CORRECTED PERMIT

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant:	**PYRAMID LAKE PAIUTE TRIBE**
Source:	**TRUCKEE RIVER**
Basin:	**PYRAMID LAKE VALLEY**
Manner of Use:	**RECREATIONAL**
Period of Use:	**JANUARY 1ST TO DECEMBER 31ST**
Priority Date:	**OCTOBER 17, 1984**

****

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued for all the unappropriated water of the Truckee River and its tributaries, and as such is issued junior in priority to all existing rights on the Truckee River and its tributaries, and can only be exercised in those years where there are high flows in the river in excess of the senior rights. In addition, this permit is issued subject to any interstate allocation of the Truckee River.

It is understood that the 477,851 acre feet annually herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a recreational beneficial use. Accurate measurements of the water placed to beneficial use for recreation purposes must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 48061 and 48494 shall not exceed 477,851 acre feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

An annual report shall be submitted to the State Engineer and the Federal Water Master by February 1st of each year that documents the amount of water diverted and the amount of water used during the previous calendar year.

The point of diversion and place of use are as described on the submitted application to support this permit.

(Continued on Page 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, **and not to exceed a maximum of 3,000 cubic feet per second, but not to exceed 477.851 acre-feet annually.**

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before: **March 3, 2010**
Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **March 3, 2014**
Map in support of proof of beneficial use shall be filed on or before: **N/A**

IN TESTIMONY WHEREOF, I, JASON KING, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 8th day of **September,** A.D. **2011**

J. King P.E.
State Engineer

Completion of work filed 3-22-11

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Permit No. 48494

See Corrected Permit

THE STATE OF NEVADA

PERMIT TO APPROPRIATE WATER

Name of applicant:	**PYRAMID LAKE PAIUTE TRIBE**
Source:	**TRUCKEE RIVER**
Basin:	**PYRAMID LAKE VALLEY**
Manner of Use:	**RECREATIONAL**
Period of Use:	**January 1st to December 31st**
Priority Date:	**AS DECREED**

****

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued for all the unappropriated water of the Truckee River and its tributaries, and as such is issued junior in priority to all existing rights on the Truckee River and its tributaries, and can only be exercised in those years where there are high flows in the river in excess of the senior rights. In addition, this permit is issued subject to any interstate allocation of the Truckee River.

It is understood that the 477,851 acre feet annually herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a recreational beneficial use. Accurate measurements of the water placed to beneficial use for recreation purposes must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

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Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before: **March 3, 2014**
Map in support of proof of beneficial use shall be filed on or before: **N/A**

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this **3rd** day of **March,** A.D. **2009**

P.E.
for State Engineer

Completion of work filed 3-22-11

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

llb

Serial No. 48494

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office OCT 17 1984

Returned to applicant for correction

Corrected application filed Map filed OCT 17 1984 under 48061

The applicant Pyramid Lake Paiute Tribe

P.O. Box 256 (Street and No. or P.O. Box No.) of Nixon (City or Town)

Nevada 89424 (State and Zip Code No.), hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.) Applicant is a federally recognized Tribe of Indians organized pursuant to the Indian Reorganization Act of June 18, 1934 with Constitution and By-laws approved by the Secretary of the Interior.

Is applicant a U.S. citizen? Yes ☐ No ☐ N/A

Is applicant 21 years of age or older? Yes ☐ No ☐ N/A

NRS 533.325 requires that applicants be a citizen of the United States or have legally declared their intention to become a citizen, and that they be 21 years of age or older.

1. The source of the proposed appropriation is Truckee River and Tributaries
   (Name of stream, lake, spring, underground or other source.)

2. The amount of water applied for is as set forth in Attachment "A" second feet.
   (One second foot equals 448.83 gallons per minute.)

   (a) If stored in reservoir give number of acre-feet N/A

3. The water to be used for recreation - see "No. 12. Remarks"
   (Irrigation, power, mining, commercial, domestic or other use. Must limit to one major use.)

4. If use is for:

   (a) Irrigation, state number of acres to be irrigated: N/A

   (b) Stockwater, state number and kind of animals: N/A

   (c) Other use (describe fully under "No. 12. Remarks") See "No. 12. Remarks"

   (d) Power:

   (1) Horsepower developed N/A

   (2) Point of return of water to stream N/A

Southwest 1/4 GST. 10-19-84

5. The water is to be diverted from its source at the following point within the ~~South 1/2~~ of the
Describe as being within a 40-acre subdivision of public
Southwest 1/4 of Section 15, Township 23 North, Range 23 East, M.D.B. & M,
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
being South 23°49'49" East, 2,677.00 feet from the West 1/4 corner of said Section 15.

6. Place of use The place of use is the Truckee River downstream of Derby Dam,
Describe by legal subdivision. If on unsurveyed land, it should be so stated.
the Marble Bluff Dam and Pyramid Lake Fishway and within Pyramid Lake as described on Attachment "B".

7. Use will begin about January 1 (Month and Day) and end about December 31 (Month and Day) of each year.

8. Description of proposed works (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) See Attachment "C"
State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.

9. Estimated cost of works N/A, See No. 8.

10. Estimated time required to construct works All works have been constructed, see No. 8.
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use Water is already being put to beneficial use, no further time is necessary.

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

See Attachment "D".

STATE ENGINEERS OFF STATE ENGINEERS OF
'84 OCT 17 A11:42 '84 OCT 17 A11

No money on 10-15-84
Resubmitted on 10-17-84 BM

By Wilfred W. Shaw, Vice-Chairman
Signature, Applicant or agent
Pyramid Lake Paiute Tribe
P.O. Box 256
Street and No., or P.O. Box No.
Nixon, NV 89424
City, State, Zip Code No.

Telephone No. (702) 476-0140
APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT

2888 (Rev. 1-81)

$35 FILING FEE MUST ACCOMPANY APPLICATION

ATTACHMENT "A" TO

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

2A. The first component of the amount of water applied for is set forth, by month, as follows:

Month	Flow (CFS)	Volume (AF)
January	150	9,226
February	150	8,333
March		
Week 1	200	2,778
Week 2	400	5,555
Week 3	500	6,944
Week 4 - end of mo.	600	11,904
April		
Week 1	700	9,722
Week 2	800	11,111
Week 3	1,000	13,888
Week 4 - end of mo.	1,500	26,784
May		
Week 1	2,000	27,776
Week 2	2,500	34,720
Week 3	3,000	41,664
Week 4 - end of mo.	3,000	59,520
June		
Week 1	3,000	41,664
Week 2	3,000	41,664
Week 3	2,200	30,554
Week 4 - end of mo.	2,200	39,284
July	150	9,226

Month	Flow (CFS)	Volume (AF)
August	150	9,226
September	150	8,928
October	150	9,226
November	150	8,928
December	150	9,226
		477,851

These flows are required for the recreational purpose of natural spawning of Lahontan cutthroat trout and cui-ui in the Truckee River below Derby Dam, to fulfill the purposes of the establishment of the Pyramid Lake Indian Reservation, to provide sustenance for the members of the Pyramid Lake Indian Tribe and income to the Tribe, to prevent the loss of and to conserve the endangered cui-ui and the threatened Lahontan cutthroat trout, for operation of Marble Bluff Dam and Pyramid Lake Fishway in support of that fishery and to maintain Pyramid Lake at a stable level to support the lake's use for recreation.

2B. The second component of the amount of water applied for is for the maintenance of the level of Pyramid Lake. For this purpose, an average annual inflow of the Truckee River to the lake of approximately 400,000 acre-feet is required. Based upon the historic flows of the Truckee River and the existing diversions from and depletions of those flows, the Applicant's intent is to appropriate all of the water in the Truckee River and its tributaries that is not subject to valid existing rights.

ATTACHMENT "B" TO

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

6. Place of use: Portion of Truckee River downstream of Derby Dam as it flows within the following sections:

Township 20 North, Range 23 East, M.D.B.&M.: Section 19; North 1/2, Section 20; Section 21; Section 22; North 1/2, Section 23; Southeast 1/4, Section 14; and South 1/2, Section 13.

Township 20 North, Range 24 East, M.D.B.&M.: Section 18; Northwest 1/4, Section 17; South 1/2, Section 8; Section 9; Southeast 1/4, Section 4; and West 1/2, Section 3.

Township 21 North, Range 24 East, M.D.B.&M.: Southwest 1/4, Section 34; East 1/2, Section 33; Southeast 1/4, Section 28; Section 27; East 1/2, Section 22; Section 15; Section 16; South 1/2, Section 9; East 1/2, Section 8; and Section 5.

Township 22 North, Range 24 East, M.D.B.&M.: West 1/2, Section 32; East 1/2, Section 31; Southwest 1/4, Section 29; Section 30; West 1/2, Section 19; West 1/2, Section 18; Southwest 1/4, Section 7; and Southwest 1/4, Section 6.

Township 22 North, Range 23 East, M.D.B.&M.: East 1/2, Section 13; East 1/2, Section 12; and Section 1.

Township 23 North, Range 23 East, M.D.B.&M.: Section 36; Southwest 1/4, Section 25; Section 26; Southwest 1/4, Section 23; Section 22; Northeast 1/4, Section 21; Section 15; Section 16; and unsurveyed portions of Section 17.

All of Pyramid Lake within the unsurveyed portions of Township 23 North, Range 23 East; Township 23 North, Range 22 East; Township 24 North, Range 21 East; Township 24 North, Range 22 East; Township 24 North, Range 23 East; Township 25 North, Range 20 East; Township 25 North, Range 21 East; Township 25 North, Range 22 East; Township 26 North, Range 20 East; Township 26 North, Range 21 East; Township 26 North, Range 22 East; Township 27 North, Range 21 East; and Township 27 North, Range 22 East, M.D.B.&M.

03811

ATTACHMENT "C" TO

APPLICATION FOR PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE OF NEVADA

8. Flows utilized in the Truckee River and flows into Pyramid Lake will be conducted in the Truckee River natural stream channel and, therefore, no other works are proposed. Flows utilized in connection with the Pyramid Lake Fishway will utilize Marble Bluff Dam and Pyramid Lake Fishway as conduits for conducting the water. These structures have been constructed and are currently operating.

ATTACHMENT "D" TO

APPLICATION FOR PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE OF NEVADA

12. The water sought to be appropriated pursuant to this application has been used historically and will continue to be used for recreational purposes including being used to help maintain Pyramid Lake at a stable level to support use for recreation, to fulfill the purposes of the establishment of the Pyramid Lake Indian Reservation, to provide sustenance for the members of the Pyramid Lake Indian Tribe and income to the Tribe, to prevent the loss of and to conserve the endangered cui-ui and the threatened Lahontan cutthroat trout, to improve and maintain water quality and quantity in Pyramid Lake and the Truckee River downstream of Derby Dam, to provide flows for the operation of Marble Bluff Dam and Pyramid Lake Fishway and to provide suitable flows at proper temperatures for the natural spawning of Lahontan cutthroat trout and cui-ui in the Truckee River downstream of Derby Dam.

The Tribe claims that it is entitled to the water that is the subject of this application as a matter of federal law. That claim is currently being litigated in United States v. Truckee-Carson Irrigation District, et al., Civil No. R-2987-RCB, U.S. District Court for the District of Nevada. This application is therefore filed for protective purposes. By the filing of this application, the Pyramid Lake Paiute Tribe does not waive or relinquish its claim of right to any of the waters encompassed in this application.