
State Water Resources Control Board

NOTICE OF PETITIONS FOR TEMPORARY TRANSFER AND CHANGE FILED BY WALKER RIVER IRRIGATION DISTRICT LICENSES 6000 AND 9407 (APPLICATIONS 2221 AND 1389) AND INVOLVING FEDERALLY ADJUDICATED RIGHTS ESTABLISHED BY THE WALKER RIVER DECREE

On January 23, 2023, Walker River Irrigation District (WRID) filed petitions for the temporary transfer of water and change, including instream flow dedication, under Licenses 6000 (Topaz Reservoir) and 9407 (Bridgeport Reservoir) with the California State Water Resources Control Board (State Water Board) pursuant to Water Code section 1725 et seq. and section 1707.

WRID filed the petitions in order to assist with increasing the flow into Walker Lake for environmental restoration as part of the Walker River Restoration Program (Restoration Program), which was established pursuant to Public Law 111-85. The primary purpose of the Restoration Program is to restore and maintain Walker Lake, a terminal lake in Nevada, consistent with the protection of the ecological health of the Walker River and the riparian and watershed resources of the West, East, and Main Walker Rivers.

Walker River Basin Stored Water Program

WRID has an agreement with the National Fish and Wildlife Foundation (NFWF), predecessor of the Walker Basin Conservancy, to administer and manage the Walker River Basin Stored Water Program (Stored Water Program) in the Walker River Basin. The purpose of the Stored Water Program is to release surface water from Topaz or Bridgeport Reservoirs for instream dedication to and including Walker Lake and to obtain information to assist in the development and operation of a longer-term restoration program. The Stored Water Program was originally authorized for three years but was not required to occur three times or over three consecutive years. WRID has already conducted the Stored Water Program three times, in 2019, 2021, and 2022. Because there are still funds available to implement the Stored Water Program, WRID and NFWF have agreed to implement an additional demonstration of the Stored Water Program during 2023.

In 2019, WRID conducted an initial temporary transfer and instream flow dedication under the Stored Water Program. The State Water Board approved the petitions in February 2014, but the transfer of water did not occur until 2019 for various reasons, including the need for additional approvals and resulting litigation. WRID released approximately 17,664 acre-feet (af) of stored water to the Walker River system and Walker Lake in August through October 2019. In 2021, WRID conducted a second

temporary transfer and instream flow dedication under the Stored Water Program. Although the State Water Board approved the petitions in April 2020, the transfer of water did not occur until August 2021 for reasons similar to what occurred in 2019. WRID eventually released approximately 703 af of stored water to the Walker River system and Walker Lake in 2021 pursuant to the second year of the Stored Water Program. In 2022, WRID conducted a third temporary transfer and instream flow dedication under the Stored Water Program. The State Water Board approved the third set of petitions in February 2022, but the transfer of water did not commence until July of 2022 for reasons similar to what occurred in 2019 and 2021. WRID eventually released approximately 2,097 af of stored water to the Walker River system and Walker Lake in 2022 pursuant to the third year of the Stored Water Program. With the current change petitions, WRID seeks to implement a fourth demonstration year of the Stored Water Program.

Current Petitions for Temporary Change and Transfer

The purpose of the petitions is to temporarily include additional places of use and an additional purpose of use in order to transfer up to a total of 25,000 af of water for instream flow dedication. Specifically, the petitions seek to: (1) add to the existing place of use covered under License 6000 by including the West Walker River from Topaz Reservoir to the confluence of the Walker River, thence the Walker River to and encompassing Walker Lake, and add to the existing place of use covered under License 9407 by including the East Walker River from Bridgeport Reservoir to the confluence of the Walker River, thence the Walker River to and encompassing Walker Lake; and 2) add Fish and Wildlife Preservation and Enhancement as an additional purpose of use to both Licenses 6000 and 9407 for release of up to 25,000 af for instream dedication to Walker Lake involving water that was previously stored or would have otherwise been held in storage at Topaz Reservoir or Bridgeport Reservoir. The transferred water is proposed to be released from the reservoirs during the period of April 1 through October 31, which is generally the irrigation season. Temporary changes involving the transfer of water under Water Code section 1725 may be conducted for a period of up to one year and are exempt from the requirements of the California Environmental Quality Act.

Walker River Decree

The proposed changes involve waters of the Walker River adjudicated by the United States District Court for the District of Nevada in the federal Walker River Decree (*United States of America v. Walker River Irrigation District*, Case In Equity, C-125). Thus, in addition to applicable California law, the change petitions will be processed in accordance with the Amended Administrative Rules and Regulations adopted by the federal district court in Case No. C-125, as amended through June 3, 1996 (Administrative Rules). The Administrative Rules generally establish procedural requirements for change applications (known as change petitions under California law) filed to change the point of diversion, manner of use, or purpose of use of waters adjudicated in the Walker River Decree. This notice, and the notice of publication that

shall be published between the dates of February 2, 2023 and March 6, 2023, serve to fulfill the requirements of Article IV, Section 4.1 and 4.3 of the Administrative Rules and applicable California law.

Summary of Licenses 6000 and 9407 and Changes Proposed with Petitions for Temporary Transfer

Water Right License 6000 (Application 2221)

Source:

West Walker River tributary to Walker River thence Walker Lake

Point of Diversion:

Within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T9N, R22E, MDB&M

Amount:

Storage of 57,580 af per annum in Topaz Reservoir

Maximum rate of diversion to off-stream storage of 1,000 cubic feet per second (cfs)

*** Amount Proposed to be Transferred:**

A maximum total of up to 25,000 af combined under License 6000 and License 9407

30-day average combined release of 420 cfs under both Licenses 6000 and 9407

Maximum instantaneous release of 750 cfs under License 6000

Season of Diversion:

From about October 1 of each year to about July 15 of the succeeding year

Purposes of Use:

Domestic and Irrigation

*** Proposed Additional Purpose of Use During Transfer:**

Fish and Wildlife Preservation and Enhancement

Place of Use:

A net area of 79,174 acres within a gross area of 132,573 acres, being within the boundaries of WRID, as shown on a map filed with State Water Board

*** Proposed Additional Place of Use During Transfer:**

West Walker River from Topaz Reservoir to the confluence of the Walker River, thence the Walker River to and encompassing Walker Lake, as shown in Exhibit C of the Petition

*** Location of Proposed Instream Flow Dedication:**

Upstream Point of Dedication: Topaz Reservoir located within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 12, T9N, R22E, MDB&M

Downstream Point of Dedication: The terminus of Walker River into and including Walker Lake in T9-11N, R29-30E, MDB&M

Water Right License 9407 (Application 1389)

Source:

East Walker River tributary to Walker River thence Walker Lake

Point of Diversion:

Bridgeport Reservoir located within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, T6N, R25E, MDB&M

Amount:

Storage of 39,700 af per annum

Maximum amount held in reservoir at any time of 42,500 af

Maximum withdrawal in any one year shall not exceed 36,000 af

*** Amount Proposed to be Transferred:**

A maximum total of up to 25,000 af combined under License 9407 and License 6000

30-day average combined release of 420 cfs under both Licenses 9407 and 6000

Maximum instantaneous release of 550 cfs under License 9407

Season of Diversion:

From about September 1 of each year to about July 20 of the succeeding year

Purposes of Use:

Irrigation and Recreational

*** Proposed Additional Purpose of Use During Transfer:**

Fish and Wildlife Preservation and Enhancement

Place of Use:

A net area of 52,062 acres net within the gross area of WRID, as shown on a map filed with the State Water Board

*** Proposed Additional Place of Use During Transfer:**

East Walker River from Bridgeport Reservoir to the confluence of the Walker River, thence the Walker River to and encompassing Walker Lake, as shown in Exhibit C of the Petition

*** Location of Proposed Instream Flow Dedication:**

Upstream Point of Dedication: Bridgeport Reservoir located within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34, T6N, R25E, MDB&M

Downstream Point of Dedication: The terminus of Walker River into and including Walker Lake in T9-11N, R29-30E, MDB&M

Procedure for Submitting Comments

Pursuant to California Water Code section 1726, subdivision (f), and unless otherwise expressly provided under the Administrative Rules, any interested person may file a comment regarding the petitions. **Comments must be received by the Division of Water Rights by 4:30 p.m. on March 6, 2023. The State Water Board requests that a copy be provided to the petitioner at the following addresses:**

1) Walker River Irrigation District, c/o Angela Bezzone, MBK Engineers, 455 University Ave., Suite 100, Sacramento, CA 95825, or by email at bezzone@mbkengineers.com; and 2) Bert Bryan, Walker River Irrigation District, P.O. Box 820, Yerington, NV 89447, or by email at bert@wrid.us.

Electronic copies of the petitions are available on WRID's website at:

<http://www.wrid.us/WRID/News>

Contact Information

Copies of the petitions and related documentation, including maps, are available upon request. Please direct all requests and questions regarding this notice to Kate Gaffney by e-mail at Kathryn.Gaffney@waterboards.ca.gov. Written correspondences or inquiries should be addressed as follows: State Water Resources Control Board, Division of Water Rights, Attn: Kate Gaffney, P.O. Box 2000, Sacramento, CA 95812-2000.

Date of Notice: February 2, 2023