



Water Resources ♦ Flood Control ♦ Water Rights

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June 21, 2019

Erik Ekdahl, Deputy Director
Division of Water Rights
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA 95812-2000

**Subject: Walker River Irrigation District Release Plan for 2019 Temporary
Water Transfer and Instream Flow Dedication**

Dear Mr. Ekdahl:

Enclosed is a memorandum containing the requested information for the temporary transfer of water and instream flow dedication by the Walker River Irrigation District (District) under Licenses 6000 and 9407 (Applications 2221 and 1389, respectively), pursuant to the Division of Water Rights' (Division) Order, dated February 21, 2014 (Order), and as amended by the State Water Resources Control Board's (SWRCB) Order WR 2014-0020-EXEC (Amended Order), dated May 16, 2014. On May 22, 2018, the Ninth Circuit Court of Appeals affirmed the decision of the SWRCB, with respect to the District's temporary change petitions. Following this affirmation, the District began coordination with local stakeholders in order to implement the Stored Water Program in 2019. On November 7, 2018, the Walker River Court entered its Order, temporarily modifying the Walker River Decree, consistent with the SWRCB decision. This letter, including the enclosed memorandum, provides the information requested by the Order and the Amended Order.

The District's coordination with stakeholders during the past several months has included local growers, the Nevada State Engineer, the National Fish and Wildlife Foundation (NFWF), the Walker Basin Conservancy (WBC), the United States Geological Survey (USGS), the Desert Research Institute (DRI), the Watermaster for the Walker River, and the Walker River Paiute Tribe (Tribe). Condition 6 of the Amended Order requires that:

"The District shall develop and operate to a schedule of releases for the transfer in consultation with the Water Master, NFWF, and the Tribe. Within 30 days after consultation, the District shall provide verification to the Division of Water Rights that such consultation has occurred and information regarding any actions taken or that will be taken as the result of the consultation."

As indicated in the memorandum, meetings and discussions with stakeholders have occurred in order to provide information regarding the Stored Water Program and to solicit input during preparation of the memorandum, and the associated approach for operations/accounting of releases for the Stored Water Program. The schedule of releases and other aspects of the Stored Water Program were refined based on the input received from these stakeholders. Consultation with these

entities, relative to the schedule of releases, concluded on May 21, 2019. No additional actions, relative to consultation for the release schedule, are necessary at this time; and if the release schedule changes, the District will promptly inform the Watermaster, the NFWF, the Tribe, and the Division. Therefore, we believe this letter provides the information requested, pursuant to Condition 6 of the Amended Order.

Condition 9 of the Amended Order requires that “the District shall schedule reservoir releases to be made within the irrigation season (April 1 through October 31) to be within the historic range of releases during the irrigation season”, and to “provide the plan to the Division of Water Rights and make the plan publically available”. Pursuant to Condition 9, the enclosed memorandum identifies the historic range of reservoir releases and provides the schedule of releases; and the District has posted the memorandum on the District’s website concurrently with the submittal of this letter to the Division.

Condition 1 of the Order identifies that the temporary changes for the proposed water transfer is limited to a one-year period, commencing on the date of final approval, which includes approval by the Federal District Court and approval by the Nevada State Engineer. On November 7, 2018, following legal proceedings, the Walker River Decree Court entered an Order temporarily modifying the Walker River Decree, with respect to stored water in Topaz and Bridgeport reservoirs in accordance with the opinion and order of the Ninth Circuit Court of Appeals in *United States of America v. United States Board of Water Commissioners, et al.*, 893 F.3d 578 (9th Cir. 2018). On June 5, 2019, the District submitted Temporary Change Applications to the Nevada State Engineer for the Stored Water Program; and the District is continuing to coordinate with the Nevada State Engineer during the review process. Following completion of that effort by the Nevada State Engineer, the District will provide an update to the Division, which will include identifying that final approvals have been obtained to initiate the one-year transfer period.

We believe the information contained in this letter and the enclosed memorandum satisfies the District’s requirements, identified in Conditions 6 and 9 of the Amended Order. The District plans to rely upon the release schedule contained in the memorandum in order to begin releases for the temporary water transfer during early August 2019. Following your review of the letter and memorandum, please call if you have any questions or require additional information.

Sincerely,
MBK ENGINEERS



Darren Cordova, P.E.

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Enclosure: Memorandum

cc: Robert Bryan, Walker River Irrigation District
Gordon DePaoli, Woodburn and Wedge
Dale Ferguson, Woodburn and Wedge



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MEMORANDUM

DATE: June 21, 2019
TO: Erik Ekdahl, Deputy Director for Water Rights
FROM: Kyle Knutson P.E., MBK Engineers
SUBJECT: Walker River Irrigation District Release Plan for 2019 Temporary Water Transfer and Instream Flow Dedication

The purpose of this memorandum is to address Condition 6 and Condition 9 of the Division of Water Rights' (Division) Order dated February 21, 2014 (Order), authorizing releases for temporary transfer of water and instream flow dedication by the Walker River Irrigation District (District) under Licenses 6000 and 9407 (Applications 2221 and 1389, respectively). Condition 6 and Condition 9 of the Order were amended by State Water Resources Control Board (SWRCB) Order WR 2014-0020-EXEC (Amended Order), dated May 16, 2014. These conditions relate to a schedule of releases for the proposed temporary water transfer. In particular, Condition 9 of the Amended Order requires, in part: "a plan that identifies the historic range of releases during the irrigation season and that evaluates whether water to be transferred during the irrigation season is within the historic range of releases." The purpose of this memorandum is to provide this "release plan" to the Division.

BACKGROUND

On February 28, 2013, the District submitted two Petitions for Temporary Transfer and Instream Flow Dedication (Petitions) in order to assist with increasing the flow into Walker Lake for environmental restoration in the Walker River Basin as provided in Public Law 111-85, which established the Walker River Restoration Program. The District has an agreement with the National Fish and Wildlife Foundation, predecessor to the Walker Basin Conservancy and referred to as "WBC" herein, to administer and manage a "Stored Water Program" (SWP) in the Walker River Basin. The purpose of the SWP is to release surface water from Bridgeport Reservoir (License 9407) and/or Topaz Reservoir (License 6000) for instream dedication to and including Walker Lake. The total quantity of surface water proposed for the temporary water transfer is up to 25,000 AF under the District's Licenses 6000 and 9407.

On May 22, 2018 the Ninth Circuit Court of Appeals affirmed the Amended Order of the SWRCB to approve the Petitions. On November 7, 2018, the Walker River Court entered its Order temporarily modifying the Walker River Decree consistent with the SWRCB decision. As a result, the District will manage the SWP during the 2019 irrigation season. The SWP is a voluntary program through which individual farmers within the District may dedicate a portion of their allocated stored water supply to the SWP. The District solicited participation in the SWP, which has resulted in 9,892 AF to be released from Bridgeport Reservoir and 7,772 AF to be released from Topaz Reservoir. Therefore, a total of 17,664 AF of transfer water will be released for the SWP.

HISTORICAL RANGE OF RELEASES

Condition 9 of the Amended Order identifies the historical range of releases as “those releases that have taken place under existing license conditions, including any requirements for reservoir surface water elevation, minimum pool, bypass flows, or ramping schedules.” For Bridgeport Reservoir, releases are measured at United States Geological Survey (USGS) Station 10293000 *East Walker River Near Bridgeport, CA*. Figure 1 provides the daily minimum and maximum rate of flow as measured at Station 10293000 during the period 1971 through 2017.

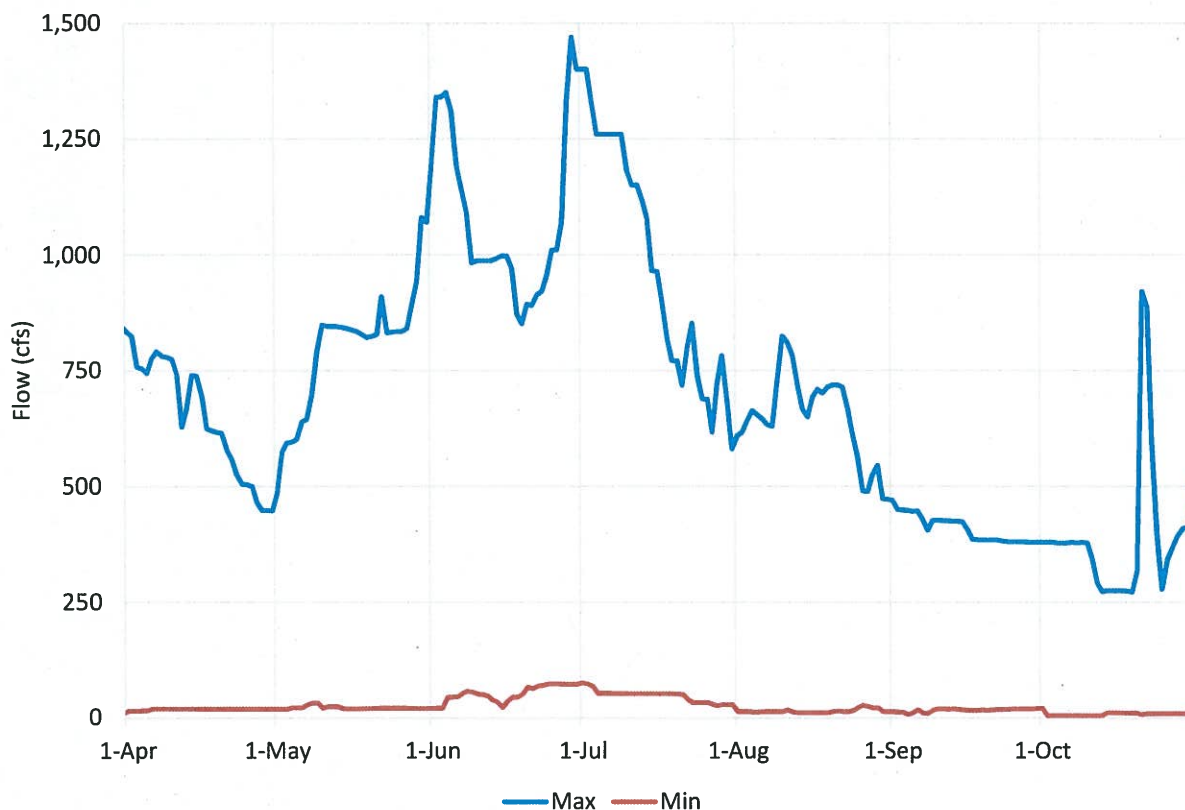


Figure 1. Bridgeport Reservoir Daily Historical Range of Releases

For Topaz Reservoir, the nearest streamflow gage to measure releases is USGS Station 10297500 *West Walker River at Hoye Bridge near Wellington, NV*. Figure 2 provides the daily

minimum and maximum rate of flow as measured at Station 10297500 during the period 1971 through 2017.

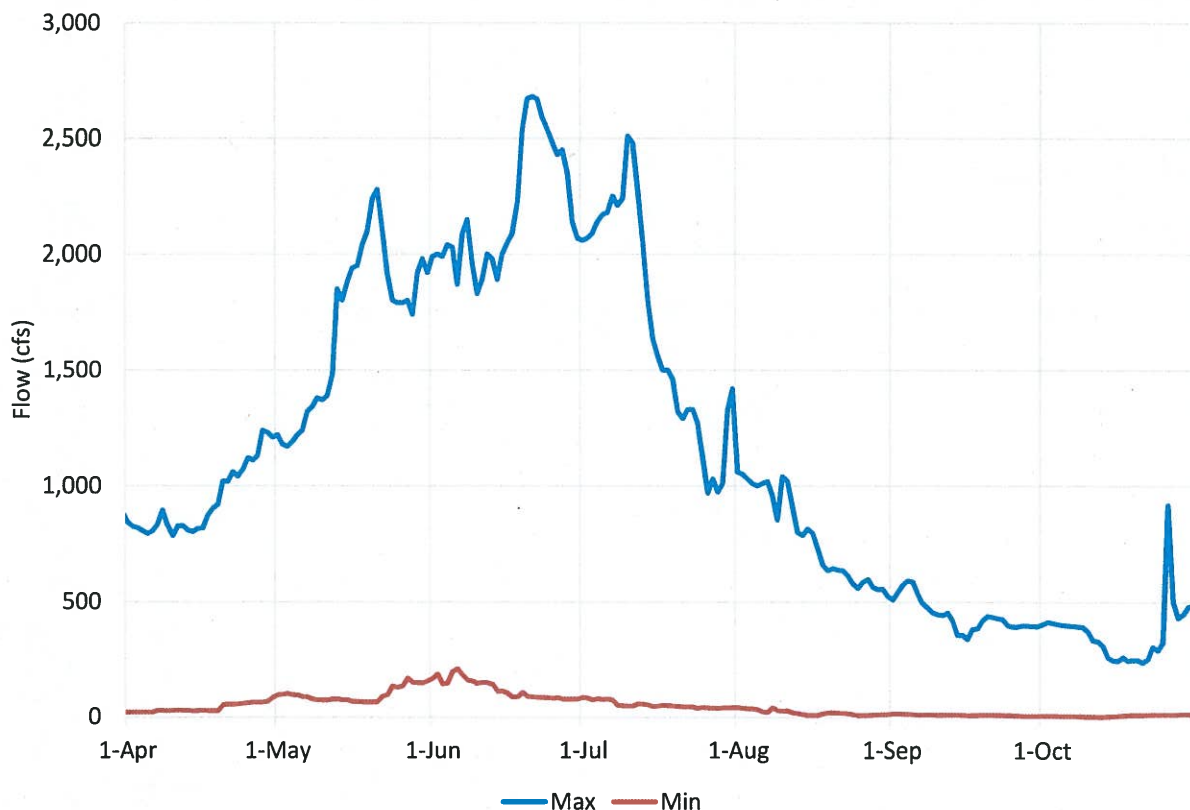


Figure 2. Topaz Reservoir Daily Historical Range of Releases

SCHEDULE OF RELEASES FOR THE TRANSFER

The objective of the SWP is to increase inflow of water into Walker Lake. In consideration of this objective, the District intends to minimize conveyance losses by delivering the transfer water at times when losses can be minimized. A review of available flow data has indicated that this is best achieved by delivering the transfer water at the end of the irrigation season, during August through the end of October. In accordance with Condition 6 of the Amended Order, the Watermaster, WBC, and the Walker River Paiute Tribe were consulted to develop a schedule of releases and to discuss associated details for the SWP. Below is a list of dates when consultation occurred with one or more of these parties:

- December 19 & 20, 2018
- February 6, 2019
- March 12, 2019
- March 21, 2019
- May 20 & 21, 2019

Based on the discussions listed above, comments were incorporated to the release plan and associated accounting of transfer water.

The transfer water released from the reservoirs for the SWP will comprise a portion of the total releases. In addition to the SWP transfer water, releases will include natural flow which is bypassed for diversion under Decree water rights and stored water released for irrigation within the District. The goal of the District is to maintain a constant rate of release from the reservoirs during the transfer period. To demonstrate that releases will be within the historical range of releases, the releases of natural flow for Decree water rights and stored water for irrigation are estimated. These estimates are based on average daily releases in years with similar hydrology as compared to 2019. Figures 3 and 4 identify the estimated average daily releases for each component of water proposed to be released from Bridgeport Reservoir and Topaz Reservoir during the transfer period of August through October 2019. In addition, Figures 3 and 4 demonstrate that the expected release from each reservoir during 2019, including transfer water released for the SWP, will be within the historical range of releases. This expected release schedule may fluctuate on a daily basis from the release rates shown in Figures 3 and 4 due to hydrology and operations. Based on this proposed release schedule, the District will not release water outside of the historical range of releases nor conduct releases for the SWP after the end of October.

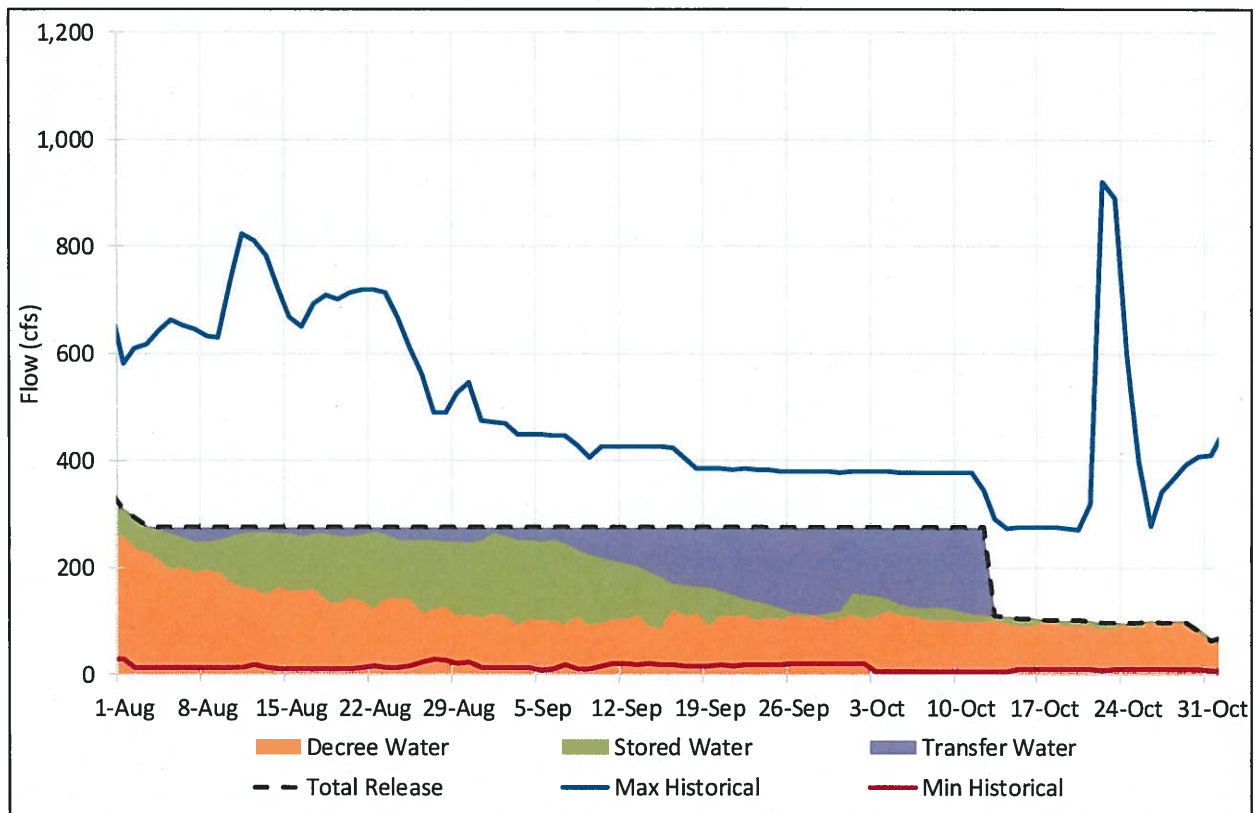


Figure 3. Bridgeport Reservoir Historical Range of Releases with Cumulative Estimated Releases

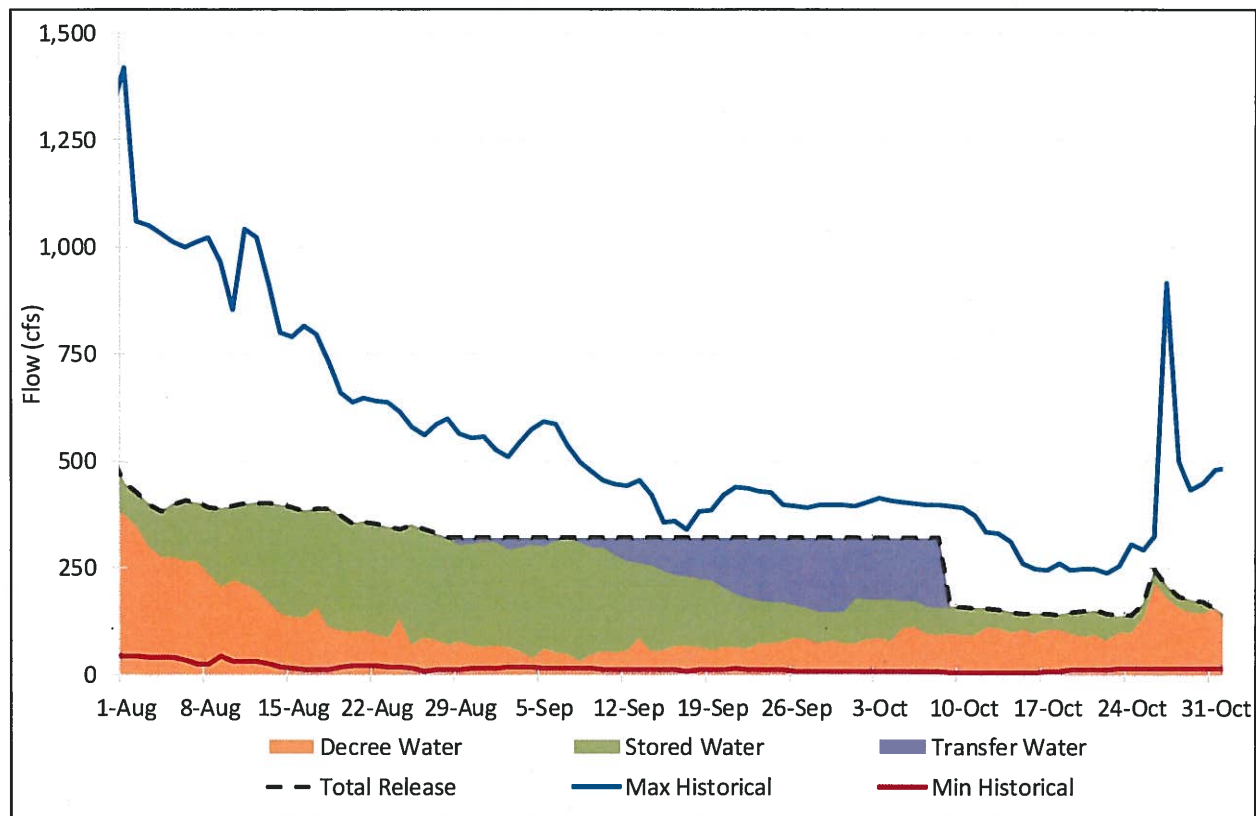


Figure 4. Topaz Reservoir Historical Range of Releases with Cumulative Estimated Releases

CONCLUSION

We believe the information contained in this memorandum addresses Condition 6 and Condition 9 of the Division's Amended Order. In accordance with these Conditions, the District will coordinate with the Watermaster, WBC, the Tribe, and the Division if any changes to the release schedule are considered.



Kyle Knutson, P.E.