



State Water Resources Control Board

October 29, 2012

ELECTRONIC MAIL

To: Enclosed Service List

Ladies and Gentlemen:

DECISION 1651 - FINAL DECISION CONDITIONALLY APPROVING APPLICATIONS 31487 AND 31488 AND CONDITIONALLY APPROVING PETITIONS TO CHANGE LICENSE 3723 (APPLICATION 5169), LICENSE 4196 (APPLICATION 9247), PERMIT 11605 (APPLICATION 15673), AND LICENSE 10180 (APPLICATION 18006) – INDEPENDENCE CREEK, LITTLE TRUCKEE RIVER, AND PROSSER CREEK TRIBUTARY TO THE TRUCKEE RIVER, NEVADA AND SIERRA COUNTIES

Enclosed please find the final decision, adopted on October 16, 2012, in which the State Water Resources Control Board (State Water Board) conditionally approves water right Applications 31487 and 31488 of the United States Bureau of Reclamation (Reclamation or Applicant) to appropriate water from Independence Creek, the Little Truckee River, and Prosser Creek for beneficial use. In the final decision, the State Water Board also conditionally approves petitions to change License 3723 (Application 5169) of Washoe County Water Conservation District (Conservation District), License 4196 (Application 9247) of Truckee Meadows Water Authority (TMWA), and Permit 11605 (Application 15673) and License 10180 (Application 18006) of Reclamation. A copy of the final decision will also be posted at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/truckee_river/index.shtml.

In finalizing the decision, we noted a clerical error in that draft Licenses 3723 and 4196 do not conform to the draft decision dated July 18, 2012, and subsequently revised versions of the decision. Section 5.5.5 of the July 18, 2012 draft decision (subsequently renumbered to section 5.5.4 in later versions) explains that terms and conditions in the existing permit and licenses will be updated or added in order to be consistent with current standard permit and license terms. Accordingly, in the decision, the word “about” was removed from the season of diversion for the two licenses, but the word was inadvertently left in the licenses. We have corrected the season of diversion in the two licenses to conform to the decision. (See Wat. Code, § 1124 [authorizing correction of typographical or clerical errors].)

No later than 30 days after adoption of the decision, any interested person may file a petition with the State Water Board for reconsideration of the matter upon any of the following causes (Wat. Code, § 1122; Cal. Code Regs. tit. 23, § 768):

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

- (a) Irregularity in the proceedings, or any ruling, or abuse of discretion, by which the person was prevented from having a fair hearing;
- (b) The decision or order is not supported by substantial evidence;
- (c) There is relevant evidence which, in the exercise of reasonable diligence, could not have been produced;
- (d) Error in law.

A petition for reconsideration must contain the information required by California Code of Regulations, title 23, section 769. Except when the decision is issued under delegated authority, reconsideration before the State Water Board is not an administrative remedy that must be exhausted. (Wat. Code, § 1126, subd. (b).)

Petitions for reconsideration should be addressed to:

**Michael Buckman, Chief
Hearings Unit
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000
Email: mbuckman@waterboards.ca.gov**

Petitions for reconsideration may also be hand delivered to the following address:

**Records Unit
Attention: Michael Buckman
Division of Water Rights
State Water Resources Control Board
Cal/EPA Headquarters
1001 I Street, 2nd Floor
Sacramento, CA 95814-2828**

If you have any non-controversial procedural questions, please contact Jean McCue, Water Resource Control Engineer, at (916) 341 5351 or by email at jmccue@waterboards.ca.gov or Michael Buckman, Chief, Hearings Unit at (916) 341-5448 or mbuckman@waterboards.ca.gov.

Sincerely,



Michael Buckman, Chief
Hearings Unit

Enclosures: Truckee River Hearing Service List (Updated September 25, 2012)
Final Decision 1651

cc: See next page

cc: Janet Goldsmith
Kronick Moskovitz Tiedemann & Girard
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Dan Fuchs
Deputy Attorney General
Office of the Attorney General
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**SERVICE LIST OF PARTIES TO EXCHANGE INFORMATION:
TRUCKEE RIVER HEARING - JULY 21, 22, 23, 28 AND 29, 2010**

**SERVICE LIST
(Updated September 25, 2012)**

PARTIES TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS, AND OTHER DOCUMENTS. (Note: The parties listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

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WASHOE COUNTY WATER
CONSERVATION DISTRICT

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CITY OF FALLON

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Fallon, NV 89407
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**LIST OF INTERESTED PERSONS MAKING POLICY STATEMENTS ONLY
(PARTIES ARE NOT REQUIRED TO SERVE THE FOLLOWING PERSONS WITH WRITTEN
TESTIMONY, EXHIBITS, AND OTHER DOCUMENTS)**

CALIFORNIA DEPT. OF FISH & GAME

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