

June 29, 2010
Testimony of Martha Kaiser
Before State Water Resources Control Board At Hearing Regarding
Water Right Applications 31487 and 31488 by US Bureau of Reclamation
Change Petition 5169 by Washoe County Water Conservation District,
Change Petition 9247 by Truckee Meadows Water Authority,
Change Petition 15673 by US Bureau of Reclamation
Change Petition 18006 by US States Bureau of Reclamation

My name is Martha Kaiser and I am a Water Rights Specialist for the United States Bureau of Reclamation (Reclamation), Mid-Pacific Region. I am responsible for assisting with the general administration and protection of Reclamation's water rights. I have been employed with the Federal Government since November 1978, and worked for Reclamation in the Water Rights Branch since December 1998.

Purpose of Testimony

The purpose of my testimony is to provide a general description of the change petitions and water right applications filed with the State Water Resources Control Board (SWRCB) concerning Boca, Stampede, Prosser Creek, and Independence Reservoirs in Sierra and Nevada Counties, California.

On December 23, 2003, four change petitions were filed with the SWRCB requesting:

- 1) additions to the points of diversion and points of rediversion;
- 2) enlarging the place of use;
- 3) additions to the purposes of use; and
- 4) redistribution¹ of storage.

Applications for a new appropriation at Stampede Reservoir and Prosser Creek Reservoir were also filed. The change petitions and applications were intended to accommodate implementation of the Truckee River Operating Agreement (TROA). The change petitions and applications were revised in 2005 at the request of the SWRCB staff. Exhibit USBR-13.

The purpose of the two new applications is to allow use of the full capacity of Stampede and Prosser Creek Reservoirs, and to expand the diversion season. The change petitions for the four Truckee River reservoirs and the two water right applications seek to include the same points of rediversion, redistribution of storage, place of use, and purposes of use for all these reservoirs, so

¹ Redistribution as used in the change petitions means that a quantity of water, which would have been or is physically stored in a reservoir under this license (permit) may be stored in another reservoir under this license (permit).

that water can be exchanged, stored, and diverted to implement TROA. All of the existing points of diversion and points of rediversion, places of use, or purposes of use will be retained. Exhibit USBR-14. The petitions request:

- 1) redistribution of storage within the four reservoirs (Boca, Independence, Stampede, and Prosser Creek);
- 2) the addition of points of diversion and rediversion;
- 3) enlarging the place of use to provide for a common place of use under the licenses and permit; and
- 4) the addition of purposes of use so that the licenses and permit have the same purposes of use, except for Independence Dam and Reservoir which is not used for flood control purposes.

Change Petitions

License 3723 (Application 5169) – Boca Reservoir

License 3723 for Boca Dam and Reservoir is held by the Washoe County Water Conservation District (District) with a priority date of August 25, 1926. The United States constructed and holds legal title to Boca Dam and Reservoir. The District operates and maintains Boca Dam and Reservoir and holds the license for all water storage rights at Boca Reservoir. The District has a contract with Reclamation for storage of non-project water. Water is diverted to Boca Reservoir in Nevada County, California, from the Little Truckee River, a tributary of the Truckee River.

The existing point of diversion is Boca Dam. There are numerous points of rediversion under the License. The petition does not propose to eliminate the existing point of diversion or points of rediversion. The storage quantity of water is 40,850 acre-feet per annum (afa). The storage season is from about October 1 to about July 1 and purposes of use are irrigation and domestic.

License 4196 (Application 9247) – Independence Dam

License 4196 for Independence Dam is held by Truckee Meadows Water Authority with a priority date of February 24, 1938. Water impounded by Independence Dam is diverted from Independence Lake in Nevada and Sierra Counties, California, which is tributary to Independence Creek thence to Little Truckee River thence to the Truckee River. Water stored in Independence Dam under this license is identified to be used in the City of Reno and the City of Sparks as shown on the official map entitled Independence Lake Project dated February 7, 1938, in conformance with the Order of June 30, 1955 related to this License.

The existing point of diversion is Independence Dam with several points of rediversion under the License. The petition does not propose to eliminate the existing point of diversion or points of rediversion. The storage quantity is 17,500 acre-feet per annum to be collected from about December 1 of each year to about July 1 of the succeeding year. The purpose of use is municipal.

Permit 11605 (Application 15673) – Stampede Dam and Reservoir

Permit 11605 for Stampede Reservoir is held by the United States Bureau of Reclamation (Reclamation) with a priority date of January 7, 1954. Water is diverted to Stampede Reservoir in Sierra County, California, from the Little Truckee River, which is tributary to the Truckee River.

The existing point of diversion is Stampede Dam. The existing points of rediversion are the Truckee Meadows area and the Newlands Project area. The petition does not propose to eliminate the existing point of diversion or points of rediversion. The amount of water appropriated shall not exceed 350 cubic feet per second by direct diversion and 126,000 acre-feet per annum; the season of direct diversion shall extend from about April 1 to about November 1 of each year and the season of diversion to storage shall extend from January 1 to December 31 of each year. The purposes of use are irrigation, domestic, municipal, industrial, flood control, fish culture, and recreation.

License 10180 (Application 18006) – Prosser Creek Dam and Reservoir

License 10180 for Prosser Creek Reservoir is held by the United States, Bureau of Reclamation (Reclamation) with a priority date of February 18, 1958. Water is diverted to Prosser Creek Reservoir in Nevada County, California, from Prosser Creek, which is a tributary to the Truckee River.

The existing point of diversion is Prosser Creek Dam. The existing points of rediversion are the Truckee Meadows area and the Newlands Project area. The petition does not propose to eliminate the existing point of diversion or points of rediversion. The storage quantity is 30,000 acre-feet per annum. The season is from April 10 to August 10 of each year. The maximum withdrawal in any one year shall not exceed 20,162 acre-feet. The purposes of use are domestic, municipal, industrial, irrigation, fish culture, and recreation.

Changes Proposed by Petitions

The four petitions have been filed to change the licenses and permit for the purpose of accommodating implementation of the provisions of TROA. The Petitioners requested additional points of diversion, redistribution, and rediversion be added. The Petitioners also requested that the licenses and permit have a common place of use and common purposes of use, with the exception that flood control not be a purpose of use for Independence Dam and Reservoir.

The Petitioner requests that the following permit term be eliminated from License 10180:

“The Licensee shall operate Prosser Creek Reservoir in coordination with releases of water from Lake Tahoe in the Truckee River in accordance with the operation schedule contained in the U.S.

Bureau of Reclamation, Prosser Creek Reservoir Operation Study, January 14, 1958, and amended July 1, 1958, on file with the Board, or in accordance with any modified operation schedule that may be submitted by the Licensee, and approved by the State Water Resources Control Board after notice and opportunity to be heard has been given to all parties and other interested persons in this proceeding.”

The Petitioner requests that the following language be used to replace the deleted language:

“The Licensee shall operate Prosser Creek Reservoir in accordance with the Truckee River Operating Agreement, which is on file with the State Water Resources Control Board.”

Since the changes related to the points of diversion, redistribution, rediversion, and place of use requested by Petitioners are lengthy and are described in each change petition and the SWRCB’s Notice of Petitions to Change a Term, the Place of Use, Purpose of Use, Points of Diversion, Points of Rediversion, and Redistribution of Storage dated January 30, 2007, they are not listed again in this testimony. The purposes of use are to be expanded to include the following to facilitate possible changes and exchanges permitted under TROA: municipal, domestic, industrial, irrigation, stockwatering, fish culture, fish & wildlife protection/enhancement (including wetlands), power, instream water quality enhancement, recreation, conservation of Pyramid Lake fishery (as provided in P.L. 101-618) and flood control (except for Independence Reservoir, License 4196).

Because implementation of the changes proposed in the petitions is predicated on the approval and implementation of TROA, the petitioner requested that the order by the SWRCB approving the petitions include the following conditions:

- These changes are not effective until the conditions required for the Truckee River Operating Agreement to enter into effect have been satisfied. All diversions, storage, use of water and operations under this [License/Permit] shall be in accordance with the provisions contained in this [License/Permit] and the Truckee River Operating Agreement.
- Water stored in this [Name of Reservoir] pursuant to permits issued by the Nevada State Engineer under Nevada Law, and recognized pursuant to the provisions of California Water Code Sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this [License/Permit].

Applications

The applications to appropriate water by permit seek to allow use of the full capacity of the existing reservoirs. TROA allows for the coordinated operations of the reservoirs rather than as individual facilities. To accomplish this, TROA allows credits to be exchanged among water owners and water to be used from the reservoir that would be most efficient at that point in time.

Application 31487 – Stampede Reservoir

Application 31487 has been filed to accommodate implementation of the provisions of TROA and as a companion right to water right Permit 11605 (Application 15673) for Stampede Reservoir. Application 31487 seeks to appropriate 350 cubic feet per second (cfs) by direct diversion from January 1 to December 31, and up to 226,500 afa by storage from January 1 to December 31. The maximum annual quantity to be appropriated by direct diversion or by storage under Application 31487 is 226,500 afa, in combination with Permit 11605. The maximum annual quantity of storage under this application and Permit 11605 is to be limited to 226,500 afa.

Stampede Dam is a point of diversion; Boca Dam is a point of diversion, rediversion, and redistribution of storage; and Independence Dam is a point of diversion and redistribution of storage. Numerous other common points of rediversion are listed in the application. Place of use, purposes of use and power use are the same for this application and the change petitions. This is for the purpose of accommodating implementation of the provisions of TROA.

Application 31488 – Prosser Creek Reservoir

Application 31488 has been filed to accommodate implementation of the provisions of TROA. This application will be used in conjunction with License 10180 (Application 18006) and seeks to increase the existing maximum withdrawal in any one year above the 20,162 acre-feet identified in License 10180 for Prosser Reservoir. The application further seeks a storage season from October 1 to August 10, which will authorize storage beyond the April 10 to August 10 season authorized under License 10180. Application 31488 is for storage of 30,000 acre-feet in Prosser Reservoir. The maximum annual quantity of storage under this application and License 10180 is to be limited to 30,000 acre-feet. The storage season requested is October 1 to August 10.

Prosser Creek Dam is the point of diversion. Numerous other common points of rediversion are listed in the application. Place of use, purposes of use, and power use are the same for this application and the change petitions. This application is for the purpose of accommodating implementation of the provisions of TROA. No new facilities are to be constructed, and the quantity of water diverted to storage under this application will be no greater than the total quantity diverted to storage under the two rights (30,000 acre-feet).

Because implementation of the changes proposed in this application is predicated on the approval and implementation of TROA, the applicant requested that the order by the SWRCB approving this application include the following condition:

These changes are not effective until the conditions required for the Truckee River Operating Agreement to enter into effect have been satisfied. All diversions, storage, use of water and

operations under this permit shall be in accordance with the provisions contained in this permit and the Truckee River Operating Agreement.”

Applicants and Petitioners request that the SWRCB:

- Approve the change petitions for Boca, Independence, Stampede, and Prosser filed on behalf of the U.S. Bureau of Reclamation, Washoe County Water Conservation District, and Truckee Meadows Water Authority.
- Issue water right permits for Application 31487-Stampede Reservoir and Application 31488-Prosser Creek Reservoir.
- Replace the permit term from License 10180 with the following language:
“The Licensee shall operate Prosser Creek Reservoir in accordance with the Truckee River Operating Agreement, which is on file with the State Water Resources Control Board.”
- Include the following conditions in any order issued:
These changes are not effective until the conditions required for the Truckee River Operating Agreement to enter into effect have been satisfied. All diversions, storage, use of water and operations under this [License/Permit] shall be in accordance with the provisions contained in this [License/Permit] and the Truckee River Operating Agreement.
Water stored in this [Name of Reservoir] pursuant to permits issued by the Nevada State Engineer under Nevada Law, and recognized pursuant to the provisions of California Water Code Sections 1231 and 1232 shall not be considered as water stored pursuant to the provisions of this [License/Permit].
- Reject the protests of the Truckee-Carson Irrigation District; Churchill County, Nevada; Newlands Project individual water right owners (Ernest C. Schank, Richard Harriman, Ray Peterson, Don Travis, Jerry Blodgett, Lester deBraga, and Larry Miller); and the City of Fallon, Nevada.