance to be made.

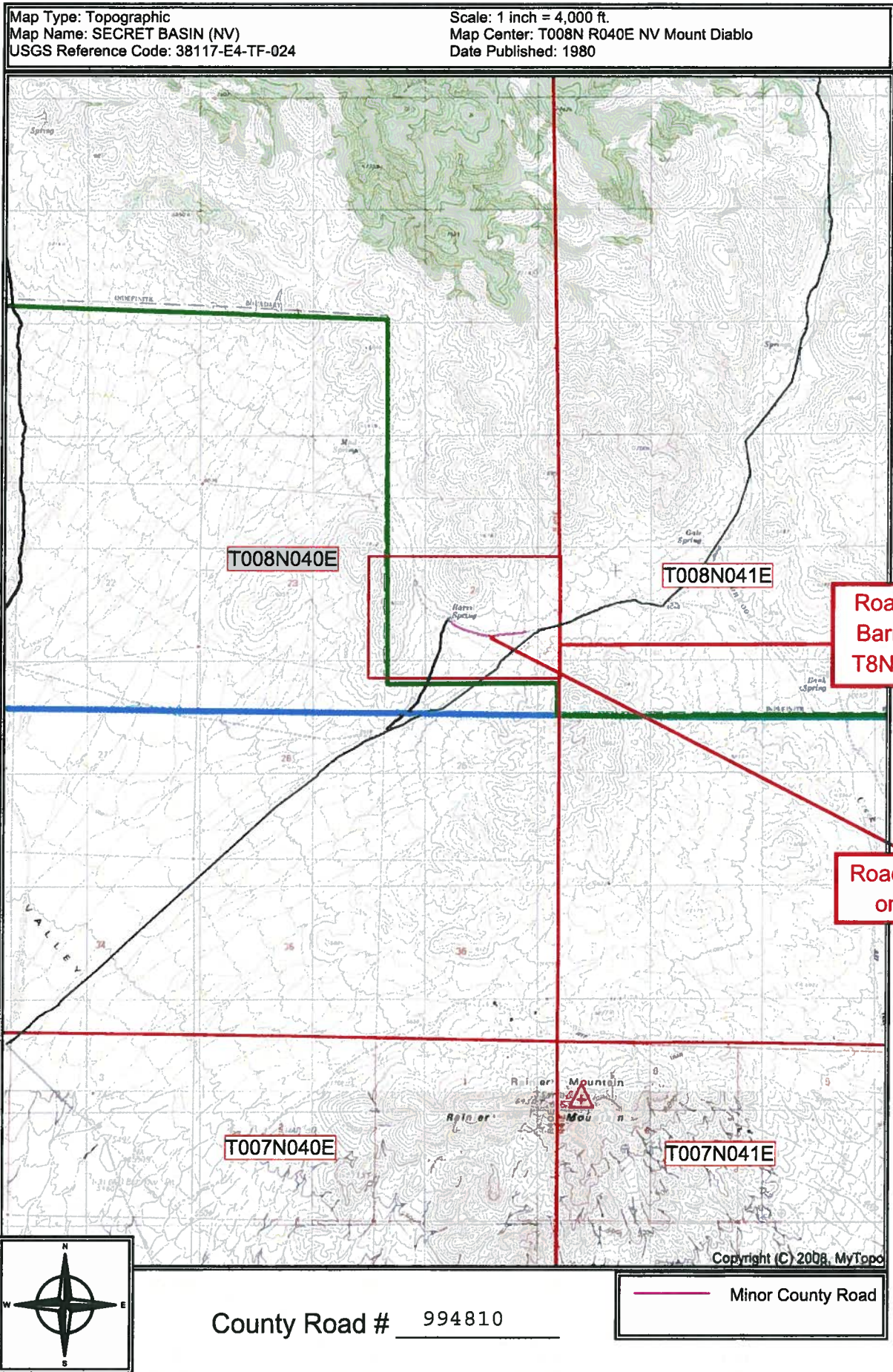
Signed by my hand the 18th day of April 2010.


Lorinda A. Wichman
Nye County Road Commission, Chair

- Attachment 1: Map of the road or road segment #994810
- Attachment 2: Historical documents filed for water rights with a priority date of 1863.
- Attachment 3: Historical Survey Plat.
- Attachment 4: Current Water Ownership
- Attachment 5: Assessors Inquiry
- Attachment 6: Nevada Revised Statutes 403.170, 403.190, 405.191, 405.19
- Attachment 7: USFS 2009 Travel Management Plan map close-up.







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State of Nevada

Department of Conservation & Natural Resources

Division of Water Resources

Tracy Taylor, P. E. State Engineer

- [General Questions](#) [Website Questions](#) [Water Rights Database, Page 5](#)

Summary of Ownership

- [New Search](#)
- [General Information](#)
- [Maps and Due Dates](#)
- [Place of Use](#)
- [Abrogations/Protests/Rulings](#)
- [Ownership/Title](#)

Application No.: [V05346](#) Application Status: **VST** Certificate No.:

Current Ownership Information

Owner	Type	Div Rate	Duty	Acres	Change By	APN	County	Description
SALAZAR, GREGORY NATHAN	C	0.004	3.0283	0				
TRUCKEE RIVER RANCH, LLC	C	0	0.2246	0				

Confirmed By: **EVS** Effective Date: **09-14-2006**

Original Owner(s)

STORE SAFE REDLANDS ASSOCIATES, LTD.

Remarks 5:

Parcel Detail for Parcel # 012-051-04**Attachment 5****Location**

Property Location **T8N R40E S24 NE SW 40AC**
Town
Subdivision Lot Block
Property Name **T8N R40E S24 NE SW 40AC**

Description

Total Acres	40.00	Ag Acres	.00	W/R Acres	.000
	0		0		s
Improvements					
Single-fam Detached	1	Non-dwell Units	0	Bdrm/Bath	0/0
Single-fam Attached	0	MH Hookups	0	Stories	.0
Multi-fam Units	0	Wells	0		
Mobile Homes	0	Septic Tanks	0		
Total Dwelling Units	1	Bldg Sq Ft	672		
	s	Garage Sq Ft	0	Attch/Deth	
		Basement Sq Ft	0	Finished	0
			t		

Ownership

Assessed Owner Name **SALAZAR,GREGORY**
e **NATHAN**
Mailing Address **705 N CHURCH ST**
ALMA, GA 31510

Legal Owner Name **SALAZAR,GREGORY**
NATHAN
Vesting Doc#, Date **609123 12/01/04** Book/Page
/
Map Document #s

Appraisal Classifications

Current Land Use Code **200**
Zoning
Re-appraisal Group **2** Re-appraisal Year **2007**
Orig Constr Year **2005** Weighted Year

Serial No. 05346

STATE OF NEVADA

PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES

(1) Name of claimant Store Safe Redlands Assoc., Ltd., a Partnership, dba RockSprings Ranch P O Box 2050 of King City
Street and No. or P.O. Box No. City or townCalifornia 93930
State and Zip Code No.(2) Source of water Barrel Spring
Name of natural water source.(3) The water is diverted by spring area
Dam, ditch, pipe line, natural channel, spring area, etc.(4) The water is diverted at the following point(s) NE¹ of SW¹ of Section 24, Township 8
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated.North, Range 40 East, M.D.B. & M., or at a point from which the Northwest
Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.corner of Said Section 24 bears North 34° 32' West, 4,530 feet. (See map
filed under application \$40118)(5) The water is impounded in pools
Troughs, tanks, pools, reservoir, natural channel, etc.(6) The construction of the ditch or other works was begun 1863
Dateand completed 1863
Date(7) The nature of the claimant's title to the land upon which the source of water and place of use
are located is use of Public Domain in conjunction with the privately owned base
Patented, deeded, public domain with grazing permit, etc.
properties continuously since 1863. See abstracts under numbers 05317, 05118,
05319, 05320, and 02225.(8) The claimant's water right ~~was~~ (was not) recorded in the office of the County Recorder of
County, at Page of Book ofNOTE—Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

- (9) The approximate number of animals watered by the claimant during the first year 1863,
estimated to be more than _____ Date
was 50 cattle 5 horses _____ sheep or wildlife (describe) _____
Other _____

The watering was conducted during each of the following months _____
March 1 through November 30 of each year _____

- (10) The approximate number of animals watered by the claimant in subsequent years was as follows:

Prior to 1905 more than	cattle	horses	sheep
If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given.			
1) Indian Valley Ranch #05319)			
2) Cloverdale Ranch #05320)	3500	50	0
3) San Antone Ranch #02225)			
TTAALS	3500	50	0

- (11) The amount of water which has been necessary to be diverted for this purpose has been
.05 cubic feet per second.
448.83 gallons per minute equals 1 cubic foot per second.

- (12) The works are located at NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24, Township 8 North, Range 40 East,
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed
M.D.B. & M., or at a point from which the Northwest corner of Said Section 24
land, it should be stated.
bears North 34° 32' West, 4,530 feet. (See map filed under application #40118)

Remarks _____

This spring has been used exclusively and continuously by the following
predecessors of the claimant since 1863:

- 1) Indian Valley Ranch - for abstract and supporting documents see #05319
2) Cloverdale Ranch - for abstract and supporting documents see #05320
3) San Antone Ranch - for abstract and supporting documents see #02225

Remarks.....

The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by Store Safe Redlands Assoc., Ltd., a Partnership, dba Rock Springs Ranch are full and correct to the best of his knowledge and belief.

Agent

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

Store Safe Redlands, Assoc., Ltd.,
dba Rock Springs Ranch

Claimant

Telephone No. (408) 385-4412

By.....

Haas & Associates

HC 60 Box 54802

Street and No., or P.O. Box No.

Round Mountain, Nevada 89045

City, State, Zip Code No.

Telephone No. (702) 377-2388

Subscribed and sworn to before me this 23rd day of August, 1991.

Notary Public in and for the County of Lyon

My commission expires July 16, 1994

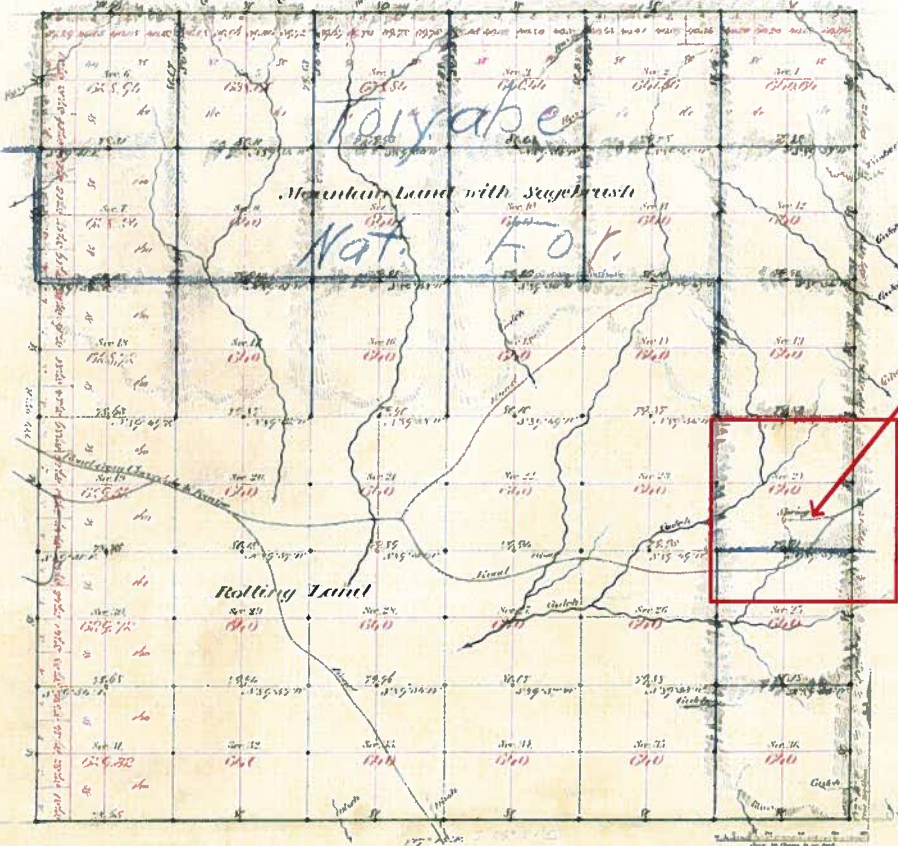
\$50 FILING FEE MUST ACCOMPANY PROOF



'91 AUG 23 AM 11:36

RECEIVED
STATE ENGINEERS OFFICE

TOWNSHIP N° 8 NORTH RANGE N° 40 EAST MOUNT DIABLO MERIDIAN



Road Closed on TMP

Road # 994810
Barrel Springs
T8N R40E S24
1880 Survey Plat

Section	Acres	Value	Value of Land	Value of Improvements	Total Value
Section 1	40	100	100	100	300
Section 2	40	100	100	100	300
Section 3	40	100	100	100	300
Section 4	40	100	100	100	300
Section 5	40	100	100	100	300
Section 6	40	100	100	100	300
Section 7	40	100	100	100	300
Section 8	40	100	100	100	300
Section 9	40	100	100	100	300
Section 10	40	100	100	100	300
Section 11	40	100	100	100	300
Section 12	40	100	100	100	300
Section 13	40	100	100	100	300
Section 14	40	100	100	100	300
Section 15	40	100	100	100	300
Section 16	40	100	100	100	300
Section 17	40	100	100	100	300
Section 18	40	100	100	100	300
Section 19	40	100	100	100	300
Section 20	40	100	100	100	300
Section 21	40	100	100	100	300
Section 22	40	100	100	100	300
Section 23	40	100	100	100	300
Section 24	40	100	100	100	300
Section 25	40	100	100	100	300
Section 26	40	100	100	100	300
Section 27	40	100	100	100	300
Section 28	40	100	100	100	300
Section 29	40	100	100	100	300
Section 30	40	100	100	100	300

The above map of land dep. 1st 8th 18th of Range 1st 40 East
is strictly conformable to the field
notes of the survey thereof on file in this office, which have been examined and approved
by the Surveyor General of the State of California
J. L. P. 1881

11/10

EVIDENCE - In a letter dated 7/8/06

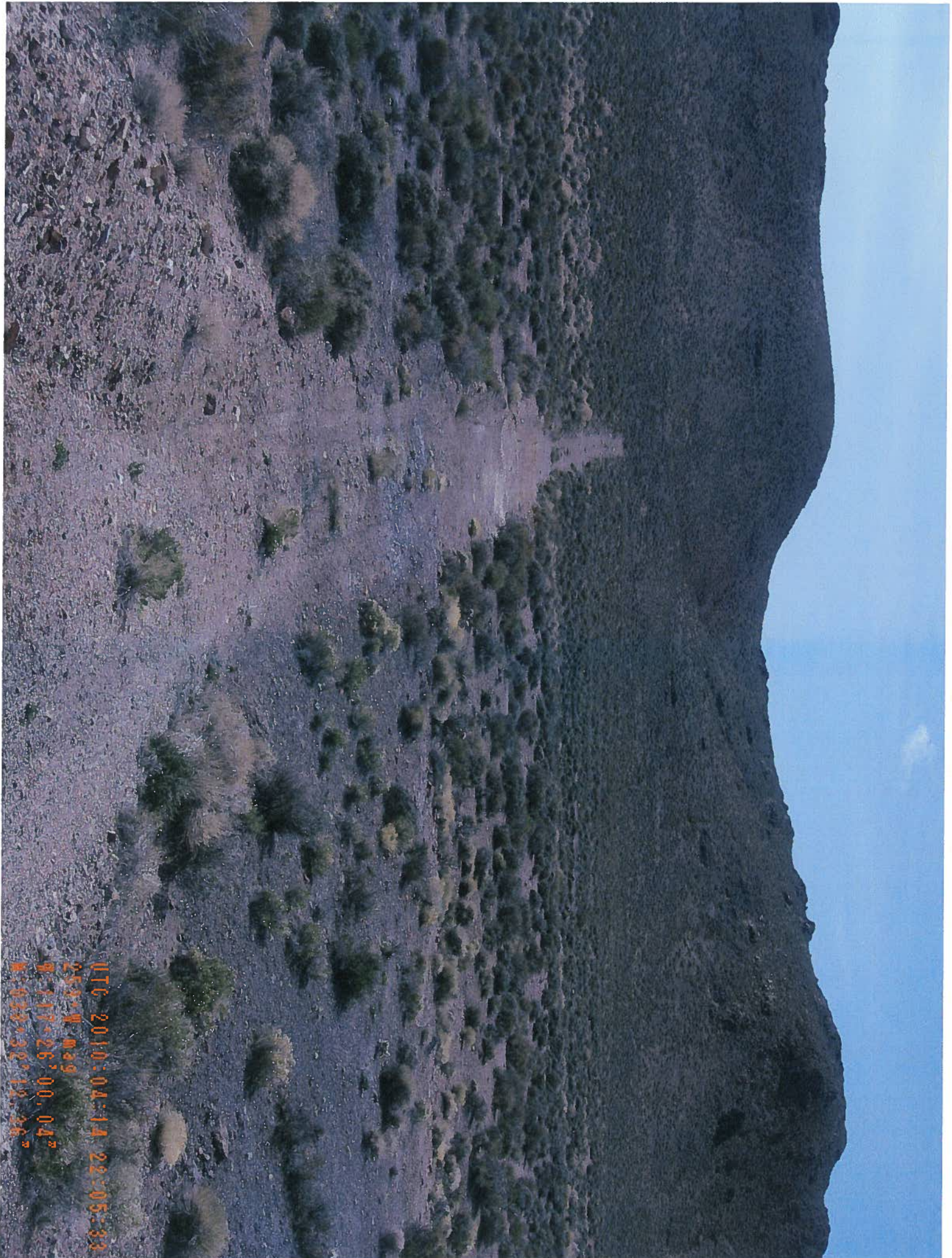
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(From the National Archives-Pacific Sierra Region, San Bruno, CA)

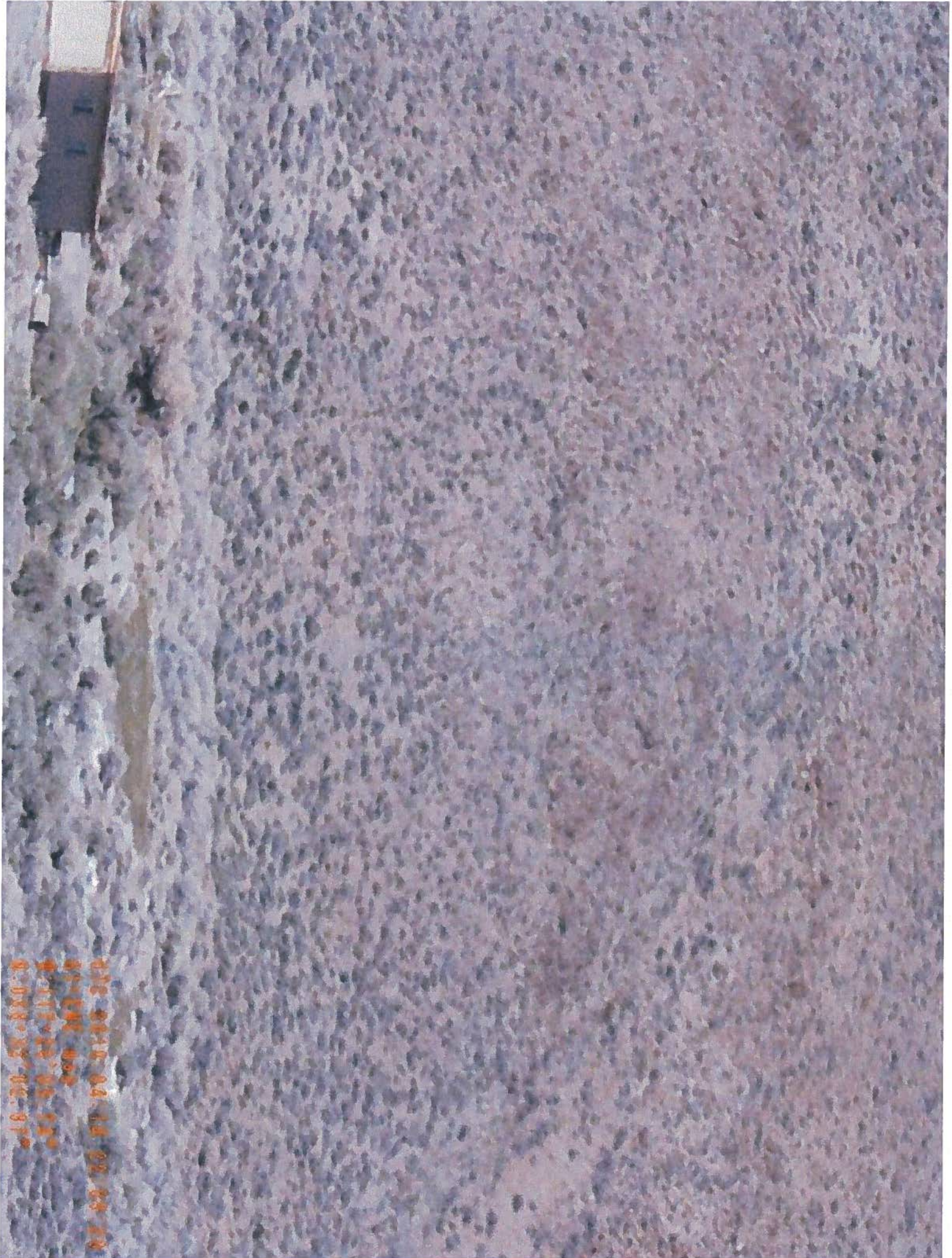
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UTC 2010:04:14 22:05:33
253°W Mag
R 117°26'00.04"
B 033°32'12.26"



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01 001 000
0117 00 00 12
0 000 00 00 00

Beginning and Ending Points and Legal Description

Popular Name: Barrel Springs Road

County: Nye

County Road Number: 994810

Total Road Length: less than 1 mile

Beginning Coordinate (NAD 83): 38.536940761,-117.424619576,

Beginning Legal Description: Township 8 North Range 40 East Section 24

Ending Coordinate (NAD 83): 38.536557038,-117.435133386

Ending Legal Description: Township 8 North Range 41 East Section 24

Nevada Revised Statutes

NRS 403.170 Designation of main, general and minor county roads; immunity of State and county from liability resulting from use of minor county roads; reclassification and abandonment of roads; hearing.

1. The board of county highway commissioners of each of the several counties of the State of Nevada shall:

(a) Lay out and designate which of the roads, generally termed public highways, are the most important to the people of the whole county and over which there is the greatest amount of general public travel and shall designate these roads as main county roads.

(b) Lay out and designate other roads of the county over which there is general public travel, and which are generally termed county roads, and shall designate these roads as general county roads.

(c) Lay out and designate other roads which are neither main nor general county roads but have been established by usage, or were constructed for use by the public, and shall designate these roads as minor county roads. This section does not require any maintenance for minor county roads. The State and the county are immune from liability for damages suffered by a person as a result of using any road designated as a minor county road.

2. The board of county highway commissioners may, from time to time, reclassify the roads and may lay out new roads of any class, or the board may change or abandon any roads termed as public highways.

3. The designation of a new road as a main county road, as a general county road or as a minor county road, or the reclassification of any road, or the abandonment of any road does not become effective until after a public hearing is held at which parties in interest and citizens have an opportunity to be heard. At least 10 days' notice of the time and place of the hearing must be published in a newspaper of general circulation in the county.

[1: Art. 4:257:1913; 1919 RL p. 2903; NCL § 5375]—(NRS A 1979, 1173; 1993, 1399)

NRS 403.190 Map of county roads filed by board of county highway commissioners; authority of user to file map of minor county road; fees.

1. Except as otherwise provided in subsection 3, upon laying out and designating the county roads as required in [NRS 403.170](#), the board of county highway commissioners shall cause a map of the county to be made, showing the county roads and their designations. The board shall file one copy of the map with the clerk of the board of county highway commissioners, one copy with the Department of Transportation, one copy with the county clerk and one copy with the county recorder.

2. When any road has been designated by the board of county highway commissioners as a standard county road, as provided in [NRS 403.180](#), that designation must be made on the copies of the map on file with the clerk of the board of county highway commissioners, the county clerk, the Department of Transportation and the county recorder.

3. The board of county highway commissioners need not include a minor county road upon the map required by subsection 1. Any person who uses a minor county road may file with the county recorder a map showing the location of the road, appropriately emphasized in black ink upon the map by the person filing it. The map must:

(a) Be a topographical map prepared by the United States Geological Survey, unless the board of county highway commissioners determines that other specific maps are acceptable.

(b) Have written on its face, in black ink, the townships, ranges and sections through which the road traverses.

☞ The map so filed is evidence of the existence and location of the road. Each person filing such a map shall pay to the county recorder a fee of \$17 for the first sheet of the map plus \$10 for each additional sheet.

[3: Art. 4:257:1913; 1919 RL p. 2903; NCL § 5377]—(NRS A 1979, 1174; 1993, 1400; [2001.3220](#))

NRS 405.191 "Public road" defined; county roads and highways may be established on rights-of-way over certain public lands. As used in [NRS 405.193](#) and [405.195](#), "public road" includes:

1. A United States highway, a state highway or a main, general or minor county road and any other way laid out or maintained by any governmental agency.

2. Any way which exists upon a right-of-way granted by Congress over public lands of the United States not reserved for public uses in chapter 262, section 8, 14 Statutes 253 (former 43 U.S.C. § 932, commonly referred to as R.S. 2477), and accepted by general public use and enjoyment before, on or after July 1, 1979. Each board of county commissioners may locate and determine the width of such rights-of-way and locate, open for public use and establish thereon county roads or highways, but public use alone has been and is sufficient to evidence an acceptance of the grant of a public user right-of-way pursuant to former 43 U.S.C. § 932.

3. Any way which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county, city, town or portion thereof duly recorded or filed in the office of the county recorder, and which is not specifically therein designated as a private road or a nonpublic road, and any way which is described in a duly recorded conveyance as a public road or is reserved thereby for public road purposes or which is described by words of similar import.

(Added to NRS by 1979, 1174; A 1981, 923; 1993, 1427; 1997, 1615)

NRS 405.193 Public agency not required to maintain or accept road made public by prescriptive use; immunity of county from liability arising from use of certain public roads.

1. No public agency is required to maintain any public road which is so designated only because it meets the requirements set forth in subsection 1 or 2 of [NRS 405.191](#) nor is any public agency required to accept any public road as a main, general or minor county road.

2. No action may be brought against the county, its officers or employees for damage suffered by a person solely as a result of the unmaintained condition of a road made public pursuant to [NRS 405.195](#).

(Added to NRS by 1979, 1174; A 1993, 1428)