



TEMPORARY

THE STATE OF NEVADA

PERMIT TO CHANGE THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Name of Permittee: U.S.-BUREAU OF INDIAN AFFAIRS
PYRAMID LAKE PAUITE TRIBE OF INDIANS

Source: TRUCKEE RIVER

Basin: PYRAMID LAKE VALLEY

Manner of Use: WILDLIFE

Period of Use: ONE YEAR FROM DATE OF ISSUANCE

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 temporary permit, to change the place and manner of use of a portion of the waters of the Truckee River as heretofore granted under Claim 1, Truckee River Decree, is issued subject to the terms and conditions imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein. A suitable measuring device must be installed and accurate measurements of water placed to beneficial use must be kept.

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

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

This temporary permit is issued subject to the continuing jurisdiction and regulation by the Orr Ditch Decree Court and the Federal Water Master.

This temporary permit expires one year from the date of issuance and shall be exercised as described in either proposed Alternative 3 or 4 as set forth in the Environmental Assessment by the U.S. Department of the Interior dated June 2002; that is, the water will be taken in equal amounts over a certain number of months.

The amount of water described under Alternatives 3 and 4 will be delivered at a continuous diversion rate for the percentages described in each month set forth in each alternative.

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 51.80 cubic feet per second or 8,292.0 acre-feet as decreed.**

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:

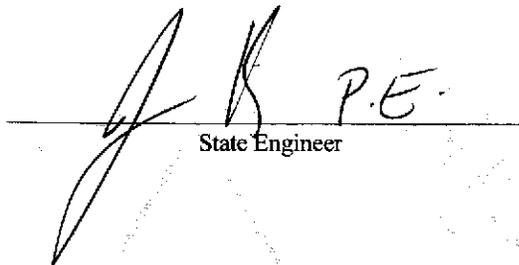
N/A

Map in support of proof of beneficial use shall be filed on or before:

N/A

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

State Engineer of Nevada, have hereunto set my hand and the seal of my office, this 25th day of **February, 2013**



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	<u>FEB 11 2013</u>
Returned to applicant for correction	
Corrected application filed	Map filed <u>FEB 02 2001 UNDER 67182</u>

The applicant See Attachment A
P.O. Box 256 of Nixon
Street Address or PO Box City or Town
Nevada 89424 hereby make(s) application for permission to change the
State and ZIP Code

Point of diversion Place of use Manner of use of a portion
of water heretofore appropriated under (Identify existing rights by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and identify right in Decree.)
United States of America v. Orr Ditch Co. in Equity No. A-3, Claim No. 1; in the Federal District Court of Nevada.

1. The source of water is Truckee River
Name of stream, lake, underground, spring or other sources.

2. The amount of water to be changed 8,292 acre-feet (2,073 acres @ 4.0 acre-feet per acre).
Second feet, acre-feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Wildlife, including instream flows for fish (cui-ui and Lahontan cutthroat trout).
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 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 distance to a found section corner. If on unsurveyed land, it should be stated.)
There will be no diversion. The water is to remain in the Truckee River from Derby Dam to Pyramid Lake.

6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
As decreed, Section 18, T22N, R24E, M.D.B.&M. (Indian Ditch)
SW 1/4 SW 1/4

*Pyramid Lake Valley
6-81
WA*

7. Proposed place of use (Describe by legal subdivisions. If for irrigation, state number of acres to be irrigated.)

Truckee River downstream of Indian Ditch diversion to the Pyramid Lake inlet as shown on the map accompanying Application No. 67182.

8. Existing place of use (Describe by legal subdivisions. If changing place of use and/or manner of use of irrigation permit, describe acreage to be removed from irrigation.)

As decreed on Pyramid Lake Indian Reservation bottom lands. See map submitted with Application No. 77019-T.

9. Proposed use will be from As decreed to As decreed of each year.
Month and Day Month and Day

10. Existing 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.) (State manner in which water is to be diverted, i.e., diversion structure, ditches, pipes and flumes or drilled well, pump and motor, etc.)

No new diversion works will be constructed.

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 As soon as approved.

15. Provide a detailed description of the proposed project and its water usage (use attachments if necessary): (Failure to provide a detailed description may cause a delay in processing.)

There will be no diversion. The water is to remain in the Truckee River from Indian Ditch Diversion to Pyramid Lake. The water duty and maximum rate of diversion indicated in the application and its attachments are based on the conditions approved by the State Engineer in Permit No. 81494-T.

16. Miscellaneous remarks:

This is an application for TEMPORARY change (1 year). See also Attachment B.

dspringmeyer@wrslawyers.com
E-mail Address
(702) 341-5200
Phone No. Ext.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

Don Springmeyer, Esq.

Type or print name clearly



Signature, applicant or agent

Agent for Pyramid Lake Paiute Tribe

Company Name

3556 E. Russell Road, 2nd Floor

Street Address or PO Box

Las Vegas, Nevada 89120

City, State, ZIP Code

RECEIVED
2013 FEB 11 AM 10:10
STATE ENGINEER'S OFFICE

Attachment A

The applicants are:

- 1) **The United States as trustee for the Pyramid Lake Paiute Tribe of Indians, acting through the Bureau of Indian Affairs.**

Bryan Bowker, Western Regional Director
Bureau of Indian Affairs
2600 N. Central Ave., 4th Floor
Phoenix, Arizona 85004 Phone: (602) 379-6600

and

- 2) **The Pyramid Lake Paiute Tribe of Indians.**

John Jackson, Director of Water Resources
Pyramid Lake Paiute Tribe of Indians
P.O. Box 256
Nixon, Nevada 89424 Phone: (775) 574-1050

Attachment B

This application is filed pursuant to the attached Order dated February 28, 1984, in the case of United States v. Orr Water Ditch Co., Equity No. A-3, in the United States District Court for the District of Nevada and in the interest of comity among the United States, the Pyramid Lake Paiute Tribe of Indians and the State of Nevada. The applicants specifically reserve all of their rights, interests and authorities pertaining to this matter including, without limitation, all rights and authorities asserted in arguments previously made to the Orr Ditch Court in connection with the above referenced February 28, 1984 Order and the rights to contest the jurisdiction of the Nevada State Engineer and to seek de novo review in the Orr Ditch Court of any orders, decisions, rulings or other actions of the Nevada State Engineer.

The water to be transferred will be used during the irrigation season, through November 15, subject to the condition that no more than 25 percent of the total water right amount will be used in any month. In addition, no more than 51.8 cfs will be used at any time.

This application is for a temporary change, not to exceed 1 year, pursuant to NRS 533.345.

The right sought under this temporary change application voluntarily will be exercised in conjunction with other Tribal water rights used for wildlife purposes so as to avoid limitations on diversions of Truckee Meadows water rights pursuant to Article VII (B) of the Truckee River Agreement.