



United States Department of the Interior

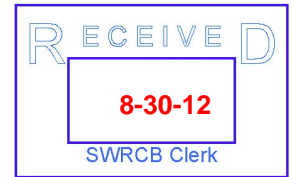
BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825-1898

AUG 30 2012

Public Workshop (9/17/12)
Truckee River Decision
Deadline: 8/30/12 by 12 noon

IN REPLY REFER TO:

MP-460
WTR-4.10



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

Subject: COMMENT LETTER – 9/17/12 BOARD WORKSHOP: Truckee River Decision.

Dear Ms. Townsend:

This letter transmits the Joint Comments of the Bureau of Reclamation, Washoe County Water Conservation District (WCWCD), the Truckee Meadows Water Authority (TMWA), California Department of Water Resources, Pyramid Lake Paiute Tribe, and the City of Fernley (Fernley) (collectively, Petitioners) on the Draft Decision Conditionally Approving Applications 31487 and 31488 and Conditionally Approving 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 and the related proposed Permits, Amended Permits and Amended Licenses (Draft Decision). These Applications and Petitions were filed to implement certain parts of the Truckee River Operating Agreement (TROA). The Petitioners will appear at the workshop on September 17, 2012.

The Petitioners greatly appreciate the effort put into this Draft Decision by State Water Resources Control Board (Board) and staff. The Petitioners support the Draft Decision and amended licenses, amended permit, and new permits with the attached comments and clarifications for consideration by the Board.

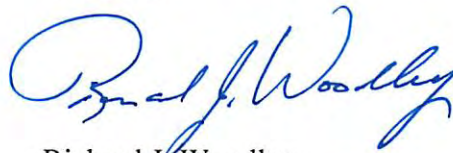
Our comments are primarily focused on three main topics: 1) minor technical corrections and clarifications, 2) clarifications of terms that should not apply to licenses and permits uniformly, and 3) elimination of outdated or conflicting terms. Relevant to the second topic, some conditions appear to treat the four reservoirs as if they were a single consolidated reservoir, and therefore conditions which are unique to a single reservoir are transposed to all four. While

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TROA is an agreement to coordinate operations among reservoirs, it maintains the original purpose and use of each reservoir water right and each reservoir licensee/permittee will continue to operate and maintain its respective reservoir. Thus, where conditions are unique to a specific reservoir, Petitioners believe it is more appropriate to limit those conditions to that specific reservoir than to expand such conditions to all reservoirs. With respect to the third topic, some water right conditions which were carried forward from the existing licenses and permits refer to an unratified interstate compact that will either be rendered moot when TROA is implemented or otherwise conflict with TROA. Since the amended licenses and permits will only become effective when TROA is implemented, Petitioners suggest that it is not necessary to include these conditions in the conditionally approved licenses and permits.

Any questions on this matter may be referred to Mr. Ray Sahlberg at 916-978-5249 or by email to rsahlberg@usbr.gov. We appreciate your consideration of these requests, and will be available at the workshop to provide further clarification if needed.

Sincerely,



Richard J. Woodley
Regional Resources Manager

Attachments

cc: Truckee River Hearing Service List (Updated by Petitioners)

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1. Place of Use Map (Section 5.5.2 in Draft Decision)

The Petitioners hereby submit a revision of Map No. 320-208-189A-1. This revision reflects the coordinates for points of rediversion (PORD) as submitted during the hearing process in October 2010. PORD corrections are included in track change versions of the draft licenses and permits for the following:

- (11) Washoe Power Plant Ditch,
- (13) Highland Ditch,
- (47) McCarran South Side Ditch,
- (50) Tracy Power Plant,
- (51) Derby Dam & Truckee Canal,
- (56) Herman Ditch,
- (59) Fernley,
- (60) Proctor Ditch, and
- (65) Indian Ditch (Nixon Ditch).

In section 5.5.2 of the Draft Decision, the Board expresses concerns with place of use areas outside of the study area defined in the Truckee River Operating Agreement Final Environmental Impact Statement/ Environmental Impact Report, January 2008, Exhibit SWRCB-7 (FEIS/EIR). The Board also noted that the place of use in California included areas outside of the Truckee River basin in violation of the Settlement Act. Chapter 3, Section “Water Right Petitions and Applications”, pp. 3-457 to 3-470 of the FEIS/EIR analyzed the environmental impacts of including the existing licensed and permitted places of use in the common place of use. This analysis and public disclosure provides the required compliance with the California Environmental Quality Act (CEQA) to support the Board’s adoption of the requested common place of use as adjusted. The place of use map has been adjusted to eliminate the area in the state of California that is outside of the Truckee River basin. The Nevada portion of the place of use map is the same as the map accompanying the petition.

The Petitioners will work with the Board staff to finalize this map in compliance with the conditions stated on page 72 of the Draft Decision.

2. City of Fernley Proposed Point of Rediversion (PORD 59, Board Question in Cover Letter to Draft Decision)

The Board has requested information and clarification regarding a point of rediversion identified as number 59, and named Fernley (“Fernley (59)”). The Board indicated that the applications and petitions state construction of all such points has been completed, but that a footnote in those applications and petitions states that Fernley is a “Proposed future point of rediversion to be constructed.” Board staff requested an explanation of this discrepancy, and a reference to appropriate documentation under CEQA if Fernley (59) was yet to be constructed.

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All points of diversion or rediversion identified in the subject applications have been constructed, except for the Fernley (59) point of rediversion. However, construction of Fernley (59) does not depend on whether it is included as a point of rediversion in the subject permits and licenses. This facility, if constructed, will be located in Nevada and its primary function will be to divert pre-1914 direct diversion Orr Ditch water rights and water which the Nevada State Engineer has already permitted to be stored under those pre-1914 water rights. Further, construction of the Fernley (59) facility will involve coordination with and approval of multiple federal, tribal and state agencies including: the U.S. Bureau of Reclamation, the Pyramid Lake Paiute Tribe and the Nevada State Engineer. Construction will occur with federal, tribal and state oversight, and in compliance with any and all applicable federal and state laws, including NEPA. Compliance with NEPA will meet all related CEQA requirements. (See CEQA Guidelines Section 15277 [exempting certain out-of-state projects from CEQA]).

Fernley (59) was included in the applications and petitions solely for the purpose of facilitating water exchanges of Fernley's pre-1914 direct diversion Orr Ditch water rights. Such exchanges received appropriate CEQA analysis in the FEIS/EIR (*see* pp. 2-36 through 37, p. 2-47, and p. 3-383). Inclusion of Fernley (59) does not in any way authorize construction of this diversion facility and its construction will not occur based on whether it is included or not included in the subject permits and licenses. Construction of Fernley (59) will happen, or not, based upon the decisions and approvals of other agencies, pursuant to applicable federal and state law. Accordingly, the Fernley (59) point of rediversion should be included in the subject Permits and Licenses.

3. Place of Use Irrigated Acreage Amount (Section 9.0 in Draft Decision)

The Petitioners respectfully request the description of the expanded Common Place of Use in the Draft Decision and in draft amended License 3723 (Application 5169), draft amended License 4196 (Application 9247), draft amended License 10180 (Application 18006), draft amended Permit 11605 (Application 15673), draft Permit for Application 31487 and draft Permit for Application 31488 (collectively, Amended Rights) be revised to include the currently authorized net irrigated acreage (29,000 acres) in the Truckee Meadows currently authorized under License 3723. The intent of the change petitions was to retain the currently authorized net irrigated acreage under Licenses 3723 within the expanded common places of use under draft amended Licenses 4196 and 10180 and Permit 11605; however, the Draft Decision reduces the maximum net irrigated area within the Truckee Meadows to 26,800 net acres.

License 3723 currently authorizes irrigation of a net area of 30,000 acres and domestic use within the boundaries of the WCWCD in Nevada, with a maximum area irrigated in any one year not to exceed 29,000 acres. (License 3723; Draft Decision, p. 9.)

Of the four reservoirs requesting a common place of use, Boca Reservoir is currently licensed for the most expansive net irrigated acreage within the Truckee Meadows. By comparison, the Stampede permit (Permit 11605) only authorizes a maximum net irrigated acreage of 26,800 acres within the Truckee Meadows. Rather than expanding the place of use of License 4196, Permit 11605 and License 10180 such that they included the currently authorized net irrigated acreage under the License 3723, the Board proposes applying the less inclusive 26,800 net irrigated acreage under Permit 11605 to the remaining Amended Rights. The result is a contraction of the net irrigated acreage currently authorized within the Truckee Meadows.

Notably, the Draft Decision recognizes the Petitioners seek “enlargement of the place of use to provide for a common place of use under the licenses and permit” to facilitate coordinated operations under TROA, and that the change petitions specifically intend to retain “the existing place of use of License 3723”. (Draft Decision at p. 18, 19-20 [emphasis added].) The Notice of Petitions to Change also recognized that “none of the existing points of diversion and rediversion, places of use or purposes of use are to be eliminated,” and it identifies the proposed expanded place of use” as “including the existing place of use of License 3723...” (Notice of Petitions to Change dated January 30, 2007).

It is unclear why the Draft Decision contracts the net irrigated acreage within the Truckee Meadows, although it appears the net acreage from Permit 11605 may have inadvertently been utilized instead of the more inclusive net irrigated acreage currently authorized under License 3723, as requested. Contraction of the net irrigated acreage may have significant adverse impacts on Nevada water rights holders as well as WCWCD in its administration of its obligations as a political subdivision of the State of Nevada.

For these reasons, Petitioners respectfully request the Draft Decision and Amended Rights reflect the net irrigated acreage currently authorized under License 3723.

4. Extension of Period to Complete Use (Term 0000009 in Permit 11605)

Reclamation seeks to extend the period of time to complete beneficial use on Permit 11605 in order to accommodate implementation of TROA. At the time the petition was filed in 2007, it was assumed that TROA would be in effect and some period of operations would occur prior to December 31, 2012. Given that the parties to TROA assumed that Stampede Reservoir would be operated for a period of time under the amended Permit 11605 prior to proceeding to license, Reclamation requests that the beneficial use period be extended to December 31, 2022, at which point Reclamation can proceed to license on both Permit 11605 and the Permit issued on Application 31487.

5. Urban Water Management Plan Requirement (Permit term 0000029A mod.)

The Board proposes to include a modified Permit Term 29A in the Amended Rights. A modified Permit Term 29A requires permittee/licensee to consult with the Division of Water Rights as to whether the permittee/licensee is an “urban water supplier” as defined in California Water Code § 10617. If the permittee/licensee is an urban water supplier, then “within one year from issuance of the Permit, Amended Permit or License, the permittee/licensee is to submit to the State Board its Urban Water Management Plan as prepared and adopted in conformance with California Water Code § 10610, et seq., or a comparable Urban Water Management Plan as may be authorized under Nevada law that contains similar information.” The plan may be supplemented by any additional information that may be required by the Board.

Petitioners respectfully request that the condition not be included in the Amended Rights. None of the permittees or licensees is subject to Chapter 4, Part 12 of Division 104 of the California Health and Safety Code because they do not provide drinking water within the State of California and are not subject to California’s Safe Drinking Water Act. Therefore, by definition, they cannot be an “urban water supplier” within the meaning of California Water Code § 10617. Moreover, the only permittee/licensee that supplies water for municipal purposes to more than 3,000 customers is TMWA. TMWA is a joint powers authority and political subdivision of the State of Nevada established pursuant to the provisions of Chapter 277 of the Nevada Revised Statutes by a cooperative agreement between the Cities of Reno and Sparks, Nevada, and Washoe County, Nevada. TMWA provides retail water service in Reno and Sparks, Nevada, and to portions of Washoe County, Nevada. TMWA also provides wholesale water service to Washoe County, Nevada’s water utility. TMWA provides service to approximately 320,000 residents, and approximately 6,000 commercial customers. All of TMWA’s services are provided within the State of Nevada. TMWA is subject to the provisions of Nevada Revised Statutes, §§ 540.121, et. seq., which include a requirement for a plan of water conservation. TMWA is subject to the provisions of Nevada Revised Statutes, Chapter 540A dealing with a comprehensive plan for the region covering the supply of municipal and industrial water, quality of water, sanitary sewage, treatment of sewage, drainage of stormwaters, and control of floods. TMWA’s use of groundwater is closely regulated by the Nevada State Engineer pursuant to the provisions of Nevada Revised Statutes §§ 534.120, et. seq.

As a result of those requirements of Nevada law, and for its internal budgeting purposes, every five years TMWA prepares a 20 year water resource plan and a 20 year water facility plan. The two plans for the time frame 2010-2030 may be found on the TMWA website at http://tmwa.com/water_system/resources.

Any water which TMWA, as the licensee under Amended License 4196, will use to supply water to its municipal customers, is water which the Settlement Act allocates to the State of Nevada for use in Nevada. Given that the water is allocated to Nevada for use in Nevada, that TMWA

supplies water for municipal use only in Nevada, and that TMWA will be required to comply with Nevada law provisions ensuring that comparable planning will occur, we respectfully request the State Board to not include Permit Term 29A in the Amended Rights. Nevada has adequate statutory and regulatory provisions in place requiring appropriate planning by its water suppliers. There does not appear to be a reason to impose on a Nevada water supplier California's requirements for its urban water suppliers, which generally apply only to such suppliers who provide service in California. Additionally, there is a concern that if such requirements were imposed, they may conflict with requirements imposed under Nevada law on TMWA as a political subdivision of the State of Nevada.

6. Farad Diversion Dam Flow Requirement (Sections 7.0 and 10.0 of the Draft Decision, Permit term 0140400)

The Petitioners respectfully request that the Farad Diversion Dam Flow requirement (Permit Term 0140400) be removed from the Amended Rights. Minimum bypass flows at this location are imposed by Condition No. 6-3 of the June 26, 2003 Water Quality Certification for the Farad Diversion Dam Replacement Project, State Clearing House Number 2000042074 (Water Quality Certification) and facility operations are solely the responsibility of TMWA, and therefore not applicable to the Amended Rights.

The Board proposes including a minimum flow requirement at Farad Diversion Dam in the Amended Rights. The proposed term states that the permittee/licensee "shall bypass a minimum flow of 150 cfs in the bypass reach below the Farad Diversion Dam, or total Truckee River flow immediately upstream of the Diversion Dam, whichever is less in the operation area, or applicable bypass flow as it may be revised in the water quality certification for the Farad Diversion Dam Replacement Project." The proposed condition further provides that "no diversion shall be allowed at the points of diversion or redirection authorized by the permit/license, unless the applicable bypass flows are met." Petitioners respectfully request that the Board remove this condition from the Amended Rights.

When it is rebuilt, the Farad Diversion Dam will be located on the main stem of the Truckee River near Floriston, California, downstream from the reservoirs regulated by the Amended Rights. When the Farad Diversion Dam is rebuilt, and the Farad hydroelectric generation plant is again placed into operation, the only entity which will have control over diversions at that dam, other than the TROA Administrator/Water Master, is TMWA. None of the other permittees/licensees have or will have any way to control the diversions which take place at the Farad Dam, making it legally impossible for them to satisfy this condition. As a result, it is not appropriate for any of the Amended Rights to include a provision requiring those permittees/licensees to bypass a minimum flow at a dam which they neither operate or control, or penalize those permittees/licensees if the required bypass flow is not met.

TMWA understands and will comply with that applicable condition when the Farad Diversion Dam is rebuilt. It is not necessary to also include it in Amended License 4196. The Board and the California Department of Fish and Game have adequate authority to enforce that condition against TMWA. The Water Quality Certification requires a Mitigation, Monitoring and Reporting Plan (MMRP) which includes a gauging plan. The gauging plan must be approved by the Chief of the Division of Water Rights, and must include methods for measuring the flow diverted for power production, flume loss, the quantity of the fish return, and the instream flow bypass requirement. Reporting must be at no less than once a year. No water may be diverted for the project until the Board's Division Chief approves the plan, and the required gauges have been installed to the satisfaction of the Division Chief. (*See 6/26/2003 Water Quality Certification at pp. 9-11, 27.*)

Moreover, Section 9.E. of the TROA, which is a federal regulation and which will be incorporated into the Orr Ditch Decree, imposes specific requirements for minimum bypass flows at all of TMWA's hydroelectric generation plant diversions. Those provisions can be enforced by the TROA Administrator, by the Orr Ditch Court, and the other TROA parties, including California.

Petitioners understand the rationale of the Board in including this proposed condition as expressed on page 67 of the Draft Decision. However, that rationale overlooks the provisions of Article XVII of the current Truckee River Agreement as incorporated into the Orr Ditch Decree. That provision presently authorizes the diversion of all water in the Truckee River, including water from all of the relevant existing permits and licenses here, into TMWA's Farad and other hydroelectric power plants. As noted above, TROA changes that provision, and places specific requirements for minimum bypass flows at all of those facilities. That, coupled with the reporting requirements of the MMRP and California's authority to enforce against TMWA Condition No. 6-3 from the Water Quality Certification, ensures that the required minimum bypass flows are provided.

7. Stampede Reservoir Minimum Release Condition (Section 7.0 and 10.0 of Draft Decision and Permit Term 0400400)

The Petitioners respectfully submit that the Stampede Reservoir minimum release condition is no longer needed, as TROA provides for an improvement to this condition. The California Department of Fish and Game, through the TROA process, has recommended a minimum flow release downstream from Stampede Reservoir of 45 cfs¹. (FEIS/EIR, starting at pp. 3-183.) This recommendation has been incorporated into TROA (with flows of 30-45 cfs) and Petitioners

¹ CDFG, 1996. Instream Flow Requirements, Truckee River Basin, Lake Tahoe to Nevada. Environmental Services Division, Stream Flow and Habitat Evaluation Program.

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fully expect that TROA operations will provide better conditions for fishery year round than the existing requirement in Permit 11605 (with flows of 6 to 16 cfs). TROA also defines water year types differently than this condition, so that retaining this condition has the potential to undermine TROA.

Amended Licenses 3723 and 4196, amended Permits 11605, and the draft Permit for Application 31487 include a condition requiring bypasses or releases of water from Stampede Reservoir into the Little Truckee River to maintain certain minimum flows downstream from Stampede Dam, carried forward from the current Permit 11605. The proposed condition provides that “no diversion will be allowed at the points of diversion or rediversion authorized under [any of the Amended Rights] unless those applicable flows are met.” The rationale for the imposition of those conditions is to ensure that existing flow requirements are maintained. (Draft Decision, p. 67.) Each of the Amended Rights also includes a condition that “All diversion, storage, use of water and operations under this license/permit shall be in accordance with the provisions contained in this license/permit and the TROA which is on file with the State Water Board.” It is Petitioners’ understanding that proposed Permit Term 0400400 requires that all water physically in Stampede Reservoir will be subject to release from Stampede Reservoir to meet the required minimum release from Stampede Reservoir, regardless of which right the water is stored under. As is noted and described in greater detail below, TROA increases minimum flows downstream from Stampede Dam. The FEIS/EIR finds that a significant beneficial effect occurs under TROA year round for minimum flows for fish downstream from Stampede Reservoir. (See FEIS/EIR at 3-194 to 3-197; 3-201 - 3-204.). However, this proposed Permit Term 0400400 is not consistent with, and may at times directly conflict with, those provisions of TROA.

Because of its size and junior priority, Stampede Reservoir is the reservoir where TMWA’s most important drought supplies will be stored. Drought supplies, including Firm M&I Credit Water², which could originate from water stored under License 4196, must be stored or restored there. TMWA’s Emergency Drought Supply, which could also originate from water stored under License 4196, is also stored or restored there. Because those two categories of water are to be used after all other supplies of water available to TMWA to provide water service to the residents and visitors to Reno and Sparks have been exhausted, the protection of this water is at the heart of TROA, and any requirement which could potentially subject any of that water to a spill, no matter how remote, has the potential to upset the entire TROA.

Petitioners respectfully request that this condition not be included in Licenses 3723, 4196, Permit 11605 or the Permit issued for Application 31487. Petitioners request that the Board recognize the general condition requiring compliance with TROA and TROA’s requirements for minimum and enhanced minimum releases from Stampede Reservoir as meeting the Public Trust responsibilities which are intended to be addressed by proposed Permit Term 0400400.

² TROA defined terms, such as Firm M&I Credit Water and Emergency Drought Supply, are capitalized.

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TROA Section 9.C.7, along with the provisions of Section 9.C.1, provides for minimum and enhanced releases from Stampede Reservoir. Those provisions provide for a Minimum Release of 30 cfs and an Enhanced Minimum Release of 45 cfs during a Normal Season. During a Dry Season, the Enhanced Minimum Release is to be the greater of 22.5 cfs or the Stampede Reservoir release required by Section 9.C.7(a). Section 9.C.7(a) allows California, pursuant to the California Guidelines, to reduce those flows by as much as 5 cfs. TROA Section 9.B. provides definitions of Dry and Normal seasons. Those definitions are different than what in proposed Permit Term 0400400 might be considered normal, dry and wet. However, in every case, the required minimums are more than what is presently required and which would be required by proposed Permit Term 0400400.

TROA designates the categories of water in Stampede Reservoir which must be used to meet the required minimums. (TROA, Sections 9.C.7(a); 9.C.7(c).) A key element of those provisions relates to the ability to recapture, in the downstream Boca Reservoir, water released from Stampede to meet a Stampede Minimum or Enhanced Minimum Release requirement. Under TROA, the Minimum Release from Stampede Reservoir, if not provided from other operations, is to be provided by Stampede Project Water (water stored under Permit 11605 and the Permit issued for Application 31487). (TROA, Section 9.C.7(a).) Stampede Project Water includes inflow which may be stored under the Stampede Permits (Permit 11605 and new Permit issued under Application 31487). Thus, any inflow into Stampede Reservoir will always be available to meet minimum release requirements. In addition, the new Stampede Permit will increase the quantity of Stampede Project Water available to meet required minimums. When the Minimum Release from Stampede Reservoir cannot be satisfied by Stampede Project Water, then all categories of water in Stampede Reservoir designated for Enhanced Minimum Releases are to be used for the Minimum Release, subject to certain exceptions. (TROA, Section 9.C.1(b).) The categories of water which may be in Stampede Reservoir which are not obligated to meet those releases are Firm M&I Credit Water, Project Water in Another Reservoir, and Water Authority's Emergency Drought Supply. (TROA, Section 9.C.7(c).) As noted above, two of the excepted categories go to the heart of TROA. The Project Water in Another Reservoir exception will likely involve Floriston Rate Water from Lake Tahoe, and would not be subject to the proposed condition in any event.

Because Stampede Reservoir is considered to be the "safest" reservoir with respect to avoiding loss of water due to a spill, there likely will be other categories of Credit Water stored there which TROA generally obligates for these minimum flows and which are not stored there today. Moreover, because many of those categories of Credit Water will be established with Nevada Orr Ditch Decree water rights, but for the requirements of TROA, that water would not be subject to satisfying minimum release requirements for Stampede Reservoir.

However, these other categories of water in Stampede Reservoir which TROA would ordinarily require to be released to meet the Stampede Minimum Release are not required to be released if

the water cannot be recaptured in Boca Reservoir, and thus continue to be available to the owner of the water to meet the owner's purposes. (TROA, Section 9.C.1(f).) Even if such water can be initially recaptured in Boca Reservoir, it is not required to be released from Stampede Reservoir if the storage in Boca Reservoir is at or above the storage thresholds set forth in TROA Section 9.D.7. Those storage thresholds are intended to equate to the potential of losing the water through a spill from Boca Reservoir.

It will require a truly unique circumstance for there to be insufficient water in Stampede Reservoir which TROA obligates to meet Stampede minimum releases, and for Boca Reservoir to be at a level where water might spill from it. TROA includes procedures for advance planning and for coordinated operation of Boca and Stampede Reservoirs which will minimize, if not eliminate, this unlikely circumstance. TROA Article Eleven provides for the development of an integrated schedule by the Administrator. Through that process, the Administrator will know well in advance of any operation that might deplete Stampede Project Water and thus place in jeopardy the ability to meet TROA's minimum release requirements for Stampede Reservoir. That advance knowledge will allow for the coordinated operation of Boca and Stampede Reservoirs as was described by Acting Water Master Chad Blanchard in his testimony to the State Board on July 21, 2010. (*See 7/21/2010 Tr. at 130-131; see also Blanchard Written Testimony at para. 31.*)

Although the risks that proposed Permit Term 0400400 present are remote, they are risks that fundamentally imperil TROA. Therefore, in order to avoid a direct conflict between the express requirements of TROA and proposed Permit Term 0400400, Petitioners respectfully request the Board not include proposed Permit Term 0400400. The general condition which provides for operations as required by TROA (Permit Term 04030300) is adequate.

8. Truckee River Operating Agreement replaces Interstate Compact (Term 9990300 in License 10180 and Term 0430600 in Permit 11605) and Reservation to Water Users in California (Permit term 0000800 in Permit 11605 and Permit Term 0090800 in License 10180)

Petitioners respectfully request that TROA permit terms be updated to reflect the Congressionally-approved interstate allocation of water that TROA represents. Terms 0000800 in Permit 11605 and Term 0090800 in License 10180 are carried over into the drafts of amended Permit 11605 and License 10180. These terms are unnecessary as this requirement is adequately covered by term 0540900 and term 0430600 in Permit 11605 as modified below. Additionally, the accounting requirements in Term 0090800 in License 10180 will be met through TROA accounting.

Currently, Term 9990300 in License 10180 and Term 0430600 in Permit 11650 are Board reservations of jurisdiction to take action on the rights to implement terms consistent with a

proposed Congressionally-approved interstate compact, which is one of the identified purposes of this proceeding, and is accomplished when TROA goes into effect. Term 0540900 effectively updates Terms 9990300 and 0430600 and applies them to diversions under all of the Amended Rights.

Petitioners request that Term 0430600 in Permit 11605 be modified to refer to the Settlement Act which provides for an interstate allocation. The modified term is as follows:

When the interstate allocation as provided for in the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) becomes effective, the operation of Stampede Reservoir shall be in conformance therewith, and the terms and conditions set forth in this permit which are in conflict thereto shall not apply. The Board retains jurisdiction for the purpose of amending the terms of this permit to conform to the terms of that interstate allocation.

Petitioners request that Term 9990300 in License 10180 be modified accordingly, referring to the licensed/permitted reservoir in place of Stampede Reservoir, and that the same provision be put in all of the Amended Rights.

9. Outlet Pipe Maintenance Requirement (Permit term 000000S mod.)

Petitioners respectfully request that Permit Term 0S mod be replaced with the standard Permit Term 0S reflecting the licensee/permittee responsibilities for operation and maintenance for individual reservoirs. Permit Term 000000S mod is included in Licenses 3723 and 4196, Permit 11605 and the draft Permit for Application 31487. The currently proposed term imposes a requirement, for example, on WCWCD to maintain the outlet pipes for reservoirs operated and maintained by Reclamation and TMWA and similarly, it imposes a requirement on Reclamation to maintain the outlet pipes for reservoirs operated and maintained by TMWA and WCWCD and likewise on TMWA with respect to the outlet pipes for reservoirs operated by Reclamation and WCWCD. Petitioners request that this requirement be limited in each Amended Right to the reservoir it originally regulated (License 3723 to Boca Reservoir, License 4196 to Independence Lake, and Permit 11605/draft Permit for Application 31487 for Stampede Reservoir).

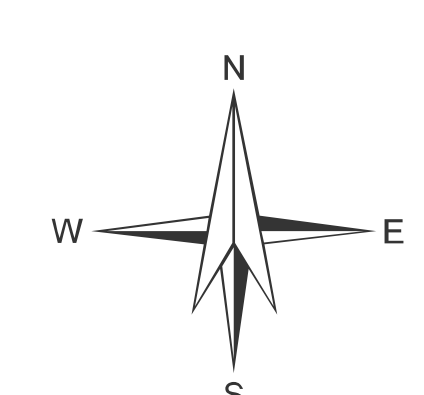
10. Maximum withdrawal at Prosser Reservoir (Application 31488 Permit term 5L)

Consistent with Application 31488 “to store and withdraw up to 30,000 acre-feet in any one-year” (p. 42) and Board’s approval of the water availability analysis for the Prosser Creek Reservoir, Petitioners respectfully request Permit Term 0000005L in the Permit for Application 31488 include a total withdrawal amount, as stated below.

The total quantity of water collected to storage and withdrawn at Prosser Creek Reservoir under this permit and License 10180 (Application 18006) shall not exceed 30,000 acre-feet per year.

DRAFT

- Points of Diversion
- ▲ Dam
- Place of Use
- Existing Place of Use
- Major Road
- Truckee River
- Truckee Canal
- County
- Little Truckee River Watershed
- UrbanAreas_utm83
- Truckee Basin
- Indian Reservation
- National Wildlife Refuge



Revisions
8/13/12 ER Revision to POU per SWRCB request

Miles
0 5 10 20

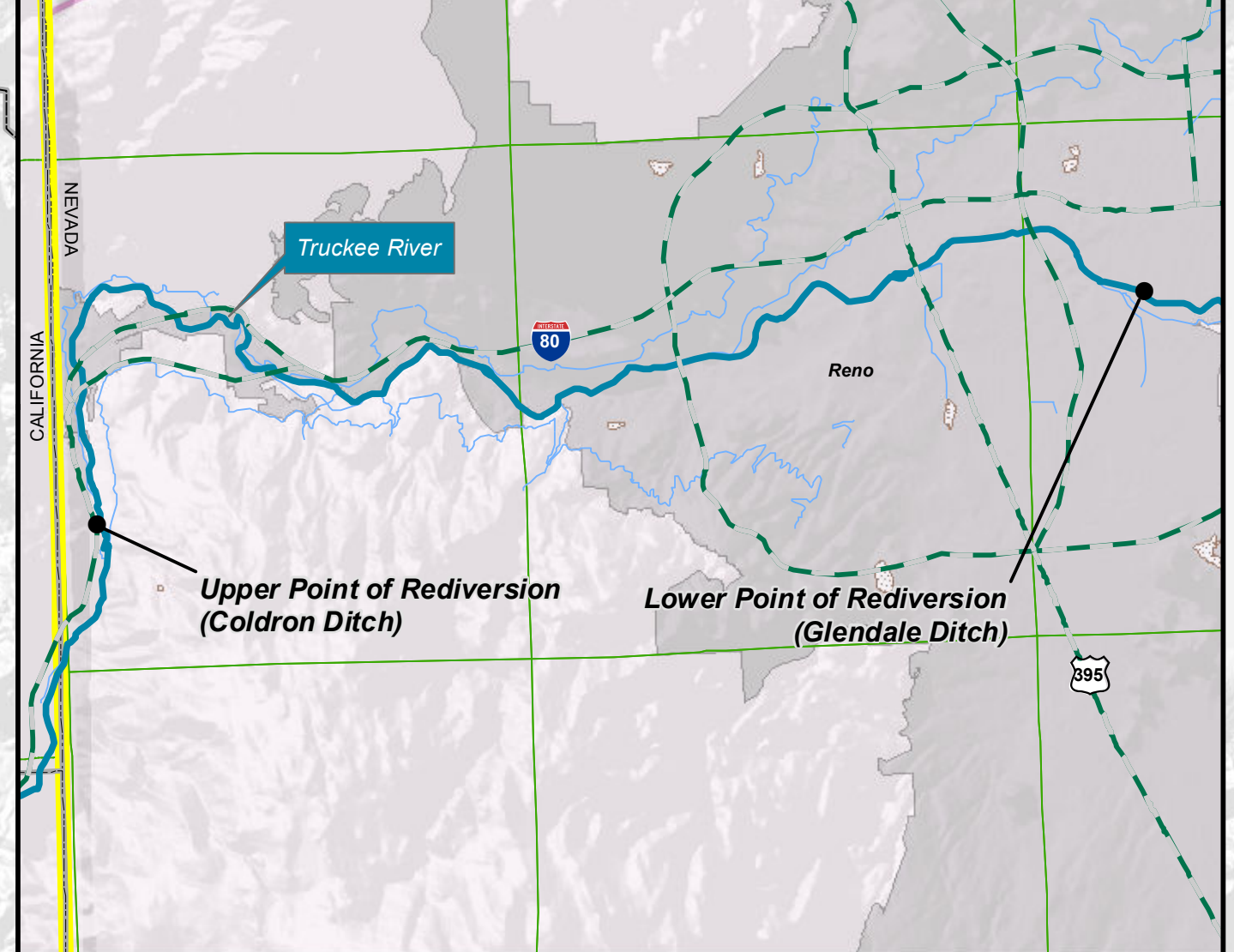
United States
Department of the Interior
Bureau of Reclamation, Mid-Pacific Region

Truckee River Operating Agreement
Place of Use
Washoe Project, California - Nevada

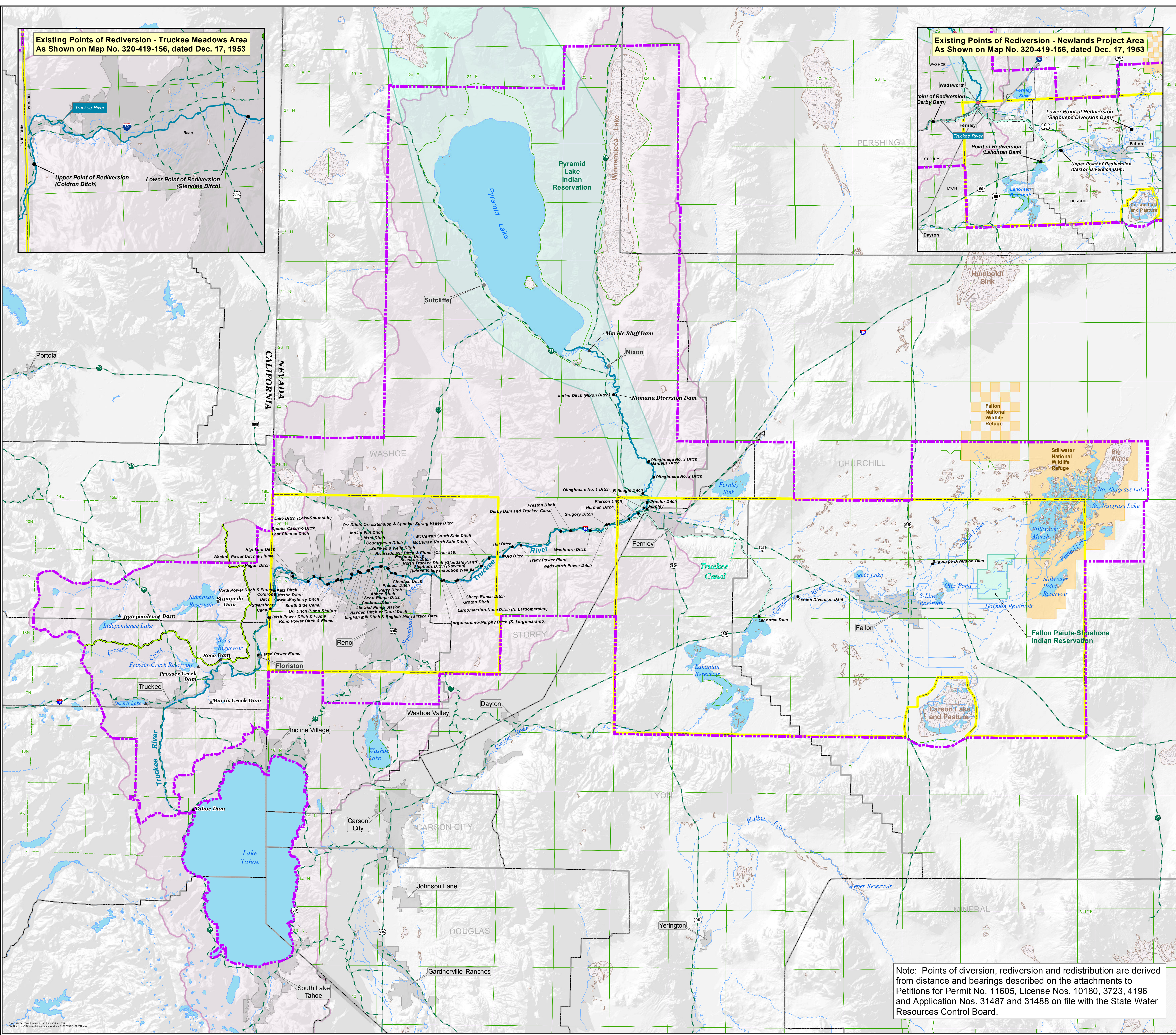
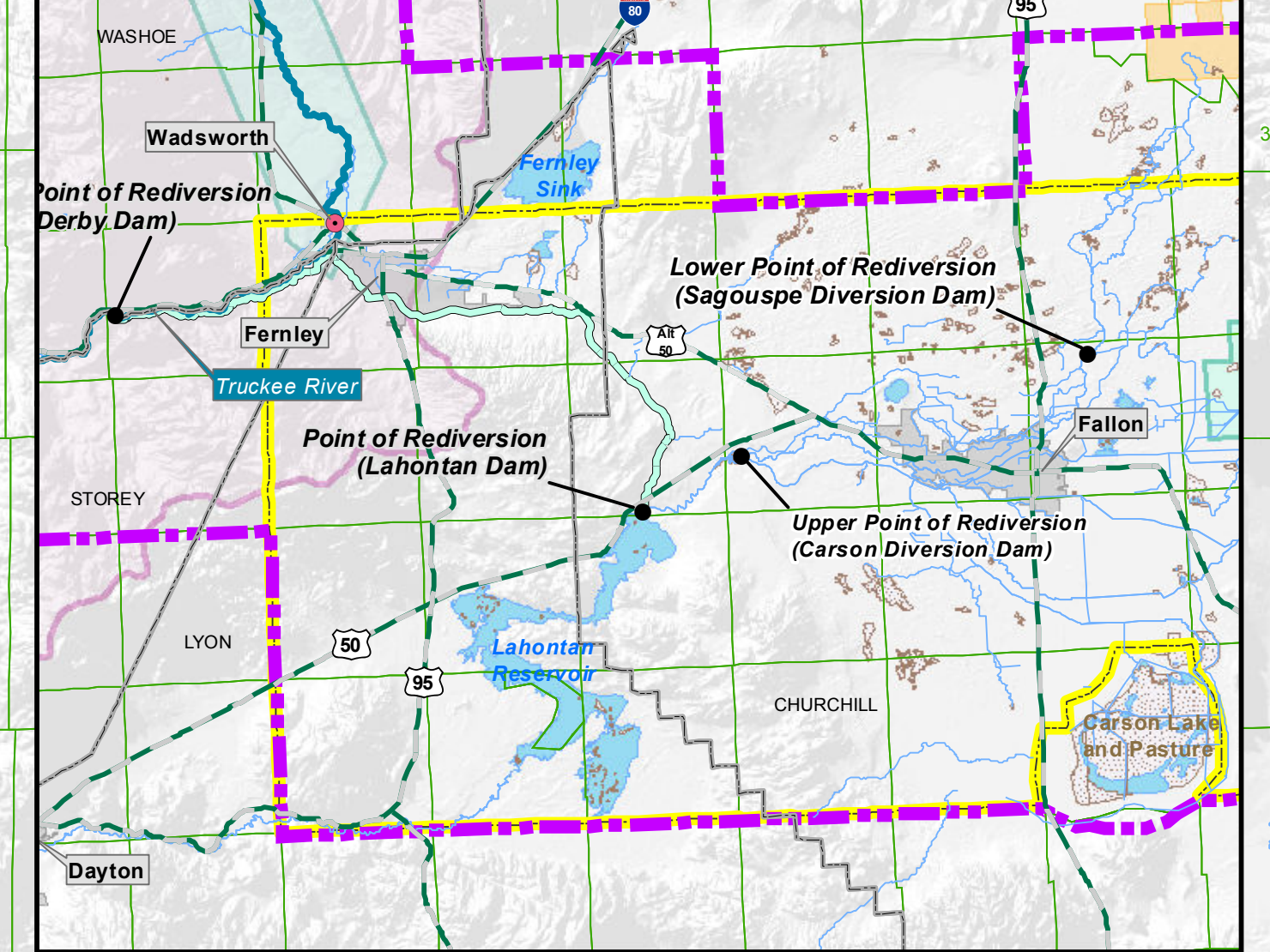
Water Right Permit No. 11605 (Stampede),
License Nos. 10180 (Prosser), 3723 (Boca held by Washoe County Water Conservation District) and 4196 (Independence held by Truckee Meadows Water Authority) and Application Nos. 31487 (Stampede) and 31488 (Prosser)

Date: July 6, 2006, Revised 8/13/12, 8/23/12, 8/27/12
Map No. 320-208-189A-1

Existing Points of Rediversion - Truckee Meadows Area
As Shown on Map No. 320-419-156, dated Dec. 17, 1953



Existing Points of Rediversion - Newlands Project Area
As Shown on Map No. 320-419-156, dated Dec. 17, 1953



Note: Points of diversion, rediversion and redistribution are derived from distance and bearings described on the attachments to Petitions for Permit No. 11605, License Nos. 10180, 3723, 4196 and Application Nos. 31487 and 31488 on file with the State Water Resources Control Board.



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 5169
Page 1 of 11

PERMIT 5286

LICENSE 3723

THIS IS TO CERTIFY, That

Washoe County Water Conservation District
295 Holcomb Avenue, Suite A
Reno, NV 89502

has the right to the use of the waters of **(1) Independence Creek and (2)(3) Little Truckee River** in **Nevada and Sierra Counties**

tributary to **(1) Little Truckee River thence (2)(3) Truckee River thence Pyramid Lake**

for the purpose of **Municipal, Domestic, Industrial, Irrigation, Stockwatering, Fish Culture, Water Quality, Recreational, Fish and Wildlife Preservation and Enhancement, and Incidental Power uses.**

This amended license is being issued in accordance with State Water Resources Control Board (State Water Board) Decision XXXX, adopted on XXXXXX. This amended license on **Application 5169** filed on **August 25, 1926** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions herein.

Amended License 3723 supersedes the license originally issued for Boca Reservoir on **May 4, 1953**, which was perfected in accordance with the laws of California, the Regulations of the State Water Board, or its predecessor, and the terms of **Permit 5286**. The priority of this right dates from **August 25, 1926**. Proof of maximum beneficial use of water under this license was made as of **November 24, 1952** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **forty thousand, eight hundred fifty (40,850) acre-feet per annum to be collected in Independence Lake, Stampede Reservoir, and Boca Reservoir from about October 1 of each year to about July 1 of the succeeding year. The maximum withdrawal in any one year shall not exceed 40,850 acre-feet.**

The maximum amount of water collected to storage in Independence Lake, Stampede Reservoir, and Boca Reservoir under License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 11605 (Application 15673), and permit issued pursuant to Application 31487 shall not exceed a total of 284,850 acre-feet per year.

The capacities of Independence Lake, Stampede Reservoir, and Boca Reservoir covered by License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 11605 (Application 15673), Permit 18320 (Application 26273), and permit issued pursuant to Application 31487 shall not exceed 17,500 acre-feet in Independence Lake, 226,500 acre-feet in Stampede Reservoir, and 41,100 acre-feet in Boca Reservoir.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The numbering for the points of diversion, points of rediversion, and places of storage for License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permits issued pursuant to Application 31487 and Application 31488, are shown on map [MAP NUMBER], dated [DATE], filed with the State Water Board.¹

THE POINT OF DIVERSION AND PLACE OF STORAGE ON INDEPENDENCE CREEK OF SUCH WATER IS LOCATED:

- (1) Independence Lake - By California Coordinate System of 1983, Zone 2, North 2,295,098 feet and East 7,044,314 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, T19N, R15E, MDB&M.

THE POINTS OF DIVERSION, POINTS OF REDIVERSION AND PLACES OF STORAGE ON LITTLE TRUCKEE RIVER OF SUCH WATER ARE LOCATED:

- (2) Stampede Reservoir - By California Coordinate System of 1983, Zone 2, North 2,304,477 feet and East 7,096,882 feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, T19N, R17E, MDB&M.
- (3) Boca Reservoir - By California Coordinate System of 1983, Zone 2, North 2,273,334 feet and East 7,099,243 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, T18N, R17E, MDB&M.

THE POINTS OF REDIVERSION ON THE TRUCKEE RIVER OF SUCH WATER ARE LOCATED:

- (5) Farad Power Plant Ditch & Flume - By California Coordinate System of 1983, Zone 2, North 2,276,726 feet and East 7,119,940 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 30, T18N, R18E, MDB&M.
- (6) Fleish Power Plant Ditch & Flume - By California Coordinate System of 1983, Zone 2, North 2,297,211 feet and East 7,124,864 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6, T18N, R18E, MDB&M.
- (7) Steamboat Canal - By Nevada Coordinate System of 1983, West Zone, North 14,843,385 feet and East 2,223,994 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31, T19N, R18E, MDB&M.
- (8) Coldron Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,850,973 feet and East 2,226,583 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 30, T19N, R18E, MDB&M.
- (9) Katz Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,853,083 feet and East 2,226,202 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T19N, R18E, MDB&M.
- (10) Verdi Power Plant, Ditch & Flume - By Nevada Coordinate System of 1983, West Zone, North 14,853,117 feet and East 2,226,229 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T19N, R18E, MDB&M.
- (11) Washoe Power Plant Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,548-766 feet and East 2,235,859-824 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R18E, MDB&M.
- (12) Hogan Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,860,793 feet and East 2,236,229 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R18E, MDB&M.

¹ Point of Diversion (4) is a point of diversion at Prosser Creek Dam, on Prosser Creek, for Amended License 10180 and the permit issued pursuant to Application 31488. It is, therefore, intentionally not included in this amended license.

- (13) Highland Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,862,059-766 feet and East 2,236,235,256-824 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 916, T19N, R18E, MDB&M.
- (14) Mastin Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,104 feet and East 2,244,534 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14, T19N, R18E, MDB&M.
- (15) Last Chance Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,860,796 feet and East 2,247,614 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, T19N, R18E, MDB&M.
- (16) Sparks-Capurro Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,813 feet and East 2,250,976 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, T19N, R18E, MDB&M.
- (17) Irwin-Mayberry Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,856,488 feet and East 2,254,953 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, T19N, R19E, MDB&M.
- (18) Lake Ditch (Lake Southside) - By Nevada Coordinate System of 1983, West Zone, North 14,856,917 feet and East 2,255,686 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, T19N, R19E MDB&M.
- (19) South Side Canal - By Nevada Coordinate System of 1983, West Zone, North 14,858,528 feet and East 2,259,680 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (20) Orr Ditch, Orr Extension & Spanish Spring Valley Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,198 feet and East 2,260,521 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (21) Indian Flat Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,946 feet and East 2,262,112 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (22) Orr Ditch Pump Station - By Nevada Coordinate System of 1983, West Zone, North 14,859,008 feet and East 2,262,704 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (23) Reno Power Ditch & Flume - By Nevada Coordinate System of 1983, West Zone, North 14,859,867 feet and East 2,267,642 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E MDB&M.
- (24) Countryman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,075 feet and East 2,268,033 feet, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (25) Chism Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,003 feet and East 2,268,150 feet, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (26) English Mill Ditch & English Mill Tailrace Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,566 feet and East 2,271,673 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (27) Hayden Ditch or Court Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,824 feet and East 2,272,659 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E MDB&M.
- (28) Idlewild Pump Station - By Nevada Coordinate System of 1983, West Zone, North 14,862,625 feet and East 2,273,168 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (29) Sullivan & Kelly Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,999 feet and East 2,276,707 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.
- (30) Cochran Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,699 feet and East 2,277,344 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.

- (31) Riverside Mill Ditch & Flume (Claim #10) - By Nevada Coordinate System of 1983, West Zone, North 14,864,144 feet and East 2,277,365 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.
- (32) Scott Ranch Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,010 feet and East 2,279,290 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (33) Abbee Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,265 feet and East 2,283,562 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (34) Perry Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,298 feet and East 2,284,219 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (35) Eastman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,286 feet and East 2,287,441 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (36) No. Truckee Ditch (Glendale Plant) - By Nevada Coordinate System of 1983, West Zone, North 14,865,173 feet and East 2,287,712 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (37) Sessions Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,057 feet and East 2,287,842 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (38) Pioneer Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,744 feet and East 2,289,385 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (39) Stephens Ditch (Stevens) - By Nevada Coordinate System of 1983, West Zone, North 14,862,524 feet and East 2,291,611 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, T19N, R20E MDB&M.
- (40) Glendale Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,252 feet and East 2,291,882 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, T19N, R20E, MDB&M.
- (41) Hidden Valley Induction Well #4 - By Nevada Coordinate System of 1983, West Zone, North 14,861,057 feet and East 2,295,828 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, T19N, R20E, MDB&M.
- (42) Largomarsino - Murphy Ditch (S. Largomarsino) - By Nevada Coordinate System of 1983, West Zone, North 14,858,576 feet and East 2,316,686 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, T19N, R21E, MDB&M.
- (43) Largomarsino - Noce Ditch (N. Largomarsino) - By Nevada Coordinate System of 1983, West Zone, North 14,858,813 feet and East 2,318,003 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, T19N, R21E, MDB&M.
- (44) Groton Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,234 feet and East 2,324,482 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R21E, MDB&M.
- (45) Sheep Ranch Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,130 feet and East 2,325,476 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, T19N, R21E, MDB&M.
- (46) McCarran North Side Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,397 feet and East 2,338,153 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T19N, R21E MDB&M.

- (47) McCarran South Side Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,870,~~347-713~~ feet and East 2,342,~~460-338~~ feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T19N, R21E MDB&M.
- (48) Old Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,871,849 feet and East 2,349,880 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6, T19N, R22E, MDB&M.
- (49) Hill Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,876,905 feet and East 2,354,774 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, T20N, R22E, MDB&M.
- (50) Tracy Power Plant - By Nevada Coordinate System of 1983, West Zone, North 14,877,698 feet and East 2,359,590 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T20N, ~~R23E~~R22E, MDB&M.
- (51) Derby Dam & Truckee Canal - By Nevada Coordinate System of 1983, West Zone, North 14,~~884885,928-141~~ feet and East 2,380,~~546-928~~ feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19, T20N, R23E, MDB&M.
- (52) Preston Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,885,468 feet and East 2,386,178 feet, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20, T20N, R23E, MDB&M.
- (53) Washburn Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,885,521 feet and East 2,396,933 feet, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22, T20N, R23E, MDB&M.
- (54) Gregory Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,888,853 feet and East 2,405,578 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14, T20N, R23E, MDB&M.
- (55) Wadsworth Power Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,889,268 feet and East 2,406,873 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 13, T20N, R23E, MDB&M.
- (56) Herman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,~~894892,957-654~~ feet and East 2,417,~~775-832~~ feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17, T20N, R24E, MDB&M.
- (57) Pierson Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,894,902 feet and East 2,422,828 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, T20N, R24E, MDB&M.
- (58) Olinghouse No. 1 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,897,868 feet and East 2,425,862 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T20N, R24E, MDB&M.
- (59) Fernley - By Nevada Coordinate System of 1983, West Zone, North 14,899,217 feet and East 2,427,535 feet, being within SW $\frac{1}{4}$ of ~~NW~~SW $\frac{1}{4}$ of Section ~~92~~93, T20N, R24E, MDB&M.
- (60) Proctor Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,~~904900,290-772~~ feet and East 2,~~428427,199-717~~ feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T20N, R24E, MDB&M.
- (61) Fellnagle Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,905,654 feet and East 2,425,317 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, T21N, R24E, MDB&M.
- (62) Olinghouse No. 2 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,914,468 feet and East 2,431,328 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22, T21N, R24E, MDB&M.
- (63) Gardella Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,922,553 feet and East 2,428,236 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T21N, R24E, MDB&M.
- (64) Olinghouse No. 3 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,923,152 feet and East 2,428,587 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T21N, R24E, MDB&M.
- (65) Indian Ditch (Nixon Ditch) - By Nevada Coordinate System of 1983, West Zone, North 14,959,~~043-047~~ feet and East 2,~~408409,142-488~~ feet, being within SW $\frac{1}{4}$ of ~~SW~~NE $\frac{1}{4}$ of Section ~~4812~~, T22N, R23E MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Municipal, Domestic, Industrial, Stockwatering, Fish Culture, Water Quality, Recreational, and Fish and Wildlife Preservation and Enhancement uses within lands described as follows:

T13N, R17E-R18E; T14N, R16E-R18E; T15N, R16E-R18E;
T16N, R16E-R18E; T17N, R15E-R20E; T17N, R24E-R31E;
T18N, R14E-R21E; T18N, R24E-R31E; T19N, R14E-R31E;
T20N, R18E-R32E; T21N, R18E-R26E; T21N, R29E-R32E;
T22N-T27N, R20E-R24E; and T28N, R23E-R24E;

all within MDB&M.

The maximum area irrigated in any one year under License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permits issued pursuant to Application 31487 and Application 31488, shall not exceed a total of ~~9699,800-000~~ net acres within a total gross area of 143,480 acres as follows:

Truckee Meadows: ~~26,800~~29,000 net acres within a gross area of 36,340 acres in the vicinity of Reno, Nevada, within lands described as follows:
T18N, R18E-R21E; T19N, R18E-R21E; T20N, R18E-R21E; and

Newlands Project: 70,000 net acres within a gross area of 107,140 acres in the vicinity of Fallon, Nevada, within lands described as follows:
T17N, R24E-R31E; T18N, R24E-R31E; T19N, R24E-R31E;
T20N, R24E-R31E;

all within MDB&M.

Incidental Power use at the following locations:

Verdi Powerhouse - within NW¼ of SE¼ of Section 8, T19N, R18E, MDB&M;
Farad Powerhouse - within SE¼ of SE¼ of Section 12, T18N, R17E, MDB&M;
Washoe Powerhouse - within SW¼ of SW¼ of Section 14, T19N, R18E, MDB&M.
Stampede Powerhouse - within SW¼ of NW¼ of Section 28, T19N, R17E, MDB&M; and
Fleish Powerhouse - within NE¼ of SE¼ of Section 30, T19N, R18E, MDB&M;

Places of Use as shown on map [MAP NUMBER], dated [DATE], filed with the State Water Board.

Water diverted for Incidental Power use under this license is for nonconsumptive use and is to be released at the following locations:

Stampede Powerhouse Return: Little Truckee River - By California Coordinate System of 1983, Zone 2, North 2,303,127 feet and East 7,096,674 feet.
Farad Powerhouse Return: Truckee River - By California Coordinate System of 1983, Zone 2, North 2,284,919 feet and East 7,117,723 feet.
Fleish Powerhouse Return: Truckee River - By Nevada Coordinate System of 1983, West Zone, North 14,848,874 feet and East 2,226,837 feet.
Verdi Powerhouse Return: Truckee River - By Nevada Coordinate System of 1983, West Zone, North 14,864,373 feet and East 2,230,562 feet.
Washoe Powerhouse Return: Truckee River - By Nevada Coordinate System of 1983, West Zone, North 14,857,794 feet and East 2,243,430 feet.

(0000111 mod.)

This license shall not be construed as conferring upon the licensee the right of access to the point of diversion.

(0000022)

~~Licensee shall consult with the Division of Water Rights as to whether licensee is an "urban water supplier" as defined in California Water Code section 10617. If licensee is an urban water supplier, then within one year from issuance of this amended license, licensee shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with California Water Code section 10610, et seq., or a comparable urban water management plan, as may be authorized under Nevada law that contains similar information. The plan may be supplemented by any additional information that may be required by the State Water Board.~~

~~All cost-effective measures identified in the Urban Water Management Plan or comparable plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.~~

(0000029A-mod.)

If it is determined after license issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, the licensee shall, at his expense, have the subject map(s) updated or replaced with equivalent as-built map(s). The revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. The revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.

(0000030)

In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this license is by means of a dam, the licensee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided, that during a period of low flow in the stream, upon approval of the State Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

(0140069)

(0210069)

~~To ensure that the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project is met, licensee shall bypass a minimum flow of 150 cubic feet per second in the bypass reach below the Farad diversion dam, or total Truckee River flow immediately upstream of the diversion dam, whichever is less, in the operation area, or applicable bypass flow as it may be revised in the water quality certification for the project.~~

~~No diversion shall be allowed at the points of diversion or rediversion authorized by this license unless the applicable bypass flows are met.~~

(0140400)

Licensee shall measure and monitor amounts diverted, collected to storage, withdrawn from storage and rediverted for beneficial use under this permit/license. The licensee shall submit a plan for approval by the State Water Board that includes a description and location of the measuring devices, frequency of data collection, the methods for recording and reporting data to the State Water Board, and any calculations required to develop the records. The plan shall identify how the licensee will ensure that the total cumulative amount of water collected, stored and used at the reservoirs authorized under this license will not exceed the authorized amount under the license. The plan shall also identify how the amounts collected and beneficially used under all of the permits and licenses for coordinated reservoir storage under the Truckee River Operating Agreement (TROA) will be accounted for under the individual permits and licenses and any other bases of right. The plan shall be submitted and approved by the Deputy Director for Water Rights prior to diversion under this license. Licensee shall implement the plan upon approval. A record of such measurements shall be maintained by the licensee, and made available to interested persons upon reasonable request. A copy of the records shall be submitted to the State Water Board with the annual "Report of Licensee."

(0100900)

Due to the licensee's ability to exchange water among water right holders under TROA, beneficial uses for water shall only be credited to the permit or license under which the water was originally diverted.

(9990999)

When the interstate allocation as provided for in the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) becomes effective, the operation of Boca Reservoir shall be in conformity therewith, and the terms and conditions set forth in this license which are in conflict therewith shall not apply.

(9990300)

Diversions under this license shall be subject to the interstate allocation authorized under the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) when the allocation becomes effective.

(0540900)

~~To assure sufficient water flows in the Little Truckee River below Stampede Reservoir to protect public fishery resources, bypasses or releases shall be made from Stampede Reservoir into the Little Truckee River to maintain minimum flows therein as follows:~~

~~During Years of 60 and up to 130 percent normal predicted runoff, based on the official federal-state cooperative April snow surveys and water supply forecasts for the Truckee River watershed, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) twelve cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~During years when the official predicted runoff for the Truckee River watershed is less than 60 percent of normal, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) six cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~During years when the official predicted runoff for the Truckee River watershed is more than 130 percent of normal, (a) eight cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) sixteen cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~The flows to be maintained in the foregoing schedule shall become effective on May 1 of each year and continue to April 30 of the following year.~~

~~No diversion shall be allowed at the points of diversion or redirection authorized by this license unless the applicable flows are met.~~

~~(0400400)~~

Water stored in Independence Lake, Stampede Reservoir, and Boca Reservoir pursuant to pre-1914 permits issued by the Nevada State Engineer under Nevada Law, and recognized pursuant to the provisions of California Water Code sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this license.

(9990999)

Licensee shall maintain the existing outlet pipes in ~~Independence Lake, Stampede Reservoir, and Boca Reservoir~~ in proper working order.

(0050800)

This license is subject to the rights of persons diverting water for reasonable beneficial use under valid and properly exercised riparian and pre- and post-1914 appropriative claims of right, and other claims of right, that have a priority superior to the priority of Application 5169.

(9990800)

All diversions, storage, use of water and operations under this license shall be in accordance with the provisions contained in this license and the TROA, which is on file with the State Water Board.

(0430300)

Diversion of water under this license is subject to regulation by the TROA Administrator appointed to enforce the terms and conditions of the TROA to the extent such regulation is not inconsistent with the terms and conditions of this license.

(000N001 mod.)

Licensee shall notify the Deputy Director for Water Rights, in writing, of any adjustments to operations or changes to TROA made in accordance with Article 13 of the TROA that will affect the diversion and use of water under this license.

(0490300)

The State Water Board reserves continuing authority in the public interest to modify the terms and conditions of this license, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife. State Water Board action will be taken only after notice to interested parties and opportunity for hearing.

(000M001)

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2089) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the state or federal Endangered Species Acts for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated:

JMcCue/LAdler 06.18.12\06.19.12\06.21.12 Ifischer 7.18.2012
I:\5169 Amended License.doc



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 9247
Page 1 of 11

PERMIT 5392

LICENSE 4196

THIS IS TO CERTIFY, That

Truckee Meadows Water Authority
P.O. Box 30013
Reno, NV 89520

has the right to the use of the waters of **(1) Independence Creek and (2)(3) Little Truckee River in Nevada and Sierra Counties**

tributary to **(1) Little Truckee River and (2)(3) Truckee River thence Pyramid Lake**

for the purpose of **Municipal, Domestic, Industrial, Irrigation, Stockwatering, Fish Culture, Water Quality, Recreational, Wildlife Enhancement, and Incidental Power uses.**

This amended license is being issued in accordance with State Water Resources Control Board (State Water Board) Decision XXXX, adopted on XXXXXX. This amended license on **Application 9247** filed on **February 24, 1938** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions herein.

Amended License 4196 supersedes the license originally issued for Independence Lake on **March 21, 1956**, which was perfected in accordance with the laws of California, the Regulations of the State Water Board, or its predecessor, and the terms of **Permit 5392**. The priority of this right dates from **February 24, 1938**. Proof of maximum beneficial use of water under this license was made as of **October 15, 1954** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **seventeen thousand, five hundred (17,500) acre-feet per annum to be collected in Independence Lake, Stampede Reservoir, and Boca Reservoir from about December 1 of each year to about July 1 of the succeeding year. The maximum withdrawal in any one year shall not exceed 17,500 acre-feet.**

The maximum amount of water collected to storage in Independence Lake, Stampede Reservoir, and Boca Reservoir under License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 11605 (Application 15673), Permit 18320 (Application 26273), and permit issued pursuant to Application 31487 shall not exceed a total of 284,850 acre-feet per year.

The capacities of Independence Lake, Stampede Reservoir, and Boca Reservoir covered by License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 11605 (Application 15673), Permit 18320 (Application 26273), and permit issued pursuant to Application 31487 shall not exceed 17,500 acre-feet in Independence Lake, 226,500 acre-feet in Stampede Reservoir, and 41,100 acre-feet in Boca Reservoir.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The numbering for the points of diversion, points of rediversion, and places of storage for License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permits issued pursuant to Application 31487 and Application 31488, are shown on the map [MAP NUMBER], dated [DATE], filed with the State Water Board.¹

THE POINT OF DIVERSION AND PLACE OF STORAGE ON INDEPENDENCE CREEK OF SUCH WATER IS LOCATED:

- (1) Independence Lake - By California Coordinate System of 1983, Zone 2, North 2,~~304295,477-098~~ feet and East 7,~~096044,882-314~~ feet, being within NW¼ of SW¼ of Section 35, T19N, R15E, MDB&M.

THE POINTS OF DIVERSION, POINTS OF REDIVERSION, AND PLACES OF STORAGE ON LITTLE TRUCKEE RIVER OF SUCH WATER ARE LOCATED:

- (2) Stampede Reservoir - By California Coordinate System of 1983, Zone 2, North 2,304,477 feet and East 7,096,882 feet, being within NW¼ of NW¼ of Section 28, T19N, R17E, MDB&M.
- (3) Boca Reservoir - By California Coordinate System of 1983, Zone 2, North 2,273,334 feet and East 7,099,243 feet, being within SE¼ of SW¼ of Section 21, T18N, R17E, MDB&M.

THE POINTS OF REDIVERSION ON THE TRUCKEE RIVER OF SUCH WATER ARE LOCATED:

- (5) Farad Power Plant Ditch & Flume - By California Coordinate System of 1983, Zone 2, North 2,276,726 feet and East 7,119,940 feet, being within SW¼ of NW¼ of Section 30, T18N, R18E, MDB&M.
- (6) Fleish Power Plant Ditch & Flume - By California Coordinate System of 1983, Zone 2, North 2,297,211 feet and East 7,124,864 feet, being within NE¼ of SE¼ of Section 6, T18N, R18E, MDB&M.
- (7) Steamboat Canal - By Nevada Coordinate System of 1983, West Zone, North 14,843,385 feet and East 2,223,994 feet, being within NE¼ of SW¼ of Section 31, T19N, R18E, MDB&M.
- (8) Coldron Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,850,973 feet and East 2,226,583 feet, being within SE¼ of NE¼ of Section 30, T19N, R18E, MDB&M.
- (9) Katz Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,853,083 feet and East 2,226,202 feet, being within SE¼ of SE¼ of Section 19, T19N, R18E, MDB&M.
- (10) Verdi Power Plant, Ditch & Flume - By Nevada Coordinate System of 1983, West Zone, North 14,853,117 feet and East 2,226,229 feet, being within SE¼ of SE¼ of Section 19, T19N, R18E, MDB&M.
- (11) Washoe Power Plant Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,~~548-766~~ feet and East 2,235,~~859-824~~ feet, being within NW¼ of NE¼ of Section 16, T19N, R18E, MDB&M.
- (12) Hogan Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,860,793 feet and East 2,236,229 feet, being within SW¼ of NE¼ of Section 16, T19N, R18E, MDB&M.

¹ Point of Diversion (4) is a point of diversion at Prosser Creek Dam, on Prosser Creek, for Amended License 10180 and the permit issued pursuant to Application 31488. It is, therefore, intentionally not included in this amended license.

- (13) Highland Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,862,059-766 feet and East 2,236,235,256-824 feet, being within SW $\frac{1}{4}$ of SENE $\frac{1}{4}$ of Section 916, T19N, R18E, MDB&M.
- (14) Mastin Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,104 feet and East 2,244,534 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14, T19N, R18E, MDB&M.
- (15) Last Chance Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,860,796 feet and East 2,247,614 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, T19N, R18E, MDB&M.
- (16) Sparks-Capurro Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,813 feet and East 2,250,976 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, T19N, R18E, MDB&M.
- (17) Irwin-Mayberry Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,856,488 feet and East 2,254,953 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, T19N, R19E, MDB&M.
- (18) Lake Ditch (Lake Southside) - By Nevada Coordinate System of 1983, West Zone, North 14,856,917 feet and East 2,255,686 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, T19N, R19E, MDB&M.
- (19) South Side Canal - By Nevada Coordinate System of 1983, West Zone, North 14,858,528 feet and East 2,259,680 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (20) Orr Ditch, Orr Extension & Spanish Spring Valley Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,198 feet and East 2,260,521 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (21) Indian Flat Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,946 feet and East 2,262,112 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (22) Orr Ditch Pump Station - By Nevada Coordinate System of 1983, West Zone, North 14,859,008 feet and East 2,262,704 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (23) Reno Power Ditch & Flume - By Nevada Coordinate System of 1983, West Zone, North 14,859,867 feet and East 2,267,642 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (24) Countryman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,075 feet and East 2,268,033 feet, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (25) Chism Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,003 feet and East 2,268,150 feet, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (26) English Mill Ditch & English Mill Tailrace Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,566 feet and East 2,271,673 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (27) Hayden Ditch or Court Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,824 feet and East 2,272,659 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (28) Idlewild Pump Station - By Nevada Coordinate System of 1983, West Zone, North 14,862,625 feet and East 2,273,168 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (29) Sullivan & Kelly Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,999 feet and East 2,276,707 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.
- (30) Cochran Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,699 feet and East 2,277,344 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.

- (31) Riverside Mill Ditch & Flume (Claim #10) - By Nevada Coordinate System of 1983, West Zone, North 14,864,144 feet and East 2,277,365 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.
- (32) Scott Ranch Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,010 feet and East 2,279,290 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (33) Abbee Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,265 feet and East 2,283,562 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (34) Perry Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,298 feet and East 2,284,219 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (35) Eastman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,286 feet and East 2,287,441 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (36) No. Truckee Ditch (Glendale Plant) - By Nevada Coordinate System of 1983, West Zone, North 14,865,173 feet and East 2,287,712 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (37) Sessions Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,057 feet and East 2,287,842 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (38) Pioneer Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,744 feet and East 2,289,385 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (39) Stephens Ditch (Stevens) - By Nevada Coordinate System of 1983, West Zone, North 14,862,524 feet and East 2,291,611 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, T19N, R20E, MDB&M.
- (40) Glendale Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,252 feet and East 2,291,882 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, T19N, R20E, MDB&M.
- (41) Hidden Valley Induction Well #4 - By Nevada Coordinate System of 1983, West Zone, North 14,861,057 feet and East 2,295,828 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, T19N, R20E, MDB&M.
- (42) Largomarsino - Murphy Ditch (S. Largomarsino) - By Nevada Coordinate System of 1983, West Zone, North 14,858,576 feet and East 2,316,686 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, T19N, R21E, MDB&M.
- (43) Largomarsino - Noce Ditch (N. Largomarsino) - By Nevada Coordinate System of 1983, West Zone, North 14,858,813 feet and East 2,318,003 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, T19N, R21E, MDB&M.
- (44) Groton Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,234 feet and East 2,324,482 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R21E, MDB&M.
- (45) Sheep Ranch Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,130 feet and East 2,325,476 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, T19N, R21E, MDB&M.
- (46) McCarran North Side Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,397 feet and East 2,338,153 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T19N, R21E, MDB&M.

- (47) McCarran South Side Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,870,~~347-713~~ feet and East 2,342,~~460-338~~ feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T19N, R21E, MDB&M.
- (48) Old Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,871,849 feet and East 2,349,880 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6, T19N, R22E, MDB&M.
- (49) Hill Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,876,905 feet and East 2,354,774 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, T20N, R22E, MDB&M.
- (50) Tracy Power Plant - By Nevada Coordinate System of 1983, West Zone, North 14,877,698 feet and East 2,359,590 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T20N, ~~R23E~~R22E, MDB&M.
- (51) Derby Dam & Truckee Canal - By Nevada Coordinate System of 1983, West Zone, North 14,~~884885,928-141~~ feet and East 2,380,~~546-928~~ feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19, T20N, R23E, MDB&M.
- (52) Preston Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,885,468 feet and East 2,386,178 feet, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20, T20N, R23E, MDB&M.
- (53) Washburn Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,885,521 feet and East 2,396,933 feet, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22, T20N, R23E, MDB&M.
- (54) Gregory Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,888,853 feet and East 2,405,578 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14, T20N, R23E, MDB&M.
- (55) Wadsworth Power Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,889,268 feet and East 2,406,873 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 13, T20N, R23E, MDB&M.
- (56) Herman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,~~894892,957-654~~ feet and East 2,417,~~775-832~~ feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17, T20N, R24E, MDB&M.
- (57) Pierson Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,894,902 feet and East 2,422,828 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, T20N, R24E, MDB&M.
- (58) Olinghouse No. 1 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,897,868 feet and East 2,425,862 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T20N, R24E, MDB&M.
- (59) Fernley - By Nevada Coordinate System of 1983, West Zone, North 14,899,217 feet and East 2,427,535 feet, being within SW $\frac{1}{4}$ of ~~NW~~SW $\frac{1}{4}$ of Section ~~9~~93, T20N, R24E, MDB&M.
- (60) Proctor Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,~~901900,290-772~~ feet and East 2,~~428427,199-717~~ feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T20N, R24E, MDB&M.
- (61) Fellnagle Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,905,654 feet and East 2,425,317 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, T21N, R24E, MDB&M.
- (62) Olinghouse No. 2 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,914,468 feet and East 2,431,328 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22, T21N, R24E, MDB&M.
- (63) Gardella Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,922,553 feet and East 2,428,236 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T21N, R24E, MDB&M.
- (64) Olinghouse No. 3 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,923,152 feet and East 2,428,587 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T21N, R24E, MDB&M.

(65) Indian Ditch (Nixon Ditch) - By Nevada Coordinate System of 1983, West Zone, North 14,959, ~~013-047~~ feet and East 2, ~~408409, 442-488~~ feet, being within SW¼ of ~~SWNE~~¼ of Section ~~4812~~, T22N, R23E, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Municipal, Domestic, Industrial, Stockwatering, Fish Culture, Water Quality, Recreational, and Fish and Wildlife Preservation and Enhancement uses within lands described as follows:

T13N, R17E-R18E; T14N, R16E-R18E; T15N, R16E-R18E;
T16N, R16E-R18E; T17N, R15E-R20E; T17N, R24E-R31E;
T18N, R14E-R21E; T18N, R24E-R31E; T19N, R14E-R31E;
T20N, R18E-R32E; T21N, R18E-R26E; T21N, R29E-R32E;
T22N-T27N, R20E-R24E; and T28N, R23E-R24E;

all within MDB&M.

The maximum area irrigated in any one year under License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permits issued pursuant to Application 31487 and Application 31488, shall not exceed a total of ~~9699,800-000~~ net acres within a total gross area of 143,480 acres as follows:

Truckee Meadows: ~~2629,800-000~~ net acres within a gross area of 36,340 acres in the vicinity of Reno, Nevada, within lands described as follows:
T18N, R18E-R21E; T19N, R18E-R21E; T20N, R18E-R21E; and

Newlands Project: 70,000 net acres within a gross area of 107,140 acres in the vicinity of Fallon, Nevada, within lands described as follows:
T17N, R24E-R31E; T18N, R24E-R31E; T19N, R24E-R31E;
T20N, R24E-R31E;

all within MDB&M.

Incidental Power use at the following locations:

Stampede Powerhouse - within the SW¼ of NW¼ of Section 28, T19N, R17E, MDB&M;
Farad Powerhouse - within the SE¼ of SE¼ of Section 12, T18N, R17E, MDB&M;
Fleish Powerhouse - within the NE¼ of SE¼ of Section 30, T19N, R18E, MDB&M;
Verdi Powerhouse - within the NW¼ of SE¼ of Section 8, T19N, R18E, MDB&M; and
Washoe Powerhouse - within the SW¼ of SW¼ of Section 14, T19N, R18E, MDB&M.

Places of Use as shown on map [MAP NUMBER], dated [DATE], filed with the State Water Board.

This license shall not be construed as conferring upon the licensee the right of access to the point of diversion.

(0000022)

~~Licensee shall consult with the Division of Water Rights as to whether licensee is an "urban water supplier" as defined in California Water Code section 10617. If licensee is an urban water supplier, then within one year from issuance of this amended license, licensee shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with California Water Code section 10610, et seq., or a comparable urban water management plan, as may be authorized under Nevada law that contains similar information. The plan may be supplemented by any additional information that may be required by the State Water Board.~~

~~All cost effective measures identified in the Urban Water Management Plan or comparable plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.~~

(0000029A mod.)

If it is determined after license issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, the licensee shall, at his expense, have the subject map(s) updated or replaced with equivalent as-built map(s). The revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. The revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.

(0000030)

In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this license is by means of a dam, the licensee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided, that during a period of low flow in the stream, upon approval of the State Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

(0140069)
(0210069)

~~To ensure that the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project is met, licensee shall bypass a minimum flow of 150 cubic feet per second in the bypass reach below the Farad diversion dam, or total Truckee River flow immediately upstream of the diversion dam, whichever is less, in the operation area, or applicable bypass flow as it may be revised in the water quality certification for the project.~~

~~No diversion shall be allowed at the points of diversion or rediversion authorized by this license unless the applicable bypass flows are met.~~

(0140400)

Water diverted for Incidental Power use under this license is for nonconsumptive use and is to be released at the following locations:

- Stampede Powerhouse Return: Little Truckee River - By California Coordinate System of 1983, Zone 2, North 2,303,127 feet and East 7,096,674 feet.
- Farad Powerhouse Return: Truckee River - By California Coordinate System of 1983, Zone 2, North 2,284,919 feet and East 7,117,723 feet.
- Fleish Powerhouse Return: Truckee River - By Nevada Coordinate System of 1983, West Zone, North 14,848,874 feet and East 2,226,837 feet.

Verdi Powerhouse Return: Truckee River - By Nevada Coordinate System of 1983, West Zone, North 14,864,373 feet and East 2,230,562 feet.
Washoe Powerhouse Return: Truckee River - By Nevada Coordinate System of 1983, West Zone, North 14,857,794 feet and East 2,243,430 feet.

(0000111 mod.)

Licensee shall measure and monitor amounts diverted, collected to storage, withdrawn from storage and rediverted for beneficial use under this permit/license. The licensee shall submit a plan for approval by the State Water Board that includes a description and location of the measuring devices, frequency of data collection, the methods for recording and reporting data to the State Water Board, and any calculations required to develop the records. The plan shall identify how the licensee will ensure that the total cumulative amount of water collected, stored and used at the reservoirs authorized under this license will not exceed the authorized amount under the license. The plan shall also identify how the amounts collected and beneficially used under all of the permits and licenses for coordinated reservoir storage under the Truckee River Operating Agreement (TROA) will be accounted for under the individual permits and licenses and any other bases of right. The plan shall be submitted and approved by the Deputy Director for Water Rights prior to diversion under this license. Licensee shall implement the plan upon approval. A record of such measurements shall be maintained by the licensee, and made available to interested persons upon reasonable request. A copy of the records shall be submitted to the State Water Board with the annual "Report of Licensee."

(0100900)

~~To assure sufficient water flows in the Little Truckee River below Stampede Reservoir to protect public fishery resources, bypasses and releases shall be made from Stampede Reservoir into the Little Truckee River to maintain minimum flows therein as follows:~~

~~During Years of 60 and up to 130 percent normal predicted runoff, based on the official federal-state cooperative April snow surveys and water supply forecasts for the Truckee River watershed, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) twelve cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~During years when the official predicted runoff for the Truckee River watershed is less than 60 percent of normal, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) six cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~During years when the official predicted runoff for the Truckee River watershed is more than 130 percent of normal, (a) eight cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) sixteen cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~The flows to be maintained in the foregoing schedule shall become effective on May 1 of each year and continue to April 30 of the following year.~~

~~No diversion shall be allowed at the points of diversion or rediversion authorized by this permit unless the applicable flows are met.~~

(0400400)

Water stored in Independence Lake, Stampede Reservoir, and Boca Reservoir pursuant to pre-1914 permits issued by the Nevada State Engineer under Nevada Law, and recognized pursuant to the provisions of California Water Code sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this license.

(9990999)

Licensee shall maintain the existing outlet pipes in Independence Lake, ~~Stampede Reservoir, and Boca Reservoir~~ in proper working order.

(0050800)

When the interstate allocation as provided for in the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) becomes effective, the operation of Independence Lake shall be in conformity therewith, and the terms and conditions set forth in this license which are in conflict therewith shall not apply.

(9990300)

Diversions under this license shall be subject to the interstate allocation authorized under the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) when the allocation becomes effective.

(0540900)

Water can be initially diverted to storage under this license at Stampede Dam and Boca Dam only at times when flow to an equivalent volume is available at Independence Dam as verified by the TROA Administrator.

(0360800)

Due to the licensee's ability to exchange water among water right holders under TROA, beneficial uses for water shall only be credited to the permit or license under which the water was originally diverted.

(9990999)

All diversions, storage, use of water and operations under this license shall be in accordance with the provisions contained in this license and the TROA.

(0430300)

Diversion of water under this license is subject to regulation by the TROA Administrator appointed to enforce the terms and conditions of the TROA to the extent such regulation is not inconsistent with the terms and conditions of this license.

(000N001 mod.)

Licensee shall notify the Deputy Director for Water Rights, in writing, of any adjustments to operations or changes to TROA made in accordance with Article 13 of the TROA that will affect the diversion and use of water under this license.

(0490300)

The State Water Board reserves continuing authority in the public interest to modify the terms and conditions of this license, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife.

State Water Board action will be taken only after notice to interested parties and opportunity for hearing.

(000M001)

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2089) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the state or federal Endangered Species Acts for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated:

JMcCue/LAdler 06.20.12\06.21.12 lfischer 7.18.2012
I:\9247 Amended License.doc



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 18006
Page 1 of 11

PERMIT 11666

LICENSE 10180

THIS IS TO CERTIFY, That

United States Department of the Interior
Bureau of Reclamation
2800 Cottage Way (MP-440)
Sacramento, CA 95825

has the right to the use of the waters of **(4) Prosser Creek in Nevada County**

tributary to **Truckee River thence Pyramid Lake**

for the purpose of **Municipal, Domestic, Industrial, Irrigation, Stockwatering, Fish Culture, Water Quality, Recreational, Fish and Wildlife Preservation and Enhancement, and Incidental Power uses.**

This amended License is being issued in accordance with State Water Resources Control Board (State Water Board) Decision XXXX, adopted on XXXXXX. This amended License on **Application 18006** filed on **February 18, 1958** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions herein.

Amended License 10180 supersedes the license originally issued for Prosser Creek Reservoir on **August 24, 1973**, which was perfected in accordance with the laws of California, the Regulations of the State Water Board, or its predecessor, and the terms of **Permit 11666**. The priority of this right dates from **February 18, 1958**. Proof of maximum beneficial use of water under this license was made as of **August 5, 1970** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **thirty thousand (30,000) acre-feet per annum, to be collected from April 10 to August 10 of each year. The maximum withdrawal in any one year shall not exceed 20,162 acre-feet.**

The maximum amount of water collected to storage in Prosser Creek Reservoir under this license and the permit issued pursuant to Application 31488 shall not exceed 30,000 acre-feet per year.

The capacity of Prosser Creek Reservoir covered by this license and the permit issued pursuant to Application 31488 shall not exceed 29,800 acre-feet.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The numbering for the points of diversion, points of rediversion, and places of storage for License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permits issued pursuant to Application 31487 and Application 31488, are shown on the map [MAP NUMBER], dated [DATE], filed with the State Water Board.¹

¹ Points of Diversion (1), (2) and (3) are points of diversion in the Little Truckee River watershed for Permit 11605, Licenses 3723 and 4196 and the permit issued pursuant to Application 31487. It is, therefore, intentionally not included in this license.

THE POINT OF DIVERSION AND PLACE OF STORAGE ON PROSSER CREEK OF SUCH WATER IS LOCATED:

- (4) Prosser Creek Reservoir - By California Coordinate System of 1983, Zone 2, North 2,269,206 feet and East 7,088,234 feet, being within NW¼ of SW¼ of Section 30, T18N, R17E, MDB&M.

THE POINTS OF REDIVERSION OF SUCH WATER ON THE TRUCKEE RIVER ARE LOCATED:

- (5) Farad Power Plant Ditch & Flume - By California Coordinate System of 1983, Zone 2, North 2,276,726 feet and East 7,119,940 feet, being within SW¼ of NW¼ of Section 30, T18N, R18E, MDB&M.
- (6) Fleish Power Plant Ditch & Flume - By California Coordinate System of 1983, Zone 2, North 2,297,211 feet and East 7,124,864 feet, being within NE¼ of SE¼ of Section 6, T18N, R18E, MDB&M.
- (7) Steamboat Canal - By Nevada Coordinate System of 1983, West Zone, North 14,843,385 feet and East 2,223,994 feet, being within NE¼ of SW¼ of Section 31, T19N, R18E, MDB&M.
- (8) Coldron Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,850,973 feet and East 2,226,583 feet, being within SE¼ of NE¼ of Section 30, T19N, R18E, MDB&M.
- (8a) Truckee Meadows: Numerous points of rediversion between points (8) and (40).
- (9) Katz Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,853,083 feet and East 2,226,202 feet, being within SE¼ of SE¼ of Section 19, T19N, R18E, MDB&M.
- (10) Verdi Power Plant, Ditch & Flume - By Nevada Coordinate System of 1983, West Zone, North 14,853,117 feet and East 2,226,229 feet, being within SE¼ of SE¼ of Section 19, T19N, R18E, MDB&M.
- (11) Washoe Power Plant Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,548-766 feet and East 2,235,859-824 feet, being within NW¼ of NE¼ of Section 16, T19N, R18E, MDB&M.
- (12) Hogan Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,860,793 feet and East 2,236,229 feet, being within SW¼ of NE¼ of Section 16, T19N, R18E, MDB&M.
- (13) Highland Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,862,059-766 feet and East 2,236,235,256-824 feet, being within SWNW¼ of SENE¼ of Section 916, T19N, R18E, MDB&M.
- (14) Mastin Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,104 feet and East 2,244,534 feet, being within SE¼ of SW¼ of Section 14, T19N, R18E, MDB&M.
- (15) Last Chance Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,860,796 feet and East 2,247,614 feet, being within SE¼ of NE¼ of Section 14, T19N, R18E, MDB&M.
- (16) Sparks-Capurro Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,813 feet and East 2,250,976 feet, being within NW¼ of SE¼ of Section 13, T19N, R18E, MDB&M.
- (17) Irwin-Mayberry Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,856,488 feet and East 2,254,953 feet, being within NE¼ of NW¼ of Section 19, T19N, R19E, MDB&M.
- (18) Lake Ditch (Lake Southside) - By Nevada Coordinate System of 1983, West Zone, North 14,856,917 feet and East 2,255,686 feet, being within NE¼ of NW¼ of Section 19, T19N, R19E, MDB&M.

- (19) South Side Canal - By Nevada Coordinate System of 1983, West Zone, North 14,858,528 feet and East 2,259,680 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (20) Orr Ditch, Orr Extension & Spanish Spring Valley Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,198 feet and East 2,260,521 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (21) Indian Flat Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,946 feet and East 2,262,112 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (22) Orr Ditch Pump Station - By Nevada Coordinate System of 1983, West Zone, North 14,859,008 feet and East 2,262,704 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (23) Reno Power Ditch & Flume - By Nevada Coordinate System of 1983, West Zone, North 14,859,867 feet and East 2,267,642 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (24) Countryman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,075 feet and East 2,268,033 feet, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (25) Chism Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,003 feet and East 2,268,150 feet, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (26) English Mill Ditch & English Mill Tailrace Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,566 feet and East 2,271,673 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (27) Hayden Ditch or Court Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,824 feet and East 2,272,659 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (28) Idlewild Pump Station - By Nevada Coordinate System of 1983, West Zone, North 14,862,625 feet and East 2,273,168 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (29) Sullivan & Kelly Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,999 feet and East 2,276,707 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.
- (30) Cochran Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,699 feet and East 2,277,344 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.
- (31) Riverside Mill Ditch & Flume (Claim #10) - By Nevada Coordinate System of 1983, West Zone, North 14,864,144 feet and East 2,277,365 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.
- (32) Scott Ranch Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,010 feet and East 2,279,290 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (33) Abbee Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,265 feet and East 2,283,562 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (34) Perry Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,298 feet and East 2,284,219 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (35) Eastman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,286 feet and East 2,287,441 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (36) No. Truckee Ditch (Glendale Plant) - By Nevada Coordinate System of 1983, West Zone, North 14,865,173 feet and East 2,287,712 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.

- (37) Sessions Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,057 feet and East 2,287,842 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (38) Pioneer Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,744 feet and East 2,289,385 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (39) Stephens Ditch (Stevens) - By Nevada Coordinate System of 1983, West Zone, North 14,862,524 feet and East 2,291,611 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, T19N, R20E, MDB&M.
- (40) Glendale Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,252 feet and East 2,291,882 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, T19N, R20E, MDB&M.
- (41) Hidden Valley Induction Well #4 - By Nevada Coordinate System of 1983, West Zone, North 14,861,057 feet and East 2,295,828 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, T19N, R20E, MDB&M.
- (42) Largomarsino - Murphy Ditch (S. Largomarsino) - By Nevada Coordinate System of 1983, West Zone, North 14,858,576 feet and East 2,316,686 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, T19N, R21E, MDB&M.
- (43) Largomarsino - Noce Ditch (N. Largomarsino) - By Nevada Coordinate System of 1983, West Zone, North 14,858,813 feet and East 2,318,003 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, T19N, R21E, MDB&M.
- (44) Groton Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,234 feet and East 2,324,482 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R21E, MDB&M.
- (45) Sheep Ranch Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,130 feet and East 2,325,476 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, T19N, R21E, MDB&M.
- (46) McCarran North Side Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,397 feet and East 2,338,153 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T19N, R21E, MDB&M.
- (47) McCarran South Side Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,870, ~~347-713~~ feet and East 2,342, ~~460-338~~ feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T19N, R21E, MDB&M.
- (48) Old Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,871,849 feet and East 2,349,880 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6, T19N, R22E, MDB&M.
- (49) Hill Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,876,905 feet and East 2,354,774 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, T20N, R22E, MDB&M.
- (50) Tracy Power Plant - By Nevada Coordinate System of 1983, West Zone, North 14,877,698 feet and East 2,359,590 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T20N, ~~R23E~~R22E, MDB&M.
- (51) Derby Dam & Truckee Canal - By Nevada Coordinate System of 1983, West Zone, North 14, ~~884885, 928-141~~ feet and East 2,380, ~~546-928~~ feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19, T20N, R23E, MDB&M.
- (52) Preston Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,885,468 feet and East 2,386,178 feet, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20, T20N, R23E, MDB&M.
- (53) Washburn Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,885,521 feet and East 2,396,933 feet, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22, T20N, R23E, MDB&M.

- (54) Gregory Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,888,853 feet and East 2,405,578 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14, T20N, R23E, MDB&M.
- (55) Wadsworth Power Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,889,268 feet and East 2,406,873 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 13, T20N, R23E, MDB&M.
- (56) Herman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14, ~~891,892~~, ~~957-654~~ feet and East 2,417, ~~775-832~~ feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17, T20N, R24E, MDB&M.
- (57) Pierson Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,894,902 feet and East 2,422,828 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, T20N, R24E, MDB&M.
- (58) Olinghouse No. 1 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,897,868 feet and East 2,425,862 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T20N, R24E, MDB&M.
- (59) Fernley - By Nevada Coordinate System of 1983, West Zone, North 14,899,217 feet and East 2,427,535 feet, being within SW $\frac{1}{4}$ of ~~NW~~SW $\frac{1}{4}$ of Section ~~93~~, T20N, R24E, MDB&M.
- (60) Proctor Ditch - By Nevada Coordinate System of 1983, West Zone, North 14, ~~901,900~~, ~~290-772~~ feet and East 2, ~~428,427~~, ~~199-717~~ feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T20N, R24E, MDB&M.
- (61) Fellnagle Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,905,654 feet and East 2,425,317 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, T21N, R24E, MDB&M.
- (62) Olinghouse No. 2 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,914,468 feet and East 2,431,328 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22, T21N, R24E, MDB&M.
- (63) Gardella Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,922,553 feet and East 2,428,236 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T21N, R24E, MDB&M.
- (64) Olinghouse No. 3 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,923,152 feet and East 2,428,587 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T21N, R24E, MDB&M.
- (65) Indian Ditch (Nixon Ditch) - By Nevada Coordinate System of 1983, West Zone, North 14,959, ~~013-047~~ feet and East 2, ~~408,409~~, ~~412-488~~ feet, being within SW $\frac{1}{4}$ of ~~SW~~NE $\frac{1}{4}$ of Section ~~4812~~, T22N, R23E, MDB&M.

THE POINTS OF REDIVERSION ONTO THE CARSON RIVER OF SUCH WATER ARE LOCATED:

- (66) Newlands Project, Lahontan Dam: By Nevada Coordinate System of 1983, West Zone, North 14,839,256 feet and East 2,488,123 feet, Bearing N. 82°45'E. 3850 feet from SW corner of Section 33, T19N, R26E, MDB&M (Lahontan Dam).
- (67) Newlands Project: Numerous points of rediversion between the Carson Diversion Dam (by Nevada Coordinate System of 1983, West Zone, North 14,849,892 feet and East 2,509,034 feet, Bearing N. 56°30'W. 1,885 feet from ~~SW-SE~~ corner of Section 19, T19N, R27E, MDB&M), and Sagouspe Diversion Dam (By Nevada Coordinate System of 1983, West Zone, North 14,867,558 feet and East 2,581,744 feet, Bearing N. 43°00"E. 3,620 feet from SW corner of Section ~~334~~, T19N, ~~R26E~~R29E, MDB&M.)

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Municipal, Domestic, Industrial, Stockwatering, Fish Culture, Water Quality, Recreational, and Fish and Wildlife Preservation and Enhancement uses within lands described as follows:

T13N, R17E-R18E; T14N, R16E-R18E; T15N, R16E-R18E;
T16N, R16E-R18E; T17N, R15E-R20E; T17N, R24E-R31E;
T18N, R14E-R21E; T18N, R24E-R31E; T19N, R14E-R31E;
T20N, R18E-R32E; T21N, R18E-R26E; T21N, R29E-R32E;
T22N-T27N, R20E-R24E; and T28N, R23E-R24E;

all within MDB&M.

The maximum area irrigated in any one year under License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permits issued pursuant to Application 31487 and Application 31488, shall not exceed a total of ~~9699,800-000~~ net acres within a total gross area of 143,480 acres as follows:

Truckee Meadows: ~~2629,800-000~~ net acres within a gross area of 36,340 acres in the vicinity of Reno, Nevada, within lands described as follows:
T18N, R18E-R21E; T19N, R18E-R21E; T20N, R18E-R21E; and

Newlands Project: 70,000 net acres within a gross area of 107,140 acres in the vicinity of Fallon, Nevada, within lands described as follows:
T17N, R24E-R31E; T18N, R24E-R31E; T19N, R24E-R31E;
T20N, R24E-R31E;

all within MDB&M.

Incidental Power use at the following locations:

Farad Powerhouse - within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T18N, R17E, MDB&M;
Fleish Powerhouse - within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30, T19N, R18E, MDB&M;
Verdi Powerhouse - within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8, T19N, R18E, MDB&M; and
Washoe Powerhouse - within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14, T19N, R18E, MDB&M.

Places of Use as shown on map [MAP NUMBER], dated [DATE], filed with the State Water Board.

Water diverted for Incidental Power use under this license is for nonconsumptive use and is to be released to the Truckee River at the following locations:

Farad Powerhouse Return: By California Coordinate System of 1983, Zone 2,
North 2,284,919 feet and East 7,117,723 feet.
Fleish Powerhouse Return: By Nevada Coordinate System of 1983, West Zone,
North 14,848,874 feet and East 2,226,837 feet.
Verdi Powerhouse Return: By Nevada Coordinate System of 1983, West Zone,
North 14,864,373 feet and East 2,230,562 feet.
Washoe Powerhouse Return: By Nevada Coordinate System of 1983, West Zone,
North 14,857,794 feet and East 2,243,430 feet.

(0000111 mod.)

~~Licensee shall consult with the Division of Water Rights as to whether licensee is an "urban water supplier" as defined in California Water Code section 10617. If licensee is an urban water supplier, then within one year from issuance of this license, licensee shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with California Water Code section 10610, et seq., or a comparable urban water management plan, as may be authorized under Nevada law that contains similar information. The plan may be supplemented by any additional information that may be required by the State Water Board.~~

~~All cost effective measures identified in the Urban Water Management Plan or comparable plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.~~

~~(0000029A mod.)~~

If it is determined after license issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, the licensee shall, at his expense, have the subject map(s) updated or replaced with equivalent as-built map(s). The revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. The revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.

(0000030)

In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this license is by means of a dam, the licensee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided, that during a period of low flow in the stream, upon approval of the State Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

(0140069)
(0210069)

~~To ensure that the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project is met, licensee shall bypass a minimum flow of 150 cubic feet per second in the bypass reach below the Farad diversion dam, or total Truckee River flow immediately upstream of the diversion dam, whichever is less, in the operation area, or applicable bypass flow as it may be revised in the water quality certification for the project.~~

~~No diversion shall be allowed at the points of diversion or rediversion authorized by this license unless the applicable bypass flows are met.~~

~~(0140400)~~

This license shall have an effective priority junior and subject to those rights reserved to California water users to appropriate unappropriated waters of the Little Truckee River as set forth in section 5976 of part 8, division 2 of the Water Code, the allocations of water of the Truckee River and its tributaries.

(9990800)

~~Insofar as the appropriation of water under this license is concerned, Prosser Creek Reservoir shall not be operated by the licensee separately or in conjunction with other reservoirs of the Truckee River Basin so as to prevent in the future such consumptive beneficial uses of water as are presently being made in the California portion of said basin and such consumptive beneficial uses as are presently being made of water diverted from Little Truckee River to Sierra Valley, Echo Lake to the American River Basin, and Marlette Lake to Virginia City, Nevada; provided that the foregoing is a condition imposed upon the operation of said reservoir under this license and is not to be construed as a definition of the legality of any water right.~~

~~Licensee shall keep adequate records of:~~

- ~~A. The respective amounts of water impounded in and released from Prosser Creek Reservoir solely for the purpose of exchanging water released from storage at Lake Tahoe for the maintenance of fish life.~~
- ~~B. The respective amount of waters impounded in and released from Prosser Creek Reservoir in addition to the foregoing.~~
- ~~C. Releases of stored waters from Lake Tahoe in fulfillment of the approved operation schedule in condition A above.~~

~~(0090800)~~

Licensee shall measure and monitor amounts diverted, collected to storage, withdrawn from storage and rediverted for beneficial use under this license. The licensee shall submit a plan for approval by the State Water Board that includes a description and location of the measuring devices, frequency of data collection, the methods for recording and reporting data to the State Water Board, and any calculations required to develop the records. The plan shall identify how the licensee will ensure that the total cumulative amount of water collected, stored and used at Prosser Creek Reservoir will not exceed the authorized amount under the license. The plan shall also identify how the amounts collected and beneficially used under all of the permits and licenses for coordinated reservoir storage under the Truckee River Operating Agreement (TROA) will be accounted for under the individual permits and licenses and any other bases of right. The plan shall be submitted and approved by the Deputy Director for Water Rights prior to diversion under this license. Licensee shall implement the plan upon approval. A record of such measurements shall be maintained by the licensee, and made available to interested persons upon reasonable request. A copy of the records shall be submitted to the State Water Board with the annual "Report of Licensee."

(0100900)

Water stored in Prosser Creek Reservoir pursuant to pre-1914 permits issued by the Nevada State Engineer under Nevada Law, and recognized pursuant to the provisions of California Water Code sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this license.

(9990999)

Licensee shall maintain the existing outlet pipe in Prosser Creek Reservoir in proper working order.

(0050800)

~~If and when When the interstate compact covering the distribution and use of waters of the Truckee and Carson Rivers is consented to by congress allocation as provided in the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nove. 16, 1990), Tit. II, 104 Stat. 3289) becomes effective, the operation of Prosser Creek Reservoir shall be in conformity therewith, such compact and the terms and conditions set forth in this license which are in conflict therewith shall not apply.~~

~~(9990300)~~

Diversions under this license shall be subject to the interstate allocation authorized under the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) when the allocation becomes effective.

(0540900)

Due to the licensee's ability to exchange water among water right holders under TROA, beneficial uses for water shall only be credited to the permit or license under which the water was originally diverted.

(9990999)

All diversions, storage, use of water and operations under this license shall be in accordance with the provisions contained in this license and the TROA, which is on file with the State Water Board.

(0430300)

Diversion of water under this license is subject to regulation by the TROA Administrator appointed to enforce the terms and conditions of the TROA to the extent such regulation is not inconsistent with the terms and conditions of this license.

(000N001 mod.)

Licensee shall notify the Deputy Director for Water Rights, in writing, of any adjustments to operations or changes to TROA made in accordance with Article 13 of the TROA that will affect the diversion and use of water under this license.

(0490300)

The State Water Board reserves continuing authority in the public interest to modify the terms and conditions of this license, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife. State Water Board action will be taken only after notice to interested parties and opportunity for hearing.

(000M001)

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2089) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the state or federal Endangered Species Acts for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated:

JMcCue/LAdler 06.21.12 Ifischer 7.18.2012
I:\18006 Amended License.doc

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

AMENDED PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 11605

APPLICATION 15673 of:

United States Department of Interior,
Bureau of Reclamation (MP-440)
2800 Cottage Way
Sacramento, CA 95825

This amended permit is being issued in accordance with State Water Resources Control Board (State Water Board) Decision XXXX, adopted on XXXXXX. Therefore, an amended permit on **Application 15673** filed for Stampede Reservoir on **January 7, 1954** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this amended permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source: _____

(1) Independence Creek
(2)(3) Little Truckee River

Tributary to: _____

Little Truckee River thence Truckee River
Truckee River thence Pyramid Lake

within the Counties of **Sierra and Nevada**

The numbering for the points of diversion, points of rediversion, and places of storage for this permit, License 3723 (Application 5169), License 4196 (Application 9247), License 10180 (Application 18006), and permits issued pursuant to Application 31487 and Application 31488, are shown on map [MAP NUMBER], dated [DATE], filed with the State Water Board.¹

2. Location of points of diversion and places of storage

By California Coordinate System of 1983, Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) Independence Dam (Independence Lake) North 2,295,098 feet and East 7,044,314 feet	NW ¼ of SW ¼	35	19N	15E	MD
(2) Stampede Dam (Stampede Reservoir) North 2,304,477 feet and East 7,096,882 feet	NW ¼ of NW ¼	28	19N	17E	MD
(3) Boca Dam (Boca Reservoir) North 2,273,334 feet and East 7,099,243 feet	SE ¼ of SW ¼	21	18N	17E	MD

¹ Place of use (4) is a point of diversion at Prosser Creek Dam, on Prosser Creek, for Amended License 10180 and the permit issued pursuant to Application 31488. It is, therefore, intentionally not included in this amended permit.

2a. Location of points of rediversion. Points (2) and (3) are on the Little Truckee River. Points (5) through (65) are on the Truckee River. Points (66) and (67) are on the Carson River.

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(2) Stampede Dam North 2,304,477 feet and East 7,096,882 feet	NW ¼ of NW ¼	28	19N	17E	MD
(3) Boca Dam North 2,273,334 feet and East 7,099,243 feet	SE ¼ of SW ¼	21	18N	17E	MD
(5) Farad Power Plant Ditch & Flume North 2,276,726 feet and East 7,119,940 feet	SW ¼ of NW ¼	30	18N	18E	MD
(6) Fleish Power Plant Ditch & Flume North 2,297,211 feet and East 7,124,864 feet	NE ¼ of SE ¼	6	18N	18E	MD
By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(7) Steamboat Canal North 14,843,385 feet and East 2,223,994 feet	NE ¼ of SW ¼	31	19N	18E	MD
(8) Coldron Ditch North 14,850,973 feet and East 2,226,583 feet	SE ¼ of NE ¼	30	19N	18E	MD
(8a) Truckee Meadows: Numerous points of rediversion between points (8) and (40)	SE ¼ of NE ¼	30	19N	18E	MD
	SE ¼ of SW ¼	8	19N	20E	MD
(9) Katz Ditch North 14,853,083 feet and East 2,226,202 feet	SE ¼ of SE ¼	19	19N	18E	MD
(10) Verdi Power Plant, Ditch & Flume, North 14,853,117 feet and East 2,226,229 feet	SE ¼ of SE ¼	19	19N	18E	MD
(11) Washoe Power Plant Ditch North 14,862,548-766 feet and East 2,235,859-824 feet	NW ¼ of NE ¼	16	19N	18E	MD
(12) Hogan Ditch North 14,860,793 feet and East 2,236,229 feet	SW ¼ of NE ¼	16	19N	18E	MD
(13) Highland Ditch North 14,863,862,059-766 feet and East 2,236,235,256 824 feet	SW-NW ¼ of SE-NE ¼	916	19N	18E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(14) Mastin Ditch North 14,858,104 feet and East 2,244,534 feet	SE ¼ of SW ¼	14	19N	18E	MD
(15) Last Chance Ditch North 14,860,796 feet and East 2,247,614 feet	SE ¼ of NE ¼	14	19N	18E	MD
(16) Sparks-Capurro Ditch North 14,859,813 feet and East 2,250,976 feet	NW ¼ of SE ¼	13	19N	18E	MD
(17) Irwin-Mayberry Ditch North 14,856,488 feet and East 2,254,953 feet	NE ¼ of NW ¼	19	19N	19E	MD
(18) Lake Ditch (Lake Southside) North 14,856,917 feet and East 2,255,686 feet	NE ¼ of NW ¼	19	19N	19E	MD
(19) South Side Canal North 14,858,528 feet and East 2,259,680 feet	NE ¼ of SW ¼	17	19N	19E	MD
(20) Orr Ditch, Orr Extension & Spanish Spring Valley Ditch North 14,859,198 feet and East 2,260,521 feet	NE ¼ of SW ¼	17	19N	19E	MD
(21) Indian Flat Ditch North 14,858,946 feet and East 2,262,112 feet	NE ¼ of SE ¼	17	19N	19E	MD
(22) Orr Ditch Pump Station North 14,859,008 feet and East 2,262,704 feet	NE ¼ of SE ¼	17	19N	19E	MD
(23) Reno Power Ditch & Flume North 14,859,867 feet and East 2,267,642 feet	SE ¼ of NE ¼	16	19N	19E	MD
(24) Countryman Ditch North 14,862,075 feet and East 2,268,033 feet	NE ¼ of NE ¼	16	19N	19E	MD
(25) Chism Ditch North 14,862,003 feet and East 2,268,150 feet	NE ¼ of NE ¼	16	19N	19E	MD
(26) English Mill Ditch & English Mill Tailrace Ditch North 14,863,566 feet and East 2,271,673 feet	NW ¼ of SE ¼	10	19N	19E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(27) Hayden Ditch or Court Ditch North 14,862,824 feet and East 2,272,659 feet	SE ¼ of SE ¼	10	19N	19E	MD
(28) Idlewild Pump Station North 14,862,625 feet and East 2,273,168 feet	SE ¼ of SE ¼	10	19N	19E	MD
(29) Sullivan & Kelly Ditch North 14,863,999 feet and East 2,276,707 feet	NW ¼ of SE ¼	11	19N	19E	MD
(30) Cochran Ditch North 14,863,699 feet and East 2,277,344 feet	NW ¼ of SE ¼	11	19N	19E	MD
(31) Riverside Mill Ditch & Flume (Claim #10) North 14,864,144 feet and East 2,277,365 feet	NW ¼ of SE ¼	11	19N	19E	MD
(32) Scott Ranch Ditch North 14,865,010 feet and East 2,279,290 feet	SW ¼ of NW ¼	12	19N	19E	MD
(33) Abbee Ditch North 14,866,265 feet and East 2,283,562 feet	SE ¼ of NE ¼	12	19N	19E	MD
(34) Perry Ditch North 14,866,298 feet and East 2,284,219 feet	SE ¼ of NE ¼	12	19N	19E	MD
(35) Eastman Ditch North 14,865,286 feet and East 2,287,441 feet	SW ¼ of NE ¼	7	19N	20E	MD
(36) No. Truckee Ditch (Glendale Plant) North 14,865,173 feet and East 2,287,712 feet	SW ¼ of NE ¼	7	19N	20E	MD
(37) Sessions Ditch North 14,865,057 feet and East 2,287,842 feet	SW ¼ of NE ¼	7	19N	20E	MD
(38) Pioneer Ditch North 14,862,744 feet and East 2,289,385 feet	SE ¼ of SE ¼	7	19N	20E	MD
(39) Stephens Ditch (Stevens) North 14,862,524 feet and East 2,291,611 feet	SE ¼ of SW ¼	8	19N	20E	MD
(40) Glendale Ditch North 14,862,252 feet and East 2,291,882 feet	SE ¼ of SW ¼	8	19N	20E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(41) Hidden Valley Induction Well #4 North 14,861,057 feet and East 2,295,828 feet	SW ¼ of NW ¼	16	19N	20E	MD
(42) Largomarsino -Murphy Ditch (S. Largomarsino) North 14,858,576 feet and East 2,316,686 feet	NW ¼ of SE ¼	18	19N	21E	MD
(43) Largomarsino – Noce Ditch (N. Largomarsino) North 14,858,813 feet and East 2,318,003 feet	NE ¼ of SE ¼	18	19N	21E	MD
(44) Groton Ditch North 14,858,234 feet and East 2,324,482 feet	NE ¼ of SE ¼	17	19N	21E	MD
(45) Sheep Ranch Ditch North 14,859,130 feet and East 2,325,476 feet	NW ¼ of SW ¼	16	19N	21E	MD
(46) McCarran North Side Ditch North 14,866,397 feet and East 2,338,153 feet	NE ¼ of NW ¼	11	19N	21E	MD
(47) McCarran South Side Ditch North 14,870,317-713 feet and East 2,342,460-338 feet	SW ¼ of NW ¼	1	19N	21E	MD
(48) Old Ditch North 14,871,849 feet and East 2,349,880 feet	NW ¼ of NE ¼	6	19N	22E	MD
(49) Hill Ditch North 14,876,905 feet and East 2,354,774 feet	NW ¼ of NE ¼	32	20N	22E	MD
(50) Tracy Power Plant North 14,877,698 feet and East 2,359,590 feet	SE ¼ of SW ¼	28	20N	23E 22E	MD
(51) Derby Dam & Truckee Canal North 14,884,885,928-141 feet and East 2,380,546-928 feet	NE ¼ of SW ¼	19	20N	23E	MD
(52) Preston Ditch North 14,885,468 feet and East 2,386,178 feet	SE ¼ of NW ¼	20	20N	23E	MD
(53) Washburn Ditch North 14,885,521 feet and East 2,396,933 feet	SE ¼ of NW ¼	22	20N	23E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(54) Gregory Ditch North 14,888,853 feet and East 2,405,578 feet	SE ¼ of SE ¼	14	20N	23E	MD
(55) Wadsworth Power Ditch North 14,889,268 feet and East 2,406,873 feet	NW ¼ of SW ¼	13	20N	23E	MD
(56) Herman Ditch North 14, 891,892,957-654 feet and East 2,417, 775-832 feet	NW ¼ of NW ¼	17	20N	24E	MD
(57) Pierson Ditch North 14,894,902 feet and East 2,422,828 feet	NW ¼ of SW ¼	9	20N	24E	MD
(58) Olinghouse No. 1 Ditch North 14,897,868 feet and East 2,425,862 feet	NW ¼ of NE ¼	9	20N	24E	MD
(59) Fernley North 14,899,217 feet and East 2,427,535 feet	SW ¼ of NW-SW ¼	93	20N	24E	MD
(60) Proctor Ditch North 14, 901,900,290-772 feet and East 2, 428,427,199-717 feet	SW ¼ of NW ¼	3	20N	24E	MD
(61) Fellnagle Ditch North 14,905,654 feet and East 2,425,317 feet	NW ¼ of SE ¼	33	21N	24E	MD
(62) Olinghouse No. 2 Ditch North 14,914,468 feet and East 2,431,328 feet	SW ¼ of SE ¼	22	21N	24E	MD
(63) Gardella Ditch North 14,922,553 feet and East 2,428,236 feet	SW ¼ of NW ¼	15	21N	24E	MD
(64) Olinghouse No. 3 Ditch North 14,923,152 feet and East 2,428,587 feet	SW ¼ of NW ¼	15	21N	24E	MD
(65) Indian Ditch (Nixon Ditch) North 14,959, 013-047 feet and East 2, 408,409,112-488 feet	SW ¼ of SW-NE ¼	1812	22N	23E	MD
(66) Newlands Project: Lahontan Dam North 14,839,256 feet and East 2,488,123 feet	Bearing N. 82°45'E. 3850 feet from SW corner	33	19N	26E	MD

Location of points of redirection (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(67) Newlands Project: Numerous points of redirection between Carson Diversion Dam North 14,849,892 feet and East 2,509,034 feet and Sagoupe Diversion Dam: North 14,867,558 feet and East 2,581,744 feet	Bearing N. 56°30'W. 1,885 feet from SW SE corner	19	19N	27E	MD
	Bearing N. 43°00'E. 3,620 feet from SW corner	4	19N	29E	MD

3. Purpose of use	4. Place of use	Township	Range	Base and Meridian
Municipal, Domestic, Industrial, Irrigation,* Stockwatering, Fish Culture, Water Quality, Recreational, Fish and Wildlife Preservation and Enhancement, and Incidental Power**	The places of use are shown on map [MAP NUMBER], dated [DATE], filed with the State Water Board.	13N	17 & 18E	MD
		14N	16 – 18E	MD
		15N	16 – 18E	MD
		16N	16 – 18E	MD
		17N	15 – 20E, 24 – 31E	MD
		18N	14 – 21E, 24 – 31E	MD
		19N	14 – 31E	MD
		20N	18 – 32E	MD
		21N	18 – 26E, 29 – 32E	MD
		22N	20 – 24E	MD
		23N	20 – 24E	MD
		24N	20 – 24E	MD
		25N	20 – 24E	MD
		26N	20 – 24E	MD
27N	20 – 24E	MD		
28N	23 & 24E	MD		

* Irrigation use: The maximum area irrigated in any one year under License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permits issued pursuant to Application 31487 and Application 31488, shall not exceed a total of ~~9699,800-000~~ net acres within a total gross area of 143,480 acres as follows:

Truckee Meadows - ~~2629,800-000~~ net acres within a gross area of 36,340 acres in the vicinity of Reno, Nevada, within lands described as follows:
T18N, R18E-R21E; T19N, R18E-R21E; T20N, R18E-R21E, and
Newlands Project - 70,000 net acres within a gross area of 107,140 acres in the vicinity of Fallon, Nevada, within lands described as follows:
T17N, R24E-R31E; T18N, R24E-R31E; T19N, R24E-R31E;
T20N, R24E-R31E, all within MDB&M.

**Incidental Power use at the following locations:

Power Plant	Subdivision	Section	Township	Range	Base and Meridian
Stampede	SW ¼ NW ¼	28	19N	17E	MD
Farad	SE ¼ SE ¼	12	18N	17E	MD
Fleish	NE ¼ SE ¼	30	19N	18E	MD
Verdi	NW ¼ SE ¼	8	19N	18E	MD
Washoe	SW ¼ SW ¼	14	19N	18E	MD

The places of use are shown on map [MAP NUMBER], dated [DATE], filed with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 350 cubic feet per second (cfs) by direct diversion at Stampede Reservoir to be diverted from April 1 to November 1 of each year and 126,000 acre-feet per annum by storage to be collected from January 1 to December 31 of each year.

The total amount of water to be taken from the source (direct diversion plus collection to storage) shall not exceed 126,000 acre-feet per year.
(0000005F mod.)
6. The total quantity of water collected to storage under this permit, Permit 18320 (Application 26273), and permit issued pursuant to Application 31487 shall not exceed 226,500 acre-feet per annum.
(0000005L)
7. The total quantity of water collected to storage at Independence Lake, Stampede Reservoir, and Boca Reservoir under this permit, License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 18320 (Application 26273), and permit issued pursuant to Application 31487 shall not exceed a total of 284,850 acre-feet per year.
(0000005M mod.)
8. The capacities of Independence Lake, Stampede Reservoir, and Boca Reservoir covered by this permit, License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 18320 (Application 26273), and permit issued pursuant to Application 31487 shall not exceed 17,500 acre-feet in Independence Lake, 226,500 acre-feet in Stampede Reservoir, and 41,100 acre-feet in Boca Reservoir.
(0000005N mod.)
9. The maximum simultaneous rate of direct diversion at Stampede Reservoir under this permit, Permit 18320 (Application 26273), and the permit issued pursuant to Application 31487 shall not exceed 350 cfs.
(0000114C mod.)
10. The equivalent of the authorized continuous flow allowance for any 30-day period may be directly diverted at Stampede Reservoir in a shorter time, provided there is no interference with other rights and instream

beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.

(0000027 mod.)

11. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and be completed by December 31, ~~2012~~2022.

(0000009)

12. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

(0000022)

13. The State Water Resources Control Board, under its authority to conserve the public interest, retains continuing authority over this permit to require permittee to develop and implement a water conservation program, after notice and opportunity for hearing. The requirements for this term may be satisfied by permittee's compliance with any comprehensive water conservation program, approved by the State Water Resources Control Board, which may be imposed by a public agency.

(0000029)

~~14. Permittee shall consult with the Division of Water Rights as to whether permittee is an "urban water supplier" as defined in California Water Code section 10617. If permittee is an urban water supplier, then within one year from issuance of this amended permit, permittee shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with California Water Code section 10610, et seq., or a comparable urban water management plan, as may be authorized under Nevada law that contains similar information. The plan may be supplemented by any additional information that may be required by the State Water Board~~

~~All cost-effective measures identified in the Urban Water Management Plan or comparable plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.~~

~~(0000029A mod.)~~

~~15.~~14. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.

(0000030)

~~16.~~15. In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this permit is by means of a dam, permittee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

(0140069)
or (0210069)

~~17. To ensure that the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project is met, permittee shall bypass a minimum flow of 150 cfs in~~

~~the bypass reach below the Farad diversion dam, or total Truckee River flow immediately upstream of the diversion dam, whichever is less, in the operation area, or applicable bypass flow as it may be revised in the water quality certification for the project.~~

~~No diversion shall be allowed at the points of diversion or rediversion authorized by this permit unless the applicable bypass flows are met.~~

(0140400)

~~18.16.~~ Water diverted for Incidental Power use under this permit is for nonconsumptive use and is to be released at the following locations:

Stampede Powerhouse Return: Little Truckee River: By California Coordinate System of 1983, Zone 2, North 2,303,127 feet and East 7,096,674 feet.
Farad Powerhouse Return: Truckee River: By California Coordinate System of 1983, Zone 2, North 2,284,919 feet and East 7,117,723 feet.
Fleish Powerhouse Return: Truckee River: By Nevada Coordinate System of 1983, West Zone, North 14,848,874 feet and East 2,226,837 feet.
Verdi Powerhouse Return: Truckee River: Nevada Coordinate System of 1983, West Zone, North 14,864,373 feet and East 2,230,562 feet.
Washoe Powerhouse Return: Truckee River: Nevada Coordinate System of 1983, West Zone, North 14,857,794 feet and East 2,243,430 feet.

(0000111 mod.)

~~19. Insofar as the appropriation of water under this permit is concerned, Stampede Reservoir shall not be operated by the permittee separately or in conjunction with other reservoirs of the Truckee River Basin so as to prevent in the future such consumptive beneficial uses of water as are presently being made in the California portion of said basin and such consumptive beneficial uses as are presently being made of water from Little Truckee River to Sierra Valley, Echo Lake to American River Basin, and Marlette Lake to Virginia City, Nevada; provided that the foregoing is a condition on the operation of Stampede Reservoir under this permit and is not to be construed as a definition of the legality of any water right.~~

(0000800)

~~20. In connection with the appropriative rights acquired under this permit, and with the operation of Stampede Reservoir pursuant to this permit separately or in conjunction with other reservoirs on the Truckee River system, there is hereby reserved to water users in California the right of proceeding under California law to acquire appropriative rights to not in excess of 30,000 acre-feet annually of the presently unappropriated water of the Truckee River system for beneficial use in the Truckee River Basin in California. Such appropriative rights so reserved shall be limited annually to 30/156ths of the presently unappropriated water available on the Little Truckee River at the Stampede Dam site, but such amount of water may be stored or diverted at any location or locations on the Truckee River system to the extent that unappropriated water exists; provided, however, that return flow from such water to Lake Tahoe, or the Truckee River or its live tributaries, as may be determined by this Board, shall be credited to such California reservation. The appropriative right hereby reserved for use in California shall be deemed to have the same date of priority as any rights which may be consummated pursuant to Application 15673. Appropriative rights acquired to water of the Truckee River system in addition to the appropriative rights described above shall be junior in priority thereto.~~

(0000800)

~~21.17.~~ Water stored in Independence Lake, Stampede Reservoir, and Boca Reservoir pursuant to pre-1914 permits issued by the Nevada State Engineer under Nevada Law, and recognized pursuant to the provisions of California Water Code sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this Permit.

(9990999)

~~22.18.~~ Permittee shall maintain the existing outlet pipes for ~~Independence Lake, Stampede Reservoir, and Boca Reservoir~~ in proper working order.

(000000S mod.)

~~23.19.~~ Permittee shall keep adequate records of (1) the amounts of water beneficially used for the various purposes for which the water has been appropriated, (2) the amount of water stored in each reservoir (Independence Lake, Stampede Reservoir and Boca Reservoir) in lieu of storage at other existing reservoirs, and (3) the amount of water stored in each reservoir (Independence Lake, Stampede Reservoir and Boca Reservoir) in addition to the amount described in (2) of this condition. Copies of such records shall be furnished annually to the State Water Board together with the annual progress reports. (0100300)

~~24.20.~~ Permittee shall measure and monitor amounts diverted, collected to storage, withdrawn from storage and rediverted for beneficial use under this permit. The permittee shall submit a plan for approval by the State Water Board that includes a description and location of the measuring devices, frequency of data collection, the methods for recording and reporting data to the State Water Board, and any calculations required to develop the records. The plan shall identify how the permittee will ensure that the total cumulative amount of water collected, stored and used at the reservoirs authorized under this permit will not exceed the authorized amount under the permit. The plan shall also identify how the amounts collected and beneficially used under all of the permits and licenses for coordinated reservoir storage under TROA will be accounted for under the individual permits and licenses and any other bases of right. The plan shall be submitted and approved by the Deputy Director for Water Rights prior to diversion under this permit. Permittee shall implement the plan upon approval. A record of such measurements shall be maintained by the permittee, and made available to interested persons upon reasonable request. A copy of the records shall be submitted to the State Water Board with the annual "Progress Report by Permittee." (0100900)

~~25.~~ To assure sufficient water flows in the Little Truckee River below Stampede Reservoir to protect public fishery resources, bypasses or releases shall be made from Stampede Reservoir into the Little Truckee River to maintain minimum flows therein as follows:

~~— During Years of 60 and up to 130 percent normal predicted runoff, based on the official federal state cooperative April snow surveys and water supply forecasts for the Truckee River watershed, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) twelve cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~— During years when the official predicted runoff for the Truckee River watershed is less than 60 percent of normal, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) six cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~— During years when the official predicted runoff for the Truckee River watershed is more than 130 percent of normal, (a) eight cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) sixteen cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~— The flows to be maintained in the foregoing schedule shall become effective on May 1 of each year and continue to April 30 of the following year.~~

~~— No diversion shall be allowed at the points of diversion or rediversion authorized by this permit unless the applicable flows are met.~~

(0400400)

~~26.21.~~ In the operation of Stampede Reservoir pursuant to this permit separately or in conjunction with other reservoirs of the Truckee River system, the permittee shall, within the bounds of the authorized Washoe Project and its economic feasibility, cooperate with the U.S. Fish and Wildlife Service and the California

Department of Fish and Game in preventing, as much as possible, without injury to the Washoe Project, damage to and providing for the enhancement of the existing fisheries and wildlife resources of the Truckee River Basin in California.

(0000300)

~~27-22.~~ ~~If and w~~hen ~~an the~~ interstate ~~compact allocation covering the distribution and use of the waters of the Truckee and Carson Rivers is approved by the Legislatures of the States of California and Nevada and is consented to by Congress as provided in the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) becomes effective,~~ the operation of Stampede Reservoir shall be in conformance ~~with therewithsuch compact,~~ and the terms and conditions set forth in this permit which are in conflict thereto shall not apply. The Board retains jurisdiction for the purpose of amending the terms of this permit to conform to the terms of ~~such compactthat interstate allocation.~~

(0430600)

~~28-23.~~ This permit is subject to the rights of persons diverting water for reasonable beneficial use under valid and properly exercised riparian and pre- and post-1914 appropriative claims of right, and other claims of right, that have a priority superior to the priority of Application 15673.

(9990800)

~~29-24.~~ Diversions under this permit shall be subject to the interstate allocation authorized under the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) when the allocation becomes effective.

(0540900)

~~30-25.~~ Due to the permittee's ability to exchange water among water right holders under the Truckee River Operating Agreement (TROA), beneficial uses for water shall only be credited to the permit or license under which the water was originally diverted.

(9990999)

~~31-26.~~ All diversions, storage, use of water and operations under this permit shall be in accordance with the provisions contained in this permit and TROA, which is on file with the State Water Board.

(0430300)

~~32-27.~~ Diversion of water under this permit is subject to regulation by the TROA Administrator appointed to enforce the terms and conditions of the TROA to the extent such regulation is not inconsistent with the terms and conditions of this permit.

(000000N mod.)

~~33-28.~~ Permittee shall notify the Deputy Director for Water Rights, in writing, of any adjustments to operations or changes to TROA made in accordance with Article Thirteen of TROA that will affect the diversion and use of water under this permit.

(0490300)

~~34-29.~~ The State Water Board reserves jurisdiction in the public interest to modify the terms and conditions of this permit, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife. State Water Board action will be taken only after notice to interested parties and opportunity for hearing.

(000000M)

THIS PERMIT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
- B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)
- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)
- F. This permit does not authorize any act that results in the taking of a threatened or endangered species or candidate species or any act that is now prohibited, or becomes prohibited in the future, under either

the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the state and federal Endangered Species Acts for the project authorized under this permit.

(0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605.

(0000015)

- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.

(0000063)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

Barbara Evoy
Deputy Director for Water Rights

Dated:

JMccue.GHernandez 06/20/12

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**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT #####

APPLICATION **31487** of:

United States Department of Interior,
Bureau of Reclamation (MP-440)
2800 Cottage Way
Sacramento, CA 95825

This permit is being issued in accordance with State Water Resources Control Board (State Water Board) Decision XXXX, adopted on XXXX XX, 2012. Therefore, **Application 31487** filed on **January 8, 2004** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

(1) Independence Creek

(2)(3) Little Truckee River

Tributary to:

Little Truckee River

Truckee River thence Pyramid Lake

within the Counties of **Sierra and Nevada**

The numbering for the points of diversion, points of rediversion, and places of storage for this permit, License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permit issued pursuant to Application 31488, are shown on map [MAP NUMBER], dated [DATE], filed with the State Water Board.¹

2. Location of points of diversion and places of storage

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(1) Independence Dam (Independence Lake), North 2,295,098 feet and East 7,044,314 feet	NW ¼ of SW ¼	35	19N	15E	MD
(2) Stampede Dam (Stampede Reservoir), North 2,304,477 feet and East 7,096,882 feet	NW ¼ of NW ¼	28	19N	17E	MD
(3) Boca Dam (Boca Reservoir), North 2,273,334 feet and East 7,099,243 feet	SE ¼ of SW ¼	21	18N	17E	MD

¹ Point of Diversion (4) is a point of diversion at Prosser Creek Dam, on Prosser Creek, for License 10180 and the permit issued pursuant to Application 31488. It is, therefore, intentionally not included in this permit.

2a. Location of points of redirection. Points (2) and (3) are on the Little Truckee River. Points (5) through (65) are on the Truckee River.

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(2) Stampede Dam North 2,304,477 feet and East 7,096,882 feet	NW ¼ of NW ¼	28	19N	17E	MD
(3) Boca Dam North 2,273,334 feet and East 7,099,243 feet	SE ¼ of SW ¼	21	18N	17E	MD
(5) Farad Power Plant Ditch & Flume North 2,276,726 feet and East 7,119,940 feet	SW ¼ of NW ¼	30	18N	18E	MD
(6) Fleish Power Plant Ditch & Flume North 2,297,211 feet and East 7,124,864 feet	NE ¼ of SE ¼	6	18N	18E	MD
By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(7) Steamboat Canal North 14,843,385 feet and East 2,223,994 feet	NE ¼ of SW ¼	31	19N	18E	MD
(8) Coldron Ditch North 14,850,973 feet and East 2,226,583 feet	SE ¼ of NE ¼	30	19N	18E	MD
(9) Katz Ditch North 14,853,083 feet and East 2,226,202 feet	SE ¼ of SE ¼	19	19N	18E	MD
(10) Verdi Power Plant, Ditch & Flume North 14,853,117 feet and East 2,226,229 feet	SE ¼ of SE ¼	19	19N	18E	MD
(11) Washoe Power Plant Ditch North 14,862,548-766 feet and East 2,235,859-824 feet	NW ¼ of NE ¼	16	19N	18E	MD
(12) Hogan Ditch North 14,860,793 feet and East 2,236,229 feet	SW ¼ of NE ¼	16	19N	18E	MD
(13) Highland Ditch North 14,863,862,059-766 feet and East 2,236,235,256 824 feet	SW-NW ¼ of SE-NE ¼	916	19N	18E	MD
(14) Mastin Ditch North 14,858,104 feet and East 2,244,534 feet	SE ¼ of SW ¼	14	19N	18E	MD
(15) Last Chance Ditch North 14,860,796 feet and East 2,247,614 feet	SE ¼ of NE ¼	14	19N	18E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(16) Sparks-Capurro Ditch North 14,859,813 feet and East 2,250,976 feet	NW ¼ of SE ¼	13	19N	18E	MD
(17) Irwin-Mayberry Ditch North 14,856,488 feet and East 2,254,953 feet	NE ¼ of NW ¼	19	19N	19E	MD
(18) Lake Ditch (Lake Southside) North 14,856,917 feet and East 2,255,686 feet	NE ¼ of NW ¼	19	19N	19E	MD
(19) South Side Canal North 14,858,528 feet and East 2,259,680 feet	NE ¼ of SW ¼	17	19N	19E	MD
(20) Orr Ditch, Orr Extension & Spanish Spring Valley Ditch North 14,859,198 feet and East 2,260,521 feet	NE ¼ of SW ¼	17	19N	19E	MD
(21) Indian Flat Ditch North 14,858,946 feet and East 2,262,112 feet	NE ¼ of SE ¼	17	19N	19E	MD
(22) Orr Ditch Pump Station North 14,859,008 feet and East 2,262,704 feet	NE ¼ of SE ¼	17	19N	19E	MD
(23) Reno Power Ditch & Flume North 14,859,867 feet and East 2,267,642 feet	SE ¼ of NE ¼	16	19N	19E	MD
(24) Countryman Ditch North 14,862,075 feet and East 2,268,033 feet	NE ¼ of NE ¼	16	19N	19E	MD
(25) Chism Ditch North 14,862,003 feet and East 2,268,150 feet	NE ¼ of NE ¼	16	19N	19E	MD
(26) English Mill Ditch & English Mill Tailrace Ditch North 14,863,566 feet and East 2,271,673 feet	NW ¼ of SE ¼	10	19N	19E	MD
(27) Hayden Ditch or Court Ditch North 14,862,824 feet and East 2,272,659 feet	SE ¼ of SE ¼	10	19N	19E	MD
(28) Idlewild Pump Station North 14,862,625 feet and East 2,273,168 feet	SE ¼ of SE ¼	10	19N	19E	MD
(29) Sullivan & Kelly Ditch North 14,863,999 feet and East 2,276,707 feet	NW ¼ of SE ¼	11	19N	19E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(30) Cochran Ditch North 14,863,699 feet and East 2,277,344 feet	NW ¼ of SE ¼	11	19N	19E	MD
(31) Riverside Mill Ditch & Flume (Claim #10) North 14,864,144 feet and East 2,277,365 feet	NW ¼ of SE ¼	11	19N	19E	MD
(32) Scott Ranch Ditch North 14,865,010 feet and East 2,279,290 feet	SW ¼ of NW ¼	12	19N	19E	MD
(33) Abbee Ditch North 14,866,265 feet and East 2,283,562 feet	SE ¼ of NE ¼	12	19N	19E	MD
(34) Perry Ditch North 14,866,298 feet and East 2,284,219 feet	SE ¼ of NE ¼	12	19N	19E	MD
(35) Eastman Ditch North 14,865,286 feet and East 2,287,441 feet	SW ¼ of NE ¼	7	19N	20E	MD
(36) No. Truckee Ditch (Glendale Plant) North 14,865,173 feet and East 2,287,712 feet	SW ¼ of NE ¼	7	19N	20E	MD
(37) Sessions Ditch North 14,865,057 feet and East 2,287,842 feet	SW ¼ of NE ¼	7	19N	20E	MD
(38) Pioneer Ditch North 14,862,744 feet and East 2,289,385 feet	SE ¼ of SE ¼	7	19N	20E	MD
(39) Stephens Ditch (Stevens) North 14,862,524 feet and East 2,291,611 feet	SE ¼ of SW ¼	8	19N	20E	MD
(40) Glendale Ditch North 14,862,252 feet and East 2,291,882 feet	SE ¼ of SW ¼	8	19N	20E	MD
(41) Hidden Valley Induction Well #4 North 14,861,057 feet and East 2,295,828 feet	SW ¼ of NW ¼	16	19N	20E	MD
(42) Largomarsino -Murphy Ditch (S. Largomarsino) North 14,858,576 feet and East 2,316,686 feet	NW ¼ of SE ¼	18	19N	21E	MD
(43) Largomarsino – Noce Ditch (N. Largomarsino) North 14,858,813 feet and East 2,318,003 feet	NE ¼ of SE ¼	18	19N	21E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(44) Groton Ditch North 14,858,234 feet and East 2,324,482 feet	NE ¼ of SE ¼	17	19N	21E	MD
(45) Sheep Ranch Ditch North 14,859,130 feet and East 2,325,476 feet	NW ¼ of SW ¼	16	19N	21E	MD
(46) McCarran North Side Ditch North 14,866,397 feet and East 2,338,153 feet	NE ¼ of NW ¼	11	19N	21E	MD
(47) McCarran South Side Ditch North 14,870,317-713 feet and East 2,342,460-338 feet	SW ¼ of NW ¼	1	19N	21E	MD
(48) Old Ditch North 14,871,849 feet and East 2,349,880 feet	NW ¼ of NE ¼	6	19N	22E	MD
(49) Hill Ditch North 14,876,905 feet and East 2,354,774 feet	NW ¼ of NE ¼	32	20N	22E	MD
(50) Tracy Power Plant North 14,877,698 feet and East 2,359,590 feet	SE ¼ of SW ¼	28	20N	23E 22E	MD
(51) Derby Dam & Truckee Canal North 14,884,885,928-141 feet and East 2,380,546-928 feet	NE ¼ of SW ¼	19	20N	23E	MD
(52) Preston Ditch North 14,885,468 feet and East 2,386,178 feet	SE ¼ of NW ¼	20	20N	23E	MD
(53) Washburn Ditch North 14,885,521 feet and East 2,396,933 feet	SE ¼ of NW ¼	22	20N	23E	MD
(54) Gregory Ditch North 14,888,853 feet and East 2,405,578 feet	SE ¼ of SE ¼	14	20N	23E	MD
(55) Wadsworth Power Ditch North 14,889,268 feet and East 2,406,873 feet	NW ¼ of SW ¼	13	20N	23E	MD
(56) Herman Ditch North 14,891,892,957-654 feet and East 2,417,775-832 feet	NW ¼ of NW ¼	17	20N	24E	MD
(57) Pierson Ditch North 14,894,902 feet and East 2,422,828 feet	NW ¼ of SW ¼	9	20N	24E	MD

Location of points of rediversion (continued)

By Nevada Coordinate System of 1983, West Zone	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(58) Olinghouse No. 1 Ditch North 14,897,868 feet and East 2,425,862 feet	NW ¼ of NE ¼	9	20N	24E	MD
(59) Fernley North 14,899,217 feet and East 2,427,535 feet	SW ¼ of NW -SW ¼	-93	20N	24E	MD
(60) Proctor Ditch North 14, 901900,290-772 feet and East 2, 428427,199 717 feet	SW ¼ of NW ¼	3	20N	24E	MD
(61) Fellnagle Ditch North 14,905,654 feet and East 2,425,317 feet	NW ¼ of SE ¼	33	21N	24E	MD
(62) Olinghouse No. 2 Ditch North 14,914,468 feet and East 2,431,328 feet	SW ¼ of SE ¼	22	21N	24E	MD
(63) Gardella Ditch North 14,922,553 feet and East 2,428,236 feet	SW ¼ of NW ¼	15	21N	24E	MD
(64) Olinghouse No. 3 Ditch North 14,923,152 feet and East 2,428,587 feet	SW ¼ of NW ¼	15	21N	24E	MD
(65) Indian Ditch (Nixon Ditch) North 14,959, 013-047 feet and East 2, 408409,112-488 feet	SW ¼ of SW -NE ¼	4812	22N	23E	MD

3. Purpose of use	4. Place of use	Township	Range	Base and Meridian
Municipal, Domestic, Industrial, Irrigation,* Stockwatering, Fish Culture, Water Quality, Recreational, Fish and Wildlife Preservation and Enhancement, and Incidental Power**	The place of use is shown on map [MAP NUMBER] filed with the State Water Board, dated [DATE].	13N	17 & 18E	MD
		14N	16 – 18E	MD
		15N	16 – 18E	MD
		16N	16 – 18E	MD
		17N	15 – 20E, 24 – 31E	MD
		18N	14 – 21E, 24 – 31E	MD
		19N	14 – 31E	MD
		20N	18 – 32E	MD
		21N	18 – 26E, 29 – 32E	MD
		22N	20 – 24E	MD
		23N	20 – 24E	MD
		24N	20 – 24E	MD
		25N	20 – 24E	MD
		26N	20 – 24E	MD
27N	20 – 24E	MD		
28N	23 & 24E	MD		

* The maximum area irrigated in any one year under this permit, License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permit issued pursuant to Application 31488, shall not exceed a total of ~~9699,800-000~~ net acres within a total gross area of 143,480 acres as follows:

- Truckee Meadows - ~~2629,800-000~~ net acres within a gross area of 36,340 acres in the vicinity of Reno, Nevada, within lands described as follows:
T18N, R18E-R21E; T19N, R18E-R21E; T20N, R18E-R21E, and
- Newlands Project - 70,000 net acres within a gross area of 107,140 acres in the vicinity of Fallon, Nevada, within lands described as follows:
T17N, R24E-R31E; T18N, R24E-R31E; T19N, R24E-R31E;
T20N, R24E-R31E, all within MDB&M.

** Incidental Power use at the following locations:

Powerhouse	Subdivision	Section	Township	Range	Base and Meridian
Stampede	SW ¼ NW ¼	28	19N	17E	MD
Farad	SE ¼ SE ¼	12	18N	17E	MD
Fleish	NE ¼ SE ¼	30	19N	18E	MD
Verdi	NW ¼ SE ¼	8	19N	18E	MD
Washoe	SW ¼ SW ¼	14	19N	18E	MD

5. The water appropriated shall be limited to the quantity that can be beneficially used and shall not exceed 350 cubic feet per second by direct diversion at Stampede Reservoir and 226,500 acre-feet per annum by storage at Independence Lake, Stampede Reservoir, and Boca Reservoir from January 1 to December 31 of each year.

The total amount of water to be taken from the source (direct diversion plus collection to storage) shall not exceed 226,500 acre-feet per year.
(0000005E mod.)
6. The total quantity of water collected to storage under this permit, Permit 11605 (Application 15673), and Permit 18320 (Application 26273) shall not exceed 226,500 acre-feet per year.
(0000005L)
7. The total quantity of water collected to storage at Independence Lake, Stampede Reservoir, and Boca Reservoir under this permit, License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 11605 (Application 15673), and Permit 18320 (Application 26273) shall not exceed a total of 284,850 acre-feet per year.
(0000005M mod.)
8. The capacities of Independence Lake, Stampede Reservoir, and Boca Reservoir covered by this permit, License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 11605 (Application 15673), and Permit 18320 (Application 26273) shall not exceed 17,500 acre-feet in Independence Lake, 226,500 acre-feet in Stampede Reservoir, and 41,100 acre-feet in Boca Reservoir.
(0000005N mod.)
9. The maximum simultaneous rate of direct diversion at Stampede Reservoir under this permit, Permit 11605 (Application 15673), and Permit 18320 (Application 26273) shall not exceed 350 cfs.
(0000114c mod.)
10. The equivalent of the authorized continuous flow allowance for any 30-day period may be directly diverted at Stampede Reservoir in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed.
(0000027)
11. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and be completed by December 31, 2022.
(0000009)
12. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion.

(000022)

~~13. Permittee shall consult with the Division of Water Rights as to whether permittee is an "urban water supplier" as defined in California Water Code section 10617. If permittee is an urban water supplier, then within one year from issuance of this permit, permittee shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with California Water Code section 10610, et seq., or a comparable urban water management plan, as may be authorized under Nevada law that contains similar information. The plan may be supplemented by any additional information that may be required by the State Water Board.~~

~~14.~~

~~15. All cost-effective measures identified in the Urban Water Management Plan or comparable plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.~~

~~(000029A mod.)~~

~~16.~~13. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Chief, Division of Water Rights.

(000030)

~~17.~~14. In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this permit is by means of a dam, permittee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

(0140069)

or (0210069)

~~18. To ensure that the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project is met, permittee shall bypass a minimum flow of 150 cfs in the bypass reach below the Farad diversion dam, or total Truckee River flow immediately upstream of the diversion dam, whichever is less, in the operation area, or applicable bypass flow as it may be revised in the water quality certification for the project.~~

~~19.~~

~~20. No diversion shall be allowed at the points of diversion or redirection authorized by this permit/license unless the applicable bypass flows are met.~~

~~(0140400)~~

~~21.~~15. Water diverted for Incidental Power use under this permit is for nonconsumptive use and is to be released at the following locations:

Stampede Powerhouse Return: Little Truckee River: By California Coordinate System of 1983, Zone 2, North 2,303,127 feet and East 7,096,674 feet.

Farad Powerhouse Return: Truckee River: By California Coordinate System of 1983, Zone 2, North 2,284,919 feet and East 7,117,723 feet.

Fleish Powerhouse Return: Truckee River: By Nevada Coordinate System of 1983, West Zone, North 14,848,874 feet and East 2,226,837 feet.

Verdi Powerhouse Return: Truckee River: Nevada Coordinate System of 1983, West Zone,

Washoe Powerhouse Return: North 14,864,373 feet and East 2,230,562 feet.
Truckee River: Nevada Coordinate System of 1983, West Zone,
North 14,857,794 feet and East 2,243,430 feet.
(0000111 mod.)

~~22.~~16. The permittee shall obtain all necessary state and local agency permits required by other agencies prior to construction and diversion of water. Copies of such permits and approvals shall be forwarded to the Chief, Division of Water Rights.

(0000203)

~~23.~~17. Water stored in Independence Lake, Stampede Reservoir, and Boca Reservoir pursuant to pre-1914 permits issued by the Nevada State Engineer under Nevada Law, and recognized pursuant to the provisions of California Water Code sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this permit.

(9990999)

~~24.~~18. Permittee shall maintain the existing outlet pipes for ~~Independence Lake, Stampede Reservoir, and Boca Reservoir~~ in proper working order.

(000000S mod.)

~~25.~~19. Permittee shall measure and monitor amounts diverted, collected to storage, withdrawn from storage and rediverted for beneficial use under this permit. The permittee shall submit a plan for approval by the State Water Board that includes a description and location of the measuring devices, frequency of data collection, the methods for recording and reporting data to the State Water Board, and any calculations required to develop the records. The plan shall identify how the permittee will ensure that the total cumulative amount of water collected, stored and used at the reservoirs authorized under this permit will not exceed the authorized amount under the permit. The plan shall also identify how the amounts collected and beneficially used under all of the permits and licenses for coordinated reservoir storage under TROA will be accounted for under the individual permits and licenses and any other bases of right. The plan shall be submitted and approved by the Deputy Director for Water Rights prior to diversion under this permit. Permittee shall implement the plan upon approval. A record of such measurements shall be maintained by the permittee, and made available to interested persons upon reasonable request. A copy of the records shall be submitted to the State Water Board with the annual "Progress Report by Permittee."

(0100900)

~~26. To assure sufficient water flows in the Little Truckee River below Stampede Reservoir to protect public fishery resources, bypasses or releases shall be made from Stampede Reservoir into the Little Truckee River to maintain minimum flows therein as follows:~~

~~During Years of 60 and up to 130 percent normal predicted runoff, based on the official federal-state cooperative April snow surveys and water supply forecasts for the Truckee River watershed, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) twelve cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~During years when the official predicted runoff for the Truckee River watershed is less than 60 percent of normal, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) six cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~During years when the official predicted runoff for the Truckee River watershed is more than 130 percent of normal, (a) eight cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) sixteen cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.~~

~~The flows to be maintained in the foregoing schedule shall become effective on May 1 of each year and continue to April 30 of the following year.~~

~~No diversion shall be allowed at the points of diversion or rediversion authorized by this permit unless the applicable flows are met.~~

~~(0400400)~~

20. When the interstate allocation as provided in the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) becomes effective, the operation of Stampede Reservoir shall be in conformance therewith, and the terms and conditions set forth in this permit which are in conflict thereto shall not apply. The Board retains jurisdiction for the purpose of amending the terms of this permit to conform to the terms of that interstate allocation.

(0430600)

~~27-21.~~ Diversions under this permit shall be subject to interstate allocation authorized under the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) when the allocation becomes effective.

(9990900)

~~28-22.~~ Due to the permittee's ability to exchange water among water right holders under the Truckee River Operating Agreement (TROA), beneficial uses for water shall only be credited to the permit or license under which the water was originally diverted.

(9990999)

~~29-23.~~ All diversions, storage, use of water and operations under this permit shall be in accordance with the provisions contained in this permit and the TROA, which is on file with the State Water Board.

(0430300)

~~30-24.~~ Diversion of water under this permit is subject to regulation by the TROA Administrator appointed to enforce the terms and conditions of the TROA to the extent such regulation is not inconsistent with the terms and conditions of this permit.

(000000N mod.)

~~31-25.~~ Permittee shall notify the Deputy Director for Water Rights, in writing, of any adjustments to operations or changes to TROA made in accordance with Article Thirteen of TROA that will affect the diversion and use of water under this permit.

(0490300)

~~32-26.~~ The State Water Resources Control Board reserves jurisdiction in the public interest to modify the terms and conditions of this permit, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife. Board action will be taken only after notice to interested parties and opportunity for hearing.

(000000M)

THIS PERMIT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

A. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)

- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

- F. This permit does not authorize any act that results in the taking of a threatened or endangered species or candidate species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the state and federal Endangered Species Acts for the project authorized under this permit.

(0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605. (0000015)
- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game. (0000063)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county and municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

*Barbara Evoy
Deputy Director for Water Rights*

Dated:

JMccue.GHernandez 06/20/12

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**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT #####

APPLICATION **31488** of:

United States Department of Interior,
Bureau of Reclamation (MP-440)
2800 Cottage Way
Sacramento, CA 95825

This permit is being issued in accordance with State Water Resources Control Board (State Water Board) Decision XXXX, adopted on XXXX XX, 2012. Therefore, **Application 31488** filed on **January 8, 2004** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

(4) Prosser Creek

Tributary to:

Truckee River thence Pyramid Lake

within the County of **Nevada**

The numbering for the points of diversion, points of rediversion, and places of storage for this permit, License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and the permit issued pursuant to Application 31487, are shown on the map [MAP NUMBER], dated [DATE], filed with the State Water Board.¹

2. Location of point of diversion and place of storage

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(4) Prosser Creek Dam (Prosser Creek Reservoir) North 2,269,206 feet and East 7,088,234 feet	NW ¼ of SW ¼	30	18N	17E	MD

¹ Points of Diversion (1), (2) and (3) are points of diversion in the Little Truckee River watershed for Permit 11605, Licenses 3723 and 4196 and the permit issued pursuant to Application 31487. It is, therefore, intentionally not included in this permit.

2a. Location of points of rediversion. Points (5) through (65) are on the Truckee River.

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(5) Farad Power Plant Ditch & Flume North 2,276,726 feet and East 7,119,940 feet	SW ¼ of NW ¼	30	18N	18E	MD
(6) Fleish Power Plant Ditch & Flume North 2,297,211 feet and East 7,124,864 feet	NE ¼ of SE ¼	6	18N	18E	MD
By Nevada West Coordinate System of 1983	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(7) Steamboat Canal North 14,843,385 feet and East 2,223,994 feet	NE ¼ of SW ¼	31	19N	18E	MD
(8) Coldron Ditch North 14,850,973 feet and East 2,226,583 feet	SE ¼ of NE ¼	30	19N	18E	MD
(9) Katz Ditch North 14,853,083 feet and East 2,226,202 feet	SE ¼ of SE ¼	19	19N	18E	MD
(10) Verdi Power Plant, Ditch & Flume North 14,853,117 feet and East 2,226,229 feet	SE ¼ of SE ¼	19	19N	18E	MD
(11) Washoe Power Plant Ditch North 14,862,548-766 feet and East 2,235,859-824 feet	NW ¼ of NE ¼	16	19N	18E	MD
(12) Hogan Ditch North 14,860,793 feet and East 2,236,229 feet	SW ¼ of NE ¼	16	19N	18E	MD
(13) Highland Ditch North 14,863,862,059-766 feet and East 2,236,235,256-824 feet	SW-NW ¼ of SE NE ¼	916	19N	18E	MD
(14) Mastin Ditch North 14,858,104 feet and East 2,244,534 feet	SE ¼ of SW ¼	14	19N	18E	MD
(15) Last Chance Ditch North 14,860,796 feet and East 2,247,614 feet	SE ¼ of NE ¼	14	19N	18E	MD

Location of points of rediversion (continued)

By Nevada West Coordinate System of 1983	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(16) Sparks-Capurro Ditch North 14,859,813 feet and East 2,250,976 feet	NW ¼ of SE ¼	13	19N	18E	MD
(17) Irwin-Mayberry Ditch North 14,856,488 feet and East 2,254,953 feet	NE ¼ of NW ¼	19	19N	19E	MD
(18) Lake Ditch (Lake Southside) North 14,856,917 feet and East 2,255,686 feet	NE ¼ of NW ¼	19	19N	19E	MD
(19) South Side Canal North 14,858,528 feet and East 2,259,680 feet	NE ¼ of SW ¼	17	19N	19E	MD
(20) Orr Ditch, Orr Extension & Spanish Spring Valley Ditch North 14,859,198 feet and East 2,260,521 feet	NE ¼ of SW ¼	17	19N	19E	MD
(21) Indian Flat Ditch North 14,858,946 feet and East 2,262,112 feet	NE ¼ of SE ¼	17	19N	19E	MD
(22) Orr Ditch Pump Station North 14,859,008 feet and East 2,262,704 feet	NE ¼ of SE ¼	17	19N	19E	MD
(23) Reno Power Ditch & Flume North 14,859,867 feet and East 2,267,642 feet	SE ¼ of NE ¼	16	19N	19E	MD
(24) Countryman Ditch North 14,862,075 feet and East 2,268,033 feet	NE ¼ of NE ¼	16	19N	19E	MD
(25) Chism Ditch North 14,862,003 feet and East 2,268,150 feet	NE ¼ of NE ¼	16	19N	19E	MD
(26) English Mill Ditch & English Mill Tailrace Ditch North 14,863,566 feet and East 2,271,673 feet	NW ¼ of SE ¼	10	19N	19E	MD

Location of points of rediversion (continued)

By Nevada West Coordinate System of 1983	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(27) Hayden Ditch or Court Ditch North 14,862,824 feet and East 2,272,659 feet	SE ¼ of SE ¼	10	19N	19E	MD
(28) Idlewild Pump Station North 14,862,625 feet and East 2,273,168 feet	SE ¼ of SE ¼	10	19N	19E	MD
(29) Sullivan & Kelly Ditch North 14,863,999 feet and East 2,276,707 feet	NW ¼ of SE ¼	11	19N	19E	MD
(30) Cochran Ditch North 14,863,699 feet and East 2,277,344 feet	NW ¼ of SE ¼	11	19N	19E	MD
(31) Riverside Mill Ditch & Flume (Claim #10) North 14,864,144 feet and East 2,277,365 feet	NW ¼ of SE ¼	11	19N	19E	MD
(32) Scott Ranch Ditch North 14,865,010 feet and East 2,279,290 feet	SW ¼ of NW ¼	12	19N	19E	MD
(33) Abbee Ditch North 14,866,265 feet and East 2,283,562 feet	SE ¼ of NE ¼	12	19N	19E	MD
(34) Perry Ditch North 14,866,298 feet and East 2,284,219 feet	SE ¼ of NE ¼	12	19N	19E	MD
(35) Eastman Ditch North 14,865,286 feet and East 2,287,441 feet	SW ¼ of NE ¼	7	19N	20E	MD
(36) No. Truckee Ditch (Glendale Plant) North 14,865,173 feet and East 2,287,712 feet	SW ¼ of NE ¼	7	19N	20E	MD
(37) Sessions Ditch North 14,865,057 feet and East 2,287,842 feet	SW ¼ of NE ¼	7	19N	20E	MD
(38) Pioneer Ditch North 14,862,744 feet and East 2,289,385 feet	SE ¼ of SE ¼	7	19N	20E	MD

Location of points of redirection (continued)

By Nevada West Coordinate System of 1983	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(39) Stephens Ditch (Stevens) North 14,862,524 feet and East 2,291,611 feet	SE ¼ of SW ¼	8	19N	20E	MD
(40) Glendale Ditch North 14,862,252 feet and East 2,291,882 feet	SE ¼ of SW ¼	8	19N	20E	MD
(41) Hidden Valley Induction Well #4 North 14,861,057 feet and East 2,295,828 feet	SW ¼ of NW ¼	16	19N	20E	MD
(42) Largomarsino - Murphy Ditch (S. Largomarsino) North 14,858,576 feet and East 2,316,686 feet	NW ¼ of SE ¼	18	19N	21E	MD
(43) Largomarsino – Noce Ditch (N. Largomarsino) North 14,858,813 feet and East 2,318,003 feet	NE ¼ of SE ¼	18	19N	21E	MD
(44) Groton Ditch North 14,858,234 feet and East 2,324,482 feet	NE ¼ of SE ¼	17	19N	21E	MD
(45) Sheep Ranch Ditch North 14,859,130 feet and East 2,325,476 feet	NW ¼ of SW ¼	16	19N	21E	MD
(46) McCarran North Side Ditch North 14,866,397 feet and East 2,338,153 feet	NE ¼ of NW ¼	11	19N	21E	MD
(47) McCarran South Side Ditch North 14,870,317-713 feet and East 2,342,460-338 feet	SW ¼ of NW ¼	1	19N	21E	MD
(48) Old Ditch North 14,871,849 feet and East 2,349,880 feet	NW ¼ of NE ¼	6	19N	22E	MD
(49) Hill Ditch North 14,876,905 feet and East 2,354,774 feet	NW ¼ of NE ¼	32	20N	22E	MD

Location of points of rediversion (continued)

By Nevada West Coordinate System of 1983	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(50) Tracy Power Plant North 14,877,698 feet and East 2,359,590 feet	SE ¼ of SW ¼	28	20N	23E <u>22E</u>	MD
(51) Derby Dam & Truckee Canal North 14, 884 <u>885,928-141</u> feet and East 2,380, 516 <u>928</u> feet	NE ¼ of SW ¼	19	20N	23E	MD
(52) Preston Ditch North 14,885,468 feet and East 2,386,178 feet	SE ¼ of NW ¼	20	20N	23E	MD
(53) Washburn Ditch North 14,885,521 feet and East 2,396,933 feet	SE ¼ of NW ¼	22	20N	23E	MD
(54) Gregory Ditch North 14,888,853 feet and East 2,405,578 feet	SE ¼ of SE ¼	14	20N	23E	MD
(55) Wadsworth Power Ditch North 14,889,268 feet and East 2,406,873 feet	NW ¼ of SW ¼	13	20N	23E	MD
(56) Herman Ditch North 14, 891 <u>892,957-654</u> feet and East 2,417, 775 <u>832</u> feet	NW ¼ of NW ¼	17	20N	24E	MD
(57) Pierson Ditch North 14,894,902 feet and East 2,422,828 feet	NW ¼ of SW ¼	9	20N	24E	MD
(58) Olinghouse No. 1 Ditch North 14,897,868 feet and East 2,425,862 feet	NW ¼ of NE ¼	9	20N	24E	MD
(59) Fernley North 14,899,217 feet and East 2,427,535 feet	SW ¼ of NW - <u>SW</u> ¼	9 <u>93</u>	20N	24E	MD
(60) Proctor Ditch North 14, 901 <u>900,290-772</u> feet and East 2, 428 <u>427,199-717</u> feet	SW ¼ of NW ¼	3	20N	24E	MD
(61) Fellnagle Ditch North 14,905,654 feet and East 2,425,317 feet	NW ¼ of SE ¼	33	21N	24E	MD

Location of points of redirection (continued)

By Nevada West Coordinate System of 1983	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
(62) Olinghouse No. 2 Ditch North 14,914,468 feet and East 2,431,328 feet	SW ¼ of SE ¼	22	21N	24E	MD
(63) Gardella Ditch North 14,922,553 feet and East 2,428,236 feet	SW ¼ of NW ¼	15	21N	24E	MD
(64) Olinghouse No. 3 Ditch North 14,923,152 feet and East 2,428,587 feet	SW ¼ of NW ¼	15	21N	24E	MD
(65) Indian Ditch (Nixon Ditch) North 14,959,013-047 feet and East 2,408409,112 <u>488</u> feet	SW ¼ of SW-NE ¼	1812	22N	23E	MD

3. Purpose of use	4. Place of use	Township	Range	Base and Meridian
Municipal, Domestic, Industrial, Irrigation,* Stockwatering, Fish Culture, Water Quality, Recreational, Fish and Wildlife Preservation and Enhancement, and Incidental Power**	The place of use is shown on map [MAP NUMBER] filed with the State Water Board, dated [DATE].	13N	17 & 18E	MD
		14N	16 – 18E	MD
		15N	16 – 18E	MD
		16N	16 – 18E	MD
		17N	15 – 20E, 24 – 31E	MD
		18N	14 – 21E, 24 – 31E	MD
		19N	14 – 31E	MD
		20N	18 – 32E	MD
		21N	18 – 26E, 29 – 32E	MD
		22N	20 – 24E	MD
		23N	20 – 24E	MD
		24N	20 – 24E	MD
		25N	20 – 24E	MD
		26N	20 – 24E	MD
27N	20 – 24E	MD		
28N	23 & 24E	MD		

* The maximum area irrigated in any one year under this permit, License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permit issued pursuant to Application 31487, shall not exceed a total of ~~9699,800-000~~ net acres within a total gross area of 143,480 acres as follows:

Truckee Meadows - ~~2629,800-000~~ net acres within a gross area of 36,340 acres in the vicinity of Reno, Nevada, within lands described as follows:

T18N, R18E-R21E; T19N, R18E-R21E; T20N, R18E-R21E, and

Newlands Project - 70,000 net acres within a gross area of 107,140 acres in the vicinity of Fallon, Nevada, within lands described as follows:

T17N, R24E-R31E; T18N, R24E-R31E; T19N, R24E-R31E;

T20N, R24E-R31E, all within MDB&M.

** Incidental Power use at the following locations:

Powerhouse	Subdivision	Section	Township	Range	Base and Meridian
Farad	SE ¼ SE ¼	12	18N	17E	MD
Fleish	NE ¼ SE ¼	30	19N	18E	MD
Verdi	NW ¼ SE ¼	8	19N	18E	MD
Washoe	SW ¼ SW ¼	14	19N	18E	MD

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 30,000 acre-feet per annum to be collected from October 1 of each year to August 10 of the succeeding year. (000005C)
6. The total quantity of water collected to storage and withdrawn at Prosser Creek Reservoir under this permit and License 10180 (Application 18006) shall not exceed 30,000 acre-feet per year. (000005L)
7. The capacity of the reservoir covered by this permit and License 10180 (Application 18006) shall not exceed 29,800 acre-feet. (000005N)
8. This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)
9. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and be completed by December 31, 2022. (000009)
- ~~10. Permittee shall consult with the Division of Water Rights as to whether permittee is an "urban water supplier" as defined in California Water Code section 10617. If permittee is an urban water supplier, then within one year from issuance of this permit, permittee shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with California Water Code section 10610, et seq., or a comparable urban water management plan, as may be authorized under Nevada law that contains similar information. The plan may be supplemented by any additional information that may be required by the State Water Board.~~
- ~~10. All cost effective measures identified in the Urban Water Management Plan or comparable plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.~~ ~~(0000029A mod.)~~
10. If it is determined after permit issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, permittee shall, at his expense have the subject map(s) updated or replaced with equivalent as-built map(s). Said revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. Said revision(s) or map(s) shall be furnished upon request of the Chief, Division of Water Rights. (0000030)
11. In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this permit is by means of a dam, permittee shall allow sufficient water at all times to pass through a

fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided that, during a period of low flow in the stream, upon approval of the California Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

(0140069)
or (0210069)

~~12. To ensure that the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project is met, permittee shall bypass a minimum flow of 150 cfs in the bypass reach below the Farad diversion dam, or total Truckee River flow immediately upstream of the diversion dam, whichever is less, in the operation area, or applicable bypass flow as it may be revised in the water quality certification for the project.~~

~~No diversion shall be allowed at the points of diversion or rediversion authorized by this permit unless the applicable bypass flows are met.~~

(0140400)

Water diverted for Incidental Power use under this permit is for nonconsumptive use and is to be released to the Truckee River at the following locations:

Farad Powerhouse Return:	By California Coordinate System of 1983, Zone 2, North 2,284,919 feet and East 7,117,723 feet.
Fleish Powerhouse Return:	By Nevada Coordinate System of 1983, West Zone, North 14,848,874 feet and East 2,226,837 feet.
Verdi Powerhouse Return:	Nevada Coordinate System of 1983, West Zone, North 14,864,373 feet and East 2,230,562 feet.
Washoe Powerhouse Return:	Nevada Coordinate System of 1983, West Zone, North 14,857,794 feet and East 2,243,430 feet.

(0000111 mod.)

~~13.12. The permittee shall obtain all necessary state and local agency permits required by other agencies prior to construction and diversion of water. Copies of such permits and approvals shall be forwarded to the Chief, Division of Water Rights.~~

(0000203)

~~When the interstate allocation as provided in the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) becomes effective, the operation of Prosser Creek Reservoir shall be in conformance therewith, and the terms and conditions set forth in this permit which are in conflict thereto shall not apply. The Board retains jurisdiction for the purpose of amending the terms of this permit to conform to the terms of that interstate allocation.~~

(0430600)

~~14.13. Water stored in Prosser Creek Reservoir pursuant to pre-1914 permits issued by the Nevada State Engineer under Nevada Law, and recognized pursuant to the provisions of California Water Code sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this Permit.~~

(9990999)

~~15.14. Permittee shall measure and monitor amounts diverted, collected to storage, withdrawn from storage and rediverted for beneficial use under this permit. The permittee shall submit a plan for approval by the State Water Board that includes a description and location of the measuring devices, frequency of data~~

collection, the methods for recording and reporting data to the State Water Board, and any calculations required to develop the records. The plan shall identify how the permittee will ensure that the total cumulative amount of water collected, stored and used at Prosser Creek Reservoir will not exceed the authorized amount under the permit. The plan shall also identify how the amounts collected and beneficially used under all of the permits and licenses for coordinated reservoir storage under TROA will be accounted for under the individual permits and licenses and any other bases of right. The plan shall be submitted and approved by the Deputy Director for Water Rights prior to diversion under this permit. Permittee shall implement the plan upon approval. A record of such measurements shall be maintained by the permittee, and made available to interested persons upon reasonable request. A copy of the records shall be submitted to the State Water Board with the annual "Progress Report by Permittee."

(0100900)

| ~~16-15.~~ Permittee shall maintain the existing outlet pipe for Prosser Creek Reservoir in proper working order.

(000000S)

| ~~17-16.~~ Diversions under this permit shall be subject to the interstate allocation authorized under the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) when the allocation becomes effective.

(9990900)

| ~~18-17.~~ Due to the permittee's ability to exchange water among water right holders under the Truckee River Operating Agreement (TROA), beneficial uses for water shall only be credited to the permit or license under which the water was originally diverted.

(9990999)

| ~~19-18.~~ All diversions, storage, use of water and operations under this permit shall be in accordance with the provisions contained in this permit and TROA, which is on file with the State Water Resources Control Board.

(0430300)

| ~~20-19.~~ Diversion of water under this permit is subject to regulation by the TROA Administrator appointed to enforce the terms and conditions of the TROA to the extent such regulation is not inconsistent with the terms and conditions of this permit.

(000000N mod.)

| ~~21-20.~~ Permittee shall notify the Deputy Director for Water Rights, in writing, of any adjustments to operations or changes to TROA made in accordance with Article Thirteen of TROA that will affect the diversion and use of water under this permit.

(0490300)

| ~~22-21.~~ The State Water Resources Control Board reserves jurisdiction in the public interest to modify the terms and conditions of this permit, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife. Board action will be taken only after notice to interested parties and opportunity for hearing.

(000000M)

THIS PERMIT IS ALSO SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

A. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

- B. Progress reports shall be submitted promptly by permittee when requested by the State Water Board until a license is issued. (0000010)
- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
- The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.
- The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust. (0000012)
- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the permittee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)
- F. This permit does not authorize any act that results in the taking of a threatened or endangered species or candidate species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or

operation of the project. Permittee shall be responsible for meeting all requirements of the state and federal Endangered Species Acts for the project authorized under this permit. (0000014)

G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code Section 1605. (0000015)

H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the permittee. If a stream or lake agreement is not necessary for this permitted project, the permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game. (0000063)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

Barbara Evoy
Deputy Director for Water Rights

Dated:

DRAFT