



## THE STATE OF NEVADA

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

**Name of Permittee:** PYRAMID LAKE PAIUTE TRIBE  
**Source:** STREAM (TRUCKEE RIVER)  
**Basin:** PYRAMID LAKE VALLEY  
**Manner of Use:** STORAGE  
**Period of Use:** JANUARY 1ST THROUGH DECEMBER 31ST  
**Priority Date:** 10/17/1984

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#### 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 primary permit, to change the point of diversion, place and manner of use of the waters of the Truckee River as heretofore granted under Permit 48494, Certificate 19468, is issued subject to the terms and conditions imposed in said permit 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 diverted into storage and released from storage must be recorded.

This primary permit is issued under the authority of NRS 533.440 (secondary applications are required for the use of the stored water) and is only a temporary allowance. The final water right obtained will be dependent upon the amount of water actually placed to beneficial use under the secondary permits. Accurate measurements of the storage water that is discharged must be recorded. The State retains the right to regulate the use of water herein granted at any and all times. This permit is subject to the continuing jurisdiction and regulation by the State Engineer and the Federal Water Master.

A monthly report shall be submitted to the State Engineer and the Federal Water Master within 10 days from the end of each month and shall include the amount of water diverted into storage and the amount of water used under each secondary permit.

The total combined duty of water under Permits 84356 and 84357 shall not exceed a maximum diversion rate of 3,000 cubic feet per second, but not to exceed 477,851 acre-feet annually.

This permit is hereby issued and becomes effective upon proof that the Orr Ditch Decree has been amended and TROA is fully implemented. The base right to this permit remains in full force and effect until such time that this permit becomes effective.

No more than 25 percent of any water right can be taken into storage in any one month.

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.

(Continued on Page 2)

The point of diversion and place of use are as described 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 3,000 cubic feet per second or 477,851.0 acre-feet annually.**

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:

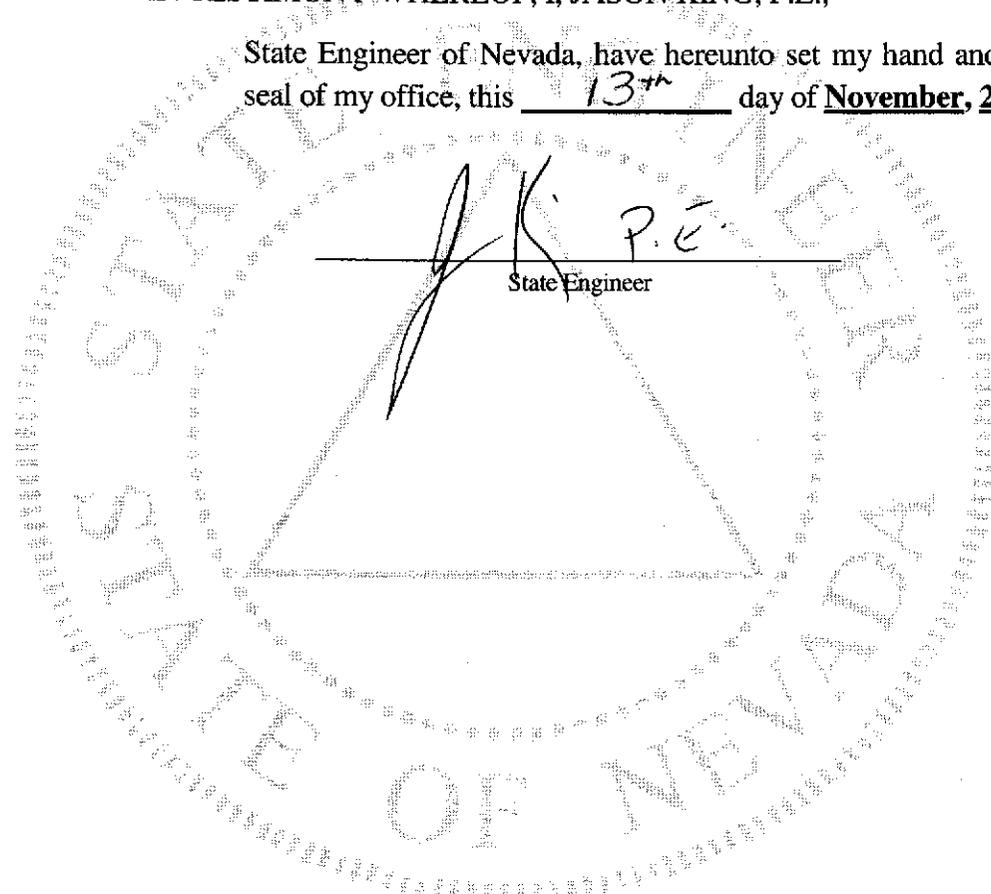
N/A

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 13<sup>th</sup> day of **November, 2015**



*J. King* P.E.  
\_\_\_\_\_  
State Engineer

84357

Application No.

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 SEP 16 2014
Returned to applicant for correction
Corrected application filed Map filed Feb 17 2006 under 73783

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

- 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.)
Permit No. 48494

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- 1. The source of water is Truckee River and its tributaries
2. The amount of water to be changed 3,000cfs but not to exceed 477,851 acre-feet as described under Item 16 "Remarks"
3. The water to be used for Storage with secondary permits for beneficial uses allowed by the TROA
4. The water heretofore used for Recreational beneficial use including wildlife
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.)
All existing Points of Diversion in Exhibit "A" attached hereto and the addition of all existing reservoirs described in Exhibit "B" attached hereto and the water is to remain in the Truckee River from the existing reservoirs listed in Exhibit "B" to Pyramid Lake as shown on maps filed under Secondary Application No. 73783-S02 in the Office of the DWR, Nevada.
6. The existing point of diversion is located within (If point of diversion is not changed, do not answer.)
The Southwest 1/4 of Southwest 1/4 of Section 15, T23N, R23E, B.D.B.&M., being South 23°49'49" East, 2,677.00 feet from the West 1/4 corner of said Section 15.

6-81 Wa

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

The beneficial places of use will be set forth in applications for secondary permits consistent with the Truckee River Operating Agreement (TROA). The water stored under this Primary Application will be in the reservoirs shown on the supporting maps filed under Application Nos. 73783 and 48494 in the office of the Division of Water Resources, State of Nevada.

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.)

See attached Exhibit "C" as described in Application Nos. 48061 and 48494 and Ruling No. 4683 and shown on maps filed under Application Nos. 48061 and 48494 in the office of the Division of Water Resources, State of Nevada.

9. Proposed use will be from January 1 to December 31 of each year.  
Month and Day Month and Day

10. Existing use permitted from January 1 to December 31 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.)

The diversion works for those Points of Diversion described in Exhibit "A" and the existing reservoirs described in Exhibit "B" are complete and built.

12. Estimated cost of works None

13. Estimated time required to construct works None

If well completed, describe well.

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

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.)

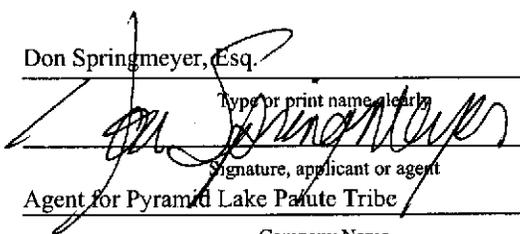
See Item 16 "Remark"

16. Miscellaneous remarks:

See remark in Exhibit "D" attached hereto.

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  
Street Address or PO Box  
Las Vegas, Nevada 89120  
City, State, ZIP Code

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## EXHIBIT "A"

The following describes the points of diversion for the lower Truckee River and Pyramid Lake which are shown on the supporting maps filed under Application Nos. 48061 and 48494 in the office of the Division of Water Resources, State of Nevada, more particularly described as follows:

1. Within Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 17 (projected), Township 23 North, Range 23 East, M.D.B.&M., of unsurveyed land, being South  $79^{\circ} 04' 34''$  West, 7,616.79 feet from the East  $\frac{1}{4}$  of Section 16, Township 23 North, Range 23 East, M.D.B.&M. (see Application 84357)
2. Within the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 15, Township 23 North, Range 23 East, M.D.B.&M, being South  $23^{\circ} 49' 49''$  East, 2,677.00 feet from the West  $\frac{1}{4}$  corner of said Section 15. (see below)

SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 15, T.23N., R.23E., M.D.B.&M., or at a point from which the W $\frac{1}{4}$  corner of said Section 15, bears N.  $23^{\circ} 49' 49''$  W., a distance of 2,677.00 feet situated in Washoe County, State of Nevada.

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**EXHIBIT "B"**

The Proposed Points of Diversion (Dam) are shown on the map filed with Amended Application No. 73783 and the storage capacity (AF) and maximum outlet capacity (cfs) for each Storage Reservoir are as follows:

**Lake Tahoe:**

Situate in the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 7, T. 15N., R. 17E., M.D.M., or from the Dam the Southwest corner of said Section 7 bears South  $29^{\circ} 09' 30''$  West a distance of 5,182 feet, more or less. The storage capacity of Lake Tahoe is approximately 744,600 AF with a maximum outlet capacity of 2,500 cfs.

**Donner Lake:**

Situate in the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 18, T. 17N., R. 16E., M.D.M., or from the Dam the Southeast corner of said Section 18 bears South  $04^{\circ} 07' 14''$  East a distance of 2,981 feet, more or less. The storage capacity of Donner Lake is approximately 9,500 AF with a maximum outlet capacity of 660 cfs.

**Prosser Creek Dam (Reservoir):**

Situate in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 30, T. 18N., R. 17E., M.D.M., or from the Dam the southwest corner of said Section 30 bears South  $22^{\circ} 58' 48''$  West a distance of 2,006 feet, more or less. The storage capacity of Prosser Creek Reservoir is approximately 29,840 AF with a maximum outlet capacity of 1,850 cfs.

**Boca Dam (Reservoir):**

Situate in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 21, T. 18N., R. 17E., M.D.M., or from the Dam the southwest corner of said Section 21 bears South  $81^{\circ} 05' 07''$  West a distance of 2,647 feet, more or less. The storage capacity of Boca Reservoir is approximately 40,870 AF with a maximum outlet capacity of 1,200 cfs.

**Stampede Dam (Reservoir):**

Situate in the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28, T. 19N., R. 17E., M.D.M., or from the Dam the northwest corner of said Section 28 bears North  $36^{\circ} 08' 27''$  West a distance of 636 feet, more or less. The storage capacity of Stampede Reservoir is approximately 226,500 AF with a maximum outlet capacity of 2,740 cfs.

**Independence Lake Dam:**

Situate in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 35, T. 19N., R. 15E., M.D.M., or from the Dam the Southwest corner of said Section 35 bears South  $20^{\circ} 06' 47''$  West a distance of 1,945 feet, more or less. The storage capacity of Independence Lake is approximately 17,500 AF with a maximum outlet capacity of 540 cfs.

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## EXHIBIT "C"

The place of use is described as being the Truckee River downstream of Derby Dam, including the Marble Bluff Dam, the Pyramid Lake Fishway and Pyramid Lake within Section 19, the N  $\frac{1}{2}$  of Section 20, Section 21, Section 22, the N  $\frac{1}{2}$  of Section 23, the SE  $\frac{1}{4}$  of Section 14, and the S  $\frac{1}{2}$  of Section 13, all within T.20N., R.23E.; Section 18, the NW  $\frac{1}{4}$  of Section 17, the S  $\frac{1}{2}$  of Section 8, Section 9, the SE  $\frac{1}{4}$  of Section 4, and the W  $\frac{1}{2}$  of Section 3, all within T.20N., R.24E.; the SW  $\frac{1}{4}$  of Section 34, the E  $\frac{1}{2}$  of Section 33, the SE  $\frac{1}{4}$  of Section 28, Section 27, the E  $\frac{1}{2}$  of Section 22, Section 15, Section 16, the S  $\frac{1}{2}$  of Section 9, the E  $\frac{1}{2}$  of Section 8, and Section 5, all within T.21N., R.24E.; the W  $\frac{1}{2}$  of Section 32, the E  $\frac{1}{2}$  of Section 31, the SW  $\frac{1}{4}$  of Section 29, Section 30, the W  $\frac{1}{2}$  of Section 19, the W  $\frac{1}{2}$  of Section 18, the SW  $\frac{1}{4}$  of Section 7, and the SW  $\frac{1}{4}$  of Section 6, all within T.22N., R.24E.; the E  $\frac{1}{2}$  of Section 13, the E  $\frac{1}{2}$  of Section 12 and Section 1, all within T.22N., R.23E.; Section 36, the SW  $\frac{1}{4}$  of Section 25, Section 26, the SW  $\frac{1}{4}$  of Section 23, Section 22, the NE  $\frac{1}{4}$  of Section 21, Section 15, Section 16 and unsurveyed portions of Section 17, all within T. 23N., R. 23E., M.D.B.&M. and all of Pyramid Lake within the unsurveyed portions of T.23N, R.23E.; T.23N., R.22E.; T.24N., R.21E.; T.24N., R.22E.; T.24N., R.23E.; T.25N., R.20E.; T.25N., R.21E.; T.25N., R.22E.; T.26N., R.20E; T.26N., R.21E.; T.26N., R.22E.; T.27N., R.21E.; and T.27N., R.22E., M.D.B.&M..

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**EXHIBIT "D"**

## 16. Remarks

This application is filed pursuant to the provisions of N.R.S. §533.515 in that it seeks to add the reservoirs described in Exhibit B and as listed in Item 11 above as additional points of diversion for the water rights described herein and would be the water that would have otherwise flowed to Pyramid Lake, and which water rights have points of diversion in the State of Nevada. This application is also filed as part of the implementation of the operating agreement described in Section 205(a) of Public Law 101-618. Because of the provisions of California Water Code section 1231 and 1232, California will recognize any permits issued by the Nevada State Engineer based upon this application. Therefore, it is within the jurisdiction of the Nevada State Engineer to approve this application allowing for storage of these Nevada water rights in California.

Water diverted to storage under a permit issued hereunder will be and is the subject of applications for secondary permits for beneficial uses allowed by the Truckee River Operating Agreement at the places allowed by that Agreement. The amount of water diverted to storage under a permit issued hereunder in any one year will be 3,000 cfs but not to exceed 477,851 acre-feet for water rights under Permit Nos. 48061 and 48494 combined. The amount of water under a permit issued hereunder which may be in storage at any one time and which may be released and used from storage in any one year will not exceed the amounts allowed by the Truckee River Operating Agreement.

Under conditions where storage of this water in the upstream reservoirs is not desired or warranted, water will remain in the Truckee River for the purpose of storage in Pyramid Lake, in which case this quantity of water will remain in the River flowing past Derby Dam to Pyramid Lake. If the water right described herein is not diverted to upstream storage, the full amount of the water right will continue to flow to Pyramid Lake for storage and beneficial use within the lower Truckee River and Pyramid Lake.

Any permit issued under this application shall enter into effect simultaneously with the entry into effect of the Truckee River Operating Agreement.

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