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State Water Resources Control Board

Division of Water Rights
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Arnold Schwarzenegger
Governor

NOTICE OF PETITIONS TO CHANGE A TERM, THE PLACE OF USE, PURPOSE OF USE, POINTS OF DIVERSION, POINTS OF REDIVERSION, REDISTRIBUTION OF STORAGE AND PETITIONS FOR EXTENSION OF TIME FOR

	APPLICATION	STREAM SYSTEM	CALIFORNIA COUNTY	PETITION FILED:
LICENSE 3723	5169	Little Truckee	Nevada	December 23, 2003
LICENSE 4196	9247	Little Truckee	Sierra & Nevada	December 23, 2003
PERMIT 11605	15673 (Time Extensions)	Little Truckee	Sierra	December 23, 2003 November 1, 1992 October 24, 2006
LICENSE 10180	18006	Prosser Creek	Nevada	December 23, 2003

NOTICE OF APPLICATIONS TO APPROPRIATE WATER BY PERMIT

	APPLICATION	STREAM SYSTEM	CALIFORNIA COUNTY	DATE FILED:
APPLICATION:	31487	Little Truckee	Nevada & Sierra	January 8, 2004
APPLICATION:	31488	Prosser Creek	Nevada	January 8, 2004

Notice is hereby given that the United States Department of Interior, Bureau of Reclamation, Truckee Meadows Water Authority (TWMA), and Washoe County Water Conservation District have filed petitions to change the place of use, purpose of use, points of diversion, points of rediversion, and redistribution of storage for:

- License 3723 (Boca Reservoir) held by the Washoe County Water Conservation District. Water is diverted to Boca Reservoir in Nevada County, California, from the Little Truckee River, which is tributary to the Truckee River.
- Permit 11605 (Stampede Reservoir) held by the Bureau of Reclamation. Water is diverted to Stampede Reservoir in Sierra County, California, from the Little Truckee River, which is tributary to the Truckee River.
- License 4196 (Independence Lake) held by TMWA. Water impounded by Independence Dam is diverted from Independence Lake in Nevada and Sierra Counties, California, which is tributary to Independence Creek thence Little Truckee River thence the Truckee River.
- License 10180 (Prosser Creek Reservoir) held by the Bureau of Reclamation. Water is diverted to Prosser Creek Reservoir in Nevada County, from Prosser Creek, which is tributary to the Truckee River.

As part of the Bureau of Reclamation's petition to change License 10180, it also seeks to change a term of that license. In addition, the Bureau of Reclamation filed two petitions for an extension of time for Permit 11605.

Notice is also given that Bureau of Reclamation has filed Application 31487 for a water right permit to divert water from Little Truckee River tributary to Truckee River in Sierra and Nevada Counties, and Application 31488 for a water right permit to divert water from Prosser Creek tributary to Truckee River in Nevada County. The two applications, the four petitions for change, and the two

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LICENSE 3723, 9247, 10180, AND PERMIT 11605
APPLICATIONS 31487, 31488

time extension petitions will be treated as one project. Because implementation of the changes proposed in these petitions is predicated on the approval and implementation of the Truckee River Operating Agreement (TROA), the petitioners request that any order by the State Water Resources Control Board (State Water Board) approving the petitions include the following condition:

These changes will not take effect unless the Truckee River Operating Agreement is in effect. All diversions, storage, use of water and operations under these licenses and permit shall be in accordance with the terms contained in this license/permit and the provisions of the Truckee River Operating Agreement.

The Bureau of Reclamation requests that any order approving the water right applications contain a similar condition applicable to the permits it seeks.

The State Water Board will determine whether water right permits should be issued for the two applications and whether the change and time extension petitions should be approved, and if so, whether the permits and licenses should be conditioned to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed project (see below, under "Environmental Information") and also describes the procedure and time frame for submittal of protests against the applications and petitions. This notice, the petitions, and applications may be viewed at the Division of Water Rights (Division) website at www.waterrights.ca.gov.

All communication regarding the State Water Board's processing of the petitions and applications should be directed to the State Water Board, at the contact listed at the end of this notice. Other communications, however, should be directed to the petitioners and applicants as follows: Any correspondence regarding the petitions should be directed to all of the petitioners at the addresses below. Any telephone communications regarding the petitions filed by the Bureau of Reclamation or Washoe County Water Conservation District should be directed to Martha Kaiser at (916) 978-5259. Martha Kaiser may also be reached via email at MKAISER@mp.usbr.gov. Any telephone communications regarding the TMWA petition should be directed to Marc Van Camp (MBK Engineers) at (916) 456-4400. Marc Van Camp may also be reached via email at vancamp@mbkengineers.com.

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US Bureau of Reclamation
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Carson City, NV 89701-4015
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Any correspondence regarding the applications or the time extension for Permit 11605 should be directed to the applicant at the following address:

Martha Kaiser
Mid-Pacific Region
US Bureau of Reclamation, (MP-440)
2800 Cottage Way
Sacramento, CA 95825
(916) 978-5259
MKAISER@mp.usbr.gov

General Description of Project

The Applicant and Petitioners filed two applications, four petitions for changes, and two time extensions to implement TROA. TROA was negotiated pursuant to Title II, Section 205(a) of Public Law 101-618, the Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The purpose of TROA is to improve operational flexibility and efficiency at Truckee River reservoirs while satisfying existing water rights, and to provide multiple benefits that include the following:

- Increase storage for municipal and industrial water supply for the Reno-Sparks area (Truckee Meadows), and the Truckee River Basin in California during drought conditions;
- Increase storage for municipal and industrial water supply for the City of Fernley, re-vegetation of former agricultural lands, and enhancement of water quality effluent-based wetlands near Fernley;
- Enhance conditions for cui-ui and Lahontan cutthroat trout, fish species federally listed as endangered and threatened, respectively;
- Enhance seasonal stream flows,
- Improve water quality in the Truckee River, and
- Maintain reservoir storage at levels to better serve recreational uses.

TROA establishes agreed-upon rules for accounting of water that is stored, released, exchanged, displaced, or spilled at Independence, Stampede, Boca and Prosser Creek Reservoirs. The TROA accounting rules will apply to the TROA parties or new parties storing water pursuant to the terms of TROA. These applications and petitions, and the changes they contain, will not become effective until TROA is approved and implemented.

The purpose of the two new applications is to allow use of the full capacity of the existing Stampede and Prosser Creek Reservoirs, and to allow a year-round diversion season. The four petitions for change to the four existing Truckee River Reservoirs and the two water right applications seek to include the same points of rediversion, redistribution of storage, places of use, and purposes of use, so that water can be exchanged, stored and diverted efficiently to implement TROA. The two time extensions for Permit 11605 (Stampede) seek time for the changes to be implemented and water to be put to full beneficial use. The implementation of the proposed changes requested and of the two new applications are predicated on the approval and implementation of TROA.

When TROA is implemented, all existing water rights will continue to be exercised according to their current priorities, and the Orr Ditch decreed water rights will continue to be exercised and protected.

Petitions to Change License 3723, Permit 11605, License 4196 and License 10180

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None of the existing points of diversion and rediversion, places of use, or purposes of use are to be eliminated. The petitions request (1) redistribution of storage within the four reservoirs (Boca, Independence, Stampede, and Prosser Creek); (2) the addition of points of diversion and rediversion; (3) enlarging the place of use to provide for a common place of use under the licenses and permit; and (4) the addition of purposes of use so that the licenses and permit have the same purposes of use, except for Independence Dam and Reservoir which is not used for flood control purposes.

This notice identifies the existing points of diversion and rediversion, the existing places of use, information on the storage quantity, and storage season authorized under the licenses and permit. This notice also identifies all points of diversion and rediversion, redistribution of storage, common place of use, and common purposes of use, which incorporate the proposed changes. Under these proposed changes there will be no change in the storage quantities or storage seasons.

Summary of License 3723 (Application 5169)
(Boca Dam and Reservoir)

County: Nevada
 Source: Little Truckee River tributary to the Truckee River
 Quantity: 40,850 acre-feet per annum (afa)
 Season: About October 1 to about July 1
 Purpose of Use: Irrigation and domestic

Existing Point of Diversion: Boca Dam, within SE ¼, SW ¼, of Section 21, T18N, R17E, MDB&M*

Existing Points of Rediversion for License 3723:

Table A – Existing Points of Rediversion – License 3723							
No.	Rediversion	Bearing	Distance (Feet)	Cor.	Sec.	Twp.	Range
1	Steamboat	N62°04'W	3195	SW	32	19N	18E
2	Coldron	S8°33'W	1520	NW	29	19N	18E
3	Verdi Power	N39°58'W	845	NW	29	19N	18E
4	Washoe Power	N87°35'W	2004	NW	15	19N	18E
5	Highland	N75°16'W	1650	NW	15	19N	18E
6	Hogan	S42°01'W	2485	NW	15	19N	18E
7	Mastin	S42°02'W	5808	NW	13	19N	18E
8	Last Chance	S24°26'W	1840	NW	13	19N	18E
9	Sparks-Capurro	S43°33'E	3750	NW	13	19N	18E
10	Irwin-Mayberry	S84°25'W	3375	NW	20	19N	19E
11-12	Lake Southside	N88°05'W	2620	NW	20	19N	19E
13	Orr with Ext.	N44°40'E	3211	NW	20	19N	19E
14	Indian Flat	N62°28'E	4335	NW	20	19N	19E
15	Reno Power	S26°30'W	1702	NW	15	19N	19E
16	Countryman	S79°15'W	695	NW	15	19N	19E

* All subsequent references to township and range contained in this notice are to Mount Diablo Base & Meridian (MDB&M).

Table A – Existing Points of Rediversion – License 3723 (continued)							
No.	Rediversion	Bearing	Distance (Feet)	Cor.	Sec.	Twp.	Range
17	Chism	S70°12'W	603	NW	15	19N	19E
18	English Mill	N61°02'W	2595	NW	14	19N	19E
19	Sullivan-Kelly	N60°00'E	3201	NW	14	19N	19E
20	Cochrane	N69°15'E	3640	NW	14	19N	19E
21	Scott Ranch	N64°28'E	5955	NW	14	19N	19E
22	Abbee	S10°05'W	7250	NE	1	19N	19E
23	Perry	S4°30'W	6620	NE	1	19N	19E
24	Eastman	S44°40'W	3108	NE	7	19N	20E
25	North Truckee	S39°28'W	3015	NE	7	19N	20E
26	Sessions	S36°10'W	3030	NE	7	19N	20E
27	Pioneer	S3°25'W	4795	NE	7	19N	20E
28	Stevens	S21°00'E	5405	NE	7	19N	20E
29	Glendale	S22°29'E	5760	NE	7	19N	20E
30	S. Largomarsino	S42°45'W	3918	NE	18	19N	21E
31	N. Largomarsino	S21°30'W	3602	NE	18	19N	21E
32	Groton	N5°50'W	1550	NE	20	19N	21E
33	Sheep Ranch	N17°28'E	2475	NE	20	19N	21E

Existing Place of Use:

Existing place of use authorized under License 3723 within the Washoe County Water Conservation District's service area is located within the following townships and ranges in the State of Nevada:

Township	Range
18N	19E, 20E
19N	18E, 19E, 20E, 21E
20N	19E, 20E

Summary of License 4196 (Application 9247)
(Independence Dam and Reservoir)

Counties: Nevada and Sierra
 Source: Independence Creek tributary to Little Truckee River thence Truckee River
 Quantity: 17,500 afa
 Season: About December 1 to about July 1
 Purpose of Use: Municipal

Existing Point of Diversion: Independence Dam, being N5°45'E-1864.7 feet from SW corner of Section 35, being within Lot 1, Section 35, T19N, R15E

Existing Points of Rediversion:

Existing Points of rediversion authorized in License 4196 for municipal use are:

Table B – Existing Points of Rediversion for License 4196
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Diversion Facility/Treatment Plant	40 Ac. Tract	Section	Township	Range
Steamboat Ditch (Steamboat Canal)	NW ¼ SE ¼	31	19N	18E
Highland Ditch	SW ¼ SE ¼	9	19N	18E
Reno Plant (Idlewild) Ditch – Reno Power Plant & Ditch	SE ¼ NE ¼	16	19N	19E

Existing Place of Use:

The existing place of use authorized under License 4196 includes lands within Township 19N, Ranges 19E and 20E.

Summary of Permit 11605 (Application 15673)
(Stampede Dam and Reservoir)

County: Sierra
 Source: Little Truckee River tributary to the Truckee River
 Quantity: 126,000 acre-feet
 Diversion: Rate: 350 cubic feet per second (cfs)
 Season: January 1 through December 31 for storage and about April 1 through about November 1 for direct diversion
 Purpose of Use: Irrigation, domestic, municipal, industrial, flood control, fish culture, and recreation

Limitation: 126,000 acre-feet per year to storage

Existing Point of Diversion: Stampede Dam. Within NW ¼, NW ¼ Section 28, T19N, R17E.

Existing Points of Rediversion:

Existing points of rediversion authorized under Permit 11605 are for:

Truckee Meadows area and numerous points between the following locations:

- a) 1520 feet S8°33'W from NW corner, Sec. 29, T19N, R18E
- b) 5760 feet S22°29'E from NE corner, Sec. 7, T19N, R20E

Newlands Project area and numerous points between Carson Diversion Dam and Sagouspe Diversion Dam, such as Coleman Diversion Dam and others:

- c) Derby Dam – 2725 feet N32°45'E from SW corner, Sec. 19, T20N, R23E
- d) Lahontan Dam - 3850 feet N82°45'E from SW corner, Sec. 33, T19N, R26E
- e) Carson Diversion Dam - 1885 feet N56°30'W from SE corner, Sec. 19, T19N, R27E
- f) Sagouspe Diversion Dam - 3620 feet N43°00'E from SW corner, Sec. 4, T19N, R29E

Existing Place of Use:

The existing place of use authorized under Permit 11605 is as follows:

Truckee Meadows – 26,800 acres within a gross area of 36,340 acres within the following townships and ranges within the State of Nevada.

Township	Range
18N	18E, 19E, 20E, 21E

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19N	18E, 19E, 20E, 21E
20N	18E, 19E, 20E, 21E

Newlands Project – 70,000 acres within a gross area of 107,140 acres within the following townships and ranges within the State of Nevada.

Township	Range
17N	24E, 25E, 26E, 27E, 28E, 29E, 30E, 31E
18N	24E, 25E, 26E, 27E, 28E, 29E, 30E, 31E
19N	24E, 25E, 26E, 27E, 28E, 29E, 30E, 31E
20N	24E, 25E, 26E, 27E, 28E, 29E, 30E, 31E

Summary of License 10180 (Application 18006)
(Prosser Creek Dam and Reservoir)

County: Nevada

Source: Prosser Creek tributary to Truckee River

Quantity: 30,000 afa

Season: April 10 to August 10

Purpose of Use: Domestic, municipal, industrial, irrigation, fish culture, and recreation.

Maximum Withdrawal: Maximum withdrawal in any one year is 20,162 acre-feet

Existing Point of Diversion: Prosser Creek Dam, within NW ¼ of SW ¼ of Section 30,
T18N, R17E

Existing Points of Rediversion:

Existing points of rediversion authorized under License 10180 are:

Truckee Meadows area and numerous points between the following locations:

- a) 1520 feet S8°33'W from NW corner, Sec. 29, T19N, R18E
- b) 5760 feet S22°29'E from NE corner, Sec. 7, T19N, R20E

Newlands Project area and numerous points between Carson Diversion Dam and Sagouspe Diversion Dam, such as Coleman Diversion Dam:

- c) Derby Dam – 2725 feet N32°45'E from SW corner, Sec. 19, T20N, R23E
- d) Lahontan Dam - 3850 feet N82°45'E from SW corner, Sec. 33, T19N, R26E
- e) Carson Diversion Dam - 1885 feet N56°30'W from SE corner, Sec. 19, T19N, R27E
- f) Sagouspe Diversion Dam - 3620 feet N43°00'E from SW corner, Sec. 4, T19N, R29E

Existing Place of Use:

The existing place of use authorized under License 10180 includes 82,000 net acres within 143,480 gross acres, all within the Truckee Meadows and Newlands Project.

Truckee Meadows – 26,800 acres within a gross area of 36,340 acres within the following townships and ranges within the State of Nevada.

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Township	Range
18N	18E, 19E, 20E, 21E
19N	18E, 19E, 20E, 21E
20N	18E, 19E, 20E, 21E

Newlands Project – 70,000 acres within a gross area of 107,140 acres within the following townships and ranges within the State of Nevada.

Township	Range
17N	24E, 25E, 26E, 27E, 28E, 29E, 30E, 31E
18N	24E, 25E, 26E, 27E, 28E, 29E, 30E, 31E
19N	24E, 25E, 26E, 27E, 28E, 29E, 30,E 31E
20N	24E, 25E, 26E, 27E, 28E, 29E, 30E, 31E

Changes Proposed by Petitions

Four petitions have been filed to change the licenses and permit for the purpose of accommodating implementation of the provisions of TROA. To accomplish this, the Petitioners request that additional points of diversion, redistribution, and rediversion be added. In addition, the Petitioners request that these licenses and permit have a common place of use and common purposes of use, with the exception that Independence Dam and Reservoir (License 4196) does not have flood control as a purpose of use. In addition, the Bureau of Reclamation requests that a permit term be eliminated in License 10180 and replaced by operating criteria provided in TROA. And finally, the Bureau of Reclamation filed two time extensions for Permit 11605, and ultimately seeks to extend the time to complete beneficial use of water to the year 2012.

The changes described in the petitions would result in the following points of diversion, redistribution, rediversion, places of use, and purposes of use for License 3723, License 4196, Permit 11605, and changes in the following points of rediversion, places of use, and purposes of use for License 10180:

Proposed Points of Diversion, Redistribution¹, and Rediversion

Points of diversion, redistribution, and rediversion under License 3723, License 4196, and Permit 11605 will be as follows

Proposed Changes to License 3723 - Boca Dam. The existing point of diversion is within SE ¼, SW ¼ Section 21, T18N, R17E under License 3723 (Boca Dam). The Petitioners request that Stampede Dam be added as upstream point of diversion, rediversion and redistribution to storage, and Independence Dam be added as an upstream point of diversion and redistribution of storage for License 3723.

Proposed Changes to Permit 11605 - Stampede Dam. The existing point of diversion is within NW ¼ NW ¼ Section 28, T19N, R17E under Permit 11605 (Stampede Dam). The Petitioners request that a point of rediversion and redistribution of storage be added to Stampede Dam; Independence Dam be added as an upstream point of diversion and redistribution of storage;

¹ Redistribution as used in this petition means that a quantity of water, which would have been or is physically stored in a reservoir under this license (permit) may be stored in another reservoir under this license (permit).

and that Boca Dam be added as a downstream point of diversion, rediversion and redistribution of storage for Permit 11605.

Proposed Changes to License 4196 - Independence Dam. The existing point of diversion is within Lot 1 Section 35, T19N, R15E under License 4196 (Independence Dam). The Petitioners request a point of rediversion and redistribution of storage be added to Independence Dam; and that Boca Dam and Stampede Dam be added as downstream points of diversion, rediversion and redistribution to storage for License 4196.

Point of diversion under License 10180 will be as follows:

Proposed Changes to License 10180 - Prosser Creek Dam. The existing point of diversion is within NW ¼ of SW ¼ of said Section 30, T18N, R17E under License 10180 (Prosser Dam).

Points of Rediversion for the three licenses and permit:²

Points of rediversion under License 3723, License 4196, License 10180, and Permit 11605 will be as follows:

Table C – Common Points of Rediversion for Licenses, Permit and Applications				
Diversion Facility/Treatment Plant	40 Ac. Tract	Section	Township	Range
Farad Power Flume	S½ Lot 6 NW ¼	30	18N	18E
Fleish Power Ditch & Flume	SE ¼	6	18N	18E
Steamboat Canal	NE ¼ SW ¼	31	19N	18E
Coldron Ditch	SE ¼ NE ¼	30	19N	18E
Verdi Power Ditch & Flume	SE ¼ SE ¼	19	19N	18E
Katz Ditch	SE ¼ SE ¼	19	19N	18E
Washoe Power Ditch & Flume	NW ¼ NE ¼	16	19N	18E
Hogan Ditch	SW ¼ NE ¼	16	19N	18E
Highland Ditch	SW ¼ SE ¼	9	19N	18E
Mastin Ditch	SE ¼ SW ¼	14	19N	18E
Last Chance Ditch	SE ¼ NE ¼	14	19N	18E
Sparks-Capurro Ditch	NW ¼ SE ¼	13	19N	18E
Irwin-Mayberry Ditch	NE ¼ NW ¼	19	19N	19E
Lake Ditch (Lake Southside)	NE ¼ NW ¼	19	19N	19E
South Side Canal	NE ¼ SW ¼	17	19N	19E
Orr Ditch, Orr Extension & Spanish Spring Valley Ditch	NE ¼ SW ¼	17	19N	19E
Indian Flat Ditch	NE ¼ SE ¼	17	19N	19E
Orr Ditch Pump Station	NE ¼ SE ¼	17	19N	19E
Reno Power Ditch & Flume	SE ¼ NE ¼	16	19N	19E
Countryman Ditch	NE ¼ NE ¼	16	19N	19E
Chism Ditch	NE ¼ NE ¼	16	19N	19E
Hayden Ditch or Court Ditch	SE ¼ SE ¼	10	19N	19E
English Mill Ditch & English Mill Tailrace Ditch	NW ¼ SE ¼	10	19N	19E

² Some of the points of rediversion are identified in the U.S. v. Orr Water Ditch Company et al. (U.S. D. Ct. NV. 1944) but may not currently be in use.

Table C – Common Points of Rediversion for Licenses, Permit and Applications (cont'd)				
Diversion Facility/Treatment Plant	40 Ac. Tract	Section	Township	Range
Idlewild Pump Station	SE ¼ SE ¼	10	19N	19E
Sullivan & Kelly Ditch	NW ¼ SE ¼	11	19N	19E
Cochran Ditch	NW ¼ SE ¼	11	19N	19E
Riverside Mill Ditch & Flume (Claim #10)	NW ¼ SE ¼	11	19N	19E
Scott Ranch Ditch	SW ¼ NW ¼	12	19N	19E
Abbee Ditch	SE ¼ NE ¼	12	19N	19E
Perry Ditch	SE ¼ NE ¼	12	19N	19E
Eastman Ditch	SW ¼ NE ¼	7	19N	20E
No. Truckee Ditch (Glendale Plant)	SW ¼ NE ¼	7	19N	20E
Sessions Ditch	SW ¼ NE ¼	7	19N	20E
Pioneer Ditch	SE ¼ SE ¼	7	19N	20E
Stephens Ditch (Stevens)	SE ¼ SW ¼	8	19N	20E
Glendale Ditch	SE ¼ SW ¼	8	19N	20E
Hidden Valley Induction Well #4	SW ¼ NW ¼	16	19N	20E
Largomarsino-Murphy Ditch (S. Largomarsino)	NW ¼ SE ¼	18	19N	21E
Largomarsino-Noce Ditch (N. Largomarsino)	NE ¼ SE ¼	18	19N	21E
Groton Ditch	NE ¼ SE ¼	17	19N	21E
Sheep Ranch Ditch	NW ¼ SW ¼	16	19N	21E
McCarran North Side Ditch	NE ¼ NW ¼	11	19N	21E
McCarran South Side Ditch	SW ¼ NW ¼	1	19N	21E
Old Ditch	NW ¼ NE ¼	6	19N	22E
Hill Ditch	NW ¼ NE ¼	32	20N	22E
Tracy Power Plant	SE ¼ SW ¼	28	20N	23E
Derby Dam & Truckee Canal	SW ¼	19	20N	23E
Preston Ditch	SE ¼ NW ¼	20	20N	23E
Washburn Ditch	SE ¼ NW ¼	22	20N	23E
Gregory Ditch	SE ¼ SE ¼	14	20N	23E
Wadsworth Power Ditch	NW ¼ SW ¼	13	20N	23E
Herman Ditch	NW ¼ NW ¼	17	20N	24E
Pierson Ditch	NW ¼ SW ¼	9	20N	24E
Fernley	SE ¼ NW ¼	9	20N	24E
Olinghouse No. 1 Ditch	NW ¼ NE ¼	9	20N	24E
Proctor Ditch	SW ¼ NW ¼	3	20N	24E
Fellnagle Ditch	NW ¼ SE ¼	33	21N	24E
Olinghouse No. 2 Ditch	SW ¼ SE ¼	22	21N	24E
Gardella Ditch	NW ¼ SE ¼	22	21N	24E
Olinghouse No. 3 Ditch	SW ¼ NW ¼	15	21N	24E
Indian Ditch (Nixon Ditch)	SW ¼ NE ¼	12	22N	23E

The following existing points of rediversion authorized under License 10180 and Permit 11605 are to be retained:

Truckee Meadows area including numerous points between the following locations:

- a) 1520 feet S8°33'W from NW corner, Sec. 29, T19N, R18E
- b) 5760 feet S22°29'E from NE corner, Sec. 7, T19N, R20E

Newlands Project area including numerous points between Carson Diversion Dam and Sagouspe Diversion Dam, such as Coleman Diversion Dam:

- c) Derby Dam – 2725 feet N32°45'E from SW corner, Sec. 19, T20N, R23E
- d) Lahontan Dam - 3850 feet N82°45'E from SW corner, Sec. 33, T19N, R26E
- e) Carson Diversion Dam - 1885 feet N56°30'W from SE corner, Sec. 19, T19N, R27E
- f) Sagouspe Diversion Dam - 3620 feet N43°00'E from SW corner, Sec. 4, T19N, R29E

Expanded Place of Use:

The following describes the proposed expanded place of use, including the existing place of use, of License 3723 (A5169), Permit 11605 (A15673), License 4169 (A9247), and License 10180 (A18006), and common Place of Use for new applications A031487 and A031488:

Township	Range
13N	17E, 18E
14N	16E, 17E, 18E
15N	16E, 17E, 18E
16N	16E, 17E, 18E
17N	15E, 16E, 17E, 18E, 19E, 20E, 24E, 25E, 26E, 27E, 28E, 29E, 30E, 31E
18N	14E, 15E, 16E, 17E, 18E, 19E, 20E, 21E, 24E, 25E, 26E, 27E, 28E, 29E, 30E, 31E
19N	14E, 15E, 16E, 17E, 18E, 19E, 20E, 21E, 22E, 23E, 24E, 25E, 26E, 27E, 28E 29E 30E, 31E
20N	18E, 19E, 20E, 21E, 22E, 23E, 24E, 25E, 26E, 27E, 28E, 29E, 30E, 31E, 32E
21N	18E, 19E, 20E, 21E, 22E, 23E, 24E, 25E, 26E, 29E 30E, 31E, 32E
22N	20E, 21E, 22E, 23E, 24E
23N	20E, 21E, 22E, 23E, 24E
24N	20E, 21E, 22E, 23E, 24E
25N	20E, 21E, 22E, 23E, 24E
26N	20E, 21E, 22E, 23E, 24E
27N	20E, 21E, 22E, 23E, 24E
28N	23E, 24E

Power use will be authorized at the following power plants under License 3723, License 4196, Permit 11605 and License 10180; however, under License 10180 Stampede power plant will be excluded.

Power Plant	Subdivision	Sec.	Township	Range
Stampede	SW ¼ NW ¼	28	19N	17E
Farad	SE ¼ SE ¼	12	18N	17E
Fleish	NE ¼ SE ¼	30	19N	18E
Verdi	NW ¼ SE ¼	8	19N	18E
Washoe	SW ¼ SW ¼	14	19N	18E

Purposes of Use:

The purposes of use are to be expanded to include the following to facilitate possible changes and exchanges permitted under TROA:

Table F – Common Purposes of Use for Licenses, Permit, and Applications
Municipal Domestic Industrial Irrigation Stockwatering Fish Culture Fish & Wildlife Protection/Enhancement (including wetlands) Power Instream Water Quality Enhancement Recreation Conservation of Pyramid Lake fishery (as provided in P.L. 101-618) Flood Control (except for Independence Reservoir, L4196)

Term to be Removed from License 10180 (Prosser Creek Reservoir):

The Petitioners request that the following term in License 10180 be removed and replaced by operating criteria provided in TROA:

The Licensee shall operate Prosser Creek Reservoir in coordination with releases of water from Lake Tahoe in the Truckee River in accordance with the operation schedule contained in the U.S. Bureau of Reclamation, Prosser Creek Reservoir Operation Study, January 14, 1958, and amended July 1, 1958, on file with the Board, or in accordance with any modified operation schedule that may be submitted by the Licensee, and approved by the State Water Resources Control Board after notice and opportunity to be heard has been given to all parties and other interested persons in this proceeding.

The Petitioners request that the following language be used:

The Licensee shall operate Prosser Creek Reservoir in accordance with the Truckee River Operating Agreement, which is on file with the State Water Resources Control Board.

Applications
Description of Application 31487 - Stampede Reservoir

Application 31487 has been filed for the purpose of accommodating implementation of the provisions of the Truckee River Operating Agreement (TROA). This application supplements Permit 11605 (Application 15673).

Application 31487 seeks to appropriate 350 cubic feet per second (cfs) by direct diversion from January 1 to December 31, and up to 226,500 afa by storage from January 1 to December 31. The maximum annual quantity to be appropriated by direct diversion or by storage under Application 31487 is 226,500 afa, in combination with Permit 11605. The maximum annual quantity of storage under this application and Permit 11605 is to be limited to 226,500 afa.

County: Nevada and Sierra Counties

Source of POD 1 and 2: Little Truckee River tributary to the Truckee River (Sierra and Nevada Counties)

Source of POD 3: Independence Lake tributary to Independence Creek thence the Little Truckee River thence the Truckee River

Point of Diversion: Stampede Dam (POD 1). Within NW ¼, NW ¼, Section 28, T19N, R17E.

Points of Diversion, Redistribution,³ and Rediversion:

Boca Dam (POD 2): Within SE ¼, SW ¼, Section 21, T18N, R17E. (Point of Diversion, Rediversion and Redistribution of Storage)

Independence Dam (POD 3). Within lot 1 Section 35, T19N, R15E. (Point of Diversion and Redistribution of Storage)

Points of Rediversion: Refer to Table C – Common Points of Rediversion for Licenses, Permit, and Applications for the purpose of accommodating implementation of the provisions of TROA.

Place of Use: Refer to Table D – Common Place of Use for Licenses, Permit, and Applications for the purpose of accommodating implementation of the provisions of TROA.

Power use will be at the following power plants: Common power use for Licenses, Permit, Application A031487 and Application 031488. Under License 10180 (Prosser Creek) and Application A031488 for Prosser Creek, the Stampede power plant is excluded.

Power Plant	Subdivision	Sec.	Township	Range
Stampede	SW ¼ NW ¼	28	19N	17E
Farad	SE ¼ SE ¼	12	18N	17E
Fleish	NE ¼ SE ¼	30	19N	18E
Verdi	NW ¼ SE ¼	8	19N	18E
Washoe	SW ¼ SW ¼	14	19N	18E

Purposes of Use: Refer to Table F – Common Purposes of Use for Licenses, Permit, and Applications for the purpose of accommodating implementation of the provisions of TROA.

Diversion Season

The requested season is January 1 through December 31 for both direct diversion and diversion to storage.

Description of Application 31488 - Prosser Creek Reservoir

Application 31488 has been filed for the purpose of accommodating implementation of the provisions of the Truckee River Operating Agreement (TROA). This application supplements License 10180 (Application 18006). This application seeks to increase the existing maximum withdrawal in any one year above the 20,162 acre-feet identified in License 10180 for Prosser Reservoir. In addition, the application seeks a storage season from October 1 to August 10, which will authorize storage beyond the April 10 to August 10 season authorized under License 10180.

³ Redistribution as used in this application means that a quantity of water which would have been or is physically stored in a reservoir under this license (permit) may be stored in another reservoir under this license (permit).

Application 31488 is for storage of 30,000 acre-feet in Prosser Reservoir. The maximum annual quantity of storage under this application and License 10810 is to be limited to 30,000 acre-feet. The storage season requested is October 1 to August 10.

County: Nevada

Source: Prosser Creek tributary to the Truckee River

Point of Diversion

Prosser Creek Dam – within NW ¼, SW ¼, of Section 30, T18N, R17E

Points of Rediversion: Refer to Table C – Common Points of Rediversion for Licenses, Permit, and Applications for the purpose of accommodating implementation of the provisions of TROA.

Place of Use: Refer to Table D – Common Place of Use for Licenses, Permit, and Applications for the purpose of accommodating implementation of the provisions of TROA.

Power use will be at the following power plants:

Power Plant	Subdivision	Sec.	Township	Range
Farad	SE ¼ SE ¼	12	18N	17E
Fleish	NE ¼ SE ¼	30	19N	18E
Verdi	NW ¼ SE ¼	8	19N	18E
Washoe	SW ¼ SW ¼	14	19N	18E

Purposes of Use: Refer to Table F – Common Purposes of Use for Licenses, Permit, and Applications for the purpose of accommodating implementation of the provisions of TROA.

Environmental Information

Summary

In August 2004, pursuant to the National Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA), the U.S. Department of the Interior (Interior) and California Department of Water Resources (CDWR), as co-lead agencies, jointly published a Revised Draft Environmental Impact Statement/Environmental Impact Report (revised DEIS/EIR) for the Draft TROA. TROA, if approved, will implement Section 205 (a) of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act of 1990, Title II of Public Law 101-618 (Settlement Act). The final EIS/EIR is expected to be released in mid to late 2007. The State Water Board may consider the final EIS/EIR in determining whether and how to approve the water rights applications and change petitions submitted to implement TROA. The draft TROA and the revised DEIS/EIR can be viewed at: <http://www.usbr.gov/mp/troa/> or http://cd.water.ca.gov/cnwa/troa_eir.cfm.

TROA Background

The revised DEIS/EIR has evaluated (1) TROA, the proposed action alternative, which is reservoir operations under the October 2003 Draft Agreement; (2) an alternative to the Draft Agreement, the Local Water Supply Alternative (LWSA); (3) a No Action Alternative (No Action); and (4) Current Conditions. The alternatives are based upon conditions assumed to exist in the study area when the annual demand for TMWA’s municipal and industrial (M&I) water in the Reno-Sparks metropolitan area (Truckee Meadows) is 119,000 acre-feet. Based on current population

projections, the 119,000 acre-foot demand is projected to occur in the year 2033. Current condition is based on year 2002 data. This document describes the status of study area resources and presents an evaluation of the potential effects of the alternatives on these resources. The study area includes the Lake Tahoe and Truckee River basins in northeastern California and northwestern Nevada, the Truckee Division of the Newlands Project, the Lahontan Reservoir, and the lower Carson River basin in northwestern Nevada. A Draft EIS/EIR based on an earlier draft agreement was prepared and released in February 1998. Since then, ongoing negotiations have substantially modified the proposed agreement, resulting in the need to prepare a revised draft EIS/EIR.

The proposed action is the signing, adoption, and implementation of the Agreement by the Secretary of the Interior (Secretary) and California, including promulgation of TROA as a Federal rule; changing of California water rights permits and licenses to allow water storage, changes, and exchanges provided for in the Agreement; and negotiating contracts with the owners of Credit Water created pursuant to the Agreement for storage of that water in Federal reservoirs.

The primary purpose of the proposed action is to implement Section 205(a) of Public Law (P.L.) 101-618, which directs the Secretary to negotiate an agreement with California and the State of Nevada (Nevada) to increase the operational flexibility and efficiency of certain reservoirs in the Lake Tahoe and Truckee River basins. The proposed action would provide additional opportunities to store water in existing reservoirs to meet future M&I demands in the Truckee Meadows during periods of drought, and enhance spawning flows in the lower Truckee River for the benefit of Pyramid Lake fishes (i.e., federally endangered cui-ui and threatened Lahontan cutthroat trout). In addition, it would satisfy all applicable dam safety and flood control requirements and ensure that water is stored in and released from Truckee River reservoirs to satisfy the exercise of Orr Ditch and Truckee River General Electric decreed water rights and minimize the Secretary's costs associated with operating and maintaining Stampede Reservoir. It would also increase recreational opportunities throughout the Truckee River basin, and improve water quality in the Truckee River.

The proposed action would satisfy the terms, conditions, and contingencies of the Preliminary Settlement Agreement as Modified by the Ratification Agreement (PSA) by changing the operation of Truckee River storage facilities and exercise of Truckee River water rights in order to improve spawning conditions for Pyramid Lake fishes and to provide water to serve Truckee Meadows during drought periods as required by Section 205(a) of Public Law (P.L.) 101-618. The PSA is a 1989 agreement between TMWA's predecessor, Sierra Pacific Power Company, and the Pyramid Lake Paiute Tribe (Pyramid Tribe). TROA's entry into effect would permit certain provisions of P.L. 101-618 to become effective, including the California-Nevada Interstate Allocation (§ 204 of P.L. 101-618) of waters of the Lake Tahoe and Truckee River basins, and the confirmation of the Alpine Decree as part of the interstate allocation for the Carson River basin.

A number of statutory and regulatory procedures must be completed before TROA can be implemented. The NEPA/CEQA process must be completed before any final Agreement can be approved by the Secretary and California. The other mandatory signatory parties – Nevada, Pyramid Tribe, and TMWA – must also approve TROA. To enter into effect, TROA must be promulgated as a Federal regulation and published in the Federal Register. TROA must also be submitted to the U.S. district courts that supervise and administer the Orr Ditch and Truckee River General Electric decrees for approval of any necessary modifications in the provisions of those decrees. The EIS/EIR will also satisfy NEPA/CEQA requirements for new storage contracts. As a responsible agency under CEQA, the State Water Board must consider the environmental effects identified in the final EIS/EIR in determining whether and how to approve any water rights applications or change petitions submitted pursuant to TROA.

If you are not filing a protest, but wish to submit information that indicates the project may cause a

significant effect on the environment, please send this information to Susan Wilson; SWRCB, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the State Water Board.

This notice covers various applications to appropriate water, petitions for change, and petitions for extension of time. The protest should specifically identify which application or petition is the subject of the protest.

All protests must clearly describe the objections to approval of the applications or petitions and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permits issued or petitions approved by the State Water Board are subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriations and proposed petitions would not be within the State Water Board's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation. For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts, supported by factual information, of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests should identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant/petitioners a duplicate copy of the protest.

If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional, statutory, or regulatory state law will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms which are available from the Division's website at www.waterrights.ca.gov/forms/ or upon request, in writing or by telephone, from the

Division. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the individual listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant or petitioner.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by close of business (5:00 P.M.) on, April 2, 2007, the **60th** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. Emailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or email the protest due to the constraints of the noticing period, the fax or email must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division in order for the protest to be accepted. The State Water Board will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the State Water Board may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The applicant or petitioner will have 30 days to respond to a protest once it is accepted by the Division. The protestant and the applicant or petitioner shall make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "major project" (the proposed diversion is greater than 3 cubic feet per second by direct diversion or greater than 200 acre-feet per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or petitioner or by provisions of section 1335 of the Water Code will be decided by the State Water Resources Control Board following an evidentiary hearing.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please leave a message for Susan Wilson by phone at (916) 341-5310 or by electronic mail at swilson@waterboards.ca.gov. Division staff will respond to the telephone and e-mail inquires in the order they are received. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **January 30, 2007**

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