



State Water Resources Control Board

September 25, 2012

ELECTRONIC MAIL

To: Enclosed Service List

Ladies and Gentlemen:

PROPOSED REVISIONS TO JULY 18, 2012 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

The State Water Resources Control Board (State Water Board or Board) will consider adopting the enclosed revised draft decision at the State Water Board meeting tentatively scheduled for **Tuesday, October 16, 2012, in the Coastal Hearing Room on the second floor of the Cal/EPA Headquarters Building at 1001 I Street in Sacramento.** The State Water Board will issue a public notice of the meeting at least ten days in advance.

Interested persons may comment on the draft decision. The draft decision has already been circulated for public comment; accordingly, oral and written comments must be limited to the strikeout/underline text made to the revised draft decision.

In order to be fully considered at the Board meeting, written comments must be received by **noon on Monday, October 8, 2012.** 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.

At the Board meeting, the public will have a brief opportunity to comment on the revisions to the draft decision. Oral comments on agenda items will be limited to **5 minutes** or otherwise at the discretion of the Board Chair. Parties may not introduce evidence at the Board meeting.

A summary of the proposed revisions follows:

1. *Place of Use Map.* The revised draft decision approves the place of use as shown on the most recent version of Map No. 320-208-189A-1. Section 5.5.2 of the July 18, 2012 draft decision, which disapproved certain changes to portions of the place of use, has

been deleted in its entirety and the sections have been renumbered accordingly. Other revisions have been made to the draft decision and permit and license terms consistent with the Board's approval.

2. *Place of Use Irrigated Acreage Amount.* The revised draft decision approves a net irrigated acreage amount of 26,800 acres in the Truckee Meadows area for Permit 11605, License 4196, License 10180, and permits issued pursuant to Application 31487 and Application 31488. The maximum net irrigated acreage amount authorized under License 3723 for the Truckee Meadows area— 29,000 acres—is not reduced. The permits and licenses have been revised accordingly.
3. *Urban Water Management Plan Requirement.* This requirement has been removed from the revised draft decision and the permits and licenses.
4. *Farad Diversion Dam Flow Requirement.* The revised draft decision continues to require compliance with the Farad bypass flow requirement, but the permit and license terms have been clarified as to its applicability.
5. *Stampede Reservoir Minimum Release Condition.* The revised draft decision continues to require compliance with the Stampede Reservoir instream flow condition, but the term has been revised so that it does not apply to water collected to storage in other reservoirs and subsequently transferred to Stampede Reservoir. Reclamation will be required to maintain of an account of water stored in, and transferred to, Stampede Reservoir.
6. *Interstate Compact Terms.* Permit and license terms that were intended to address the appropriation and use of water in the Truckee River basin pending the implementation of a Congressionally-approved interstate compact have been either removed or modified to refer to Truckee-Carson-Pyramid Lake Water Rights Settlement Act.
7. *Outlet Pipe Maintenance Requirement Term.* This term has been revised to require each permittee or licensee to maintain the existing outlet pipe for its reservoir, but the term does not require a permittee or licensee to maintain the existing outlet pipe at a reservoir that the permittee or licensee does not own. No water shall be diverted or rediverted at another reservoir, however, if that reservoir's outlet pipe is not in working order.
8. *Non-substantive Changes.* Revisions have been made for purposes of clarification and to correct typographical errors. The revised draft decision now also contains a Table of Contents.

A copy of the revised 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.

Written comments are to be addressed and submitted to:

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

You may also submit your comments to Ms. Townsend by fax at (916) 341-5620, by email at commentletters@waterboards.ca.gov, or by hand delivery to the following 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 – 10/16/12 BOARD MEETING: Truckee River Decision.**" Any faxed or emailed items must be followed by a mailed or delivered hard copy with an original signature.

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

Sincerely,



Michael Buckman, Chief
Hearings Unit

Enclosures: Truckee River Hearing Service List (Updated September 25, 2012)
Revised Draft Decision
Revised Draft Permits for Applications 31487 and 31488
Revised Draft Amended Permit 11605 (Application 15673)
Revised Draft Amended Licenses 3723 (Application 5169), 4196 (Application 9247); and 10180 (Application 18006)

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

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

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

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

CALIFORNIA DEPT. OF FISH & GAME

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