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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff - Intervenor.

v.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

Defendants.

IN EQUITY NO. C-125

CASE NO: 3:73-CV-00125-RJC-WGC

**ORDER TEMPORARILY MODIFYING  
WALKER RIVER DECREE RE PERMIT  
NO. 92107-T**

The Walker River Decree is hereby temporarily modified in accordance with Permit No. 92107-T issued by the Nevada State Engineer on January 13, 2023.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that, as set forth in Nevada State Engineer Permit No. 92107-T, the Walker River Decree is hereby modified to reflect the temporary changes in the manner of use and place of use to instream flow for wildlife purposes in the Walker River and Walker Lake of portions of Decreed water right Claim Nos. 41 and 229. The portions of the claims that were not modified by Permit No. 92107-T and which therefore retain their current manner of use, place of use, and point of diversion are not modified by this Order. This modification does not make any changes to the listed owner of the water rights claims, or any portions thereof, as set forth in the Walker River Decree, even though the ownership of the water rights claims has changed since the entry of this Decree.

1 Claim 41/229, Fallon, Ira, Successor to Mrs. Sarah Jane Rallens, *et al.*, portion changed to  
 2 instream flows for wildlife purposes,

3 As set forth in Permit No. 92107-T, the portion of water right Claim 41/229 in the table below  
 4 shall be administered by the Water Master when in priority as shown in the second column (year  
 5 of priority) and third column (amount at point of non-diversion) of the table. Thereafter, the  
 6 Water Master shall administer and protect from diversion by others at and downstream of the point  
 7 of non-diversion the consumptive use portion, being 3.10 acre-feet per acre, which has been  
 8 converted to flow measured in cubic feet per second as shown in the fourth column (amount of  
 9 consumptive use). At the Wabuska Gage, said changed water right shall be administered in the  
 10 Walker River and Weber Reservoir through the Walker River Paiute Tribe reservation pursuant to  
 the Lower Walker River Conveyance Protocols, all as more fully set forth in Nevada State  
 Engineer Ruling No. 6271, the 2018 Ninth Circuit Decision and the terms of Permit No. 80700.  
 The non-consumptive use portion of the water rights shall be administered by the Water Master in  
 her or his discretion pursuant to the Walker River Decree and the 1953 Rules and Regulations for  
 the Distribution of Water on the Walker River Stream System, including to avoid conflict with and  
 injury to existing water rights at and downstream of the point of non-diversion and to mitigate  
 hydrologic system losses, from the point of non-diversion to the point or points where the non-  
 consumptive use portion historically returned to the Walker River upstream of the Wabuska Gage.

Stream	Year of Relative Priority	Amount at Point of Non-Diversion (in c.f.s.)	Amount of Consumptive Use (in c.f.s.)	No. of Acres Formerly Irrigated	Description of Place of Use
Walker River	1874	2.750	1.462	229.17	Walker River from the Point of Non-Diversion, through USGS Wabuska Gage, then through Weber Reservoir into and including Walker Lake.
	1880	1.540	0.819	128.35	


17 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED**

18 That Permit No. 92107-T shall be administered in exactly the same fashion as the Walker Basin  
 19 Conservancy’s previously approved Permit Nos. 80700, 88160–88162, and 90690, including use  
 of the same river gages, and no special fees or costs may be assessed against NDOW for its  
 administration.

20 This temporary modification of the Walker River Decree will terminate when the temporary  
 21 change provided for in Permit 92107-T expires and upon such termination, this Order Temporarily  
 22 Modifying Walker River Decree Re Permit No. 92107-T will be, and hereby is, *ipso facto* deleted  
 from the Decree without any further action by the Court.

23 **IT IS SO ORDERED.**

24 Dated: February 22, 2023

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 27 District Court Judge