

**10/16/12 BD MEETING – ITEM #12
CHANGE SHEET #1 (CIRCULATED 10/12/12)**

State Water Board staff recommends the following changes to the September 25, 2012 Revised Draft Truckee River Decision. Page numbers refer to the pages in the September 25 version of the revised draft decision. For ease of reference, however, the strikeout/underline changes in the September 25 version have been accepted and only changes proposed in this Change Sheet are now shown in strikeout/underline.

1. On page 7 of the Draft Decision, change the first sentence in the last paragraph as follows:

In 1959 the United States, TCID, the Conservation District, and **Sierra Pacific Power Company** entered into the Tahoe-Prosser Exchange Agreement.

2. On page 69 of the Draft Decision, add the following after the last sentence in the last paragraph:

... Thus, we will condition the permits and licenses to which the points of diversion and rediversion are added to ensure that the existing instream flow requirements for Stampede Reservoir and the Farad Diversion Dam Replacement Project⁴⁹ are met. **In addition, the State Water Board will condition the rediversion of water at the Farad Diversion Dam under all permits and licenses except License 4196 on a showing that the permittee or licensee has access to or control over the water sought to be rediverted at the dam. (See State Water Board Decision 1635 (1996), pp. 29-30 [legal requirement requiring physical control over water may be met through agreement or other means in order to divert water at diversion works possessed by another].)**

3. On pages 83, 85, and 90 of the Draft Decision, change ordering conditions 16, 24, and 35 as follows:

~~**No water shall be rediverted at the Farad Diversion Dam, except in compliance with the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project.**~~ **To ensure that the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project is met, no water shall be rediverted at the Farad Diversion Dam unless 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, is met in the operation area, or the applicable bypass flow as it may be revised in the water quality certification for the project is met.** Further, no water shall be rediverted at the Farad Diversion Dam unless (1) permittee has submitted information to the Deputy Director for Water Rights demonstrating that the permittee has acquired access to redivert water or made arrangements with TMWA to divert water on

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permittee's behalf consistent with the terms and conditions of this permit, and (2) the Deputy Director for Water Rights advises the permittee that it has made a satisfactory demonstration.

4. On pages 91 and 97 of the Draft Decision, change ordering conditions 42 and 63, as follows:

~~No water shall be rediverted at the Farad Diversion Dam, except in compliance with the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project. To ensure that the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project is met, no water shall be rediverted at the Farad Diversion Dam unless 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, is met in the operation area, or the applicable bypass flow as it may be revised in the water quality certification for the project is met.~~ Further, no water shall be rediverted at the Farad Diversion Dam unless (1) licensee has submitted information to the Deputy Director for Water Rights demonstrating that the licensee has acquired access to redivert water or made arrangements with TMWA to divert water on licensee's behalf consistent with the terms and conditions of this license, and (2) the Deputy Director for Water Rights advises the licensee that it has made a satisfactory demonstration.

5. On pages 83, 89-90, and 94-95 of the Draft Decision, change the following sentence in the last paragraph of ordering conditions 15, 34, and 53 as follows:

This condition does not require ~~at or from Stampede Reservoir: (a) a release of water collected to storage in other reservoirs under licenses or permits other than Permit 11605 or the permit issued pursuant to Application 31487 and subsequently transferred to Stampede Reservoir; or (b) a bypass or release of water that could have been collected to storage in Independence Lake but that is instead initially collected to storage in Stampede Reservoir under License 4196 a bypass or release of water collected to storage in other reservoirs and subsequently transferred to Stampede Reservoir.~~

6. Although not included within the Draft Decision, staff has also corrected the two Point of Rediversion descriptions in draft amended License 3723 and draft Permit ##### (Application 31487) as noted in the Petitioners' October 5, 2012 comment letter.
7. In addition, formatting, clerical, and typographical corrections may be made to the decision that are not identified here.