

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

STAFF REPORT  
ON  
APPLICATIONS 5170, 15672, 15673,  
AND PERMIT 5287

Purpose and Scope of Report

This report presents certain factual data and information regarding pending Applications 5170, 15672 and 15673 to appropriate water from Little Truckee River and Truckee River in Sierra and Nevada Counties, and a request for an extension of time to complete construction work and use of water under Permit 5287 (Application 6534). The pending applications, held by Sierra Pacific Power Company and United States Bureau of Reclamation, were filed pursuant to Division 2 of the Water Code of the State of California. Notices of the applications were given as required by law and although all protests have now been adjusted it is believed that in view of the magnitude of the projects a hearing is advisable. Permit 5287 is held by Washoe County Water Conservation District and allows diversion of water from Little Truckee River.

This report has been prepared from data contained in the files of the State Water Rights Board, and its purpose is principally to acquaint the interested parties with the over-all problem before the Board, the information already at hand, including a list of bulletins and reports believed to contain relevant information and which will be offered into evidence by reference at the hearing, and to outline additional information deemed

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necessary in ruling on the applications and, if approved, formulating appropriate permit terms and conditions. Copies of this report will be furnished to the various interested parties prior to the hearing, and a copy will be offered in evidence at the hearing as an exhibit of the staff of the State Water Rights Board.

Substance of the Applications

Application 5170 of Sierra Pacific Power Company was filed on August 25, 1926, for a permit to appropriate a total of 500 cubic feet per second from (1) Truckee River and (2) Little Truckee River between January 1 and December 31 of each year for power and incidental domestic purposes. The points of diversion are to be located as follows: (1) Truckee River, at a point within NE $\frac{1}{4}$  of ME $\frac{1}{4}$  of Section 32, T18N, R17E, MDB&M\*, (2) Little Truckee River, at a point within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 16, T18N, R17E. According to the application water is to be diverted by means of a concrete dam 10 feet in height and 130 feet long on top, and will be conveyed to the place of use by means of a pipe and canal conduit system. The place of use is to be at a powerhouse located within N $\frac{1}{2}$  of Lot 10 of Section 31, T18N, R18E, which is to be capable of developing 10,795 theoretical horsepower. Water will be returned to Truckee River in Lot 9 of Section 31, T18N, R18E. The application was completed, advertised and at a hearing held October 4, 1938, by the former Division of Water Resources, it was determined that one of the points of diversion, that on Little Truckee River, was actually in the Boca

\* Hereinafter all reference to sections, townships and ranges are from Mount Diablo Base and Meridian (MDB&M).

Reservoir area and would be inundated by water when the reservoir was built. Action on the application was then ordered withheld pending submittal of an amended application and supporting map. In the absence of an amended application to reflect the project as may now be contemplated by Sierra Pacific Power Company, the staff of the State Water Rights Board believes that further delay is not justified and that a hearing should proceed on the application. In the form that it now stands upon the records of the Board.

Permit 5287 (Application 6534). Application 5734 of Washoe County Water Conservation District was filed on January 16, 1930, proposing an appropriation of 19,150 acre-feet per annum from Little Truckee River to be collected from January 1 to December 31 of each year for irrigation and domestic purposes. The application was advertised, protested and a hearing held on October 4, 1938. Pursuant to Decision 435 of the former Division of Water Resources, Permit 5287 was issued on January 10, 1939, allowing an appropriation of 19,150 acre-feet per annum to be collected between January 1 and December 31 of each year for irrigation and domestic purposes. Water is to be diverted at Boca Dam within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 21, T18N, R17E, for storage in Boca Reservoir. Water released from the reservoir will be rediverted at 33 points within the boundaries of Washoe County Water Conservation District for use on 30,000 acres within the District in the State of Nevada.

The District was granted an extension of time until December 1, 1955, within which to apply the water to complete beneficial use under the permit. At the expiration of the

extension of time the District had not completely applied the water to beneficial use and requested an additional extension of time for that purpose. The reason advanced by the District for an extension is that it proposes to transfer the storage right under Permit 5287 (Application 6534) to the Stampede Reservoir if and when the Stampede project is complete. To date no such request for change in point of diversion has been received by the State Water Rights Board. It appearing to the staff of the Board that the District may have failed to complete the project contemplated by said permit with due diligence it is believed that the District should present evidence to show cause wherefore further extension of time should not be denied and license should not be issued confirming such right, if any, as has been consummated by actual use pursuant to said permit.

Application 15672 was filed on January 7, 1954, by the United States Bureau of Reclamation through its Region 4 office, Salt Lake City, for a permit to appropriate 350 cubic feet per second by direct diversion and 126,000 acre-feet per annum by storage from Little Truckee River. The season of direct diversion and diversion to storage is to be from January 1 to December 31 of each year and the uses are for power, flood control and recreational purposes. The point of diversion is to be located within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 28, T19N, R17E. The storage dam (also serving as a diversion dam) is to be 196 feet in height, 1340 feet long on top, constructed of rolled earth fill material creating Stampede Reservoir with a maximum surface area of 2,520 acres and a capacity of 126,000 acre-feet. Water will be diverted

from Stampede Reservoir through Stampede Tunnel thence through Calvada Penstock to the Calvada Powerhouse within SE¼ of NE¼ of Section 30, T19N, R18E and released to Truckee River within SE¼ of NE¼ of Section 30, T19N, R18E. The Calvada Power Plant is to be capable of generating 39,116 theoretical horsepower. Stampede Reservoir is to afford flood control to the cities of Reno and Sparks, 78 miles of river and approximately 30,000 acres of farm land. The recreational use is to consist of fishing, boating, camping, etc.

Application 15671 was filed on January 7, 1954, by the United States Bureau of Reclamation through its Region 4 office, Salt Lake City, for a permit to appropriate 350 cubic feet per second by direct diversion and 126,000 acre-feet per annum by storage from Little Truckee River to be diverted between January 1 and December 31 of each year, for irrigation, flood control and recreational purposes. The point of diversion and storage dam under this application is identical with Application 15672. The Bureau of Reclamation describes the project as follows:

"The Washoe Project, a multipurpose Bureau of Reclamation development, contemplates regulation and storage of surplus flows of the Truckee River System at the 126,000 acre-foot potential Stampede Reservoir. This stored water will permit the irrigation of lands in the upper Carson River drainage through a system of water exchange described as follows. The stored water would be released and passed through the 6-mile Stampede tunnel, Calvada Penstock and Power Plant to the Truckee River. A small part of the water would be used on lands in Truckee Meadows near Reno. The remaining stored water would continue down the Truckee River to Derby Dam where it would be rediverted through the Truckee Canal into the existing Lahontan Reservoir on the Carson River. It would then be released down the Carson River for use on lands of the Newlands project. Carson River water normally utilized on the Newlands project lands

would then be made available for upstream regulation in the potential Watasheema Reservoir and used for irrigation of Carson Valley and other lands above Lahontan Dam. This application covers the storage of unappropriated water at Stampede Reservoir and its later use of Truckee Meadows and Newlands Project lands."

The features of the project are shown on Bureau of Reclamation Map No. 320-419-156 on file with the State Water Rights Board. The place of use consists of 26,800 net irrigable acres within a gross acreage of 36,340 acres at Truckee Meadows and 70,000 net irrigable acres within a gross acreage of 107,140 acres within the Newlands Project area.

#### Protests

Several protests were originally received against Application 5170, but were later adjusted by negotiation among the parties and accordingly they required no disposition by the former Division of Water Resources following its October 4, 1938, hearing heretofore mentioned. One result of these negotiations was a written agreement between the United States Bureau of Reclamation, Washoe County Water Conservation District, Truckee-Carson Irrigation District and Sierra Pacific Power Company. This so-called "Truckee River agreement" executed July 1, 1935, by and between the aforementioned parties adjusted the differences between these parties with respect to the development then proposed under Application 5169, 5170, 6131, 6534, 9247 and 9267. The effect of this agreement is that insofar as the parties thereto are concerned:

1. Washoe County Water Conservation District may proceed under Application 5169 and 6534 to develop Boca Reservoir Site to a capacity of not less than 40,000 acre-feet.

2. Whatever development proceeds under Application 5170 must be subordinate to diversion and use under Applications 5169 and 6534.

3. Development under Application 6131 (now cancelled) shall be held in abeyance pending completion of Boca Reservoir.

4. There is no objection to the storage proposed by Sierra Pacific Power Company under Applications 9247 and 9267 (Independence Lake).

Protest against Applications 15672 and 15673 was received from the State Department of Fish and Game. However, the State Water Rights Board was later advised by the applicant and protestant that an agreement had been reached to the effect that the protest could be disregarded provided any permits issued pursuant to the applications contain the following conditions in the interest of fish preservation:

(1) During years of 60 percent normal predicted runoff or above, based on the official Federal-State cooperative April snow surveys and water supply forecasts for the Truckee River watershed, (a) Six cubic feet per second measured at a point one quarter mile downstream from Stampede Dam, and (b) Twelve cubic feet per second measured at a point near the confluence of the Little Truckee River with the Boca Reservoir.

(2) During years when the official predicted runoff for the Truckee River watershed is less than 60 percent of normal, (a) Six cubic feet per second measured at a point one quarter mile downstream from Stampede Dam, and (b) Six cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.

(3) During years when the official predicted runoff for the Truckee River watershed is more than 130 percent of normal, (a) Eight cubic feet per second measured at a point one quarter mile downstream from Stampede Dam, and (b) Sixteen cubic feet per second measured at a point near the confluence of the Little Truckee River with Boca Reservoir.

(4) The flows to be maintained in (1) through

(3) above shall become effective on May 1 of each year and continue to May 1 of the following year.

#### Summary of Downstream Rights

The only water rights of record in the files of the State Water Rights Board are appropriative rights initiated subsequent to December 19, 1914, the effective date of the Water Commission Act. Appropriative rights initiated prior to that date and riparian or overlying rights are not of record. The records show the following active filings as of July 24, 1957, to appropriate from Little Truckee River and Truckee River and tributaries in the vicinity of the proposed projects which may possibly require consideration in the disposition of the subject applications and permit:

License 3723 (Application 5169) of Washoe County Water Conservation District confirms the right to appropriate 40,850 acre-feet per annum from Little Truckee River between October 1 of each year and July 1 of the succeeding year for irrigation and domestic uses. Water is diverted to storage in Boca Reservoir at a point within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 21, T18N, R17E, and is released to 33 points of redirection for use upon a net irrigable area of 30,000 acres within the boundaries of the District.



License 4126 (Application 2247) of Sierra Pacific Power Company confirms the right to appropriate 17,500 acre-feet per annum by storage from Independence Lake in Sierra and Nevada Counties between about December 1 of each year and about July 1 of the succeeding year for municipal use. The point of diversion to storage is located within Lot 1 of Section 35, T19N, R15E. Water is released to three points of redirection located within (1) NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 31, T19N, R18E, (2) SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 9, T19N, R18E, and (3) SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 16, T19N, R19E, for municipal use at the cities of Reno and Sparks, Nevada.

License 2607 (Application 2267) of Sierra Pacific Power Company confirms the right to appropriate 17,500 acre-feet per annum by storage from Independence Lake in Sierra and Nevada Counties between about December 1 of each year and about July 1 of the succeeding year for power use. The point of diversion to storage is located within Lot 1 of Section 35, T19N, R15E. Water is released to five points of redirection located within (1) Lot 6 of Section 30, T18N, R18E, (2) Lot 19, Section 6, T18N, R18E, (3) SE $\frac{1}{4}$  of Section 19, T19N, R18E, (4) NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 16, T19N, R18E, and (5) SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 16, T19N, R19E, for use at five power houses located within (1) SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 12, T18N, R17E, (2) NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 30, T19N, R18E, (3) NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 8, T19N, R18E, (4) SW $\frac{1}{4}$  of Section 14, T19N, R18E, and (5) NE $\frac{1}{4}$  of Section 15, T19N, R19E.

Additional Information

Chapter IX of Bulletin No. 1, State Water Resources Board entitled, "Water Resources of California", dated 1955, gives general information concerning the locale of the applicants' proposed projects in regard to precipitation, areas of drainage basins, runoff, flood flows and frequencies and water quality. As shown in Table 71 of said Bulletin No. 1, records of streamflow are available as follows:

<u>Stream</u>	<u>Station</u>	<u>Period of Record</u>	<u>Recorded By</u>
Little Truckee River	near Truckee	1910	A
"	at Starr	1908-10	A
"	near Pine Station	1903-07	A
"	at Boca	1911-15	A
Truckee River	at Iceland	1912-37	A
"	at Farad	1900-09	A
"	"	1938-47	A
"	near California- Nevada Line	1909-12	A

A - United States Geological Survey.

On pages 195 through 211 of House Document No. 181, 84th Congress, 1st Session, entitled, "Washoe Project, Nevada - California", dated 1955, the comments of various agencies of the State of California on the proposed report of the Secretary of the Interior on the Washoe Project, Nevada and California, are given. Pursuant to these comments the State Engineer, A. D. Edmondston, recommended that:

"1. New regulatory storage and water supply for the Washoe project be based upon the runoffs of the streams in the Truckee and Carson River basins as impaired by present and future use in the areas of origin in California.

"2. The amount of water which will be available to the Washoe project be completely determined and defined at an early date through a Nevada-California interstate compact negotiated by commissioners appointed by the respective states, that any plan adopted for the project be subject to such modifications as may be required to conform to any compact which may be approved by the legislatures of the respective States of Nevada and California and by the Congress of the United States, and that nothing contained in these comments be construed as constituting a recommendation to a compact commission.

"3. The Stampede Reservoir be so constructed that it can be enlarged at a later date to a capacity adequate to care for future water requirements of lands in California, and sufficient land be acquired adjacent to the reservoir to permit adequate development of recreation facilities.

"4. A dependable water supply be provided to lands in the Carson Valley in California, as well as to those in the same valley in Nevada.

"5. The project includes plans for the operation of the storage capacity of Lake Tahoe in such a manner as to solve the problems of the lakeshore property owners, including the State of California, with regard to lake levels which would cause property damage.

"6. Adequate flows be provided in the streams affected by the operation of the Washoe project to maintain fish life and fish ladders be constructed in the dams of the project, where feasible, for the same purpose.

"7. Consideration be given to so constructing and protecting the canals of the project that they will not be a hazard to the migration of deer.

"8. The Federal reclamation laws and the directives of the Bureau of the Budget be complied with in determining the economic and financial feasibility of the project."

The California - Nevada Interstate Compact Commission was created in California by Chapter 1810, Statutes of 1955. It provides for a seven-member commission composed of the Director of Water Resources and six men to be appointed by the Governor. The Governor's appointees are A. M. Barton, Sacramento; Hubert B. Bruns, Fredricksburg, Alpine County; Ray Charlebois, Topaz, Mono

County; Franklin Rahbeck, Eijou, Lake Tahoe; William Bechdolt, Tahoe City; and Cecil Edmunds, Truckee.

The act creating the commission states that "It is the function of the commission to cooperate with a similar commission representing the State of Nevada in formulating and submitting to the legislatures of both states for their approval an interstate compact relative to the distribution and use of the waters of Lake Tahoe and the Truckee, Carson and Walker Rivers."

In carrying out this function it will be the objective of the California Commission to create a compact which will provide for a reasonable division of the waters of the various sources involved so that both California and Nevada will know where they stand, not only in regard to their present rights to the use of these interstate waters, but also as to their future use.

Public Law 858, 84th Congress, Chapter 809 - 2d Session, S. 497, approved August 1, 1956, authorizes the Secretary of the Interior to construct, operate and maintain the Washoe Reclamation Project, Nevada and California. Those portions of the act pertaining to California are quoted in part as follows:

"The dam at the Stampede site shall be so constructed as to permit its ultimate enlargement to a height at which the reservoir will have a capacity of approximately one hundred and seventy-five thousand acre-feet.

"(d) Water users in Alpine County, California, shall have the opportunity to contract for project water made available by the Washoe Reservoir before such project water is offered for the development of any new land in Nevada. Should any such project water be contracted for by Alpine County water users, then in that event such users shall be permitted to exchange such water for existing rights to natural flow or stored water of the West Carson River.

"(e) The use of waters of the Little Truckee River solely for the generation of electric power by the Washoe Project shall not impair or preclude the appropriation of such waters in the future for beneficial consumptive use within the Little Truckee River watershed in California to the same extent as such waters may be presently available for such appropriation in the State of California. Provided that if and when an interstate compact covering the distribution and use of the waters of the Truckee and Carson Rivers is approved by the Legislatures of the States of California and Nevada and is consented to by Congress, the operation of the Washoe reclamation project shall be in accordance with such compact, and the foregoing restriction shall not apply."

Documents to be Offered into Evidence

The following published documents contain pertinent information relative to the issues involved in connection with the applications under consideration and will be offered into evidence by reference by the staff of the State Water Rights Board:

1. Files of water right Applications 5170, 15672, 15673 and Permit 5287 (Application 6534).
2. State Water Resources Board, Bulletin No. 1, "Water Resources of California", dated 1951, with particular reference to Chapter IX - Lahontan Area.
3. State Water Resources Board, Bulletin No. 2 (Volumes I and II), "Water Utilization and Requirements of California", dated June, 1955, with particular reference to Chapter VIII - Lahontan Area.
4. State Department of Water Resources, Bulletin No. 3, "The California Water Plan", dated May, 1956, with particular reference to Chapter IV - The California Water Plan (Lahontan Area).
5. United States Department of Interior, Geological Survey, Water Supply Papers, Part 11, Pacific Slope Basins in California.
6. House Document No. 181, 84th Congress, 1st Session, "Washoe Project, Nevada-California", dated 1955.
7. Public Law 858 - 84th Congress, Chapter 809 - 2d Session, S.497, approved August 1, 1956.

8. Topographic maps, published by the United States Geological Survey covering the area under consideration.

Additional Data Required to Formulate a Decision

To enable the State Water Rights Board to properly consider all of the problems presented by the three pending applications to appropriate water and the request for extension of time to complete construction and use of water under Permit 5287 (Application 6534), information upon the following subjects is required. It is the responsibility of each applicant (or permittee) to supply the requested information as it may relate to his application (or permit).

1. Existence of unappropriated water available to supply applicants as to amount and season of occurrence.
2. Whether the appropriations as proposed are in accordance with or contrary to public interest.
3. If the applications are approved, what special terms and conditions, if any, should be included in the permits issued pursuant thereto.
4. Exercise heretofore of diligence by Sierra Pacific Power Company in connection with Application 5170.
5. Ability and intent of applicants to proceed diligently with developments under their respective applications if permits are issued.
6. Showing by Washoe County Water Conservation District that adequate diligence has been exercised as required under Water Code Section 1398 to warrant granting further extension of time to complete construction work and use of water under Permit 5287 as requested by the District.
7. Ability and intent of Washoe County Water Conservation District to proceed diligently with the project should an extension of time be granted.

The foregoing is not intended as a limitation upon  
the scope of the hearing and additional information may be required  
by the State Water Rights Board.

Dated: September 6, 1957  
Sacramento, California

RRF/JM