STATE OF NEVADA

NOTICE OF FEDERAL RESERVED WATER RIGHT

(Claim To a Water Right Reserved Under Federal Law)

In the Matter of the Determination of the Relative Rights In and To All Waters in the Smoke Creek Desert Hydrographic Basin, No. 2-021, Washoe County, State of Nevada

Source: Various surface water and groundwater sources within, underlying, and flowing into the portion of the Smoke Creek Desert Hydrographic Basin, No. 21, that lies within the boundary of the Pyramid Lake Indian Reservation (Reservation), as are necessary to meet existing and future uses of water in that portion of the Reservation, and fulfill the purposes for which the Reservation was created. The intended future diversions from surface and groundwater sources are shown on the attached tables and map accompanying this Notice of Federal Reserved Water Right (Notice), and described in the Report by Stetson Engineers, entitled *Federal Reserved Water Right Claim for the Pyramid Lake Paiute Tribe of Indians in the Smoke Creek Desert Basin, Washoe County, Nevada* (dated December 6, 2011), which is filed with and made a part of this Notice.

Points of Diversion: See Attachments 1 – 10

(1) Claimants:

Pyramid Lake Paiute Tribe of Indians
John Jackson, Director of Water Resources
P.O. Box 256
Nixon, Nevada 89424
Ph: (775) 574-1000
Ph: (775) 574-1050

The United States as trustee for the Pyramid Lake Paiute Tribe of Indians, acting through the Bureau of Indian Affairs
Bryan Bowker, Regional Director
Bureau of Indian Affairs, Western Region
2600 N. Central Avenue, 4th floor
Phoenix, Arizona 85004
Ph: (602) 379-6600

(2) Means of Diversion: Future Groundwater Wells, Existing Springs and Flowing Wells, Future Stream Diversions, and Future Geothermal Production Wells

(3) Date of Survey: Various dates including field surveys and investigations conducted in March 2010, May 2010, September 2010, and June 2011

(4) Date of Construction: Future

(5) Dimensions of Works of Diversion: See Stetson Engineers Report (Dec. 6, 2011)

(6) Has conduit been enlarged?: N/A

(7) Work of Enlargement begun: N/A

(8) Dimensions of Enlargement: N/A

(9) Owner of Conduit: N/A

(10) Nature of title to land for which water right is claimed: Federal Indian Reservation as authorized by the Property Clause of the U.S. Constitution, Art. 4, §3, Cl. 2, and as reserved from the Federal public domain by the U.S. General Land Office on December 8, 1859; and subsequent implementing Federal actions (See Attachment 11).

(11) Crops grown: See Stetson Engineers Report (Dec. 6, 2011)

(12) Dates water used for irrigation: See Attachments 1–10

(13) Year of Priority / Location of Point of Diversion: Priority date is December 8, 1859; see, Attachments 1– 11. See also, the *Orr Ditch* Decree, Claim No. 1 (establishing Reservation priority date).

(14) Maximum Acreage Irrigated: 2,126 net irrigable acres

(15) The water claimed has not been used for irrigation each and every year since the water right vested; nor is there a legal requirement to do so.

(16) Water was not previously used for irrigation; nor is there a legal requirement to do so.

(17) County Recorder Record: N/A

(18) Purposes other than irrigation: Any and all Indian purposes, including homeland, domestic, commercial, industrial, stockwater, wildlife, groundwater recharge, and geothermal power production.

(19) Soil Character: Irrigable; See Stetson Engineers Report (Dec. 6, 2011)

(20) Remarks:

(a) In this proceeding, the Pyramid Lake Paiute Tribe of Indians (Tribe), and the United States, acting in its capacity as legal owner of land and water rights held in trust for the Tribe, claim federally reserved Tribal water rights from surface and groundwater sources in the Smoke Creek Desert Basin for use on the Pyramid Lake Indian Reservation. The Tribe and BIA are

neither waiving nor limiting any right or remedy they may have to enforce their respective rights, privileges or interests in the waters which are the subject of this proceeding.

(b) The total amount of the Federal reserved water right claim for use on the Reservation from the Smoke Creek Desert Basin, is 44,598 acre-feet annually from all sources, which consists of 12,323 acre-feet from groundwater, 10 acre-feet from springs, 265 acre-feet from streams, and 32,000 acre-feet from deep geothermal wells.

(c) In order to comply with Nev. Rev. St. § 533.115, the United States and the Tribe have designated the 'places of use,' 'points of diversion,' and 'manner of use' in this Notice. This designation is not intended to limit the United States' or Tribe's future place of use, manner of use, or points of diversion of the water claimed.

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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by the Pyramid Lake Paiute Tribe of Indians are full and correct to the best of his knowledge and belief.

Name: Don Springmeyer, Esq.
Agent for the Pyramid Lake Paiute Tribe of Indians

Address: Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
3556 E. Russell Rd.
Las Vegas, NV 89120
Phone: (702) 341-5200

Signature

Subscribed to and sworn to before me,
this 8th day of December, 2011.

C. REHFELD
Notary Public State of Nevada
No. 99-41339-1
My appt. exp. June 10, 2013

Notary Public in and for the County of Clark, State of Nevada.
My commission expires: 6/10/13.

Name: Bryan Bowker
for ACTING Regional Director, Bureau of Indian Affairs, Western Region

Address: 2600 N. Central Avenue, 4th floor
Phoenix, AZ 85004
Phone: (602) 379-6600

(Rodney McVey)
Signature

Subscribed to and sworn to before me,
this 6th day of December, 2011.

Notary Public State of Arizona
Maricopa County
Velda M Garcia
My Commission Expires 05/24/2015

Notary Public in and for the County of Maricopa, State of Arizona.
My commission expires: May 24, 2015.

ATTACHMENT 1 - IRRIGATION 12/6/2011

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

Period of Use: March 1 through October 31

SOURCE	WELL ID	POINT OF DIVERSION				PURPOSE	PRIORITY DATE	FLOW (CFS)	DUTY (AF/AC)	TOTAL (AF)
		SUBDIVISION	SEC.	TWN.	RNG.					
Groundwater	IRRW01	LOT 5	24	28N	19E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW02	LOT 8	24	28N	19E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW03	LOT 9	24	28N	19E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW04	NE¼ SW¼	19	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW05	NW¼ SE¼	19	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW06	SE¼ SW¼	19	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW07	SW¼ SE¼	19	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW08	LOT 2	30	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW09	NE¼ NW¼	30	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW10	LOT 2	25	28N	19E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW11	LOT 3	30	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW12	SE¼ NW¼	30	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW13	LOT 4	30	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW14	NE¼ SW¼	30	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW15	NW¼ SE¼	20	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW16	NE¼ SE¼	20	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW17	SW¼ SW¼	21	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW18	SW¼ SW¼	20	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW19	NE¼ NW¼	29	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW20	NW¼ NE¼	29	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW21	NE¼ NE¼	29	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW22	NW¼ NW¼	28	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW23	SW¼ NE¼	30	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW24	SE¼ NE¼	30	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW25	NW¼ SW¼	29	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW26	NE¼ SW¼	29	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW27	NW¼ SE¼	29	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW28	NW¼ SE¼	30	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW29	SE¼ SE¼	30	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW30	SW¼ SW¼	29	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW31	SE¼ SW¼	29	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW32	SW¼ SE¼	29	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW33	NE¼ SE¼	29	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW34	NE¼ NE¼	32	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW35	NE¼ SW¼	28	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW36	NE¼ SE¼	28	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW37	NW¼ SW¼	27	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW38	NE¼ SW¼	27	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW39	SE¼ SW¼	27	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW40	SW¼ SE¼	27	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW41	SE¼ SE¼	27	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW42	SW¼ SW¼	26	28N	20E	Irrigation	12/8/1859	1.0	4.47	221
Groundwater	IRRW43	SE¼ SW¼	26	28N	20E	Irrigation	12/8/1859	1.0	4.47	221

ATTACHMENT 1 - IRRIGATION 12/6/2011

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

PLACE OF USE																			
			NE				NW				SW				SE				ACRES PER
SEC.	TWN.	RNG.	LOT 4	LOT 5	LOT 6	LOT 7	NE	NW	SW	SE	NE	NW	SW	SE	LOT 8	NW	SW	LOT 9	SECTION
24	28N	19E	10.6	3.4	5.3	35.5									35.1			25.0	114.9
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	LOT 2	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25	28N	19E	17.0																17.0
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	LOT 2	SE	NE	LOT 3	LOT 4	SE	NE	NW	SW	SE	
19	28N	20E							2.0		35.9	30.1	32.0	40.0	0.6	16.6	40.0	32.0	229.2
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20	28N	20E									8.0	4.2	28.4	21.5	3.1	12.5	40.0	39.8	157.5
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21	28N	20E											10.0						10.0
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
26	28N	20E			1.0		3.2		32.0	36.6	39.8	40.0	30.1	8.6		9.0			200.3
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
27	28N	20E			12.0	14.0			13.0	20.0	38.4	19.0		2.0	36.0	40.0	37.5	37.8	269.7
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28	28N	20E			15.3	4.9		3.5	17.1	23.2	6.3	6.2			12.1	12.6			101.2
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
29	28N	20E	40.0	40.0	40.0	38.9	38.3	38.6	40.0	40.0	40.0	40.0	39.8	40.0	8.0	25.4	14.6		523.6
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	LOT 2	LOT 3	SE	NE	LOT 4	LOT 5		NE	NW	SW	SE	
30	28N	20E	40.0	40.0	40.0	40.0	40.0	32.0	25.0	40.0	31.4	7.0	5.1		40.0	39.6	13.0	34.0	467.1
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
32	28N	20E	3.7	20.5	4.5	1.3	35.0	2.4		9.3									76.7
			NE				NW				SW				SE				
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
34	28N	20E	0.8	0.2															1.0
																		TOTAL ACRES	2,168.2

Note: The place of use for irrigation identified in this table (2,168.2 acres) is approximately 2 percent larger than the net irrigable acreage identified in the Tribe's Notice of Federal Reserved Water Right Claim (2,126 acres) to account for farm roads, field borders, etc., that will be located within the place of use. The annual diversion requirement claimed for irrigation is 9,500 acre-feet based on 2,126 irrigable acres. The annual consumptive use claimed for irrigation is 7,778 acre-feet.

ATTACHMENT 2 - RURAL DOMESTIC 12/6/2011

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

Period of Use: January 1 through December 31

SOURCE	WELL ID	POINT OF DIVERSION				PURPOSE	PRIORITY DATE	FLOW (CFS)	DUTY (AF/PARCEL)	TOTAL (AF)
		SUBDIVISION	SEC.	TWN.	RNG.					
Groundwater	DOMW01	LOT 6	35	29N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW02	LOT 7	35	29N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW03	LOT 17	1	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW04	LOT 17	1	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW05	NW¼ NW¼	12	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW06	NW¼ NW¼	12	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW07	LOT 6	12	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW08	LOT 12	12	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW09	LOT 12	12	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW10	LOT 13	12	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW11	LOT 5	13	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW12	LOT 5	13	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW13	LOT 6	13	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW14	LOT 10	13	28N	19E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW15	SE¼ NW¼	32	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW16	SE¼ NW¼	32	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW17	SW¼ NE¼	32	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW18	SW¼ NE¼	32	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW19	SW¼ NE¼	32	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW20	SE¼ NE¼	32	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW21	SE¼ NE¼	32	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW22	NW¼ SW¼	33	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW23	SW¼ NW¼	33	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW24	NE¼ NW¼	33	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW25	NW¼ NE¼	33	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW26	NE¼ NE¼	34	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW27	NW¼ NW¼	35	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW28	NW¼ NW¼	35	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW29	NW¼ NW¼	35	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW30	NE¼ NW¼	35	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW31	NE¼ NW¼	35	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW32	NW¼ NE¼	35	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW33	NW¼ NE¼	35	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW34	SW¼ SE¼	26	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW35	SW¼ SE¼	26	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW36	SE¼ SE¼	26	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02
Groundwater	DOMW37	NE¼ SE¼	26	28N	20E	Rural Domestic	12/8/1859	--	2.02	2.02

ATTACHMENT 2 - RURAL DOMESTIC

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

12/6/2011

PLACE OF USE																		
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	LOT 17	LOT 18	NE	NW	SW	SE
1	28N	19E											X	X				
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	LOT 5	NW	LOT 6	LOT 7	LOT 12	NW	SW	LOT 13	NE	NW	LOT 14	SE
12	28N	19E					X	X	X	X	X			X			X	
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	LOT 4	LOT 7	SE	LOT 5	NW	SW	LOT 6	NE	NW	SW	SE	NE	LOT 10	LOT 11	SE
13	28N	19E		X	X		X			X						X	X	
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
26	28N	20E									X		X	X	X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
27	28N	20E																X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
28	28N	20E												X			X	
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
32	28N	20E			X	X				X					X			
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
33	28N	20E		X			X	X	X	X		X						
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
34	28N	20E	X															
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
35	28N	20E		X			X	X										
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	LOT 6	NW	SW	LOT 7
35	29N	19E													X			X

Note: The total amount of water claimed for rural domestic use is 75 acre-feet annually. The total place of use acreage is 732 acres.

ATTACHMENT 3 - COMMERCIAL (NEIGHBORHOOD) 12/6/2011

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

Period of Use: January 1 through December 31

SOURCE	WELL ID	POINT OF DIVERSION				PURPOSE	PRIORITY DATE	FLOW (CFS)	DUTY (AF/AC)	TOTAL (AF)
		SUBDIVISION	SEC.	TWN.	RNG.					
Groundwater	COMW01	LOT 11	13	28N	19E	Commercial (Neighborhood)	12/8/1859	0.4	5.63	282

PLACE OF USE

			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	LOT 11	LOT 12
13	28N	19E															X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	LOT 4	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
24	28N	19E	X															
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	LOT 4	SE	NE	NW	SW	SE
18	28N	20E											X					

Note: The total amount of water claimed for commercial (neighborhood) use is 282 acre-feet annually. The total place of use acreage is 50 acres.

ATTACHMENT 4 - COMMERCIAL (STOCKYARD/FEED LOT) 12/6/2011

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

Period of Use: January 1 through December 31

SOURCE	WELL ID	POINT OF DIVERSION				PURPOSE	PRIORITY DATE	FLOW (CFS)	DUTY (GPD/HEAD)	TOTAL (AF)
		SUBDIVISION	SEC.	TWN.	RNG.					
Groundwater	COMW02	SE¼ NE¼	31	29N	21E	Commercial (Stockyard/Feed Lot)	12/8/1859	0.4	20	300

PLACE OF USE																	
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
25	29N	20E									X				X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
36	29N	20E	X	X		X									X			
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	LOT 3	LOT 4	SE	NE	NW	SW	SE
30	29N	21E									X	X	X	X	X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	LOT 1	LOT 2	SE	NE	LOT 3	LOT 4	SE	NE	NW	SW	SE
31	29N	21E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Note: The total amount of water claimed for commercial (stockyard/feed lot) use is 300 acre-feet annually for 13,390 head of livestock.
The total place of use acreage is 1,000 acres.

ATTACHMENT 5 - INDUSTRIAL (GRAVEL MINING) 12/6/2011

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

Period of Use: January 1 through December 31

SOURCE	WELL ID	POINT OF DIVERSION				PURPOSE	PRIORITY DATE	FLOW (CFS)	DUTY (AF/AC)	TOTAL (AF)
		SUBDIVISION	SEC.	TWN.	RNG.					
Groundwater	INDW01	SW¼ SE¼	30	28N	20E	Industrial (Gravel Mining)	12/8/1859	0.2	1.00	162

PLACE OF USE																	
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	LOT 5		NE	NW	SW	SE
30	28N	20E											X			X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	LOT 3	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
31	28N	20E	X	X		X	X								X			
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
32	28N	20E						X	X			X						

Note: The total amount of water claimed for industrial (gravel mining) use is 162 acre-feet annually. The total place of use acreage is 162 acres.

ATTACHMENT 6 - INDUSTRIAL (COOLING AND MAKE-UP WATER FOR GEOTHERMAL POWER PLANTS)

12/6/2011

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

Period of Use: January 1 through December 31

SOURCE	WELL ID	POINT OF DIVERSION				PURPOSE	PRIORITY DATE	FLOW (CFS)	DUTY (AF/AC)	TOTAL (AF)
		SUBDIVISION	SEC.	TWN.	RNG.					
Groundwater	GEOMW01	NE¼ SW¼	36	29N	19E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW02	NW¼ SE¼	36	29N	19E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW03	NE¼ NE¼	36	29N	19E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW04	LOT 4	30	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW05	LOT 3	30	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW06	SE¼ SW¼	30	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW07	NE¼ NW¼	31	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW08	LOT 2	31	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW09	NE¼ SE¼	36	29N	19E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW10	LOT 7	1	28N	19E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW11	SE¼ NE¼	24	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW12	SW¼ NE¼	24	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW13	SW¼ NW¼	24	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW14	SE¼ NE¼	23	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW15	LOT 3	23	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW16	NE¼ SW¼	23	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW17	NE¼ SE¼	23	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW18	NW¼ SW¼	24	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW19	NW¼ SE¼	24	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100
Groundwater	GEOMW20	NE¼ SE¼	24	29N	20E	Industrial (Geothermal Cooling)	12/8/1859	0.14	--	100

PLACE OF USE

			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	LOT 9	LOT 10	LOT 15	LOT 16	SW	SE	NE	NW	SW	SE
1	28N	19E							X	X	X	X						
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	LOT 8	NE	NW	SW	SE	NE	NW	SW	SE	LOT 9	NW	SW	SE
2	28N	19E				X									X			
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	LOT 6	SE	NE	NW	SW	SE
19	29N	21E											X	X			X	
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	LOT 1	LOT 2	SE	NE	NW	SW	SE	NE	NW	SW	SE
30	29N	21E		X	X		X	X	X	X								

Note: The total amount of water claimed for industrial (geothermal cooling and make-up water) use is 2,000 acre-feet annually.
The total place of use acreage is 236 acres.

ATTACHMENT 7 - STOCKWATER

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

12/6/2011

Period of Use: January 1 through December 31

SOURCE	WELL ID	POINT OF DIVERSION				PURPOSE	PRIORITY DATE	FLOW (CFS)	DUTY (GPD/HEAD)	TOTAL (AF)
		SUBDIVISION	SEC.	TWN.	RNG.					
Groundwater	STK01	LOT 15	12	28N	19E	Stockwater	12/8/1859	--	20	0.5
Groundwater	STK02	NE¼ SE¼	26	28N	20E	Stockwater	12/8/1859	--	20	0.5

PLACE OF USE																		
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	LOT 14	LOT 15
12	28N	19E															X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	LOT 3	LOT 4	LOT 7	LOT 8	NE	NW	SW	SE	NE	NW	SW	SE	LOT 9	LOT 10	LOT 11	LOT 12
13	28N	19E	X	X	X	X									X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
26	28N	20E	X	X	X	X									X	X		

Note: The total amount of water claimed for stockwater use is 1.0 acre-foot annually for 44 head of livestock.
The total place of use acreage is 221 acres.

ATTACHMENT 8 - WILDLIFE 12/6/2011

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

Period of Use: January 1 through December 31

SOURCE	NAME	POINT OF DIVERSION				PURPOSE	PRIORITY DATE	FLOW (CFS)	DUTY (AF/AC)	TOTAL (AF)
		SUBDIVISION	SEC.	TWN.	RNG.					
Flowing Well	SPR01	SE¼ NW¼	19	28N	20E	Wildlife	12/8/1859	--	4.0	2.9
Spring	SPR02	NW¼ SW¼	20	28N	20E	Wildlife	12/8/1859	--	4.0	0.4
Spring	SPR03	SE¼ NE¼	28	28N	20E	Wildlife	12/8/1859	--	4.0	9.4
Spring	SPR04	SW¼ SW¼	23	28N	20E	Wildlife	12/8/1859	--	4.0	0.4

PLACE OF USE

			NE				NW				SW				SE			
SEC.	TWN.	RNG.	LOT 4	NW	SW	LOT 7	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
24	28N	19E	X			X												
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	LOT 4	SE	NE	NW	SW	SE
18	28N	20E									X		X	X		X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	LOT 1	LOT 2	SE	NE	NW	SW	SE	NE	NW	SW	SE
19	28N	20E	X	X	X	X	X	X	X	X	X				X	X		
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
20	28N	20E			X	X	X	X	X	X	X	X			X	X		
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
21	28N	20E							X		X	X	X	X		X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
22	28N	20E																X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
23	28N	20E									X	X	X	X				
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
26	28N	20E					X	X	X									
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
27	28N	20E	X	X	X	X	X	X	X	X								
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
28	28N	20E	X	X	X	X	X	X		X								

Note: The total amount of water claimed for wildlife use is 13.0 acre-feet annually. The total place of use acreage is 1,300 acres which represents a maximum area for future spreading of water from the existing flowing well and springs.

ATTACHMENT 9 - GROUNDWATER RECHARGE

12/6/2011

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

Period of Use: January 1 through December 31

SOURCE	ID	POINT OF DIVERSION				PURPOSE	PRIORITY DATE	FLOW (CFS)	DUTY (AF/AC)	TOTAL (AF)
		SUBDIVISION	SEC.	TWN.	RNG.					
Unnamed Stream	STR01	NW¼ NW¼	33	28N	20E	Groundwater Recharge	12/8/1859	--	--	23.8
Unnamed Stream	STR02	SE¼ SW¼	27	28N	20E	Groundwater Recharge	12/8/1859	--	--	11.9
Unnamed Stream	STR03	NE¼ NE¼	34	28N	20E	Groundwater Recharge	12/8/1859	--	--	11.9
Unnamed Stream	STR04	NW¼ NW¼	35	28N	20E	Groundwater Recharge	12/8/1859	--	--	11.9
Unnamed Stream	STR05	LOT 3	20	29N	21E	Groundwater Recharge	12/8/1859	--	--	20.6
Unnamed Stream	STR06	SE¼ SE¼	20	29N	21E	Groundwater Recharge	12/8/1859	--	--	20.6
Unnamed Stream	STR07	SW¼ SW¼ NW¼ NW¼ 21 28	29	29N	21E	Groundwater Recharge	12/8/1859	--	--	103.0
Unnamed Stream	STR08	SE¼ NE¼	29	29N	21E	Groundwater Recharge	12/8/1859	--	--	20.6
Unnamed Stream	STR09	SW¼ SW¼	28	29N	21E	Groundwater Recharge	12/8/1859	--	--	20.6
Unnamed Stream	STR10	SW¼ NW¼	33	29N	21E	Groundwater Recharge	12/8/1859	--	--	20.6

DTT 5/1/2013 per email

PLACE OF USE																	
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
26	28N	20E		X	X		X	X	X	X	X	X	X	X		X	X	
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
27	28N	20E			X	X			X	X	X	X	X	X	X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
28	28N	20E			X	X			X	X	X	X	X		X	X		X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
29	28N	20E			X	X			X	X	X	X	X	X	X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
30	28N	20E			X	X									X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
32	28N	20E	X	X			X											
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
33	28N	20E						X										
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
34	28N	20E	X	X														
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
35	28N	20E					X	X										

ATTACHMENT 9 - GROUNDWATER RECHARGE
FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

12/6/2011

PLACE OF USE																		
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	LOT 1	LOT 2	SW	SE	LOT 3	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
24	29N	20E	X	X	X	X	X			X	X			X	X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
25	29N	20E	X	X	X	X	X			X	X			X	X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
36	29N	20E	X	X		X									X			
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	LOT 3	LOT 4	NE	NW	LOT 1	LOT 2	NE	LOT 5	LOT 6	SE	NE	NW	SW	SE
19	29N	21E			X	X			X	X	X	X	X	X	X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	LOT 1	SE	NE	NW	SW	SE	NE	NW	SW	SE
20	29N	21E							X		X	X	X	X			X	
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
29	29N	21E		X	X		X	X	X	X	X	X	X	X		X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	LOT 1	LOT 2	SE	NE	LOT 3	LOT 4	SE	NE	NW	SW	SE
30	29N	21E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	LOT 1	LOT 2	SE	NE	LOT 3	LOT 4	SE	NE	NW	SW	SE
31	29N	21E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
32	29N	21E	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

Note: The total amount of water claimed for groundwater recharge use is 265 acre-feet annually. The total place of use acreage is 4,950 acres which represents the aquifer areas that would receive direct benefit from the stream diversions for artificial recharge.

ATTACHMENT 10 - GEOTHERMAL POWER PLANTS 12/6/2011

FEDERAL RESERVED WATER RIGHT CLAIM - SMOKE CREEK DESERT BASIN, PYRAMID LAKE INDIAN RESERVATION, NEVADA

Period of Use: January 1 through December 31

SOURCE	WELL ID	POINT OF DIVERSION				PURPOSE	PRIORITY DATE	FLOW (CFS)	DUTY (AF/AC)	TOTAL (AF)
		SUBDIVISION	SEC.	TWN.	RNG.					
Geothermal	GEOPW01	NE¼ SW¼	23	29N	19E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW02	SW¼ SE¼	23	29N	19E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW03	SW¼ NE¼	26	29N	19E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW04	LOT 6	26	29N	19E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW05	NE¼ NE¼	35	29N	19E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW06	SE¼ NE¼	35	29N	19E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW07	LOT 6	35	29N	19E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW08	LOT 10	1	28N	19E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW09	LOT 14	1	28N	19E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW10	LOT 19	1	28N	19E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW11	LOT 4	19	29N	21E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW12	NE¼ SE¼	19	29N	21E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW13	NW¼ NW¼	29	29N	21E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW14	SW¼ NW¼	29	29N	21E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW15	SW¼ SW¼	29	29N	21E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW16	NE¼ NW¼	32	29N	21E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW17	SW¼ SE¼	29	29N	21E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW18	SW¼ NE¼	32	29N	21E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW19	NE¼ SW¼	32	29N	21E	Geothermal	12/8/1859	2.2	--	1,600
Geothermal	GEOPW20	SW¼ SE¼	32	29N	21E	Geothermal	12/8/1859	2.2	--	1,600

PLACE OF USE

			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	LOT 9	LOT 10	LOT 15	LOT 16	SW	SE	NE	NW	SW	SE
1	28N	19E							X	X	X	X						
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	LOT 8	NE	NW	SW	SE	NE	NW	SW	SE	LOT 9	NW	SW	SE
2	28N	19E				X									X			
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	LOT 6	SE	NE	NW	SW	SE
19	29N	21E											X	X			X	
			NE				NW				SW				SE			
SEC.	TWN.	RNG.	NE	NW	SW	SE	NE	LOT 1	LOT 2	SE	NE	NW	SW	SE	NE	NW	SW	SE
30	29N	21E		X	X		X	X	X	X								

Note: The total annual diversion requirement claimed for geothermal power production from the geothermal reservoir is 32,000 acre-feet. The annual consumptive use claimed for geothermal power production is 6,400 acre-feet which represents 20 percent of the total amount of water produced from the geothermal reservoir annually (32,000 acre-feet). The total place of use acreage is 236 acres.

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Surveyor General
Salt Lake City Utah

General Land Office (3
December 8th 1859

Sir

Pursuant to request, per letter of the 29th ultimo from the Commissioner of Indian Affairs, you are hereby instructed to reserve for Indian purposes the two tracts of lands described & indicated by the pink shade on the enclosed map of Utah

1st "A tract on the north Western portion of the valley of the Truckee River including "Pyramid Lake" This tract is triangular shaped and its greatest length about fifty three miles and its greatest width twenty five miles

Ans Jany 25 1860
Fitzhugh

2d "A tract on the North Eastern part of the valley of Walker's river including Walker's lake" This is an oblong tract - its greatest length about fifty five miles its width at the south end fifteen miles - at its north end eight miles

Sc letter to S.G. Nevada, Septr 7. 1861
12

You will make such annotations upon the corrected map of the Utah Surveying District as will show the reservations and in such a manner, that hereafter when surveying operations reach the localities, the Township lines may be extended over the tracts & such connections there with made, as will show in the Township plats & archives of the Surveyor General's office the extent & purpose, with the date of Reservation. You will please acknowledge the receipt of these instructions

Respectfully
S. A. Burnett Commr

10

725671
1-a

725671
2-a

Part of the design abandoned
by Survey Instructions 05-13-1865.
See letter to Surveyor General 05-18-1865.

Samuel C. Stambaugh [Pp. 96&97]

Surveyor General

Salt Lake City, Utah

General Land Office

December 8th, 1859

Sir:

Pursuant to request, per letter of the 29th ultimo from the Commissioner of Indian Affairs, you are hereby instructed to reserve for Indian purposes the two tracts of lands described and indicated by the pink shade in the enclosed Map of Utah.

1st "A tract on the north western portion of the Valley of the Truckee River including "Pyramid Lake." This tract is triangular shaped and its greatest length about fifty three miles and its greatest width twenty five miles."

725671 1-a
Indian Reserves

Answered
01-25-1860
Fitzhugh

2nd "A tract on the north eastern part of the Valley of Walker's River including "Walker's Lake." This is an oblong tract - its greatest length about fifty five miles; its width at the south end fifteen miles; at its north end eight miles."

See letter to
Surveyor General
Nv. 09-07-1861 &
11-12-1861

You will make such annotations upon the connecting Map of the Utah Surveying District as will thereon [identify?] the reservations and in such a manner, that hereafter when surveying operations reach the location, the township lines may be extended over these tracts and such connecting therewith made, as will show in the Township Plats and archives of the Surveyor General's Office the extent and purpose, with the date of Reservations.

725671 2-a

You will please acknowledge the receipt of these instructions

Respectfully,

(Sgd.) Samual A. Smith

Commissioner [General Land Office]

[Typed Copy 08-30-2011 PMC]
[Copy from National Archives RG49
Division "E", Letters Sent - Utah
03-01-1855 To 04-16-1875]

INDIAN AFFAIRS.

LAWS AND TREATIES.

Vol. I.

(LAWS.)

Compiled to December 1, 1902.

COMPILED AND EDITED

BY

CHARLES J. KAPPLER, LL. M.,

CLERK TO THE SENATE COMMITTEE ON
INDIAN AFFAIRS.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1904.

Resolved by the Senate (*the House of Representatives concurring*), That there be printed and bound three thousand copies of Senate Document Numbered Four hundred and fifty-two, Fifty-seventh Congress, first session, entitled Treaties, Laws, Executive Orders, and so forth, Relating to Indian Affairs, as revised, three hundred of which shall be for the use of the Senate, eight hundred for the House of Representatives, two hundred for the Commissioner of Indian Affairs, fifty for the House Committee on Indian Affairs, fifty for the Senate Committee on Indian Affairs, one hundred for the Department of the Interior, and the remaining one thousand five hundred shall be sold by the Superintendent of Documents.

Passed, January 28, 1904.

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56 chains and 50 links to a monument of stones on the top of a hill; thence south 70 degrees east 97 chains to a monument of stones at the base of a hill; thence south 60 degrees east 80 chains to a stone set in the ground rising 2 feet above, upon which is cut "U. S., S. E. corner;" thence north 56 chains and 50 links to place of beginning.

The act in question provides that the reservation shall not include any claim of settler or miner, yet the lands described above include the claim of Volney Rector. Inasmuch, however, as Inspector Vandever reports the improvements of Mr. Rector to be just what are required for the agency, and that Mr. Rector has relinquished the possession thereof to the United States for $1,800, the appraised value of two years ago, made by Commissioners Ingalls and Powell, I deem the law to have been complied with, and therefore submit the selection herein made for your approval, with the suggestion, if approved by you, that the lands herein selected be set apart for the Pai-Ute Indians.

The return of the letter of Inspector Vandever is herewith requested, with your directions in the premises.

Very respectfully, your obedient servant,

H. R. CLUM, *Acting Commissioner.*

The Hon. SECRETARY OF THE INTERIOR:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 3, 1875.

SIR: I return the report of William Vandever, United States Indian inspector, which accompanied your communication of the 28th ultimo, in which are defined the boundaries of the Pai-Ute Reservation in southeastern Nevada, embracing 1,000 acres, to which area said reserve was by act of March 3, 1875, declared to be reduced; the land to be selected by the Secretary of the Interior.

The selection of the tract of country described in the report of Inspector Vandever is approved, and hereby set apart as a reservation for the Pai-Ute Indians.

Very respectfully,

C. DELANO, *Secretary.*

The COMMISSIONER OF INDIAN AFFAIRS.

Pyramid Lake, or Truckee Reserve.

[In Nevada Agency; occupied by Paiute; area, 503½ square miles.]

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, November 29, 1859.

SIR: My attention has been called, by a letter of the 25th inst. from F. Dodge, esq., agent for the Indians in Utah Territory, now in this city, to the consideration of the propriety and necessity for reserving from sale and settlement, for Indian use, a tract of land in the northern portion of the valley of the Truckee River, including Pyramid Lake, and a tract in the northeastern part of the valley of Walker's River, including Walker's Lake, as indicated by the red coloring upon the inclosed map, and, fully concurring in the suggestion of Agent Dodge respecting this subject, I have to request that you will direct the surveyor-general of Utah Territory to respect said reservations upon the plats of survey when the public surveys shall have been extended over that part of the Territory, and in the mean time that the proper local land officers may be instructed to respect the reservations upon the books of their offices when such offices shall have been established.

Very respectfully, your obedient servant,

A. B. GREENWOOD, *Commissioner.*

Hon. SAMUEL A. SMITH,
Commissioner General Land Office.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 21, 1874.

SIR: I have the honor to present herewith a communication, dated the 20th instant, from the Commissioner of Indian Affairs, together with the accompanying map, showing the survey made by Eugene Monroe, in January, 1865, of the Pyramid Lake Indian Reservation in Nevada, and respectfully recommend that the President issue an order, withdrawing from sale or other disposition, and setting apart said reservation or tract of country for the use and occupation of Pah-Ute and other Indians now occupying the same.

The form of order necessary in the premises is engrossed on the inclosed map.

I have the honor to be, very respectfully, your obedient servant,

C. DELANO, *Secretary.*

The PRESIDENT.

EXECUTIVE MANSION, *March 23, 1874.*

It is hereby ordered that the tract of country known and occupied as the Pyramid Lake Indian Reservation in Nevada, as surveyed by Eugene Monroe, in January, 1865, and indicated by red lines, according to the courses and distances given in tabular form on accompanying diagrams, be withdrawn from sale or other disposition, and set apart for the Pah-Ute and other Indians residing thereon.

U. S. GRANT.

Walker River Reserve.

[See Pyramid Lake Reserve. Nevada Agency; area, 498½ square miles; occupied by Paiute.]

DEPARTMENT OF THE INTERIOR,
Washington, March 18, 1874.

SIR: I have the honor to present herewith a communication dated the 17th instant from the Commissioner of Indian Affairs, together with the accompanying map showing the survey made by Eugene Monroe in December, 1864, of the Walker River Reservation in Nevada, and respectfully recommend that the President issue an order withdrawing from sale or other disposition and setting apart said reservation or tract of country for the use and occupation of the Pah-Ute Indians located thereon.

The form of order necessary in the premises is engrossed on the inclosed map.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

The PRESIDENT.

EXECUTIVE MANSION, *March 19, 1874.*

It is hereby ordered that the reservation situated on Walker River, Nevada, as surveyed by Eugene Monroe, December, 1864, and indicated by red lines on the above diagram in accordance with the fifteen courses and distances thereon given, be withdrawn from public sale or other disposition and set apart for the use of the Pah-Ute Indians residing thereon.

U. S. GRANT.

— LAW LIBRARY
DEPARTMENT OF THE INTERIOR

DECISIONS

OF THE

DEPARTMENT OF THE INTERIOR

IN CASES RELATING TO

THE PUBLIC LANDS

EDITED BY

GEORGE I. HESSELMAN AND GEORGE A. WARREN

VOLUME 45

MARCH 1, 1916–JANUARY 31, 1917

WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

52

LIBRARY
DEPARTMENT OF THE INTERIOR

CENTRAL PACIFIC RY. CO.

Decided September 14, 1916.

CENTRAL PACIFIC GRANT—PYRAMID LAKE INDIAN RESERVATION.

Lands in the Pyramid Lake Indian reservation are excepted from the grant to the Central Pacific Railway Company made by the acts of July 1, 1862, and July 2, 1864.

VOGELSANG, *First Assistant Secretary:*

The Central Pacific Railway Company has appealed from decision of the Commissioner of the General Land Office of May 19, 1916, holding for cancellation Place List No. 1 as to lots 1 and 2, Sec. 13, T. 16 N., R. 19 E., SW. ¼ NE. ¼, Sec. 19, T. 19 N., R. 20 E., N. ½, Sec. 5, S. ½, Sec. 9, all of sections 15 and 27, and the E. ½, Sec. 33, T. 21 N., R. 24 E., and E. ½, Sec. 31, T. 22 N., R. 24 E., Carson City,

Nevada, land district. Said lands are within the primary limits of the grant made to the company by acts of July 1, 1862 (12 Stat., 489), and July 2, 1864 (13 Stat., 356).

Lots 1 and 2 of Sec. 13, T. 16 N., R. 19 E., and SW. ¼ NE. ¼, Sec. 19, T. 19 N., R. 20 E., were disposed of prior to the definite location of the company's line of road, and the correctness of the Commissioner's decision with reference thereto is not questioned. The balance of the land above described is within the boundaries of the Pyramid Lake Indian Reservation, and the single question presented for determination is whether on November 14, 1867, the date of filing map of definite location of the company's line of road opposite this land, the same was reserved for the Indians, or whether their occupancy thereof was of the character which, by the second section of the act of July 1, 1862, *supra*, the United States was required to extinguish as rapidly as may be. If the former, the grant to the company did not attach, and if the latter, the same did attach. The President on March 23, 1874—

ordered that the tract of country known and occupied as the Pyramid Lake Indian Reservation in Nevada, as surveyed by Eugene Monroe in January, 1865, and indicated by red lines according to the courses and distances given in tabular form on the accompanying diagram, be withdrawn from sale or other disposition and set apart for the use of Pah-Ute and other Indians residing thereon.

The facts with reference to the establishment of this reservation are fully set forth in the Commissioner's decision, from which it appears that on November 29, 1859, the Commissioner of Indian Affairs advised the Secretary of the Interior that certain lands on the Truckee River, including Pyramid Lake and the lands in question herein, had been selected as an Indian reservation and recommended that the President be requested to issue an Executive order to cover same. The Commissioner of the General Land Office, by letter of December 8, 1859, directed the Surveyor-General at Salt Lake City, Utah, to reserve said lands for Indian purposes in accordance with the request of the Commissioner of Indian Affairs, and further directed that appropriate notations be made upon the map of the Utah surveying district showing the reservation, so that the same would be respected when surveying lines reached that locality. The Indians were then in the actual occupancy of the lands, and the reservation thus created excepted the same from the operation of the grant to the railway company.

It is well settled that the acts of the heads of Departments must be held to be the acts of the President. See Wilcox *v.* Jackson (13 Peters, 498, 513); Wolsey *v.* Chapman (101 U. S., 755, 769). The subsequent order of the President therefore was unnecessary for the purpose of establishing the reservation, and merely recognized and declared what had already been done.

In the case of Minnesota *v.* Hitchcock (185 U. S., 373, 390), the court said:

> In order to create a reservation it is not necessary that there should be a formal cession or a formal act setting apart a particular tract. It is enough that from what has been done there results a certain definite tract appropriated to certain purposes.

This matter was before the Department in 1891, and Assistant Attorney General Shields rendered an opinion thereon July 7th of that year to the effect that the lands included in the Pyramid Lake Indian Reservation were excepted from the grant to the Central Pacific Railway Company. This opinion was forwarded by the Secretary of the Interior to the Indian Office with directions that it be guided thereby in its actions in connection with the reservation.

It is urged in support of the appeal that the Department patented certain tracts of land in the reservation under the public land laws and issued patents to the Central Pacific Railway Company for certain tracts included therein subsequent to the establishment of said reservation in 1859. It will be observed, however, that with one exception, all the patents to which attention is called were issued prior to the opinion of the Assistant Attorney General above referred to, and the inclusion of lands within the reservation in the patent issued subsequent to that opinion was evidently an oversight.

The decision of the Commissioner is affirmed.

In the District Court of the United States in and for The District of Nevada

— IN EQUITY, DOCKET No. A3 —

The United States of America

Plaintiff

— vs. —

Orr Water Ditch Company, et al.

Defendants

FINAL DECREE

FINAL DECREE

This cause having been heretofore heard by the Court and, following argument by counsel, the matter having been referred to George F. Talbot, as Special Master, and the said Special Master having thereafter rendered his report and made his findings, and the same having been approved and adopted by the Court (except as disallowed or modified by the Court) by a certain order termed "Temporary Restraining Order" made and entered in said cause under date of February 13, 1926:

NOW, THEREFORE, in accordance therewith, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

That the parties, persons, corporations, intervenors, grantees, successors in interest and assigns and substituted parties above and hereinafter named and their successors in interest and assigns are, and each of them is, as against every other one, hereby adjudged to be the owners of the water rights hereinafter specified and set forth and entitled and allowed to divert and use, from the Truckee River and its tributaries and from the streams, springs, drain and waste waters hereinafter mentioned, and by and through their respective ditches, canals, flumes, dams and reservoirs, for the irrigation of their respective hereinafter described lands, for generating electricity and power, for municipal purposes, for supplying the people living in cities and towns, for reclamation of arid lands, for watering livestock, for domestic uses and other beneficial purposes, water in the respective amounts and subject and according to the respective dates of appropriation and priorities as hereinafter stated, found and allowed.

TRUCKEE RIVER DIVERSIONS

Government Rights

INDIAN DITCH

Claim No. 1. By order of the Commissioner of the General Land Office made on December 8, 1859, the lands comprising the Pyramid Lake Indian Reservation were withdrawn from the public domain for use and benefit of the Indians and this withdrawal was confirmed by order of the President on March 23, 1874. Thereby and by implication and by relation as of the date of December 8, 1859, a reasonable amount of the water of the Truckee River, which belonged to the United States under the cession of territory by Mexico in 1848 and which was the only water available for the irrigation of these lands, became reserved for the needs of the Indians on the reservation.

For the irrigation of 3130 acres of Pyramid Lake Indian Reservation bottom lands, plaintiff, the United States of America, is entitled and allowed to divert from the Truckee River through the Indian Ditch, the intake of which is on the left bank of the river in Section 18, T. 22 N., R. 24 E., Mount Diablo Base and Meridian, not exceeding 58.7 cubic feet of water per second to an amount not exceeding 14,742 acre feet of water in any calendar year with a priority of December 8, 1859; provided the amount of water so to be diverted shall not exceed a flow of one miner's inch, or one-fortieth of one cubic foot per second per acre for the aggregate number of acres of this land being irrigated during any calendar year and the amount of water applied to the land after an estimated transportation loss of 15 percent, shall not exceed 85-100 of an inch or 85-100 of one-fortieth of one cubic foot per second per acre for the total number of acres irrigated, and provided that the amount of water so diverted during any such year shall not exceed 4.71 acre feet per acre for the aggregate number of acres of this land being irrigated during that year, and further provided that the amount of water applied to the land shall not exceed four acre feet per acre for the aggregate number of acres of this land being irrigated during any calendar year.

This water is allowed for the United States and for the Indians belonging on said reservation and for their use and benefit and is not allowed for transfer by the United States to homesteaders, entrymen, settlers or others than the Indians in the event that said lands are released from the reservation or are thrown open to entry or other disposal than assignment or transfer to the Indians.

Claim No. 2. In addition to water for the above mentioned 3130 acres of Pyramid Lake Indian Reservation bottom lands, the Government is hereby and will be allowed to divert water from the Truckee River, with a priority of December 8, 1859, to the amount of one-fortieth of one cubic foot per second per acre for the irrigation of 2745 acres of Pyramid Lake Indian Reservation bench lands. The water so allowed for bench lands may be diverted from the Truckee River through the Truckee Canal or any other ditch now or hereafter constructed as the plaintiff may desire or authorize; provided that the amount of water for bench lands shall not exceed during any calendar year 5.59 acre feet per acre diverted from the river, nor exceed during any calendar year 4.1 acre feet per acre applied to the lands, for the aggregate number of acres of this land being irrigated during any year.

This water is allowed for the United States and for the Indians belonging on said reservation and for their use and benefit and is not allowed for transfer by the United States to homesteaders, entrymen, settlers or others than the Indians in the event that said lands are released from the reservation or are thrown open to entry or other disposal than assignment or transfer to the Indians.

DERBY DAM AND TRUCKEE CANAL

Claim No. 3. Under the Reclamation Act of June 17, 1902, the United States, acting by the Secretary of the Interior, on July 2, 1902, withdrew from public entry, excepting under the homestead laws in accordance with the provisions of the Act, the lands required for the Government's first reclamation project, now known as the Newlands Project. Thereupon and with due diligence the United States proceeded with the construction of the Derby Dam across the Truckee River in the SW¼ of Section 19, in T. 20, N., R. 23, E., Mount Diablo Base and Meridian, and with the construction of the Truckee Canal, with a carrying capacity of 1,500 cubic feet of water per second, running from this dam a distance of 31 miles to the Lahontan Reservoir on the Carson River, and with the construction of the Lahontan Reservoir, with a storage capacity of 290,000 acre feet, and with the construction of about 250 miles of lateral and sub-lateral irrigation canals sufficient for carrying water for the irrigation of 151,000 acres. On April 30, 1919, the Government had expended for this project $6,252,000.00. The lands so withdrawn for reclamation are naturally dry and arid and without the application of water are of little or no value, but with irrigation will produce valuable crops and furnish homes and support for a large population.

Subject to prior appropriations and vested rights permitted and confirmed by the Act of Congress of July 26, 1866, the plaintiff is entitled and allowed to divert, with a priority of July 2, 1902, through the Truckee Canal 1,500 cubic feet of water per second flowing in the Truckee River for the irrigation of 232,800 acres of lands on the Newlands Project, for storage in the Lahontan Reservoir, for generating power, for supplying the inhabitants of cities and towns on the project and for domestic and other purposes, and under such control, disposal and regulation as the plaintiff may make or desire, provided that the amount of this water allowed or used for irrigation shall not exceed, after transportation

The quantities of water permissible to be diverted by the owners of the several ditches, through said ditches, on account of the several priorities herein decreed, are decreed subject to the obligations of said owners to divert and use water only at such times as needed and only in such amounts as may be required under a reasonable, economical and beneficial use. Rotation, or the combining and exchanging of the use of water between ditches and among users shall be permitted when necessary in order to obtain reasonable economy in the use of the water of the river or other streams, or in order to give to each ditch or user a more advantageous irrigation head, provided that such rotations shall not injuriously affect any of the rights determined and allowed by this decree. The Water Master may arrange for such rotations and consult with and endeavor to obtain the agreements of the various water users thereto, as the occasion may require and shall promptly report to this Court his action in the premises.

All users of water allowed by this decree a flow of less than one inch per acre for his, her or their respective lands may, with the consent of the Water Master or by his direction to the owners or person in charge of the ditch through which the water is conveyed, use when needed for the irrigation of his, her or their land, a larger flow than specifically allowed by this decree, up to and not exceeding one inch per acre, provided the amount of water used during any calendar year shall not exceed the seasonal acre feet allowance for the land, and that the flow allowed would not, if continuous, deliver in any one month in excess of twenty-five (25) per cent of the seasonal allowance in acre feet heretofore in this decree specifically allowed for said lands.

Whenever any person or party shall not be receiving the amount of water to which he is entitled under this Decree, the Water Master shall, upon request open, close, lock and regulate the necessary headgates, ditches and other works used for the diversion and application of such waters as to apportion the same as herein provided, and for that purpose may enter upon the lands of any and all persons having rights adjudicated by this Decree.

Persons whose rights are adjudicated hereby, their successors or assigns, shall be entitled to change, in the manner provided by law the point of diversion and the place, means, manner or purpose of use of the waters to which they are so entitled or of any part thereof, so far as they may do so without injury to the rights of other persons whose rights are fixed by this decree.

The State of Nevada is not a party to this suit but the rights of the State to water through different ditches which divert from the Truckee River for the State and numerous parties to this action have been estimated for convenience and purposes of administration.

The several parties to this suit shall pay and bear their own costs.

Said Sierra Pacific Power Company is the identical party and corporation referred to herein and in the "Temporary Restraining Order" made and entered in said cause on February 13, 1926, as the "Truckee River General Electric Company, a corporation", the name of said corporation having been heretofore changed, pursuant to law, from the Truckee River General Electric Company to Sierra Pacific Power Company.

The foregoing adjudications set forth in Claims Numbers 1 to 744, inclusive, of this Decree are based upon conditions existing at or prior to the entry of

said Temporary Restraining Order herein on February 13, 1926; and such adjudication shall not be deemed to limit, reestablish, or otherwise affect any rights acquired, created or lost subsequently thereto by conveyance, transfer, abandonment, non-user, contract (including said Truckee River Agreement) or otherwise, but the rights of the United States shall be as herein adjudicated as of the date of this decree save only as the same may be affected by said Truckee River Agreement.

Done in open court this 8th day of September, 1944.

FRANK H. NORCROSS,
District Judge.