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## State Water Resources Control Board

July 18, 2012

### ELECTRONIC MAIL

To: Enclosed Service List

Ladies and Gentlemen:

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

Enclosed is a draft decision in which the State Water Resources Control Board (State Water Board) conditionally approves water right Applications 31487 and 31488 of the United States Bureau of Reclamation (Reclamation or Applicant) to appropriate water from Independence Creek, the Little Truckee River, and Prosser Creek for beneficial use. In the draft decision, the State Water Board also conditionally approves petitions to change License 3723 (Application 5169) of Washoe County Water Conservation District (Conservation District), License 4196 (Application 9247) of Truckee Meadows Water Authority (TMWA), and Permit 11605 (Application 15673) and License 10180 (Application 18006) of Reclamation. A copy of the draft decision will also be posted on the website dedicated to the hearing:

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/hearings/truckee\\_river/index.shtml](http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/truckee_river/index.shtml).

A State Water Board Public Workshop to receive comments on the draft decision is tentatively scheduled for **Monday, September 17, 2012** in Sacramento. The State Water Board will issue a public notice of the workshop at least ten days in advance.

All interested persons and parties to the proceeding will have the opportunity to comment on the draft decision at the State Water Board Workshop. Comments should be limited to the general acceptability of the decision or possible technical corrections. Parties may not introduce evidence at the State Water Board Workshop.

Interested persons and parties are encouraged to submit their comments in writing. In order to be fully considered, written comments concerning the draft decision must be **received** by the State Water Board by **12 Noon on Thursday, August 30, 2012**.

The State Water Board will consider adoption of the draft decision at a subsequent State Water

Board meeting. The State Water Board will issue a public notice of the meeting at least ten days in advance.

Written comments are to be addressed and submitted to:

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

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

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

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

Please include the subject line, "**COMMENT LETTER – 9/17/12 BOARD WORKSHOP: Truckee River Decision.**" Any faxed or emailed items must be followed by a mailed or delivered hard copy with an original signature.

Also enclosed are the draft permits, amended permit and amended licenses approved by the draft decision, if the State Water Board adopts the decision at a future Board meeting. Please review the terms and conditions of the draft decision and draft permits and licenses carefully for accuracy with the evidentiary record. Staff requests clarification from the Applicant and Petitioners (Reclamation, Conservation District, and TMWA) on the issues identified below. The Applicant and Petitioners may address these issues in their written comments or at the workshop. First, exhibits App./Pet. Joint-23 through App./Pet. Joint-28 include coordinates for joint points of diversion for the permits and licenses. It appears that only App./Pet. Joint-27 has the correct coordinates for Orr Ditch, Orr Extension & Spanish Spring Valley Ditch. The other exhibits list the coordinates for Katz Ditch. Staff requests the Applicant and Petitioners to verify that the correct coordinates for Orr Ditch, Orr Extension & Spanish Spring Valley Ditch by Nevada Coordinate System of 1983, West Zone are North 14,859,198 feet and East 2,260,521 feet. Second, the applications and petitions say that construction is complete. There is a footnote, however, on the list of joint points of diversion for each application or petition that says that Fernley is a "Proposed future point of diversion to be constructed." Staff requests the Applicant and Petitioners to explain this discrepancy and to point out in the record the appropriate documentation under California Environmental Quality Act if the Fernley diversion facility is indeed yet to be constructed. Staff may have additional questions at the workshop.

Written comments must be served on the Service List of Parties to Exchange Information in this proceeding. Because all parties have agreed to electronic service in this proceeding, electronic

service is acceptable. Please note that the contact information for the California Department of Water Resources' representative has changed.

If you have any non-controversial procedural questions, please contact Jean McCue, Water Resource Control Engineer, at (916) 341 5351 or by email at [jmccue@waterboards.ca.gov](mailto:jmccue@waterboards.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Michael Buckman". The signature is fluid and cursive, with the first name "Michael" and last name "Buckman" clearly legible.

Michael Buckman, Chief  
Hearings Unit

Enclosures: Truckee River Hearing Service List (Updated July 18, 2012)  
Draft Decision  
Draft Permits for Applications 31487 and 31488  
Draft Amended Permit 11605 (Application 15673)  
Draft Amended Licenses 3723 (Application 5169), 4196 (Application 9247); and  
10180 (Application 18006)

cc: Janet Goldsmith  
Kronick Moskovitz Tiedemann & Girard  
[jgoldsmith@kmtg.com](mailto:jgoldsmith@kmtg.com)

Dan Fuchs  
Deputy Attorney General  
Office of the Attorney General  
[daniel.fuchs@doj.ca.gov](mailto:daniel.fuchs@doj.ca.gov)

**SERVICE LIST OF PARTIES TO EXCHANGE INFORMATION: TRUCKEE RIVER HEARING -  
JULY 21, 22, 23, 28 AND 29, 2010****SERVICE LIST  
(Updated July 18, 2012)**

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

TRUCKEE CARSON IRRIGATION DISTRICT  
Michael J. Van Zandt  
Hanson Bridgett LLP  
425 Market Street, 26<sup>th</sup> Floor  
San Francisco, CA 94015  
(415) 777-3200  
[mvanzandt@hansonbridgett.com](mailto:mvanzandt@hansonbridgett.com)

U.S. BUREAU OF RECLAMATION  
Stephen R. Palmer  
Office of the Solicitor, Dept. of Interior  
2800 Cottage Way, Room E-1712  
Sacramento, CA 95825  
(916) 978-5683  
[stephen.palmer@sol.doi.gov](mailto:stephen.palmer@sol.doi.gov)

CITY OF FERNLEY  
Paul G. Taggart  
Taggart & Taggart, Ltd.  
108 North Minnesota Street  
Carson City, NV 89703  
(775) 882-9900  
[paul@legaltnt.com](mailto:paul@legaltnt.com)

CALIFORNIA DEPARTMENT OF WATER  
RESOURCES  
James Mizell  
1416 Ninth Street, Room 1118  
Sacramento, CA 95814  
(916) 653-7533  
[jmizell@water.ca.gov](mailto:jmizell@water.ca.gov)

PYRAMID LAKE PAIUTE TRIBE  
Don Springmeyer  
Christopher W. Mixson  
Wolf, Rifkin, Shapiro, Schulman & Rabkin LLP  
3556 E. Russell Road, 2<sup>nd</sup> Floor  
Las Vegas, NV 89120  
(702) 341-5200  
[dspringmeyer@wrslawyers.com](mailto:dspringmeyer@wrslawyers.com)  
[cmixson@wrslawyers.com](mailto:cmixson@wrslawyers.com)

CHURCHILL COUNTY  
Rusty D. Jardine  
Churchill County District Attorney's Office  
155 North Taylor Street, Suite 156B  
Fallon, NV 89406  
(775) 428-0346  
[rjardine@churchillda.org](mailto:rjardine@churchillda.org)

Continued on next page.

TRUCKEE MEADOWS WATER AUTHORITY

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Reno, NV 89511  
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[gdepaoli@woodburnandwedge.com](mailto:gdepaoli@woodburnandwedge.com)  
[dferguson@woodburnandwedge.com](mailto:dferguson@woodburnandwedge.com)  
[jill.willis@bbklaw.com](mailto:jill.willis@bbklaw.com)  
[stefanie.hedlund@bbklaw.com](mailto:stefanie.hedlund@bbklaw.com)

WASHOE COUNTY WATER  
CONSERVATION DISTRICT

Michael A.T. Pagni  
P.O. Box 2670  
Reno, NV 89505  
(775) 788-2020  
[mpagni@mcdonaldcarano.com](mailto:mpagni@mcdonaldcarano.com)

CITY OF FALLON

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

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

CALIFORNIA DEPT. OF FISH & GAME

Chandra Ferrari  
1416 Ninth Street, 12<sup>th</sup> Floor  
Sacramento, CA 95814  
(916) 654-3819  
[Cferrari@dfg.ca.gov](mailto:Cferrari@dfg.ca.gov)

STATE OF NEVADA

John W. Hoffman  
429 West Plumb Lane  
Reno, NV 89509  
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