

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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3 UNITED STATES OF AMERICA,  
4 Plaintiff,  
5 WALKER RIVER PAIUTE TRIBE,  
6 Plaintiff - Intervenor.

IN EQUITY NO. C-125  
CASE NO: 3:73-CV-00125-MMD-CSD

7 v.

**ORDER TEMPORARILY  
MODIFYING WALKER RIVER  
DECREE RE PERMIT NO. 90920-T**

8 WALKER RIVER IRRIGATION  
9 DISTRICT, a corporation, et al.,  
10 Defendants.

11 The Walker River Decree is hereby temporarily modified in accordance with Permit  
12 No. 90920-T issued by the Nevada State Engineer on February 24, 2022.

13 **NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that,  
14 as set forth in Nevada State Engineer Permit No. 90920-T, the Walker River Decree is  
15 hereby modified to reflect the temporary changes in the manner of use and place of use to  
16 instream flow for wildlife purposes in the Walker River and Walker Lake of Decreed water  
17 right Claim Nos. 41 and 229. This modification does not make any changes to the listed  
18 owner of the water rights claims, or any portions thereof, as set forth in the Walker River  
19 Decree, even though the ownership of the water rights claims has changed since the entry  
20 of this Decree.

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

23 As set forth in Permit No. 90920-T, the portion of water right Claim 41/229 in the  
24 table below shall be administered by the Water Master when in priority as shown in the  
25 second column (year of priority) and third column (amount at point of non-diversion) of the  
26 table. Thereafter, the Water Master shall administer and protect from diversion by others  
27 at and downstream of the point of non-diversion the consumptive use portion, being 3.10  
28 acre-feet per acre, which has been converted to flow measured in cubic feet per second as

1 shown in the fourth column (amount of consumptive use). At the Wabuska Gage, said  
 2 changed water right shall be administered in the Walker River and Weber Reservoir  
 3 through the Walker River Paiute Tribe reservation pursuant to the Lower Walker River  
 4 Conveyance Protocols, all as more fully set forth in Nevada State Engineer Ruling No. 6271,  
 5 the 2018 Ninth Circuit Decision and the terms of Permit No. 80700. The non-consumptive  
 6 use portion of the water rights shall be administered by the Water Master in her or his  
 7 discretion pursuant to the Walker River Decree and the 1953 Rules and Regulations for  
 8 the Distribution of Water on the Walker River Stream System, including to avoid conflict  
 9 with and injury to existing water rights at and downstream of the point of non-diversion  
 10 and to mitigate hydrologic system losses, from the point of non-diversion to the point or  
 11 points where the non-consumptive use portion historically returned to the Walker River  
 12 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	6.410	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	

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

20 That Permit No. 90920-T shall be administered in exactly the same fashion as the  
 21 Walker Basin Conservancy's previously approved Permit Nos. 80700 and 88160-88162  
 22 using the Wabuska and Yerington Weir Gages and no special fees or costs may be assessed  
 23 against NDOW for its administration.

24 **IT IS SO ORDERED.**

25 DATED this 30th day of September 2022.

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 28 DISTRICT COURT JUDGE