



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 9247
Page 1 of 11

PERMIT 5392

LICENSE 4196

THIS IS TO CERTIFY, That

Truckee Meadows Water Authority
P.O. Box 30013
Reno, NV 89520

has the right to the use of the waters of **(1) Independence Creek and (2)(3) Little Truckee River** in **Nevada and Sierra Counties**

tributary to **(1) Little Truckee River and (2)(3) Truckee River thence Pyramid Lake**

for the purpose of **Municipal, Domestic, Industrial, Irrigation, Stockwatering, Fish Culture, Water Quality, Recreational, Wildlife Enhancement, and Incidental Power uses.**

This amended license is being issued in accordance with State Water Resources Control Board (State Water Board) Decision XXXX, adopted on XXXXXX. This amended license on **Application 9247** filed on **February 24, 1938** has been approved by the State Water Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions herein.

Amended License 4196 supersedes the license originally issued for Independence Lake on **March 21, 1956**, which was perfected in accordance with the laws of California, the Regulations of the State Water Board, or its predecessor, and the terms of **Permit 5392**. The priority of this right dates from **February 24, 1938**. Proof of maximum beneficial use of water under this license was made as of **October 15, 1954** (the date of inspection).

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **seventeen thousand, five hundred (17,500) acre-feet per annum to be collected in Independence Lake, Stampede Reservoir, and Boca Reservoir from about December 1 of each year to about July 1 of the succeeding year. The maximum withdrawal in any one year shall not exceed 17,500 acre-feet.**

The maximum amount of water collected to storage in Independence Lake, Stampede Reservoir, and Boca Reservoir under License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 11605 (Application 15673), Permit 18320 (Application 26273), and permit issued pursuant to Application 31487 shall not exceed a total of 284,850 acre-feet per year.

The capacities of Independence Lake, Stampede Reservoir, and Boca Reservoir covered by License 3723 (Application 5169), License 4196 (Application 9247), License 2607 (Application 9267), Permit 11605 (Application 15673), Permit 18320 (Application 26273), and permit issued pursuant to Application 31487 shall not exceed 17,500 acre-feet in Independence Lake, 226,500 acre-feet in Stampede Reservoir, and 41,100 acre-feet in Boca Reservoir.

This license does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

The numbering for the points of diversion, points of rediversion, and places of storage for License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permits issued pursuant to Application 31487 and Application 31488, are shown on the map [MAP NUMBER], dated [DATE], filed with the State Water Board.¹

THE POINT OF DIVERSION AND PLACE OF STORAGE ON INDEPENDENCE CREEK OF SUCH WATER IS LOCATED:

- (1) Independence Lake - By California Coordinate System of 1983, Zone 2, North 2,304,477 feet and East 7,096,882 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 35, T19N, R15E, MDB&M.

THE POINTS OF DIVERSION, POINTS OF REDIVERSION, AND PLACES OF STORAGE ON LITTLE TRUCKEE RIVER OF SUCH WATER ARE LOCATED:

- (2) Stampede Reservoir - By California Coordinate System of 1983, Zone 2, North 2,304,477 feet and East 7,096,882 feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 28, T19N, R17E, MDB&M.
- (3) Boca Reservoir - By California Coordinate System of 1983, Zone 2, North 2,273,334 feet and East 7,099,243 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, T18N, R17E, MDB&M.

THE POINTS OF REDIVERSION ON THE TRUCKEE RIVER OF SUCH WATER ARE LOCATED:

- (5) Farad Power Plant Ditch & Flume - By California Coordinate System of 1983, Zone 2, North 2,276,726 feet and East 7,119,940 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 30, T18N, R18E, MDB&M.
- (6) Fleish Power Plant Ditch & Flume - By California Coordinate System of 1983, Zone 2, North 2,297,211 feet and East 7,124,864 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6, T18N, R18E, MDB&M.
- (7) Steamboat Canal - By Nevada Coordinate System of 1983, West Zone, North 14,843,385 feet and East 2,223,994 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 31, T19N, R18E, MDB&M.
- (8) Coldron Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,850,973 feet and East 2,226,583 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 30, T19N, R18E, MDB&M.
- (9) Katz Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,853,083 feet and East 2,226,202 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T19N, R18E, MDB&M.
- (10) Verdi Power Plant, Ditch & Flume - By Nevada Coordinate System of 1983, West Zone, North 14,853,117 feet and East 2,226,229 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 19, T19N, R18E, MDB&M.
- (11) Washoe Power Plant Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,548 feet and East 2,235,859 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R18E, MDB&M.
- (12) Hogan Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,860,793 feet and East 2,236,229 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R18E, MDB&M.
- (13) Highland Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,059 feet and East 2,236,256 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9, T19N, R18E, MDB&M.

¹ Point of Diversion (4) is a point of diversion at Prosser Creek Dam, on Prosser Creek, for Amended License 10180 and the permit issued pursuant to Application 31488. It is, therefore, intentionally not included in this amended license.

- (14) Mastin Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,104 feet and East 2,244,534 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 14, T19N, R18E, MDB&M.
- (15) Last Chance Ditch - By Nevada Coordinate System of 1983, West Zone, 14,860,796 feet and East 2,247,614 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, T19N, R18E, MDB&M.
- (16) Sparks-Capurro Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,813 feet and East 2,250,976 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 13, T19N, R18E, MDB&M.
- (17) Irwin-Mayberry Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,856,488 feet and East 2,254,953 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, T19N, R19E, MDB&M.
- (18) Lake Ditch (Lake Southside) - By Nevada Coordinate System of 1983, West Zone, North 14,856,917 feet and East 2,255,686 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 19, T19N, R19E, MDB&M.
- (19) South Side Canal - By Nevada Coordinate System of 1983, West Zone, North 14,858,528 feet and East 2,259,680 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (20) Orr Ditch, Orr Extension & Spanish Spring Valley Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,198 feet and East 2,260,521 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (21) Indian Flat Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,946 feet and East 2,262,112 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (22) Orr Ditch Pump Station - By Nevada Coordinate System of 1983, West Zone, North 14,859,008 feet and East 2,262,704 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R19E, MDB&M.
- (23) Reno Power Ditch & Flume - By Nevada Coordinate System of 1983, West Zone, North 14,859,867 feet and East 2,267,642 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (24) Countryman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,075 feet and East 2,268,033 feet, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (25) Chism Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,003 feet and East 2,268,150 feet, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T19N, R19E, MDB&M.
- (26) English Mill Ditch & English Mill Tailrace Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,566 feet and East 2,271,673 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (27) Hayden Ditch or Court Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,824 feet and East 2,272,659 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (28) Idlewild Pump Station - By Nevada Coordinate System of 1983, West Zone, North 14,862,625 feet and East 2,273,168 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T19N, R19E, MDB&M.
- (29) Sullivan & Kelly Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,999 feet and East 2,276,707 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.
- (30) Cochran Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,863,699 feet and East 2,277,344 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.

- (31) Riverside Mill Ditch & Flume (Claim #10) - By Nevada Coordinate System of 1983, West Zone, North 14,864,144 feet and East 2,277,365 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11, T19N, R19E, MDB&M.
- (32) Scott Ranch Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,010 feet and East 2,279,290 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (33) Abbee Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,265 feet and East 2,283,562 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (34) Perry Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,298 feet and East 2,284,219 feet, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T19N, R19E, MDB&M.
- (35) Eastman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,286 feet and East 2,287,441 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (36) No. Truckee Ditch (Glendale Plant) - By Nevada Coordinate System of 1983, West Zone, North 14,865,173 feet and East 2,287,712 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (37) Sessions Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,865,057 feet and East 2,287,842 feet, being within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (38) Pioneer Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,744 feet and East 2,289,385 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, T19N, R20E, MDB&M.
- (39) Stephens Ditch (Stevens) - By Nevada Coordinate System of 1983, West Zone, North 14,862,524 feet and East 2,291,611 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, T19N, R20E, MDB&M.
- (40) Glendale Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,252 feet and East 2,291,882 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8, T19N, R20E, MDB&M.
- (41) Hidden Valley Induction Well #4 - By Nevada Coordinate System of 1983, West Zone, North 14,861,057 feet and East 2,295,828 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 16, T19N, R20E, MDB&M.
- (42) Largomarsino - Murphy Ditch (S. Largomarsino) - By Nevada Coordinate System of 1983, West Zone, North 14,858,576 feet and East 2,316,686 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, T19N, R21E, MDB&M.
- (43) Largomarsino - Noce Ditch (N. Largomarsino) - By Nevada Coordinate System of 1983, West Zone, North 14,858,813 feet and East 2,318,003 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, T19N, R21E, MDB&M.
- (44) Groton Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,858,234 feet and East 2,324,482 feet, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17, T19N, R21E, MDB&M.
- (45) Sheep Ranch Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,859,130 feet and East 2,325,476 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, T19N, R21E, MDB&M.
- (46) McCarran North Side Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,866,397 feet and East 2,338,153 feet, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11, T19N, R21E, MDB&M.
- (47) McCarran South Side Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,870,317 feet and East 2,342,460 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T19N, R21E, MDB&M.

- (48) Old Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,871,849 feet and East 2,349,880 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 6, T19N, R22E, MDB&M.
- (49) Hill Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,876,905 feet and East 2,354,774 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, T20N, R22E, MDB&M.
- (50) Tracy Power Plant - By Nevada Coordinate System of 1983, West Zone, North 14,877,698 feet and East 2,359,590 feet, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28, T20N, R23E, MDB&M.
- (51) Derby Dam & Truckee Canal - By Nevada Coordinate System of 1983, West Zone, North 14,884,928 feet and East 2,380,516 feet, being within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19, T20N, R23E, MDB&M.
- (52) Preston Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,885,468 feet and East 2,386,178 feet, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 20, T20N, R23E, MDB&M.
- (53) Washburn Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,885,521 feet and East 2,396,933 feet, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 22, T20N, R23E, MDB&M.
- (54) Gregory Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,888,853 feet and East 2,405,578 feet, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14, T20N, R23E, MDB&M.
- (55) Wadsworth Power Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,889,268 feet and East 2,406,873 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 13, T20N, R23E, MDB&M.
- (56) Herman Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,891,957 feet and East 2,417,775 feet, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 17, T20N, R24E, MDB&M.
- (57) Pierson Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,894,902 feet and East 2,422,828 feet, being within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9, T20N, R24E, MDB&M.
- (58) Olinghouse No. 1 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,897,868 feet and East 2,425,862 feet, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9, T20N, R24E, MDB&M.
- (59) Fernley - By Nevada Coordinate System of 1983, West Zone, North 14,899,217 feet and East 2,427,535 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 9, T20N, R24E, MDB&M.
- (60) Proctor Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,901,290 feet and East 2,428,199 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 3, T20N, R24E, MDB&M.
- (61) Fellnagle Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,905,654 feet and East 2,425,317 feet, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, T21N, R24E, MDB&M.
- (62) Olinghouse No. 2 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,914,468 feet and East 2,431,328 feet, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 22, T21N, R24E, MDB&M.
- (63) Gardella Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,922,553 feet and East 2,428,236 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T21N, R24E, MDB&M.
- (64) Olinghouse No. 3 Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,923,152 feet and East 2,428,587 feet, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15, T21N, R24E, MDB&M.

(65) Indian Ditch (Nixon Ditch) - By Nevada Coordinate System of 1983, West Zone, North 14,959,013 feet and East 2,408,112 feet, being within SW¼ of SW¼ of Section 18, T22N, R23E, MDB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Municipal, Domestic, Industrial, Stockwatering, Fish Culture, Water Quality, Recreational, and Fish and Wildlife Preservation and Enhancement uses within lands described as follows:

T13N, R17E-R18E; T14N, R16E-R18E; T15N, R16E-R18E;
T16N, R16E-R18E; T17N, R15E-R20E; T17N, R24E-R31E;
T18N, R14E-R21E; T18N, R24E-R31E; T19N, R14E-R31E;
T20N, R18E-R32E; T21N, R18E-R26E; T21N, R29E-R32E;
T22N-T27N, R20E-R24E; and T28N, R23E-R24E;

all within MDB&M.

The maximum area irrigated in any one year under License 3723 (Application 5169), License 4196 (Application 9247), Permit 11605 (Application 15673), License 10180 (Application 18006), and permits issued pursuant to Application 31487 and Application 31488, shall not exceed a total of 96,800 net acres within a total gross area of 143,480 acres as follows:

Truckee Meadows: 26,800 net acres within a gross area of 36,340 acres in the vicinity of Reno, Nevada, within lands described as follows:
T18N, R18E-R21E; T19N, R18E-R21E; T20N, R18E-R21E; and

Newlands Project: 70,000 net acres within a gross area of 107,140 acres in the vicinity of Fallon, Nevada, within lands described as follows:
T17N, R24E-R31E; T18N, R24E-R31E; T19N, R24E-R31E;
T20N, R24E-R31E;

all within MDB&M.

Incidental Power use at the following locations:

Stampede Powerhouse - within the SW¼ of NW¼ of Section 28, T19N, R17E, MDB&M;
Farad Powerhouse - within the SE¼ of SE¼ of Section 12, T18N, R17E, MDB&M;
Fleish Powerhouse - within the NE¼ of SE¼ of Section 30, T19N, R18E, MDB&M;
Verdi Powerhouse - within the NW¼ of SE¼ of Section 8, T19N, R18E, MDB&M; and
Washoe Powerhouse - within the SW¼ of SW¼ of Section 14, T19N, R18E, MDB&M.

Places of Use as shown on map [MAP NUMBER], dated [DATE], filed with the State Water Board.

This license shall not be construed as conferring upon the licensee the right of access to the point of diversion.

(0000022)

Licensee shall consult with the Division of Water Rights as to whether licensee is an "urban water supplier" as defined in California Water Code section 10617. If licensee is an urban water supplier, then within one year from issuance of this amended license, licensee shall submit to the State Water Board its Urban Water Management Plan as prepared and adopted in conformance with California Water Code section 10610, et seq., or a comparable urban water management plan, as may be authorized under Nevada law that contains similar information. The plan may be supplemented by any additional information that may be required by the State Water Board.

All cost-effective measures identified in the Urban Water Management Plan or comparable plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein.

(0000029A mod.)

If it is determined after license issuance that the as-built conditions of the project are not correctly represented by the map(s) prepared to accompany the application, the licensee shall, at his expense, have the subject map(s) updated or replaced with equivalent as-built map(s). The revision(s) or new map(s) shall be prepared by a civil engineer or land surveyor registered or licensed in the State of California and shall meet the requirements prescribed in section 715 and sections 717 through 723 of the California Code of Regulations, Title 23. The revision(s) or map(s) shall be furnished upon request of the Deputy Director for Water Rights.

(0000030)

In compliance with section 5937 of the Fish and Game Code, if storage or diversion of water authorized by this license is by means of a dam, the licensee shall allow sufficient water at all times to pass through a fishway or, in the absence of a fishway, allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist below the dam; provided, that during a period of low flow in the stream, upon approval of the State Department of Fish and Game, this requirement will be satisfied if sufficient water is passed through a culvert, waste gate, or over or around the dam to keep in good condition any fish that may be planted or exist below the dam if it is impracticable or detrimental to pass the water through a fishway. In the case of a reservoir, this provision shall not require the passage or release of water at a greater rate than the unimpaired natural inflow into the reservoir.

(0140069)

(0210069)

To ensure that the bypass flow requirement imposed as a condition of water quality certification for the Farad Diversion Dam Replacement Project is met, licensee shall bypass a minimum flow of 150 cubic feet per second in the bypass reach below the Farad diversion dam, or total Truckee River flow immediately upstream of the diversion dam, whichever is less, in the operation area, or applicable bypass flow as it may be revised in the water quality certification for the project.

No diversion shall be allowed at the points of diversion or redirection authorized by this license unless the applicable bypass flows are met.

(0140400)

Water diverted for Incidental Power use under this license is for nonconsumptive use and is to be released at the following locations:

Stampede Powerhouse Return: Little Truckee River - By California Coordinate System of 1983, Zone 2, North 2,303,127 feet and East 7,096,674 feet.

Farad Powerhouse Return: Truckee River - By California Coordinate System of 1983, Zone 2, North 2,284,919 feet and East 7,117,723 feet.

Fleish Powerhouse Return: Truckee River - By Nevada Coordinate System of 1983, West Zone, North 14,848,874 feet and East 2,226,837 feet.

Verdi Powerhouse Return: Truckee River - By Nevada Coordinate System of 1983, West Zone,
North 14,864,373 feet and East 2,230,562 feet.
Washoe Powerhouse Return: Truckee River - By Nevada Coordinate System of 1983, West Zone,
North 14,857,794 feet and East 2,243,430 feet.

(0000111 mod.)

Licensee shall measure and monitor amounts diverted, collected to storage, withdrawn from storage and rediverted for beneficial use under this permit/license. The licensee shall submit a plan for approval by the State Water Board that includes a description and location of the measuring devices, frequency of data collection, the methods for recording and reporting data to the State Water Board, and any calculations required to develop the records. The plan shall identify how the licensee will ensure that the total cumulative amount of water collected, stored and used at the reservoirs authorized under this license will not exceed the authorized amount under the license. The plan shall also identify how the amounts collected and beneficially used under all of the permits and licenses for coordinated reservoir storage under the Truckee River Operating Agreement (TROA) will be accounted for under the individual permits and licenses and any other bases of right. The plan shall be submitted and approved by the Deputy Director for Water Rights prior to diversion under this license. Licensee shall implement the plan upon approval. A record of such measurements shall be maintained by the licensee, and made available to interested persons upon reasonable request. A copy of the records shall be submitted to the State Water Board with the annual "Report of Licensee."

(0100900)

To assure sufficient water flows in the Little Truckee River below Stampede Reservoir to protect public fishery resources, bypasses and releases shall be made from Stampede Reservoir into the Little Truckee River to maintain minimum flows therein as follows:

During Years of 60 and up to 130 percent normal predicted runoff, based on the official federal-state cooperative April snow surveys and water supply forecasts for the Truckee River watershed, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) twelve cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.

During years when the official predicted runoff for the Truckee River watershed is less than 60 percent of normal, (a) six cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) six cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.

During years when the official predicted runoff for the Truckee River watershed is more than 130 percent of normal, (a) eight cubic feet per second measured at a point one-quarter mile downstream from Stampede Dam, and (b) sixteen cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.

The flows to be maintained in the foregoing schedule shall become effective on May 1 of each year and continue to April 30 of the following year.

No diversion shall be allowed at the points of diversion or rediversion authorized by this permit unless the applicable flows are met.

(0400400)

Water stored in Independence Lake, Stampede Reservoir, and Boca Reservoir pursuant to pre-1914 permits issued by the Nevada State Engineer under Nevada Law, and recognized pursuant to the provisions of California Water Code sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this license.

(9990999)

Licensee shall maintain the existing outlet pipes in Independence Lake, Stampede Reservoir, and Boca Reservoir in proper working order.

(0050800)

Diversions under this license shall be subject to the interstate allocation authorized under the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (Pub.L. No. 101-618 (Nov. 16, 1990), Tit. II, 104 Stat. 3289) when the allocation becomes effective.

(0540900)

Water can be initially diverted to storage under this license at Stampede Dam and Boca Dam only at times when flow to an equivalent volume is available at Independence Dam as verified by the TROA Administrator.

(0360800)

Due to the licensee's ability to exchange water among water right holders under TROA, beneficial uses for water shall only be credited to the permit or license under which the water was originally diverted.

(9990999)

All diversions, storage, use of water and operations under this license shall be in accordance with the provisions contained in this license and the TROA.

(0430300)

Diversion of water under this license is subject to regulation by the TROA Administrator appointed to enforce the terms and conditions of the TROA to the extent such regulation is not inconsistent with the terms and conditions of this license.

(000N001 mod.)

Licensee shall notify the Deputy Director for Water Rights, in writing, of any adjustments to operations or changes to TROA made in accordance with Article 13 of the TROA that will affect the diversion and use of water under this license.

(0490300)

The State Water Board reserves continuing authority in the public interest to modify the terms and conditions of this license, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife.

State Water Board action will be taken only after notice to interested parties and opportunity for hearing.

(000M001)

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2089) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the state or federal Endangered Species Acts for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD

*Barbara Evoy, Deputy Director
Division of Water Rights*

Dated: