



# United States Department of the Interior

BUREAU OF RECLAMATION  
Mid-Pacific Regional Office  
2800 Cottage Way  
Sacramento, CA 95825-1898

IN REPLY REFER TO:

MP-460  
WTR-4.10

OCT 05 2012



Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

Subject: COMMENT LETTER – 10/16/12 BOARD MEETING: Truckee River Decision.

Dear Ms. Townsend:

This letter transmits the Joint Comments of the Bureau of Reclamation, Washoe County Water Conservation District (WCWCD), the Truckee Meadows Water Authority (TMWA), California Department of Water Resources, Pyramid Lake Paiute Tribe, and the City of Fernley (Fernley) (collectively, Petitioners) on the Revised Draft 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 and the related proposed Permits, Amended Permits and Amended Licenses (Draft Decision). These Applications and Petitions were filed to implement certain parts of the Truckee River Operating Agreement (TROA). Representatives of the Petitioners will attend the Board meeting on October 16, 2012.

We appreciate the attention the Board and staff gave to our prior comments as presented at the recent Workshop. Our review of the Revised Draft Decision, consistent with the guidance provided by the Board in its meeting notice, identified some minor technical corrections for the Board's consideration. In addition, we have comments on the revised text related to the Farad Diversion Dam Flow Requirement and the Stampede Reservoir Minimum Release Condition.

### **Omission of Sierra Pacific Power Company From Tahoe-Prosser Exchange Agreement**

The last paragraph on page 7 of the Revised Draft Decision lists the parties to the Tahoe-Prosser Exchange Agreement. The first sentence of that paragraph omits "Sierra Pacific Power Company", which needs to be inserted between "and" and "entered".

**Point of Diversion Descriptions**

There are two point-of-diversion descriptions which, although corrected in all other water rights, were not corrected in License 3723 and Permit XXXXX (Application 31487). The correct descriptions are as follows:

**License 3723**

(13) Highland Ditch - By Nevada Coordinate System of 1983, West Zone, North 14,862,766 feet and East 2,235,824 feet, being within NW 1/4 of NE 1/4 of Section 16, T19N, R18E, MDB&M

**Permit XXXXX (Application 31487)**

(65) Indian Ditch (Nixon Ditch) - North 14,959,047 feet and East 2,409,488 feet, being within SW 1/4 of NE 1/4 of Section 12, T22N, R23E, MD

**Farad Diversion Dam Flow Requirement (Sections 7.0 and 10.0; Permit Term 0140400)**

There are two aspects of the revised Farad Diversion Dam Flow Requirement on which some clarification would be helpful.

- A. In License 4196, the Amended Independence License, the condition sets forth the actual requirements of the Farad bypass flow condition. In contrast, in the other Licenses and Permits, the condition is referenced, but its detail is not included. It is not clear if that is an intended difference.
- B. With the exception of License 4196, the condition in the other licenses and permits includes the following additional language:

“Further, no water shall be rediverted at the Farad Diversion Dam unless (1) permittee has submitted information to the Deputy Director for Water Rights demonstrating that the permittee has acquired access to redivert water or made arrangements with TMWA to divert water on the permittee’s behalf, and (2) the Deputy Director for Water Rights advises the permittee that it has made a satisfactory demonstration.”

It is not readily apparent as to what will be required for the “satisfactory demonstration.” When these licenses and permits enter into effect, TROA must also be in effect. Subject to certain exceptions, the TROA parties agreed pursuant to Section 7.A.6 of TROA that TMWA can divert any water flowing in the Truckee River at its hydroelectric plants, including Farad. Because the licensee for License 3723 and permittee for Permit 11605 are parties to TROA, it would appear to Petitioners that TROA provides the satisfactory

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demonstration required by the condition. If it is presently expected that something more will be required, it would be helpful to clarify now what that might be.

**Stampede Reservoir Minimum Release Condition (Sections 7.0 and 10.0; Permit Term 0400100)**

In order to completely address the concerns expressed in Petitioners' comments of August 30, 2012 and stated orally at the Board Workshop on September 17, 2012, with respect to the Stampede Reservoir Minimum Release condition, we suggest a revision to the sentence which presently states that "This condition does not require a bypass or release of water collected to storage in other reservoirs and subsequently transferred to Stampede Reservoir."

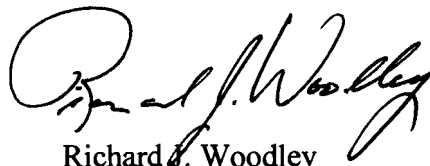
We suggest that sentence be revised to read as follows:

This condition does not require at or from Stampede Reservoir: (a) a bypass of water collected to storage in other reservoirs under licenses or permits other than Permit 11605 or Permit XXXXX (Application 31487); (b) a release of water collected to storage in other reservoirs under licenses or permits other than Permit 11605 or Permit XXXXX (Application 31487) and subsequently transferred to Stampede Reservoir; or (c) a bypass or release of water which could have been collected to storage in Independence Lake but which is instead initially collected to storage in Stampede Reservoir under License 4196.

This change will completely eliminate any concerns that water in Stampede Reservoir as TMWA's Firm M&I Credit Water or Emergency Drought Supply could be subject to release when it is not needed for drought supply purposes. Importantly, it will allow TMWA to respond favorably to agencies who frequently request increased flows downstream of Independence Lake in Independence Creek.

Any questions on this matter may be referred to Mr. Ray Sahlberg at 916-978-5249 or by email to rsahlberg@usbr.gov. We appreciate your consideration of these requests, and will be available at the State Board's meeting on October 16 to provide further clarification if needed.

Sincerely,



Richard J. Woodley  
Regional Resources Manager

cc: Truckee River Hearing Service List (Updated September 25, 2012)

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Truckee River Hearing Service List - Updated September 25, 2012

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