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STATE OF NEVADA
Department of Conservation and Natural Resources
OFFICE OF THE DIRECTOR

January 30, 2002

Mr. William Bettenberg
United States Department of the Interior
Office of Policy Analysis
via email: William_Bettenberg@ios.doi.gov

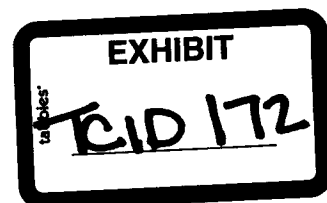
Mr. Carrol Hamon
California Department of Water Resources
via email: cbhamon@msn.com

Re: Table Prepared by Nevada, TMWA and Pyramid Tribe/Effect of Amendments to Orr Ditch Decree Approving, Adopting and Incorporating Truckee River Operating Agreement on Provisions of Truckee River Agreement which were previously Approved, Adopted and Incorporated into the Orr Ditch Decree.

Dear Bill and Carrol:

In preparation for the meeting which is discussed in Bill's December 26, 2001 letter to me and my January 14, 2002 letter to Bill, enclosed is a table entitled "Effect of Amendments to Orr Ditch Decree Approving, Adopting and Incorporating Truckee River Operating Agreement on Provisions of Truckee River Agreement which were previously Approved, Adopted and Incorporated into the Orr Ditch Decree". This table was prepared in a meeting among representatives of Nevada and the Truckee Meadows Water Authority. It was subsequently reviewed by Robert Pelcyger on behalf of the Pyramid Paiute Tribe. Although Bob had some additional suggestions, he felt it was most important to deliver this table to each of you now.

Christine and I will coordinate scheduling the meeting for Nevada and representatives of TMWA and the Tribe. If you have any further questions or if I can be of further assistance, please feel free to contact me.



Sincerely,

R. Michael Turnipseed, P.E.
Director

ec: John Sarna
John Kramer
Sara Russell
Alf Brandt
Fred Disheroon
Steve MacFarlane
Rebecca Harold
Don Mahin
Gordon DePaoli
Bob Pelcyger
Sue Oldham
John Erwin
Jack Hoffman
Christine Thiel
cc: Roland Westergard

For Discussion Only 1/30/02

Prepared by Nevada, TMWA and Pyramid Tribe
 Effect of Amendments to Orr Ditch Decree Approving,
 Adopting and Incorporating Truckee River Operating Agreement
 On Provisions of Truckee River Agreement which were
 Previously Approved, Adopted and Incorporated into the Orr Ditch Decree

Truckee River Agreement Provision	Affected by Truckee River Operating Agreement
Recitals	Not affected by TROA
Article I Definitions	To the extent that the definitions apply to the portions of the Truckee River Agreement, which are superseded by TROA, they are superseded.* To the extent that the definitions apply to the portions of the Truckee River Agreement not affected by TROA, they also are not affected.
Article II Construction, Operation and Ownership of Pondage and Supplemental Reservoir	(Heading Only)
(A) Construction of Pondage	Not affected by TROA
(B) Construction of Supplemental Reservoir (Boca)	Not affected by TROA
(C) Operation, Ownership and Maintenance of Pondage and Supplemental Reservoir	(Heading Only)
(C)(1) Operation of Pondage and Supplemental Reservoir	All of these provisions of the Truckee River Agreement are superseded by TROA, except the provisions concerning the expense of operation of Boca Reservoir. TROA does not affect the allocation of the operating expenses of Boca Reservoir absent TROA.
(C)(2) Ownership of Pondage	Not affected by TROA

* For purposes of this table the word "superseded" means only that the TROA provision replaces the referenced Truckee River Agreement provision in the Orr Ditch Decree. It is not intended to be a description of if or how the TROA provision is different than the referenced Truckee River Agreement provision.

Truckee River Agreement Provision	Affected by Truckee River Operating Agreement
and Supplemental Reservoir	
(D) Construction of Regulating Reservoirs	(Heading Only)
(1) Power Company obligation to construct a regulating reservoir between Floriston and Washoe Power Ditch	Not affected by TROA
(2) Power Company obligation to operate above regulating reservoir to limit daily fluctuations of flow	Not affected by TROA
(3) Power Company option to construct other regulating Reservoirs in the Truckee River below Floriston, California	Not affected by TROA
Article III Rates of Flow in Truckee River	(Heading Only)
III(A) Maintenance of Floriston Rates and Reduced Floriston Rates	(Heading Only)
(1)	Superseded by TROA
(2)	Superseded by TROA
(3)	Superseded by TROA
(4)	Superseded by TROA
(5)	Superseded by TROA
(B) Rates of Flow at Iceland Gage when Lake Tahoe is below 6226.0 feet	(Heading Only)
(1)	Superseded by TROA
(2)	Superseded by TROA
(3)	Superseded by TROA
(4)	Superseded by TROA
III(C) Release of water from Lake Tahoe and of Supplemental Storage Water for purpose of maintaining Floriston Rates and Reduced Floriston Rates	(Heading Only)
(1)	Superseded by TROA

Truckee River Agreement Provision	Affected by Truckee River Operating Agreement
(2)	Superseded by TROA
(3)	Superseded by TROA
(4)	Superseded by TROA
(5)	Superseded by TROA
(D) Release of 4,000 acre feet of Truckee Canal Water for power use	Superseded by TROA
(E) Release of water for removal of ice	(Heading Only)
(1)	Superseded by TROA
(2)	Superseded by TROA
(F) Release of water from Lake Tahoe to prevent High Water Damage	(Heading Only)
(1)	Superseded by TROA
(2)	Superseded by TROA
(3)	Superseded by TROA
(4)	Superseded by TROA
(G) Release of Additional Supplemental Storage Water	Superseded by TROA
Article IV Impounding Water in Supplemental Reservoir	(Heading Only)
(A) Supplemental Storage Water	(Heading Only)
(1)	Superseded by TROA
(2)	Superseded by TROA
(B) Additional Supplemental Storage Water	Superseded by TROA
(C) General Conditions	(Heading Only)
(1)	Superseded by TROA
(2)	Not affected by TROA
(3)	Superseded by TROA
Article V Diversion by Power Company from Truckee River into Highland Ditch and from Hunter Creek	(Heading Only)
(A) Diversion by Power Company from Truckee River for Municipal and Domestic Uses	(Heading Only)

Truckee River Agreement Provision	Affected by Truckee River Operating Agreement
(1)	Incorporated into TROA by reference and superseded
(2)	Incorporated into TROA by reference and superseded
(B) Diversion into Highland Ditch to Remove Ice	Superseded by TROA
(C) Diversion from Hunter Creek for Municipal and Domestic Uses	Incorporated into TROA by reference and superseded
Article VI 4,000 acre feet of Truckee Canal Water for Power Use	(Heading Only)
(A) Storage of 4,000 acre feet of Truckee Canal Water by Power Company	Superseded by TROA
(B) Release of 4,000 acre feet of Truckee Canal Water	Superseded by TROA
(C) Power Company to obtain no right of Ownership to 4,000 acre feet of Truckee Canal Water	Superseded by TROA
Article VII Allocation of Diverted Flow of Truckee River after Operative Date of this Agreement	(Heading Only)
(A) Allocation	Incorporated into TROA by reference and superseded
(B) Priorities	Incorporated into TROA by reference and superseded
Article VIII Limitation of Area Irrigated within the Conservation District	Not affected by TROA
Article IX Releases and Diversions of Privately Owned Stored Water	For entities with Privately Owned Stored Water as defined in the Truckee River Agreement who became Signatory Parties to TROA, this Article is superseded by TROA. For entities with Privately Owned Stored Water as defined in the Truckee River Agreement who do not become Signatory Parties to TROA, this Article is not affected by TROA.
Article X Truckee River	Not affected by TROA

Truckee River Agreement Provision	Affected by Truckee River Operating Agreement
Final Decree	
Article XI Rights of the United States to use Water of Truckee River Upon Pyramid Lake Indian Reservation	Not affected by TROA
Article XII Withdrawal of protest against granting application Nos. 5169 and 6534 filed with California Division of Water Rights	Not affected by TROA
Article XIII Recognition of Right of Irrigation District to enlarge Truckee Canal to a capacity of 1200 cubic feet per second and to increase capacity of Lahonton Reservoir	Not affected by TROA
Article XIV Excuses for non-performance and delay in performance	Not affected by TROA
Article XV 1915 Decree not to be affected by this Agreement	Not affected by TROA
Article XVI Agreement between United States and Irrigation District dated December 18, 1926, to remain in effect	Not affected by TROA
Article XVII Provisions of this Agreement not to limit or affect rights of Power Company to use Waters of Lake Tahoe and/or Truckee River for generation of electric power	Superseded by TROA
Article XVIII Provisions Relative to the appointment of Water Administrator and to compilation of data	(Heading Only)

Truckee River Agreement Provision	Affected by Truckee River Operating Agreement
(A) Appointment of Water Administrator	Superseded by TROA
(B) Compilation of Data	Superseded by TROA
Article XIX Method of giving notice or making request	To the extent that the portions of the Truckee River Agreement not affected by TROA require notice, this provision for notice is not affected by TROA. To the extent the provisions of the Truckee River Agreement superseded by TROA require the giving of notice, this provision is superseded by TROA
Article XX Provisions relative to time when and conditions under which Agreement becomes operative	(Heading Only)
(A) Time when Article I Paragraphs (A) and (B) and subparagraph (1) of Paragraph (D) of Article II and Article XIV of this Agreement become effective	To the extent that portions of the Truckee River Agreement are not affected by TROA, this provision concerning when they became operative is not affected by TROA.
(B) Time when remaining provisions of this agreement become operative.	To the extent that portions of the Truckee River Agreement are not affected by TROA, this provision concerning when they became operative is not affected by TROA.
Article XXI Provisions of Agreement to apply to and bind heirs, administrators, successors and assigns of parties	To the extent that portions of the Truckee River Agreement are not affected by TROA, this provision concerning successors is not affected by TROA.
Article XXII Obligations of parties to this Agreement is several	To the extent that portions of the Truckee River Agreement are not affected by TROA, this provision concerning several obligations is not affected by TROA.

Truckee River Agreement Provision	Affected by Truckee River Operating Agreement
Article XXIII Privately Owned Stored Water	For entities with Privately Owned Stored Water as defined in the Truckee River Agreement who become Signatory Parties to TROA, this Article is superseded by TROA. For entities with Privately Owned Stored Water as defined in the Truckee River Agreement who do not become Signatory Parties to TROA, this Article is not affected by TROA.
Article XXIV Rights of Non-Signors of Agreement not to be affected hereby	To the extent that portions of the Truckee River Agreement are not affected by TROA, this provision concerning the rights of non-signers is not affected by TROA.
Article XXV Miscellaneous	
(A) Good faith cooperation	To the extent that portions of the Truckee River Agreement are not affected by TROA, this provision is not affected by TROA.
(B) Right to Acquire Additional Water under applicable law	Not affected by TROA
(C) Power Company change in point of diversion of Highland Ditch	Not affected by TROA
(D) "Flow" and "Rate of Flow"	Not affected by TROA
(E) Capacity of one foot of depth in Lake Tahoe	Not affected by TROA
(F) Lake Tahoe Datum	Not affected by TROA
(G) (1) Non-Disruption of Bed and Banks of Lake Tahoe and Truckee River at Tahoe Dam	Not affected by TROA.
(G)(2) Non-Creation of Additional Lake Tahoe Outlets	Not affected by TROA
(G)(3) Pumping Lake Tahoe	Superseded by TROA
Article XXVI Execution of Agreement in Counterparts	Not affected by TROA

Truckee River Agreement Provision	Affected by Truckee River Operating Agreement
Article XXVII Irrigation District Contract authorized by election and confirmed by Court	Not affected by TROA
Article XXVIII Member of Congress Clause	Not affected by TROA