
State Water Resources Control Board

FEB 21 2014

In Reply Refer to:
KMG:A002221& A001389

To: Attached Mailing List

WALKER RIVER IRRIGATION DISTRICT'S PETITIONS FOR TEMPORARY TRANSFER AND CHANGE INVOLVING RIGHTS ESTABLISHED UNDER THE WALKER RIVER DECREE, CASE NO. C-125 – NOTICE OF DRAFT REPORT OF SPECIAL MASTER

The Walker River Irrigation District (District) has filed petitions for temporary change involving the transfer of water and instream flow dedication under Licenses 6000 and 9407 with the California State Water Resources Control Board (State Water Board), Division of Water Rights (Division), pursuant to Water Code section 1725 et seq. and section 1707. Please find enclosed the Division's Order conditionally approving the temporary changes.

The proposed changes involve waters of the Walker River that have been adjudicated by the United States District Court for the District of Nevada in *United States of America v. Walker River Irrigation District, et al.*, Case In Equity No. C-125. Pursuant to the federal District Court's orders, the State Water Board is responsible for reviewing proposed changes in the point of diversion, place of use, or purpose of use, in the exercise of federally adjudicated rights in California that have been established by the final decree known as the Walker River Decree. Thus, in addition to state law, the State Water Board is acting on the District's petitions in accordance with the *Order of Appointment of the California State Water Resources Control Board as Special Master* (April 9, 1990) (Order of Appointment) and the *Administrative Rules and Regulations regarding Change of Point of Diversion, Manner of Use or Place of Use of Water of the Walker River and Its Tributaries and Regarding Compliance with California Fish and Game Section 5937 and Other Provisions of California Law* (as amended through June 3, 1996).

Under the Order of Appointment, the State Water Board must announce its report of Special Master as a draft report before filing it. In accordance with paragraph 7 of the Order of Appointment, this letter serves as the required notice of the draft report. The Division's Order constitutes the main substance of the draft report of Special Master by setting forth determinations of law and fact regarding the District's petitions. This letter and the Division's Order will be mailed to all parties who commented on the District's change petitions, among others.

The draft report must include the following documents: (1) the change petitions; (2) the notice of the change petitions, together with the proof of publication and a list of all persons to whom the a copy of the notice was mailed; (3) any protests (referred to as comments under Water Code section 1726, subdivision (f); and (4) any notice of hearing. No hearing has been noticed. The documents are posted on the Division's website at http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/transfers_tu_notices/wrid/.

Please contact Ms. Kate Gaffney at the email address or telephone number below if you would like a paper copy of the documents.

Any interested person may file a petition for reconsideration of a State Water Board decision or order no later than 30 days from the adoption of the decision or order. (Wat. Code, § 1122; Cal. Code Regs., tit. 23, § 768.) Reconsideration before the State Water Board is an administrative remedy requiring exhaustion before seeking judicial review where, as here, the decision or order was issued under delegated authority. (Wat. Code, § 1126, subd. (b).) The bases for reconsideration are: (1) irregularity in the proceedings, or any ruling, or abuse of discretion, by which the person was prevented from having a fair hearing; (2) the decision or order is not supported by substantial evidence; (3) there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced; or (4) error in law. (Cal. Code Regs., tit. 23, § 768.) A petition for reconsideration must contain the information required by California Code of Regulations, title 23, section 769.¹

Paragraph 7.c of the Order of Appointment provides that any party may file objections to the draft report within 30 days after the date of the mailing of the report. To be considered as a request for reconsideration by the State Water Board, any objection that is filed must meet the requirements for reconsideration under the State Water Board's statutes and regulations.

Petitions for reconsideration should be addressed to:

Kathy Mrowka, Senior
Inland Streams Unit
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000
Email: Kathy.Mrowka@waterboards.ca.gov

Petitions for reconsideration may also be hand delivered to the following address:

Records Unit
Attention: Kathy Mrowka
Division of Water Rights
State Water Resources Control Board
Cal/EPA Headquarters
1001 I Street, 2nd Floor
Sacramento, CA 95814-2828

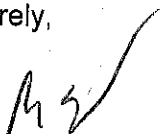
¹ The California Code of Regulations may be viewed on the California Office of Administrative Law's website at <http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>.

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If you have any questions regarding this matter, please contact Ms. Kate Gaffney at (916) 341-5360 or by e-mail at Kathryn.Gaffney@waterboards.ca.gov. Written correspondence or inquiries, other than petitions for reconsideration, should be addressed as follows:

State Water Resources Control Board
Division of Water Rights
Attn: Kate Gaffney
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Barbara Evoy, Deputy Director
Division of Water Rights

Mailing List

<p>United States Board of Water Commissioners c/o Karen A. Peterson, Esq. Allison, Mackenzie, Pavlakis Wright & Fagan, Ltd P.O. Box 646 Carson City, NV 89702</p>	<p>National Fish & Wildlife Foundation c/o Don Springmeyer, Esq. Christopher W. Mixson, Esq. Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP 3556 E. Russell Road, 2nd Floor Las Vegas, NV 89120-2234</p>
<p>Walker River Irrigation District c/o Darren Cordova MBK Engineers 1771 Tribute Road, Suite A Sacramento, CA 95815</p>	<p>David Yardas, Director Walker Basin Restoration Program 1133 15th Street N.W., Suite 1100 Washington, D.C. 20005</p>
<p>Walker River Irrigation District P.O. Box 820 Yerington, NV 89447</p>	<p>Gary Garms P.O. Box 170 Smith, NV 89430</p>
<p>Erin K.L. Mahaney, Esq. Office of Chief Counsel State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814</p>	<p>Stacy Simon Assistant County Counsel Mono County Board of Supervisors P.O. Box 715 Bridgeport, CA 93517</p>
<p>Jason King, P.E. State Engineer Division of Water Resources State of Nevada 901 S. Stewart Street, Suite 2002 Carson City, NV 89701</p>	<p>Walker River Paiute Tribe c/o Dwight L. Smith InterFlow Hydrology, Inc P.O. Box 1482 Truckee, CA 96161</p>
<p>Dwain Chichester, President Antelope Valley Mutual Water Company P.O. Box 43 Topaz, CA 96133</p>	<p>Kimberly Nicol Regional Manager Department of Fish and Wildlife Inland Deserts Region 3602 Inland Empire Blvd., Ste.C-220 Ontario, CA 91764</p>
<p>Richard B. Nuti, President Six-N-Ranch, Inc. P.O. Box 49 Smith, NV 89430</p>	<p>Gordon H. DePaoli, Esq. Woodburn and Wedge Post Office Box 2311 Reno, NV 89505-2311</p>
<p>Peter A. Fenili Fenili Family Trust P.O. Box 3 Smith, NV 8943</p>	<p>Michael Neville, Esq. Deputy Attorney General State of California 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-3664</p>