



State Water Resources Control Board

January 9, 2013

ELECTRONIC MAIL

Michael J. Van Zandt
Nathan A. Metcalf
425 Market Street, 26th Floor
San Francisco, CA 94105
mvanzandt@hansonbridgett.com
nmetcalf@hansonbridgett.com

Dear Mr. Van Zandt and Mr. Metcalf:

DRAFT ORDER DENYING PETITION FOR RECONSIDERATION OF STATE WATER BOARD DECISION 1651, WHICH CONDITIONALLY APPROVED APPLICATIONS 31487 AND 31488 AND CONDITIONALLY APPROVED PETITIONS TO CHANGE LICENSE 3723 (APPLICATION 5169), LICENSE 4196 (APPLICATION 9247), PERMIT 11605 (APPLICATION 15673), AND LICENSE 10180 (APPLICATION 18006) – INDEPENDENCE CREEK, LITTLE TRUCKEE RIVER, AND PROSSER CREEK TRIBUTARY TO THE TRUCKEE RIVER, NEVADA AND SIERRA COUNTIES

Enclosed is a draft Order in which the State Water Resources Control Board (State Water Board or Board) denies the petition for reconsideration of Decision 1651 (Decision) that you submitted on behalf of the Truckee-Carson Irrigation District, the City of Fallon, and Churchill County, dated November 15, 2012. The State Water Board is directed to order or deny reconsideration on a petition within 90 days from the date on which the Board adopts the decision or order. (Wat. Code, § 1122.) If the State Water Board fails to act within that 90-day period, a petitioner may seek judicial review, but the Board is not divested of jurisdiction to act upon the petition simply because it failed to complete its review of the petition on time. (State Water Board Order WR 2009-0061 at p. 2, fn. 1; see *California Correctional Peace Officers Ass'n v. State Personnel Bd.* (1995) 10 Cal.4th 1133, 1147-1148, 1150-1151; State Water Board Order WQ 98-05-UST at pp. 3-4.)

This Order is tentatively scheduled for consideration by the State Water Board at its Board meeting on **Tuesday, February 5, 2013, in the Coastal Hearing Room on the second floor of the CalEPA Headquarters Building at 1001 I Street in Sacramento.** The State Water Board will issue a public notice of the meeting at least ten days in advance.

Parties to the proceeding, interested persons, and the public will have the opportunity to comment on the proposed Order at the State Water Board meeting. All presentations should be limited to five (5) minutes. Time limits may be modified at the discretion of the Board Chairman.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

Comments should be limited to the general acceptability of the Order or possible technical corrections. Parties may not introduce evidence at the State Water Board meeting.

Interested persons and parties are encouraged to submit their comments in writing. In order to be fully considered, all written comments must be received by the Board by **12 Noon on Wednesday, January 23, 2013.**

Written comments are to be addressed and submitted to:

Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

You may also submit your comments to Ms. Townsend by fax at (916) 341-5620, by email at commentletters@waterboards.ca.gov, or by hand delivery to the following address:

Jeanine Townsend, Clerk to the Board
Executive Office
State Water Resources Control Board
Cal/EPA Headquarters
1001 "I" Street, 24th Floor
Sacramento, CA 95814-2828

Couriers delivering comments must check in with lobby security and have them contact the Executive Office on the 24th floor at 916-341-5600.

Please include in the subject line, "2/5/13 BOARD MEETING - TRUCKEE RIVER PETITION DRAFT ORDER." Any faxed or emailed items must be followed by a mailed or delivered hard copy with an original signature.

If you have any non-controversial procedural questions, please contact Jean McCue, Water Resource Control Engineer, at (916) 341 5351 or by email at jmccue@waterboards.ca.gov or Erin Mahaney, Senior Staff Counsel, at (916) 341-5187 or emahaney@waterboards.ca.gov.

Sincerely,



Michael Buckman, Chief
Hearings Unit

Enclosures: 1) Truckee River Hearing Service List (Updated September 25, 2012)
2) Draft Order

ec: See next page.

ec: Service List

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**SERVICE LIST OF PARTIES TO EXCHANGE INFORMATION:
TRUCKEE RIVER HEARING - JULY 21, 22, 23, 28 AND 29, 2010**

**SERVICE LIST
(Updated September 25, 2012)**

PARTIES TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS, AND OTHER DOCUMENTS. (Note: The parties listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

TRUCKEE CARSON IRRIGATION DISTRICT
Michael J. Van Zandt
Hanson Bridgett LLP
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U.S. BUREAU OF RECLAMATION
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CALIFORNIA DEPARTMENT OF WATER
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PYRAMID LAKE PAIUTE TRIBE
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Continued on next page.

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WASHOE COUNTY WATER
CONSERVATION DISTRICT

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P.O. Box 2670
Reno, NV 89505
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CITY OF FALLON

Michael F. Mackedon
P.O. Box 1203
Fallon, NV 89407
(775) 423-2106
falonlaw@phonewave.net

**LIST OF INTERESTED PERSONS MAKING POLICY STATEMENTS ONLY
(PARTIES ARE NOT REQUIRED TO SERVE THE FOLLOWING PERSONS WITH WRITTEN
TESTIMONY, EXHIBITS, AND OTHER DOCUMENTS)**

CALIFORNIA DEPT. OF FISH & GAME

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STATE OF NEVADA

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