

Attachment No. 1
to Petition for Temporary Urgency Change
License 9407 (Application 1389)
held by Walker River Irrigation District

Description of Proposed Temporary Urgency Change

Walker River Irrigation District (WRID) files this Petition for Temporary Urgency Change (Petition) with the Division of Water Rights (Division) to request a temporary change to terms and conditions of License 9407 (Application 1389) for the purpose of relaxing the minimum release requirement from 20 cfs (or 30 cfs, depending upon temperature) to a consistent 10 cfs downstream of Bridgeport Reservoir. As explained in greater detail below, the purpose of the proposed temporary change is to address and help mitigate the unprecedented drought conditions and impacts. WRID has been consulting with California Department of Fish and Wildlife (CDFW) in arriving at the appropriate changes proposed in this Petition. The request is intended to provide for optimal management of the remaining storage in Bridgeport Reservoir for the benefit of the fishery in Bridgeport Reservoir, and in the East Walker River downstream of Bridgeport Reservoir, in an effort to avoid potential water quality issues associated with reducing storage, as experienced in the drought period of the late 1980's.

Currently, releases from Bridgeport Reservoir provide minimum releases of at least 20 cfs downstream, and the U.S. Geologic Survey (USGS) gages on Green, Buckeye, and Robinson Creeks upstream suggest an inflow into the Reservoir of approximately 17 cfs. Thus, the difference is depleting the remaining minimal storage in Bridgeport Reservoir. However, recent USGS reservoir storage data suggests that the Reservoir has been gaining storage of about 10 to 20 acre-feet per day since November 4, 2014. At present, the USGS reservoir storage data shows the Reservoir storage at 1,960 acre-feet. The proposed relaxation of the minimum release requirement from 20 cfs (or 30 cfs, depending on temperature) to 10 cfs, will assist WRID's efforts to maintain water quality in and downstream of Bridgeport Reservoir, particularly if drier conditions persist. WRID proposes these changes be effective upon approval of the Petition until February 28, 2015, or if extended as discussed below, for a period of up to 180 days. During the period from the date of an order to February 28, 2015, inflow over 10 cfs would be collected to storage in Bridgeport Reservoir to preserve and increase storage, and assist in later meeting minimum downstream releases. WRID proposes these changes be effective upon approval of this Petition through February 28, 2015. In February 2015, WRID will re-evaluate the hydrologic conditions and may request an extension past February 28, 2015, but not longer than a total of 180 days from approval. Any such request will be made in consultation with CDFW.

As background, WRID's existing facilities are located within the East Walker River watershed of the Walker River Basin. Bridgeport Reservoir is located entirely within Mono County. The place of use under License 9407 includes lands within WRID, and these lands are located in the State of Nevada. The California State Water Resources Control Board Order WR 90-18 added the following terms to License 9407:

Minimum Reservoir Pool. Licensee shall maintain Bridgeport Reservoir at not less than the following storage levels:

<u>Classification</u>	<u>Storage Level</u>
Wet Years	2,000 acre-feet
Normal Years	2,000 acre-feet
Dry and Recovery Years	600 acre-feet ¹

Minimum Release. Licensee shall at all times maintain a continuous minimum release from Bridgeport Reservoir of not less than 20 cfs.

Minimum Flow to Prevent Icing. To prevent formation of frazil/anchor ice in the East Walker River downstream of Bridgeport Reservoir to Murphy's Pond, during November 1 through March 1 of each year, and based on the forecasted minimum 24-hour air temperature as provided by the National Weather Service, Licensee shall make the following continuous releases until forecasted minimum air temperatures again exceed the identified temperature levels:

<u>Forecasted Temperature (°F)</u>	<u>Required Release Flow (cfs)</u>
0° and Greater	20
Less than 0°	30

These terms were added as a result of the consequences of the dewatering of Bridgeport Reservoir in 1988. The terms identified above are included in the Bridgeport Reservoir Operations Manual, dated December 4, 1991. This Petition seeks to temporarily change the terms above to a continuous minimum release of 10 cfs below Bridgeport Reservoir. Absent meaningful precipitation events, or relief from the minimum release requirements, Bridgeport Reservoir could approach its minimum pool of 600 acre-feet by February 2015.

Hydrologic Conditions

On January 17, 2014, Governor Brown released a Proclamation of State of Emergency due to severe drought conditions for the State of California. According to the Natural Resources Conservation Service (NRCS), the median April 1 snow water content for the Virginia Lakes Ridge Snowcourse content is 16.2 inches. As of March 31, 2014, NRCS reported the snow water content was 8.0 inches, or 52% of the April 1 median. Therefore, 2014 is classified as a Dry Year (defined as snowpack water content is at or less than 75% of average per Order WR 90-18).

¹ Pursuant to settlement of litigation with the State of California resulting from the 1988 dewatering of Bridgeport Reservoir and subject to certain exceptions, WRID agreed to maintain storage levels in Bridgeport Reservoir at 2,000 acre-feet even in Dry and Recovery Years.

The USGS maintains a gage at Bridgeport Reservoir in coordination with WRID. The period of record for this gage is October 1, 1971 through present. The average inflow to Bridgeport Reservoir within the period-of-record is estimated to be approximately 108,000 acre-feet per water year. Inflow during Water Year 2014 is the lowest in this period of record at approximately 26,110 acre-feet, or 24% of average. During November 2013 through February 2014, inflow to Bridgeport Reservoir was approximately 11,224 acre-feet, which is the third lowest inflow for that period during this period-of-record. In addition, inflow during the month of October 2014 is the lowest inflow for that month during this period-of-record. Based on these recent conditions, WRID is filing this Petition to address and help mitigate the drought conditions and impacts, particularly if unprecedented conditions persist through February 2015.

WRID allocates water stored in Bridgeport Reservoir to landowners within WRID based on the volume in the Reservoir on March 1. During 2014, when allocating that water to landowners, WRID attempted to account for estimated evaporation losses in Bridgeport Reservoir, and for evaporation and transportation losses in the East Walker River and Walker River, from April 1, 2014 to October 31, 2014, in order to maintain a minimum pool of 2,000 acre-feet in Bridgeport Reservoir at the end of the irrigation season, October 31, 2014. However, due to the unprecedented conditions described above during 2014, losses in the system were much greater than anticipated and storage in Bridgeport Reservoir reached 2,000 acre-feet on September 20, 2014. Until about November 4, 2014, the storage has continued to decline because of evaporation and because minimum releases have exceeded inflow to Bridgeport Reservoir.

Criteria for Approving Temporary Urgency Change Requests

Water Code §1435(b) requires that the Division make the following findings before approving WRID's temporary urgency change request:

1. The permittee or licensee has an urgent need to make the proposed change.
2. The proposed change may be made without injury to any other lawful user of water.
3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other in-stream beneficial uses.
4. The proposed change is in the public interest.

WRID's proposed temporary urgency change addresses each of these required findings as identified below:

1. The permittee or licensee has an urgent need to make the proposed change.

Water Code §1435(c) provides that an "urgent need" exists when the Division may, in its judgment, conclude that the proposed temporary change is necessary to further the constitutional policy that the water resources of the state be put to beneficial use to the

fullest extent of which they are capable and that waste of water be prevented. Under this Petition, an urgent need for the requested temporary changes exists in order to preserve water held in Bridgeport Reservoir during the current drought conditions that are facing the State of California in 2014, and in particular the Walker River Basin.

Although at the present time, data concerning inflow to the Reservoir and storage in the Reservoir are conflicting, data concerning inflow and releases suggest that storage within the reservoir should be decreasing by approximately 10 acre-feet per day. Assuming this continued rate of decline, WRID projects Bridgeport Reservoir would reach the minimum pool of 600 acre-feet by February 2015. This projection does not account for any releases of 30 cfs to prevent icing pursuant to Order WR 90-18. Such releases could cause storage in Bridgeport Reservoir to decline at a faster rate, and potentially the reservoir could reach 600 acre-feet prior to February 2015. Given these possibilities, it is prudent to relax the minimum release requirements, at least until it is clear that the Reservoir minimum pool will not approach 600 acre-feet or lower.

2. The proposed change may be made without injury to any other lawful user of water.

The proposed temporary relaxation of the minimum release requirement under License 9407 will not result in injury to any other lawful user of water. The Walker River Decree adjudicates the diversion of the Walker River and its tributaries for direct land application and diversion to storage facilities for subsequent use. This includes diversion to storage at Bridgeport Reservoir. The Walker River Decree defines storage quantities and priorities. Per the Walker River Decree, WRID may store water from November 1 to March 1, without regard to priority. Diversions to storage can be made during this time without regard to priority because no natural flow rights are in priority during this time. In addition, only landowners within WRID have a right to call on water stored in Bridgeport Reservoir, but may not do so prior to April 1. Water that is being released from storage in Bridgeport Reservoir above the natural inflow for the minimum release requirement would not be available for diversion under water rights downstream.

3. The proposed change may be made without unreasonable effect upon fish, wildlife, or other in-stream beneficial uses.

As stated above, WRID contacted CDFW to discuss potential options regarding the current condition of Bridgeport Reservoir and the East Walker River and the present conflict between the minimum release and minimum pool requirements of License 9407. CDFW expressed that maintaining, and if possible, increasing, storage in Bridgeport Reservoir and reducing the minimum release is the preferred alternative. It is assumed that any effect of the proposed flow reduction would be offset by benefits both in Bridgeport Reservoir, and by maintaining water quality in the East Walker River downstream of Bridgeport Reservoir. Absent the proposed changes, storage levels in Bridgeport Reservoir may continue to decrease. The 1988 dewatering of Bridgeport Reservoir shows that the water quality in the East Walker River becomes increasingly poor as storage levels

in Bridgeport Reservoir approach 600 acre-feet, and particularly, as storage declines below that volume. Increased storage in Bridgeport Reservoir may also result in greater retention of fish species in Bridgeport Reservoir, and potentially provide additional habitat to benefit migrating waterfowl. For these reasons, WRID believes based on its consultation with CDFW, that the proposed continuous release of 10 cfs will not unreasonably affect the fishery, considering the persistent drought conditions.

In accordance with the Bridgeport Reservoir Operations Manual, WRID is performing visual inspections and obtaining samples at specified locations to monitor water quality in the East Walker River. WRID will continue to perform the visual inspections and sampling on at least a weekly basis during the time the proposed changes are in place, and will continue to provide these reports to the Lahontan Regional Water Quality Control Board. WRID and CDFW are developing a plan for additional fish monitoring actions.

WRID plans to operate such that 2,000 acre-feet would remain in storage on October 31, 2015, when it allocates water from Bridgeport Reservoir to its landowners during the 2015 irrigation season. If the drier hydrologic conditions persist into 2015, WRID will take account of the unprecedented losses within the system experienced during 2014 when making allocations for the 2015 irrigation season.

4. The change is in the public interest.

The proposed temporary change is intended to benefit the Reservoir fishery and to preserve water quality in the East Walker River downstream of Bridgeport Reservoir. Relaxing the minimum release to 10 cfs is intended to maintain or increase storage within Bridgeport Reservoir, while maintaining flow in the East Walker River for the benefit of the fishery. As a result, the potential water quality benefits may assist in maintaining the habitat in the East Walker River. The proposed temporary changes will optimize the minimal water available; and therefore, the proposed changes are in the public interest to preserve water under the present drought conditions.

Conclusion

Based on the above, we believe the proposed temporary changes meet the criteria for approving temporary urgency change requests.

AB/pa
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