



THE STATE OF NEVADA

**PERMIT TO CHANGE POINT OF DIVERSION,
MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Name of applicant: WALKER RIVER PAIUTE TRIBE & USA DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS

Source: WALKER RIVER

Basin: WALKER LAKE VALLEY-SCHURZ SUBAREA

Manner of Use: WILDLIFE

Period of Use: As Decreed

Priority Date: 01/01/1900

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 to change the place and manner of use of the waters of Walker River Paiute Tribe and the United States of America, Department of Interior, Bureau of Indian Affairs, of The Walker River, as appears in "Docket of Equity" C-125 file April 15, 1936, in the District Court of the United States of America in and for the District of Nevada, is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

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

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

Permit 75337 is granted for 26.25 cubic feet per second and is subject to the final approval by the U.S. District Court for the District of Nevada.

The point of diversion and place of measurement is the Parker Gage.

This permit shall expire at the end of the decreed irrigation season, which is **October 31, 2007**, and all water use changed by Permit 75337 shall automatically revert to the existing uses allowed by the existing water rights of record

The point of diversion and place of use is as described under items 5 and 7 respectively on the submitted application to support this permit.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 26.25 cubic feet per second or 9,355.50 acre-feet per season as defined in the Walker River Decree.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

N/A

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 10th day of July, A.D. 2007

State Engineer

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

THIS SPACE FOR OFFICE USE ONLY
Date of filing in State Engineer's Office FEB 14 2007
Returned to applicant for correction
Corrected application filed Map filed NOV 21 2003 under 70649

The applicant See Attachment A

of
Street and No. Or P.O. Box No. City or Town

State and Zip Code No., hereby make application for review of a

temporary change in the manner and place of use
Point of diversion Place of use Manner of use of a portion

of water heretofore appropriated under the Decree in United States v. Walker River Irrigation District,
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of

Decree
No. C-125 (D. Nev. 1936), as amended, 1940, for a portion of the Walker River identified as 26.25
and identify right in Decree.

cubic feet per second measured at the Tribe's point of diversion for use on 2,100 acres of land on the
Reservation during a 180-day irrigation season, which may also be expressed as 9,370 acre-feet per year.

- 1. The source of water is the Walker River
Name of stream, lake, underground, spring or other sources.
2. The amount of water to be changed up to 9,370 acre-feet measured at Little Dam
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for wildlife and conservation
Irrigation, power, mining, commercial, etc. If for stock state number and kind of animals. Must limit to one major use.
4. The water heretofore used for irrigation as decreed
If for stock state number and kind of animals.
5. The water is to be diverted at the following point
Describe as being within a 40-acre subdivision of public survey and by course

and
For that portion of water to be changed, no diversion will occur at Little Dam and water will be allowed
distance to a section corner. If on unsurveyed land, it should be stated.
to flow into the main channel of the Walker River.

6. The existing point of diversion is located within N/A
If point of diversion is not changed, do not answer.

110A-LY

7. Proposed place of use.....**Walker River from Little Dam to its terminus at Walker Lake**
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use.....**2,100 acres of land served by the Walker River Indian Irrigation Project,**
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or manner

operated by the Bureau of Indian Affairs, located within the exterior boundaries of the Walker River.....
of use of irrigation permit, describe acreage to be removed from irrigation.

Indian Reservation.....

9. Use will be from.....**as decreed**.....to.....**as decreed**.....of each year.
Month and Day Month and Day

10. Use permitted from.....**as decreed**.....to.....**as decreed**.....of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provision of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.)....**Existing dam, reservoir and natural river channel.**
State manner in which water is to be diverted, i.e. diversion structure, ditches,

pipes and flumes or drilled well, pump and motor, etc.

12. Estimated cost of works.....**N/A**.....

13. Estimated time required to construct works.....**N/A**.....
If well completed, describe well.

14. Estimated time required to complete the application of water to beneficial use.....**N/A**.....

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

.....**See Attachment B.**.....

Phone No.

Genia Williams, Tribal Chairman
By.....**Walker River Paiute Tribe**.....
Print or type name clearly
Genia Williams
Signature, applicant or agent

P. O. Box 220
Street and No., or P.O. Box No.

Schurz, Nevada 89427
City, State, Zip Code

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

\$150 FILING FEE MUST ACCOMPANY APPLICATION

Attachment A

The applicants are:

Walker River Paiute Tribe
P. O. Box 220
Schurz, Nevada 89427

United States of America
Department of the Interior
Bureau of Indian Affairs

By: Genia M. Williams
Tribal Chairman
Phone: (775) 773-2306
Fax: (775) 773-2585

Steven Palmer
Office of the Solicitor
2800 Cottage Way, Room E-1712
Sacramento, CA 95825
Phone: (916) 978-6133
Fax: (916) 978-5694

Attachment B

15. Remarks:

Please refer to maps under number 70649 on file with the Division of Water Resources.

The United States of America and the Walker River Paiute Tribe ("Tribe") jointly submit this application to change temporarily the manner and place of use of up to the maximum amount of water adjudicated for the benefit of the Tribe from irrigation to wildlife and conservation purposes. Nothing in this application shall be construed as a waiver of the sovereign immunity of the United States or the Tribe, except as otherwise provided by applicable law.

The application is for one year only, during the 2007 irrigation season. Under the Decree entered on April 14, 1936, and amended on April 24, 1940, the Tribe is entitled to a direct flow right from the Walker River of 26.26 cubic feet per second during an irrigation season of 180 days for use on 2,100 acres of land within the Walker River Indian Reservation. *Decree ¶ I, United States v. Walker River Irrigation Dist.*, No C-125 (D. Nev. Apr. 14, 1936), *as amended, Order for Entry of Amended Final Decree to Conform to Writ of Mandate, Etc.* (D. Nev. Apr. 24, 1940). That right may also be expressed as 9,370 acre feet per year measured at the Tribe's point of diversion.

Because the water right adjudicated for the benefit of the Tribe is a right for use on lands held in trust by the United States for the use of the Tribe and its members, reserved pursuant to federal law, the United States and the Tribe do not admit that application before the Nevada State Engineer is necessary in order to change the purpose of the right adjudicated for the Tribe's benefit, since the Nevada State Engineer does not exercise jurisdiction over such reserved water rights. However, the *Administrative Rules and Regulations Regarding Change of Point of Diversion, Manner of Use and Place of Use of Water of the Walker River and Its Tributaries and Regarding Compliance with California Fish and Game Code Section 5937 and Other Provisions of California Law, United States v. Walker River Irrigation Dist.*, No. C-125 (D. Nev. June 3, 1996) ("Administrative Rules"), by which the Federal District Court administers the waters of the Walker River as adjudicated under the Decree, require that the United States and the Tribe "file a change application with the State Engineer . . .," when seeking to change the place of use outside the Reservation and the manner of use of the water right adjudicated for the Tribe's benefit. Administrative Rules §§ 2.3, 3.1; *see Minutes of Court, United States v. Walker River Irrigation Dist.*, No C-125 (D. Nev. Apr. 9, 2004). Thus, the United States and the Tribe file this application consistent with the Federal District Court's Administrative Rules and recent rulings.