

ORIGINAL

FILE 18006  
Item 1  
FOLDER# 3  
DATE \_\_\_\_\_

Before The  
STATE WATER RIGHTS BOARD  
STATE OF CALIFORNIA

---oOo---

In the Matter of Application )  
18006, )

UNITED STATES OF AMERICA,  
BUREAU OF RECLAMATION,

Applicant, )

Prosser Creek  
Nevada County

CALIFORNIA-NEVADA INTERSTATE )  
COMPACT COMMISSION OF THE )  
STATE OF CALIFORNIA, )

Protestant. )

---oOo---

Held in

Kaiser Building

Sacramento, California

---oOo---

Tuesday, December 23, 1958

10:00 O'Clock, A.M.

ALICE BOOK  
CERTIFIED SHORTHAND REPORTER  
2844 VERNA WAY, SACRAMENTO 21, CALIFORNIA

EXHIBIT

tabbies

TCID-116

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Before The  
STATE WATER RIGHTS BOARD  
STATE OF CALIFORNIA

-----

In the Matter of Application  
18006,

UNITED STATES OF AMERICA,  
BUREAU OF RECLAMATION,

Applicant,

Prosser Creek  
Nevada County

CALIFORNIA-NEVADA INTERSTATE  
COMPACT COMMISSION OF THE  
STATE OF CALIFORNIA,

Protestant.

-----

Held in

Kaiser Building  
Sacramento, California

-----

Tuesday, December 23, 1958

10:00 O'Clock, A.M.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

A P P E A R A N C E S

---oOo---

Members of Board and Staff:

HENRY HOLSINGER, Chairman Before The  
W. P. ROWE, STATE WATER RIGHTS BOARD  
RALPH J. MC GILLY, MEMBER STATE OF CALIFORNIA

---oOo---

In the Matter of Application Counsel  
18006,

WARREN C. GOINES, Associate Hydraulic Engineer  
UNITED STATES OF AMERICA,  
BUREAU OF RECLAMATION,

Counsel and Others Applicant,

THOMAS G. PARKER, Attorney from Prosser Creek  
Salt Lake City, Nevada County  
representing Bureau of Reclamation,  
CALIFORNIA-NEVADA INTERSTATE Building, Salt Lake City, Utah.  
COMPACT COMMISSION OF THE  
STATE OF CALIFORNIA  
STANLEY W. ABONICK, Attorney, California Department  
of Water Resources, P.O. Box 388, Sacramento, California.  
Protestant.

JAMES W. JOHNSON, Attorney, representing Joint California-  
Nevada Interstate Compact Commission of Nevada

---oOo---

H. G. GIRARD, Attorney General's Office, representing  
Joint California-Nevada Interstate Compact Commission  
of California, Library and Courts Building, Sacramento,  
California

Held in

Kaiser Building  
Sacramento, California

---oOo---

Tuesday, December 23, 1958

10:00 O'Clock, A.M.

A P P E A R A N C E S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Witness

---oOo---

Page No.

Members of Board and Staff:

Direct Examination by Mr. Parker 12

HENRY HOLSINGER, Chairman

Cross Examination by Mr. Girard 26

W. P. ROWE, Member

Cross Examination by Mr. Kronick 33

RALPH J. MC GILL, Member

STATEMENT BY MR. JOHNSON 36

STANLEY W. KRONICK 39

GAVIN M. CRAIG, Chief Counsel

WARREN C. GOINES, Associate Hydraulic Engineer

EXHIBITS

State Water Rights Board:

Counsel and Others:

Files and Records Pertaining to

Application of THOMAS L. PARKER, Attorney from Solicitor's Office in Salt Lake City, representing Bureau of Reclamation, Staff Region 4, 410 Newhouse Building, Salt Lake City, Utah. (US Bureau of Reclamation) Page 3 - Line 3

STANLEY W. KRONICK, Attorney, California Department of Water Resources, P.O. Box 388, Sacramento, California. Bureau of Reclamation:

JAMES W. JOHNSON, Attorney, representing Joint California-Nevada Interstate Compact Commission of Nevada Line 10

Exhibit No. 4 - Authorizing act of California, Library and Courts Building, Sacramento, California

Exhibit No. 4 - Authorizing act Page 10 - Line 10

Exhibit No. 5 - Authorizing act increasing maximum amount Page 10 - Line 10

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Tuesday, December 19, 1958, 10:00 o'clock, A.M.

Witness Page No.

HOLLIS HUNT CHAIRMAN HOLSINGER: The hearing will come to  
 Direct Examination by Mr. Parker 12  
 order. This is the time and place that has been set for hear-  
 Cross Examination by Mr. Girard 26  
 ing before the State Water Rights Board of the State of  
 Cross Examination by Mr. Kronick 33  
 California in accordance with the provisions of Division 2,  
 STATEMENT BY MR. JOHNSON 36  
 Part 2, of the Water Code.  
 STANLEY W. KRONICK 39

My name is Henry Holsinger, and I am Chairman of the  
 State Water Rights Board. Sitting with me in this hearing are  
EXHIBITS  
 Board members W. P. Rowe and Ralph J. McGill. Assisting in the  
 State Water Rights Board:  
 hearing are Gavin M. Craig, Chief Counsel, and Warren C. Goines,  
 Files and Records Pertaining to  
 Application 18006 Engineer. Page 7 - Line 19

Staff Report on Application 18006 at this hearing is applic-  
 (US Bureau of Reclamation) Page 8 - Line 3  
 ation 18006 of the United States for the Region 4 Office of

Bureau of Reclamation, requesting a permit to appropriate

Exhibit No. 1 Topographic map of Creek in Nevada  
 Exhibit No. 2 General map of control and irrigation

Exhibit No. 3 Authorizing reports Page 10 - Line 10

Exhibit No. 4 Authorizing act irrigation Page 10 - Line 10

Exhibit No. 5 Authorizing act increase State of Nevada,  
 ing maximum amount Page 10 - Line 10

A protest was received from the Truckee-Carson Irrigation  
 District, but was subsequently withdrawn by letter of September  
 20, 1958.

There is as yet unresolved a protest by the California-  
 Nevada Interstate Compact Commission of the State of California.  
 On September 19, 1958, the Joint California-Nevada Interstate

1 Compact Tuesday, December 23, 1958, 10:00 o'clock, A.M. the  
 2 State Water Rights Board that a permit be granted to the United  
 3 States subject CHAIRMAN HOLSTINGER. The hearing will come to  
 4 order. This is the time and place that has been set for hear-  
 5 ing before the State Water Rights Board of the State of  
 6 California in accordance with the provisions of Division 2,  
 7 Part 2, of the Water Code.  
 8 My name is Henry Holstinger, and I am Chairman of the  
 9 State Water Rights Board. Sitting with me in this hearing are  
 10 Board members W. P. Rowe and Ralph J. McGill. Assisting in the  
 11 hearing are Gavin M. Craig, Chief Counsel, and Warren C. Goines,  
 12 Associate Hydraulic Engineer.

13 The matter to be considered at this hearing is applica-  
 14 tion 18006 of the United States for the Region 4 Office of  
 15 the Bureau of Reclamation, requesting a permit to appropriate  
 16 unappropriated water from Prosser Creek in Nevada County for  
 17 irrigation, fish culture, flood control and recreational pur-  
 18 poses. In the next-to-the-last line beginning  
 19 with the word "provide" it should read "Provide that the fore-  
 20 Meadows and on the Newlands Project in the State of Nevada."

21 A protest was received from the Truckee-Carson Irrigation  
 22 District, but was subsequently withdrawn by letter of September  
 23 20, 1958. MR. GOINES: That is correct.

24 There is as yet unresolved a protest by the California-  
 25 Nevada Interstate Compact Commission of the State of California.  
 26 On September 19, 1958, the Joint California-Nevada Interstate

1 Compact Commission adopted a resolution recommending to the  
 2 State Water Rights Board that a permit be granted to the United  
 3 States subject to certain terms and conditions formulated by that  
 4 agency. The staff has prepared its factual report of the  
 5 various issues involved, together with the views and recommend-  
 6 ations of closely connected public agencies and has set forth  
 7 suggested terms and conditions for any permit which might be  
 8 issued to the United States in connection with the project.

9 A copy of the staff report was mailed to all interested  
 10 parties of record with the notice of hearing on November 18,  
 11 1958. There are available additional copies of that report if  
 12 desired.

13 MR. GIRARD: H. G. Girard, Attorney General's  
 14 office, before proceeding to take appearance, Mr. Goines desires  
 15 to make a statement.

16 MR. GOINES: Mr. Chairman, referring to the staff  
 17 report, I don't know if all parties have a copy of it, one cor-  
 18 rection is in order. It is at page 15 on the staff report and  
 19 refer to paragraph 5. In the next to the last line beginning  
 20 with the word "provide" it should read "Provided that the fore-  
 21 going is a condition" rather than "Provided that the following".

22 CHAIRMAN HOLSINGER: Just a minute "foregoing" is  
 23 substituted for "following". I believe you are all acquainted with the  
 24 hearing procedure and we will assume that each of you will

25 accept your portion of the report as corrected. Should you want

26 a copy of the report, you should make arrangements therefor

personally with the reporter before leaving the hearing room

today. MR. GOINES: No, Mr. Chairman.  
 CHAIRMAN HOLSINGER: We will now take the

1 appearances for the parties, first for the applicant and then  
 2 for the others the purpose of considering the adequacy of the  
 3 proposed terms and conditions set forth in the hearing  
 4 report. MR. PARKER: Thomas O. Parker, from the Solicitor's  
 5 Office in Salt Lake City, representing the Bureau of Reclam-  
 6 ation, Region 4, address 410 Newhouse Building, Salt Lake City.  
 7 views of the CHAIRMAN HOLSINGER: All right. Any other appear-  
 8 ances? which relates to the retention of jurisdiction by the  
 9 Board. MR. KRONICK: Stanley W. Kronick, California  
 10 Department of Water Resources. The applicant will first be called  
 11 to present his views. MR. JOHNSON: James W. Johnson, Joint California-  
 12 Nevada Interstate Compact Commission, Nevada. that is done,  
 13 may I take an MR. GIRARD: H. G. Girard, Attorney General's  
 14 Office, for the Joint California-Nevada Interstate Compact Com-  
 15 mission of California. CHAIRMAN HOLSINGER: The staff would like to offer into  
 16 evidence by read- CHAIRMAN HOLSINGER: Any other appearances? Apparently there are no other appearances. All right  
 17 The only costs in connection with this hearing are those  
 18 of the hearing reporter, consisting of her per diem allowed by  
 19 law and the cost of preparing the original transcript which  
 20 the Board's rules require must be filed of record in the pro-  
 21 ceeding. I believe you are all acquainted with the reporter's  
 22 billing procedures, and we will assume that each of you will  
 23 accept your portion of the report as charged. Should you want  
 24 a copy of the transcript, you should make arrangements therefor  
 25 personally with the reporter before leaving the hearing room  
 26 today. We have included in that offer the public documents and



1 reports which are referred to in the notice of this hearing, the hearing  
 2 is solely for the purpose of considering the adequacy of the  
 3 proposed terms and conditions as set forth in the staff's  
 4 report and to receive the views and comments of the principals  
 5 in this connection. We are particularly interested in the  
 6 views of the parties regarding condition number 6 in the staff  
 7 report which relates to the retention of jurisdiction by the

8 Board. MR. ROWE: Before they start, Mr. Chairman, do  
 9 you think that any of the documents in connection with the  
 10 stamped hearing would be admissible in evidence at this time,  
 11 the decision on any other thing pertaining to that? They seem  
 12 to fit together.

13 MR. CRAIG: Mr. Chairman, before that is done, they seem  
 14 to fit together. May I make an offer on behalf of the staff?

15 CHAIRMAN HOLSINGER: I believe, Mr. Rowe, the staff report  
 16 makes reference to condition number 6.

17 MR. CRAIG: The staff would like to offer into  
 18 evidence by reference as Exhibit 1 of the staff, the files and  
 19 record of the State Water Rights Board pertaining to the appli-

20 cation being heard, which is application number 18006. opinion  
 21 of the Board.

22 CHAIRMAN HOLSINGER: Is that is the purpose? opinion  
 23 of the Board?

24 MR. CRAIG: I don't see any objection?  
 25 That the affairs that I made would include that decision.  
 26 Is so ordered?

27 MR. CRAIG: The staff would also like to offer  
 28 into evidence by reference as its Exhibit No. 2, a copy of

29 the staff report to which you have referred, which is entitled  
 30 "Staff Report on Application 18006 by United States Bureau of

31 Reclamation, Prosser Creek - Nevada County, California," which  
 32 is dated on the last page thereof November 7, 1958, and I would

33 like to have included in that offer the public documents and  
 34 the public documents and the public documents and the public documents

1 reports which are referred to therein. the first one would be A?

2 CHAIRMAN HOLSINGER: Is there objection? It is  
3 so ordered. MR. PARKER: I, the application 13500, the topo-

4 graphic map of MR. CRAIG's that is all that I have at this time.  
5 Project No. 3 CHAIRMAN HOLSINGER: All right. The applicant

6 will now be called upon to present his views regarding the condi-  
7 tions to be imposed by the Washoe Project authorizing act, Public

8 Law 853, 84th MR. ROWE: Before they start, Mr. Chairman, do  
9 you think that any of the documents have a connection with the mount-

10 stamped exhibits would be advisable to have evidence at this time, then  
11 the decision or any other thing pertaining to that? They seem

12 to tie together CHAIRMAN HOLSINGER: You say you want them--

13 MR. GOINER: I believe, Mr. Rowe, the staff report  
14 makes reference to decision number D-913.

15 MR. ROWE: Does that tie together close enough Board  
16 were made the decision?

17 MR. GOINER: Well, that is the engineers' opinion.  
18 reference to MR. CRAIG: It was all right, say it was my thought

19 that the offers that I made would include that decision as a  
20 legal enactment MR. ROWE: All right, reference to them, really without

21 their being. CHAIRMAN HOLSINGER: All right, we are ready for  
22 the applicant, referred to, my understanding is that they are al-

23 ready in evidence MR. PARKER: If the Board please, the Bureau of  
24 Reclamation would like to adopt and include as its exhibits

25 certain of documents included generally in the files with the  
26 offer which Craig made, but the Bureau would like to make specific

1 reference and adopt as its exhibits any of the first one would be a?  
2 Mr. Rowe. The MR. CRAIG of the file.

3 MR. PARKER: Is in the application 18006, the topo-  
4 graphic map of the Prosser Creek Reservoir Development, Washoe  
5 Project No. 320-419-366, the general map of the Prosser Creek  
6 Development, Washoe Project, No. 320-419-366, the Washoe Project  
7 authorizing report, the Washoe Project authorizing act, a Public  
8 Law 858, 84th Congress, 2nd Session, together with Public Law  
9 85-706, 85th Congress, which was the act increasing the amount  
10 authorized to be appropriated for the Washoe Project. And then  
11 I would like to call Mr. Hunt. I suggest, Mr. Chairman, he is  
12 offering that CHAIRMAN HOLSENGER: he you say you want them named.

13 MR. PARKER: Those are in the files of the Board.  
14 We would like to have those--

15 CHAIRMAN HOLSENGER: Well, the files of the Board  
16 are before us and are now, actually outside of the files of the Board,  
17 of course, I see MR. PARKER: We would like those made, particular  
18 reference made to those as the applicant's exhibits, Chairman,  
19 rather than have CHAIRMAN HOLSENGER: well, insofar as those are  
20 legal enactments, I you can make reference to them freely without  
21 their being actually in evidence before the Board. The other  
22 matters you referred to, my understanding is that they are al-  
23 ready in evidence. Creek Reservoir, is that correct?

24 MR. CRAIG: Yes, Mrs. Chairman, they are self. We  
25 don't need to MR. ROWE: Is the topographic map mentioned first  
26 in evidence? CHAIRMAN HOLSENGER: The application being heard--

1 that wouldn't be correct. That is annexed to the application,  
 2 Mr. Rowe. That is part of the file. The first one then would be the top-  
 3 ographic map, CHAIRMAN HOLSINGER: They are all before us now.  
 4 would be the MR. ROWE: The second map is a part of this second  
 5 exhibit, ing act and the fifth would be the authorizing act in-  
 6 creasing the MR. PARKER: I just wanted those to show that  
 7 those are the exhibits that have already been offered, that the  
 8 applicant would like to adopt as its exhibits.

9 CHAIRMAN HOLSINGER: I have no objection to that,  
 10 if you wish, they may be so considered.  
 11 is entitled, MR. ROWE: I would suggest, Mr. Chairman, he is  
 12 offering that as Exhibit 1 and he has these four exhibits named.  
 13 and Findings MR. PARKER: They should be numbered 1, 2, 3, and  
 14 Pursuant to Section 9a of the Reclamation Project Act of 1939.

15 MR. ROWE: I would think for clarity, if you want  
 16 to refer to them specifically outside of the files of the Board,  
 17 of course, I see your point, those are the specific ones you  
 18 want to refer to, RICH might be well to do that, Mr. Chairman,  
 19 rather than have them mixed up in our file, 4.

20 CHAIRMAN HOLSINGER: I don't think it is necessary,  
 21 but it may be so ordered, if you so desire.

22 MR. ROWE: USBR, No. 1 would be the topographic  
 23 map of the Prosser Creek Reservoir, is that correct?

24 MR. PARKER: One was the application itself. We  
 25 don't need to do that. Yes, that is the general map, but the

26 first one was CHAIRMAN HOLSINGER: The application being heard - -  
 first one was a reservoir map which is attached to the

1 that wouldn't be necessary any of those placed on the board? It  
 2 might clarify MR. PARKER: The first one then, would be the top-  
 3 ographic map, the second would be the general map, the third  
 4 would be the authorizing reports, and the fourth would be the  
 5 authorizing acts and the fifth would be the authorizing act, in-  
 6 creasing the maximum amount.

7 (Thereupon MR. GOINES: Mr. Parker, by the authorizing yrer,  
 8 Heridge you mean House Document 181?

9 MR. PARKER: Yes EXAMINATION

10 MR. GOINES: 84th Congress, 1st Session, which  
 11 is entitled, "Washoe Project, Nevada California, a letter from  
 12 the Assistant Secretary of the Interior, Transmitting a Report  
 13 and Findings on the Washoe Project, Nevada and California,  
 14 Pursuant to Section 9a of the Reclamation Project Act of 1939."  
 15 Reclamation in MR. ROWE: Would that be Haer 53v That is the  
 16 first authorizing acts, the next was an increase.

17 MR. GOINES: This is the authorizing report  
 18 on voir dire MR. ROWE: That would be USBR 4?

19 MR. PARKER: Yes that is No. 4, any?

20 MR. ROWE: All right, you House document, ainted with  
 21 Mr. Hunt. MR. PARKER: That is No. 3.

22 MR. ROWE: All right, USBR No. 2 is the map  
 23 referred to--is that the one attached to the staff report?

24 MR. GOINES: The general map only, Mr. Rowe.

25 MR. ROWE: Yes, that is the general map, but the  
 26 first one was a reservoir map which is attached to the

1 application. MR. PARKER: Mr. Hunt, you are aware of the? It  
 2 might clarify your testimony with the witness. Do you wish any of these placed on the board? It  
 3 report? MR. PARKER: We can surely do it. I would like  
 4 to call Hollis MR. HUNT: I am  
 5 in charge of the studies for this project from Carson City,  
 6 Nevada?

7 (Thereupon MR. HUNT was duly and regularly sworn by Mr.  
 8 Holsinger.) MR. PARKER: In fact, during the formulation of  
 9 these conditions, you were consulted and participated as these  
 10 parties requested? DIRECT EXAMINATION  
 OF MR. HUNT BY MR. PARKER:

11 MR. PARKER: That is right. I was--you might say  
 12 I was involved in the formulation of most of these.  
 MR. HUNT: Hollis Hunt.

13 MR. PARKER: Now, first, if a permit is issued  
 14 containing these terms and conditions, in your opinion, can the  
 15 Reclamation in charge of the La Fonton Basin Development Office  
 16 in Carson City, Nevada, fulfill the purposes of the Prosser Creek Develop-

17 MR. HUNT: We can.  
 18 MR. PARKER: Does the Board want any questioning  
 19 on voir dire here? MR. PARKER: I would like you to take each one  
 20 of these thirteen conditions and express to the Board your

21 CHAIRMAN HOLSINGER: Do you want any?  
 22 comment with respect to them, starting with number 1 on page 14.

23 MR. PARKER: I think you are well acquainted with  
 24 Mr. Hunt. MR. HUNT: You mean just comment on each one as  
 25 we go along? MR. ROWE: Didn't he testify in the Stampede

26 hearing? MR. PARKER: Yes, I think that would facilitate  
 it. MR. PARKER: Yes.

MR. ROWE: Well, the amount of 30,000 acre feet,  
 which would be term and condition number 1, is satisfactory to  
 CHAIRMAN HOLSINGER: Very well.

1 do the job of providing fishery resources and for the control for  
2 recommendations for terms and conditions set out in the staff  
3 report? and also the flood control for the lower reaches of the Truckee  
4 River. In other words; number 1 will permit us to accomplish

5 the objective for which we applied under pages 14 to 17 of that  
6 report? MR. ROWE: May I ask at this time, all these

7 terms and conditions also have been discussed with the Fish and  
8 Game, California Fish and Game MR. PARKER: In fact, during the formulation of

9 these conditions, you were consulted and participated as these  
10 parties requested? MR. ROWE: And also with the Nevada or the Cal-

11 ifornia-Nevada Compact Commission? MR. HUNT: That is right, I was--you might say  
12 I was involved in the formulation of most of these.

13 MR. PARKER: Now, first, if a permit is issued  
14 containing these terms and conditions, in your opinion, can the  
15 United States fulfill the purposes of the Prosser Creek Develop-  
16 ment under the Washoe Project? MR. HUNT: With respect to number 1, it is our

17 intention to comply with number 2 and we have files here  
18 which we have applied under this permit. MR. PARKER: I would like you to take each one

19 of these thirteen conditions and express to the Board your  
20 comment with respect to them, starting with number 1 on page 14.

21 MR. HUNT: You mean just comment on each one as  
22 we go along? MR. PARKER: Yes, Mr. Rowe, that is the idea.

23 MR. PARKER: All right. MR. HUNT: We are also aware that any rights  
24 it. MR. HUNT: We are also aware that any rights

25 that we may have under this application will be subject to  
26 prior rights which will include the rights to the full benefit

1 do the job of providing a fishery, 5. The leases and flood control for  
2 Prosser Creek and for the upper reaches of the Truckee River; 10  
3 and also the flood control for the lower reaches of the Truckee  
4 River. In other words, number 11 will permit us to accomplish  
5 the objective for which we applied under this application.

6 MR. ROWE: May I ask at this time, all these  
7 terms and conditions have been discussed with the Fish and  
8 Game, California Fish and Game? Is our understanding that any  
9 compact reached between Nevada and California rivers would be  
10 senior in jurisdiction to Nevada's compact with the Nevada-California  
11 California-Nevada Compact Commission? being of a compact nature,  
12 would be binding on both states' water rights  
13 would be subject to all rights with respect to these.

14 MR. HUNT: How does that number 2, in our  
15 intention to comply with numbers 2 and 2 we have filed here, with  
16 this Board at proposed operation study which will permit us to  
17 accomplish the fishery which we have applied under this  
18 permit.

19 MR. HUNT: Now, number 5--under this permit in  
20 preparing it, is that part of the record, that  
21 operation study? any previous rights listed in number 5, and  
22 the water rights?

23 MR. ROWE: Yes, Mrs. Rowe that is also a part  
24 of the record. Her words, it was prepared after they had been  
25 satisfied. MR. ROWE: All right.

26 MR. HUNT: How are we also aware of that any rights  
that we may have under this application will be subject to rights  
prior rights which will include the rights to the California



1 waters use is to appropriate 30/156ths of the unappropriated its  
 2 waters of the Little Truckee River as set forth, in your decision  
 3 number 913, which is the Stampedon case. I am sure you have closely kept to insure  
 4 that everyone MR. ROWE: That is referring to item 3 now, on  
 5 page 15? CHAIRMAN HOLSINGER: Yes.

6 MR. HUNT: That is correct, no objection to furnish-  
 7 ing this Board MR. ROWE: And righting with the other water users  
 8 and they can be MR. HUNT: And it is our understanding that any  
 9 compact reached on the Truckee and Carson Rivers would be  
 10 senior in jurisdiction to anything that we come up in this  
 11 because it would come, of course, being of a compact nature,  
 12 would be binding on both states and both states' water rights  
 13 would be subject to it, particularly with respect to these.

14 CHAIRMAN HOLSINGER: That will cover number 4, the  
 15 jurisdiction of MR. HUNT: That is right, sir. I am sorry I  
 16 should name them as I go.

17 CHAIRMAN HOLSINGER: That is all right, that that  
 18 investigation MR. HUNT: Now, number 5, under this permit in  
 19 preparing it and, in following it, it is our intention to con-  
 20 tinue to observe any previous rights listed in number 5 and  
 21 the water right operation study was prepared with those in oper-  
 22 ation in other words, it was prepared after they had been  
 23 satisfied.

24 CHAIRMAN HOLSINGER: Yes. Now, number 6, we will  
 25 to advise the MR. HUNT: With respect to the State Water Rights  
 26 Board retaining jurisdiction to this permit and for the purposes

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

purposes intended and to get the necessary agreements for its  
 operation with the various water users involved it will be  
 necessary that records be kept and rather closely kept to be sure  
 that everyone knows whose water is where on Rivers, that is in  
 accordance with CHAIRMAN HOLSINGER: Yes, happy to comply with  
 that. MR. HUNT: And we can see no objection to furnish-  
 ing this Board with the record along with the other water users  
 and they can be sent in annually, that it requires the construc-  
 tion of this CHAIRMAN HOLSINGER: Very well. Number 8, California  
 Compact? MR. ROWE: That covers b and c also under number  
 7? MR. HUNT: In all the hearings before the Congress  
 and various other MR. HUNT: That is right, yes, as well as discus-  
 sions with the MR. ROWE: All right. Now number 8, on our under-  
 standing that MR. HUNT: Number 8, we feel that was within the  
 jurisdiction of the Board with respect to the approval of with  
 license for state Compact Commission, as you note in this applic-  
 ation, to insure MR. PARKER: What is on the assumption that that  
 investigation would be directed to beneficial use would more  
 nearly comply MR. HUNT: Yes, of course, I believe the Board  
 would make that. It is our intention under 9 with respect to  
 when the work would start and when finished it is our intention  
 to initiate Prosser Creek Reservoir this fiscal year prior to  
 July and if adjudication subordinates all those matters to  
 the Compact, MR. PARKER: In regard to that, it might be well  
 to advise the Board that you have some appropriated money -- in  
 order to prepare MR. HUNT: The last Congress appropriated for the

I  
S  
C  
4  
6  
9  
7  
8  
e  
OI  
II  
SI  
EI  
AI  
OI  
VI  
SI  
OI  
OS  
IS  
OS  
OS  
AS  
OS  
OS

1 \$800,000.00 for the construction of construction of this reservoir  
2 and we are now in the process of obtaining the water rights here.  
3 We are also working out the agreements. We have completed the  
4 field exploration of the foundation conditions and found the  
5 necessary materials for the construction and our design office  
6 in Denver is currently preparing designs and specifications for  
7 this dam and reservoir and if we follow schedule, we will be in  
8 construction this next summer.

9 MR. ROWE: May I ask at this time, what is the  
10 status of Stampede Reservoir and Dam? Number 11, with respect  
11 to the application? HUNT: We have a feasibility estimate on that  
12 and we are currently working up the Bureau Design Plan Report  
13 which will lead to its construction and it is scheduled in the  
14 future, within the next two years, to initiate construction on  
15 it to any surplus flows for evaporation.

16 On number 13, MR. ROWE: The presser will come first, that, and  
17 number 13, I MR. HUNT: The presser will be the first one, yes.

18 MR. ROWE: How long is that? HUNT: That is, as far as the conditions.

19 MR. HUNT: That is, a rolled earth-filled dam,  
20 138 feet high and 1700 feet long. Mr. Hunt, I wonder if briefly  
21 using the general MR. ROWE: That right would just explain the oper-  
22 ation of this. MR. HUNT: With respect to number 10, we antici-  
23 pate that it will take about a three-year schedule to complete  
24 the construction of this dam, providing we don't have unusually  
25 bad luck; so we should complete it by December, 1964. That  
26 again is, we are always subject to the appropriation of funds

Surplus storage is  
for evap.

Pg. 19-Lines 10-15

1 by Congress (and I think Congress as follows) down to an appropriation, when  
 2 of course, we will have to extend the construction period accord-  
 3 ingly below Lake Tahoe for a distance of several miles  
 4 is a stream that MR. ROWE says you are providing for by-pass during  
 5 that period but how long of any flood water? the year Lake Tahoe  
 6 is operated as MR. HUNT says Oh, yes, we will have a diversion struc-  
 7 ture that will be one of the first things we build before we  
 8 start to fulfill the decreed rights which we usually refer to  
 9 as prior right. MR. ROWE: So all right - have your dams gates in  
 10 the head of the river. What is right, if Number 12, with respect  
 11 to the application, complete application of the water to the  
 12 purported use, we think as soon as the dam is constructed, then  
 13 we can immediately go into the use of it without any delay, flow-  
 14 providing we don't have a series of dry years and are unable to  
 15 store any surplus flows for evaporation of weather conditions.  
 16 free of number 12, I believe we can comply with that, and  
 17 number 13, I can see nothing to object to in that storage. They  
 18 cut it off here. CHAIRMAN HOLSINGER: That completes the conditions.  
 19 servation purposes. MR. HUNT: Correct. It was and the Fish and Wild  
 20 Life Service. MR. PARKER: Now, Mr. Hunt, I wonder if briefly  
 21 using the general map there, you could just explain the operable  
 22 ation of this Prosser Reservoir Development as it is contained  
 23 plate upon construction? case of 50 second feet from November 1  
 24 until the following year. MR. HUNT: The operation of Prosser Creek Dam and  
 25 Reservoir - first I would like to take up the operation for  
 26 fishery purposes prior to when rates are measured at the state line

1 appor The problem that we are trying to solve through the con-  
 2 struction of this dam with respect the fish culture is that  
 3 immediately below Lake Tahoe for a distance of several miles  
 4 is a stream that is fished quite heavily right through this  
 5 area here; but during certain seasons of the year Lake Tahoe  
 6 is operated as a storage reservoir and there are sufficient  
 7 flows in the river system below Lake Tahoe to take care of the  
 8 needs and to meet the decreed rights which we usually refer to  
 9 as floriston rates. So as a result Lake Tahoe has gates in  
 10 the head of the Truckee River here and if these gates are closed,  
 11 this section of the stream here has very little water in it.  
 12 Now, this is an unusual occurrence and it usually happens in  
 13 the spring of the year when there is a great deal of water flow-  
 14 ing everywhere else and yet we have a relatively dry stream here.

15 At the MR. ROWE: Is that because of weather conditions  
 16 freezing? an excellent site for flood control purposes in that  
 17 the flow of MR. HUNT: No, it is because of the storage. They  
 18 cut it off here because they don't need it downstream for con-  
 19 servation purposes. Now, the problem was and the Fish and Wild-  
 20 Life Service and the State Fish and Game Commission wanted a  
 21 minimum released year around from Lake Tahoe. After considerable  
 22 study and consultation back and forth we finally found that we  
 23 could make a minimum release of 50 second feet from November 1  
 24 until the following April and 70 second feet during the spring  
 25 and summer months through an exchange and snow conditions up  
 26 above. Now, the floriston rates are measured at the state line

1 approximately down here the Nowgrafe we could find a place where  
 2 we could store some water between the state line and Lake Tahoe  
 3 and let the water out of Lake Tahoe, which is a conservation, 000  
 4 water, and stored for what purpose; they retain an equal amount  
 5 of water in another reservoir above the state line, then the imple  
 6 flow at the state line would remain status quo and the water out  
 7 in the year as the irrigation season progressed and more water  
 8 was needed from Lake Tahoe, to maintain the flow is on rates serv-  
 9 and to take care of the conservation requirements down below;  
 10 we could then let out this water from Prosser Creek rather than  
 11 from Lake Tahoe, and in that way everything would be status quo  
 12 also. Lake Tahoe at the end of the season would have the same  
 13 amount of water in it as it would have had had we not made that  
 14 exchange, and Prosser Creek would have been drawn down.

15 At the same time in our study we found that Prosser Creek  
 16 afforded an excellent site for a 100,000 control purposes in that  
 17 the flow of Prosser Creek represents about 15 percent of the  
 18 flow of the Truckee River and if we could control that, it would  
 19 give considerable flood control benefits downstream, particular-  
 20 ly, in the metropolitan Reno area accomplish both purposes.

21 So we also found in studies with the Corps of Engineers  
 22 and from their recommendations that they needed an in-lake which  
 23 storage from about November to April 10 of the following year  
 24 after which we could encroach on that storage following snow  
 25 surveys and an appraisal of the water and snow conditions up  
 26 above. MR. HUNT: The Fish and Game never protested.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Well, we needed the storage here during the spring and  
 early summer-for fishery releases. We needed it during the  
 fall and winter for flood purposes. So we found that a 30,000  
 acre-foot reservoir could be used jointly for both purposes. You  
 know incidentally, in the study here we found, to make a simple  
 exchange without considering evaporation that it would take about  
 19,000 acre feet of water conservation capacity of that amount,  
 but we had to develop some evaporation water to keep the conserv-  
 ation users down there the whole run. So we found if we added another  
 7,000 acre feet of capacity and obtained surplus flows and stored  
 that in the reservoir that we could take care of the evaporation  
 also. And we also have included 1500 acre feet of dead storage  
 for dead storage pool to maintain any fishery in the reservoir.  
 certain very MR. ROWE: And recreational purposes, the water  
 needed in the MR. HUNT: Yes, so we needed about 28,500 for  
 the fishery exchange. We needed 20,000 for the flood control  
 as that was the amount of available storage that the Corps re-  
 quired, it help it; and another condition is when the flow in  
 Prosser We found through the timing of the two uses that a  
 30,000 acre foot reservoir would accomplish both purposes. It  
 have a problem MR. ROWE: And that study is part of the--  
 One of MR. HUNT: that study is one of the documents which  
 you have on file and which has been noted here beginning of it  
 happens to be MR. ROWE: and is there an agreement with Fish and  
 Game or have they withdrawn their protest in 50 or 70 second  
 feet through MR. HUNT: The Fish and Game never protested. Prosser



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Creek is not. MR. ROWE: Oh, but they did not protest. Then, there  
is no record surveys and a study of the conditions that exist  
in the spring. MR. HUNT: The stipulations are recognized for that.  
In other words, we solved that problem without coming before the  
board to solve any of this condition, but a water supply study  
soon told us MR. ROWE: They are not appearing here today, so  
that is all we have before us another 10 or 15,000 acre feet of  
storage for us. MR. PERARD: On behalf of Fish and Game we prob-  
ably would like to ask Mr. Hunt just a couple of questions. Later  
have reported that there would be an advantage to put some min-  
imum basic fact. MR. HUNT: There are two exceptions I might mention  
from the record our 50 second feet and 70 second feet  
which I have previously referred to as minimum flows during that  
certain very dry cycle. Such as occurred in 1928-35, the water  
receded in the lake until the flow out through the outlet would  
not come up to 50 or 75 second feet. In fact, nothing came out  
for quite a while. It dropped below the rim. When that occurs,  
we can't help it and another condition is when the flow in  
Prosser Creek drops below the amount we can store. However, these  
two things usually happen at the same time so we don't  
have a problem there. In there physically will be used for irri-  
gation. One other thing can also occur. If we have an extremely  
long wet season in which the storage at the beginning of a rise  
happens to be low in March and they want to continue storing, and  
then it is possible that we cannot maintain a 50 or 70 second  
feet throughout the whole period because the capacity in Prosser

1 Creek is not sufficient, to make the exchange, but through the  
 2 use of snow surveys and a study of the conditions that exist  
 3 in the spring, we can reduce that and maintain a lesser flow, as  
 4 present. Consideration was given to increasing the size of Prosser  
 5 Creek to take care of this condition, but a water supply study  
 6 soon told us that it only happened once in 50 years, and it  
 7 wasn't economical to provide another 10 or 15,000 acre feet of  
 8 storage for use once in 50 years.

9 Around Prosser Creek Reservoir, the National Park Service  
 10 have reported that there would be an advantage to put some min-  
 11 imum basic facilities for recreation and those are also included  
 12 in our plan and in our application. However, that would not  
 13 require any appreciable consumptive use of water. I think that  
 14 covers it, unless the Board has questions, the recommendation  
 15 of the staff? MR. PARKER: Well, as you have testified, the  
 16 principal purposes are this flood control and fish culture as -  
 17 and the application covers other purposes. Would you mind just  
 18 making a brief comment in respect to those? over a period of  
 19 1917 to 1955. MR. HUNT: The application covers other purposes  
 20 because it covers irrigation specifically because the water  
 21 that will be stored in there physically will be used for irri-  
 22 gation purposes downstream through the exchange and it was the  
 23 opinion of the State Water Rights Board staff that such a use  
 24 should be shown to comply with the law here in California, and  
 25 it was their recommendation that we include it, formed by Mr.  
 26 Goines that we MR. PARKER: If the Board please, we were advised

1 by letter from Mr. Hill, October 24, 1958, that it would not  
 2 be necessary to present testimony with respect to the water operated  
 3 supply and availability of unappropriated water since the records  
 4 presently available were sufficient for the Board. Now, if that  
 5 is the present desire, we won't take up the time of the Board  
 6 with respect to those matters. operation studies summary that  
 7 actually the MR. ROWE: I don't think it is necessary if it is  
 8 satisfied. Mrs. Hill be those necessary to salvage by reason of  
 9 the evaporation. MR. PARKER: Mrs. Hunt would be available for any  
 10 questions the other parties would desire to ask.

11 CHAIRMAN HOLSINGER: What is the recommendation  
 12 of the staff further?

13 MR. GOINES: If by your pardon will make Mr. Hunt  
 14 available for CHAIRMAN HOLSINGER: What is the recommendation  
 15 of the staff? CHAIRMAN HOLSINGER: Mr. Girard.

16 MR. GOINES: I am sorry I didn't hear the ques-  
 17 tion. CHAIRMAN HOLSINGER: Do you wish to make any  
 18 statement of MRS. HUNT: operation studies cover a period of  
 19 1917 to 1957.

20 MR. ROWE: That is the period of record, so you  
 21 know, you hope that will be repeated, except in the dry years.

22 MRS. HUNT: So well, if we didn't have those dry years  
 23 we would have a lot easier operation in many places.

24 MR. ROWE: That is all in your exhibit.

25 MR. CRAIG: Mr. Chairman, I am informed by Mr.  
 26 Goines that we concur with the letter from Mr. Hill to which

Equip is only  
consumptive use  
Pg 26-Lines  
5-10

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

counsel referred and in our opinion there is sufficient information available in the records to determine the unappropriated water granted under the Stampede permit to California users, which is set forth by CHAIRMAN HOLSINGER. Very well. The suggested permit terms by MR. GOINES. It is clear from the statement contained in your Mr. Prosser's Creek operation studies summary that that actually the only amount of water that could be considered as appropriate would be those necessary to salvage by reason of the evaporation of it that is correct, Mr. Hunt? Be included and water provided MR. HUNT. Generally correct. Water which we need for evaporation CHAIRMAN HOLSINGER. After right your counsel, do you have anything further to be developed and that was how we came up with the 30 MR. PARKER. That is all. We will make Mr. Hunt available for questions specifically mentioned in the studies, the years of CHAIRMAN HOLSINGER. Mr. Girard infrequently are years of high MR. GIRARD. As we understand with Mr. Hunt particularly worried CHAIRMAN HOLSINGER. Do you wish to make any year statement of fact or do you simply wish to present a statement of proposition there would be surplus water for the 3,156 for California and for MR. GIRARD. We want to clarify Mr. Hunt's testimony with a question evaporative purposes had that in mind and it will be possible CHAIRMAN HOLSINGER. Well right. We have requested in this application with a CROSS EXAMINATION to the 3,156. In other words MR. HUNT BY MR. GIRARD. Stampede Reservoir, both for the United MR. GIRARD. Now, as I understand it, Mr. Hunt's this project and is designed so as to allow the storage facilities

1 and south of the reservoir to take care of the releases for  
2 Tahoe, the flood control for Reno and down stream, plus the prior  
3 rights granted under the stamped permit to California users,  
4 which is set forth in I believe, and clause 3 of the suggested for  
5 permit terms which is that 3,156 MAF. Hunt?

6 MR. HUNT: The clarification that best is by saying what  
7 the operation study on which we based our application here, the  
8 initial assumption, one of the initial assumptions was that the  
9 other reservoirs of the Washoe Project will be included and  
10 water provided for them if not and then the water which we need  
11 for evaporation purposes in Prosser Creek Reservoir, permit  
12 this exchange would then be developed and that was how we came  
13 up with the 30,000 acre foot reservoir. With respect to your  
14 3,156, while that was not specifically mentioned in the studies,  
15 the years of surplus flows which occur rather infrequently are  
16 years of high surplus flows and the period when we were partic-  
17 ularly worried about was 1928-36, a long time there, where the year  
18 preceding that and the year following it were both years of high  
19 flow and there would be a surplus water for the 3,156 for Calif-  
20 ornia and for Prosser Creek, and our carry over capacity for  
21 7,000 acre feet for evaporative purposes had that in mind and  
22 it will be possible to effect the uses which we have requested  
23 in this application with consideration given to the 3,156 what  
24 happens in other words, those rights for Stampede Reservoir, both  
25 for the United States and for the California reservation were  
26 considered and can be met and Prosser Creek still accomplish

ALICE BOOK

CERTIFIED SHORTHAND REPORTER  
2844 VERNA WAY, SACRAMENTO 21, CALIFORNIA

its purpose years where all of the capacity was not needed for a fish release. MR. GIBARD: In other words, you don't feel that this limitation in paragraph 3 making this 3,156 junior in effect to this permit will endanger in any way the releases for the fisheries under the scope of the plan?

MR. HUNT: That is correct, and the Federal government is backing that assumption by some million-and-a-half

dollars. MR. GIBARD: And it is the intent under this appli-

cation to supply both the fisheries and the reservations in which I might ask. As I understand, in relation to this irri-

gation, the use of the water downstream for irrigation, that would be the amount of the water released under the substitute from Tahoe?

MR. HUNT: That is correct. It would be exchange water. You testified in the Stampede hearing, did you not?

MR. GIBARD: Yes, it would be exchange water, I mean.

MR. HUNT: There is occasionally there will be water in the reservoir that is not required for exchange purposes that must be evacuated in the fall of the year to lower the reservoir down to 2,000 acre feet storage. That water comes infrequently. In fact, there is one period of 14 years that it doesn't occur at all, but when that water comes down, we

have not commented on it because of its infrequency, but what happens to that is we anticipate just utilizing it generally in the operation of the remaining reservoirs, but it was not frequent enough to consider as a firm use. Periodically there

1 will be in years where all the capacity was not needed for  
 2 a fish release, we as a plaintiff would like to have it every time we can the  
 3 because we never know when we are going into a dry season, so  
 4 periodically there will be a small amount of water that would  
 5 not be used for fishery exchange and would have to be released  
 6 from Tahoe or, pardon me, from Prosser Creek in the fall of the  
 7 year prior to November 1956.

MR. HOLSINGER: Anything further?  
 MR. GILARD: And, it is the intent under this appli-  
 9 cation to supply both the fisheries and the Stampedge Project in complete  
 10 paragraph 3 of the suggested terms? Reservoir on the Carson  
 11 after drainage project connecting with the Stampedge Reser-  
 12 voir on the Little Truckee River, Prosser Creek Reservoir.

MR. GILARD: Thank you, Mr. Hunt, and thank you,  
 13 Gentlemen. Is there any essential difference in the operation of

14 Prosser Creek Reservoir in that interim?  
 15 Mr. HUNT: I might clear up some questioning, Mr.  
 16 Hunt. You testified in the Stampedge hearing, did you not?

17 There would be no essential difference.  
 18 MR. HUNT: Yes, sir, interim before we utilized more  
 19 of these unused water.

20 MR. ROWE: The hearing on the Stampedge Reservoir.  
 21 The testimony that you gave at that time in connection with this  
 22 very subject as we heard in paragraph 3 in the instant proceedings  
 23 as regards the 83,156, and also item 6 of the Stampedge order,  
 24 your testimony would be the same in both cases?

25 MR. HUNT: Yes, sir, that is correct. I am assuming that  
 26 that the Prosser Reservoir were completed and put into  
 27 part of the Stampedge Project, we've not finished as yet and  
 28 you called for the Prosser Creek Unit.

29 MR. HUNT: That is correct, and it has a later  
 30 priority use than the Stampedge.

31 MR. HUNT: How much  
 32 priority use than the Stampedge?

33 MR. HUNT: That is correct, and it has a later  
 34 priority use than the Stampedge.

35 MR. HUNT: How much  
 36 priority use than the Stampedge?



VI I 1  
 SS S 2  
 SE E 3  
 SA A 4  
 SA S 5  
 SE S 6  
 SY Y 7  
 SS S 8  
 SE E 9  
 SI I 10  
 SI I 11  
 SI I 12  
 SI I 13  
 I I 14  
 SI I 15  
 SI I 16  
 VI V 17  
 SI I 18  
 SI I 19  
 OS OS 20  
 IS IS 21  
 SS SS 22  
 SS SS 23  
 AS AS 24  
 OS OS 25  
 OS OS 26

MR. ROWE: There is, however, in the Stampede this question of variable flows dependent upon the flow of the river. That was, in other words, the problem, to provide for the developments on Stampede and only apply to the Little Truckee - to put to use MR. HUNT. On the power section of that, yes, that is correct. HUNT: I believe we will put to beneficial use essential. CHAIRMAN HOLSTINGER: Anything further? operation.

MR. GOINES: Yes, Mr. Chairman, Mr. Hunt, in the interim between the time that the Stampede Project is in complete operation whereby you have Wapash and Reservoir on the Carsonate River drainage operating conjunctively with the Stampede Reservoir on the Little Truckee, you have the Prosser Creek Reservoir. Would there be any essential difference in the operation of the Prosser Creek Reservoir in that interim? air.

MR. HUNTS: There would be no essential difference. There would be more water in the interim before we utilized more of these unused flows. There would be more water now than there would be under the Washoe Project when it is completed. That was the reason we based our studies however, on the assumption the Washoe Project was completed to assure that when it is complete there will still be sufficient water.

MR. GOINES: I would like to bring this question - suppose that the Prosser Creek Reservoir were completed and put into operation and the Stampede Project were not finished as yet and you called for a license on the Prosser Creek Unit, is how much water would be the right call for? developed any conservation water

1 area we would MR. HUNT: as it would be if you mean storage season-  
 2 capacity-wise? Then we would have modified our application or  
 3 our testimony MR. GOINES: No, if they don't license the capacity  
 4 they license the amount of water which is stored and subsequent-  
 5 ly put to beneficial use. anything was in, the water isn't there  
 6 and it's gone MR. HUNT: I believe we will put to beneficial  
 7 use essentially the same amount of water under either operation.  
 8 secure anyone MR. GOINES: Now, as it presently stands, the  
 9 Prosser Creek is integrated with the Stampede Project only to  
 10 the extent of respecting the prior rights reserved to the State  
 11 of California; those that involve in the Truckee River Decree and  
 12 those involved in the conjunctive exchange between the Gasquet  
 13 and the Truckee River drainage answer your question?

14 MR. HUNT: And Stampede Reservoir.

15 MR. GOINES: And Stampede Reservoir proposed in  
 16 connection with MR. HUNT: That is correct, are there?

17 MR. GOINES: My question is directed towards the  
 18 possibility that you could in the interim utilize a portion of  
 19 the Prosser Creek Reservoir for conservation purposes without  
 20 violating the terms of the Interstate Agreement concerning the  
 21 reservation to California reservoir and that was Prosser.

22 MR. HUNT: You could, but it doesn't seem re-  
 23 quant enough to make it economically feasible; considering this  
 24 permit and even MR. GOINES: that doesn't me. Before we start  
 25 construction MR. HUNT: of that is correct. Otherwise, we would  
 26 have included it if we could have developed any conservation water

1 that we could sell and assure delivery every year with reason-  
 2 able shortages, then we would have modified our application or  
 3 our testimony here. However, in checking that through we found  
 4 that during that extended dry cycle had it been the matter whether  
 5 Washoe Project was in or anything was in, the water isn't there  
 6 and for seven years this development here will develop a con-  
 7 servation water that's even. And for that reason we could not  
 8 assure anyone a firm supply to be sure that we can actually  
 9 supply. We feel that the amount of water that may be developed  
 10 here occasionally can be used best for the regulation of the  
 11 other reservoirs, Tahoe and Boca and the rest of them in the  
 12 operation of the Truckee River. It is very erratic in character  
 13 and in occurrence. Does that answer your question? - I don't  
 14 see why they can't. MR. GOINES: Yes, sir. Thank you, Mr. Chairman. I  
 15 also appreciate. MR. ROWE: There are no other dams proposed in  
 16 connection with the Truckee drainage area, are there? In  
 17 regard to Bureau. MR. HUNT: Other than the Stampede.  
 18 MR. ROWE: How and how far further?  
 19 MR. HUNT: As far as the Bureau is concerned, we  
 20 ask Mr. Hunt. MR. ROWE: All right, because we had Stampede and  
 21 you referred to the other reservoir and that was Prosser.  
 22 MR. HUNT: Well, there's also Boca Reservoir --  
 23 that is correct. We appreciate very much your considering this  
 24 permit and everything at the present time. Before we start  
 25 construction on any day of this size and consequence, we would  
 26 like to have our permit, our water rights and the necessary

ALICE BOOK

CERTIFIED SHORTHAND REPORTER  
2844 VERNA WAY, SACRAMENTO 21, CALIFORNIA

11  
33  
32  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60

agreements so that we don't find ourselves with a nice big dam and no water behind it; and we appreciate the opportunity to appear here at this relatively early date and we need, if possible, get our permits so that we may issue our specifications and requests on this.

That is a prerequisite of both of those things because we don't fear that we should turn any part on this until we are in a relatively safe position to be representative and we don't store water behind the dam. Anything the Board may do, or its staff, to help this along, we will appreciate. We don't like to get money and not spend it, that is we don't lose it.

MR. KRONICK: That is you have cleared all the obstacles -- at least nobody else is protesting here -- I don't know why they can't get early action on it, Mr. Chairman. I also appreciate the fact you are not going to start construction until you have the permit because that is rather unusual in regard to Bureau construction in the past? It would seem to me appropriate.

CHAIRMAN HOLSINGER: On any further? position in that regard. MR. KRONICK: I have one question I would like to ask Mr. Hunt. MR. GIRARD: I didn't know our protest was still unresolved, but

CHAIRMAN HOLSINGER: Yes, Mr. Kronick. participated in the joint examination encompassed the terms in the report by your staff, and the California Commission. MR. KRONICK: Mr. Hunt, it is my understanding that the project will be operated for flood control and fisheries exchange together with conservation of water to offset

1 evaporation losses? GIRARD: Well, it is withdrawn, sir.

2 MR. HUNTER: Yes, okay. We like to be real sure, Mr.  
3 Girard.

4 MR. ROWE: And some recreational use in regard  
5 to the minimum flow level. I have no objections to your being  
6 real sure. MR. HUNT: Yes.

7 MR. KRONICK: I think also your understanding that  
8 adequate water will be available for these purposes in addition,  
9 to what which will be acquired for the operation of Stampede  
10 Reservoir and the reservation for California under the Stampede  
11 permit, is that right? Commission, I should like to make

12 one short statement. MR. HUNT: That is correct, I should like to call  
13 to the Board's attention that this is an error on page 7 in  
14 the staff report. MR. KRONICK: That is all.

15 CHAIRMAN HOLMES: Anything further, Gentlemen?  
16 Nothing further? of the Truckee River will be 350 second feet

17 from "March 1." MR. GOINES: Don't you think it would be desirable  
18 to find out the position of the California Commission concerning  
19 its protests which has yet stands unresolved? It would seem to  
20 me appropriate for them to place on record their position in

21 that regard. MR. JOHNSON: March 1, I believe. 500 second  
22 feet during the period. MR. GIRARD: I didn't know your protest was still  
23 unresolved, but it is withdrawn and the California Commission  
24 participated in the joint resolution which encompassed the

25 terms in the recommended suggestions of your staff, and the  
26 California Commission, I am sure, requests that the permit be  
27 granted under the conditions set forth therein.

MR. GOINES: It was conditionally withdrawn.

II  
SS  
SS  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

MR. GIRARD: Well, it is withdrawn, sir. (from  
 November 1 through  
 MR. GOINES: Okay. We like to be real sure, Mr.  
 Girard. MR. GOINES: Mr. Johnson, through Mr. Devore,  
 Mr. Jopson, our  
 MR. GIRARD: I have no objections to your being  
 read the correction in the official copy of the record. We  
 thank you very much.  
 CHAIRMAN HOESINGER: Anything further, Gentlemen?  
 MR. ROWE: Before you adjourn this, Mr. Chairman,  
 I would like to call attention to the beginning at the  
 end of "February  
 MR. JOHNSON: On behalf of the Joint California-  
 Nevada Interstate Compact Commission, I should like to make  
 one short statement. Previously that, I should like to call  
 to the Board's attention what I think is an error on page 7 in  
 the staff report in the footnote on line 5 where they have that  
 the reduced flow of the Truckee River will be 350 second feet  
 from March 1 through September 30 whenever Lake Tahoe water  
 storage drops below elevation 6,226 feet. I believe that that  
 should read from November 1 to March 31 before this Board  
 and recommend MR. GOINES: March 31 permit with provisions that  
 three terms of MR. JOHNSON: March 1, I believe, 500 second  
 feet during the irrigation season from March 1 to September 30  
 as the date of flow provided in the agreement. Then it drops  
 to 400 second feet from October 1 to February 29 unless the  
 lake is 6,226, and then they let the 400 go through the month  
 of October and on November 1 drop to 350 second feet through  
 March 1 of the ensuing years. Most of those were contained  
 in the stamped MR. GOINES: March 31, there would be no objection

1 to any of them. MR. JOHNSON: It would read then beginning at the  
 2 November 1931 through March 31 is just carrying out what the Joint  
 3 Commissions in BancOINES: Mrs. Johnson, through Mr. Devore, con-  
 4 Mr. Johnson's chief engineer brought that to my attention and  
 5 I made the correction. I'll get the official copy of the record. We  
 6 thank you very much for that. when Prosser was built as a matter  
 7 of course and MR. ROWE: Then, will you read the official copy?  
 8 There MR. JOHNSON: It would read then beginning at the  
 9 end of February 29, 1931, except on 350 of it during November 1 through  
 10 March 31, and with the rest of it, reads exactly the same. It is stated  
 11 may be reduced. MR. ROWE: Is a right investigation so warrants?  
 12 Would that in CHAIRMAN HOLSHINGER: Mr. Kronick, do you have  
 13 something? storage? I presume that this means storage rather  
 14 than discharge. MR. JOHNSON: I was just going to make a brief  
 15 statement, Mr. Girard, and myself were directed on behalf of the  
 16 the Joint California-Nevada Interstate Compact Commission, sit-  
 17 ting in concert on November 1931, to appear before this Board  
 18 and recommend the issuance of this permit with provisions that  
 19 three terms or conditions which the Compact Commission, I think,  
 20 has transmitted to this Board. Those three conditions are your  
 21 number 3 and your number 4. There has been a change in number  
 22 2 which I believe clarifies the language which was submitted  
 23 to you by the Joint California-Nevada Interstate Compact Com-  
 24 mission.

25 In checking the others, most of those were contained  
 26 in the Stamped Permit and in a measure there would be no objection

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

to any of them by the Joint Commissions.

Number 6 I believe is just carrying out what the Joint Commissions intended for this Board to carry out in their con-

dition number 4. Number 7, I believe that the records of

releases are presently kept relative to Lake Tahoe and I feel

that that would be continued when Prosser was built as a matter

of course and would be made available to this Board.

There was one of these provisions with which I was not

quite clear in my own mind and that is provision number 8. I

am wondering what is meant by "the maximum amount herein stated

may be reduced in the license if investigation so warrants"?

Would that infer that the permittee could request a lesser

amount of storage? I presume that this means storage rather

than discharge because under the operational study the discharges

would vary, of course, to wit from Lake Tahoe in accordance with the

amount of water which would be available for storage at Prosser.

CHAIRMAN HOLSINGER: What it means is that when

the use has been completed to the full extent contemplated in

the permit an inspection will be made by an engineer of the

Board to determine how much of the water allowed to be used has

been actually applied to beneficial use.

MR. JOHNSON: Well that goes to the storage alone?

CHAIRMAN HOLSINGER: I will let the staff answer

that. MR. JOHNSON: Well, it just wasn't clear to me--

the only reason MR. CRAIG: I might

clarification. CHAIRMAN HOLSINGER: I don't think it is storage

other conditions would be

storage



1 alone. I think it is the amount of water applied to beneficial  
 2 use. Commission and I think Mr. Girard will join me in this. We ask  
 3 the issuance of a permit with the amount of water in line with the  
 4 Chairman's remarks that that is a standard condition which is  
 5 intended to carry out the intent of the law which requires the  
 6 Board upon completion of use being reported to the Board to  
 7 investigate and determine the amount of water that has been this  
 8 actually applied to beneficial use within the terms of the permit  
 9 permit and to issue a license for the amount that has been bene-  
 10 ficially used. MR. JOHNSON: I see.

11 MR. JOHNSON: Would that in any way affect that  
 12 flood storage capacity of the reservoir you have built it.

13 MR. CRAIG: NO. NORGEH. I am sure it would not. The men-  
 14 tioned maximum amount stated herein refers to the amount stated in  
 15 condition number 1, to wit, 30,000 acre feet which is the amount  
 16 also stated in the application of the Department of Water  
 17 Resources, and MR. JOHNSON: That is correct but it was wonder-  
 18 ing if that all would be put to beneficial use as such if there  
 19 was a 20,000-acre-foot capacity that must be maintained during  
 20 certain periods of the year and what the license would provide  
 21 under such circumstances. Department of Water Resources is please  
 22 to appear and MR. CRAIG: Well, I am personally I am not of  
 23 able to answer that question set forth in the Board's staff  
 24 permit terms and MR. JOHNSON: Well, it just wasn't clear to me --  
 25 the only reason I am asking the question is for purposes of  
 26 clarification. I am sure all other conditions would be of

ALICE BOOK

CERTIFIED SHORTHAND REPORTER

2844 VERNA WAY, SACRAMENTO 21, CALIFORNIA

I  
S  
Z  
A  
G  
O  
V  
E  
E  
OI  
MI  
SI  
VI  
MI  
GI  
OI  
OI  
MS  
SS  
SS  
MS  
SS  
SS

1 satisfactory to the Joint California-Nevada Interstate Compact  
 2 Commission and I think Mr. Girard will join me in this. We ask  
 3 the issuance of a permit with the conditions contained in the  
 4 staff report as soon as the Board can conveniently do so  
 5 has submitted. CHAIRMAN HOLSINGER: Thank you.  
 6 Interstate Compact Commission. MR. ROWE: There is no anticipation that license  
 7 will be granted within the next five years as I see it with this  
 8 continuing jurisdiction. It will be continued until the problem  
 9 is solved with the Commission in arriving at this recommendation  
 10 and, therefore, MR. JOHNSON: I see the recommendation of the joint Com-  
 11 mission. MR. ROWE: I don't think we will ask you to cut  
 12 down the size of the reservoir once you have built it, the  
 13 primary purpose of the Prosser Creek reservoir is to improve  
 14 fishery conditions on the project and is provided in the  
 15 into the record a statement by the Department of Water Resources.  
 16 As this says, it is a statement of the Department of Water  
 17 Resources, an Inter-Departmental Communication to the State  
 18 Water Rights Board from the Director of Water Resources, dated  
 19 December 23, 1958, subject, application number 18006. (Reading)  
 20 ment, "Pursuant to your recent notice of hearing, dated  
 21 November 18, 1958, the Department of Water Resources is pleased  
 22 to appear, and offer its views and comments on the adequacy of  
 23 permit terms and conditions set forth in the Board's staff  
 24 permit terms and conditions set forth in the Board's staff  
 25 report dated November 7, 1958. Our appearance before your  
 26 board today is in accordance with Sections 184 and 1256 of

the Water Code for that application.

"As you are aware, the California-Nevada Interstate Compact Commission is studying the entire water supply of the Truckee and Carson River systems for future development and has submitted to your Board, a Resolution of California-Nevada Interstate Compact Commission Re Terms and Conditions in Prosser Reservoir Permits." Through its Director, who is a member of the California Commission, the Department has worked closely with the Commission in arriving at this recommendation and, therefore, supports the recommendation of the joint Commission with operation of the other reservoirs in the system, a

"As noted on page 6 of the Board's staff report, the primary purpose of the Prosser Creek Reservoir is to improve fishery conditions in the project area as provided in the initial project authorization and to provide regular important regulation of Prosser Creek flood flows." It has been with this understanding that the California Commission has supported the granting of a water rights permit for this project. This was made clear by Mr. Harvey O. Banks, Director of the Department, who at a recent meeting of the Joint Commission, made a statement to the effect that it is important that the record show that, insofar as the California Commission is concerned, with respect to the water rights application and conditions for Prosser Reservoir, involving exchange water for fisheries enhancement and operation for flood control purposes, we are not at this time, nor do we wish to go on record as favoring any other uses

ALICE BOOK

CERTIFIED SHORTHAND REPORTER  
2844 VERNA WAY, SACRAMENTO 21, CALIFORNIA

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

our purposes under that application.

" A review of the Bureau's operation study indicates that the operation was made to satisfy these two purposes, flood control and fisheries exchange, together with conservation of water and offset the evaporation losses on Prosser Reservoir. It is our understanding also that adequate water will be available for these purposes in addition to that required for the operation of Stampede Reservoir and the reservation for California under the Stampede permit. It appears possible, however, that with slight modification of the reservoir operation in conjunction with operation of the other reservoirs in the system, a certain amount of water over and above that required for the primary purposes could be conserved. The exact quantity of the water made available by such modifications could only be determined by an extension of the operation study made by the Bureau which would require considerable time, if such additional amount should be determined to exist on the basis of either operation studies or actual operational practice, we recommend to the Board that the allocation of this yield be the subject for a future hearing by the State Water Rights Board under its continuing jurisdiction. Is this to be filed as an exhibit or just generally speaking, it appears that the Board's staff recommendations, with respect to terms and conditions proposed to be included in any permits issued pursuant to the above-named application, will be adequate and will include the recommendations of the California-Nevada Interstate Compact.

Commission. CHAIRMAN HOLSINGER: If there is nothing further,  
we now "The Department of Water Resources urges the State Water  
Rights Board to grant a permit for the purpose of permitting  
the United States to construct and operate the Prosser Creek  
Reservoir within the Washoe Project. It is also urged that  
the Board grant the necessary permit at the earliest possible  
date.

"HARVEY O. BANKS, Director of Water Resources

"By /s/ William R. Gianelli, Principal Hydraulic  
Engineer."

MR. ROWE: Well, I think it is understood, Mr.  
Chairman, in view of the statement as to vested rights that  
whatever the normal flow of the creek would be that passes the  
reservoir, we would assume to be the normal flow of the creek  
regardless of storage and storage is something else.

CHAIRMAN HOLSINGER: Anything further, Gentlemen?  
You have something further to add?

MR. ROWE: No.

CHAIRMAN HOLSINGER: Mr. McGill?

MR. MC GILL: No.

MR. ROWE: Is this to be filed as an exhibit or  
just simply read into the record?

MR. KRONICK: It was read into the record as a  
statement of the Department.

MR. ROWE: All right, you don't wish to file it  
as an exhibit. It can stay in the record as it is. All right.

1 CHAIRMAN HOLSEINGER: There is nothing further,  
2 we now stand adjourned. ---000---

3 (Thereupon the hearing was adjourned.) a Certified  
4 Shorthand Reporter, was present at the time and place the  
5 foregoing proceedings were heard before the State Water Rights  
6 Board of the State of California, in the Kaiser Building,  
7 Sacramento, California, Tuesday, December 23, 1958, and that  
8 as such reporter I did take down said proceedings in shorthand  
9 writing, and that thereafter I caused the shorthand writing  
10 to be transcribed into longhand typewriting, and that the  
11 foregoing pages beginning at the top of page 1 to and includ-  
12 ing line 3 on page 43 hereof, constitute a true, complete,  
13 accurate and correct transcription of the aforementioned  
14 shorthand writing.

15 Dated this 30<sup>th</sup> day of December, 1958.

16  
17 

18 Certified Shorthand Reporter  
19  
20  
21  
22  
23  
24  
25  
26  
---000---

ALICE BOOK

CERTIFIED SHORTHAND REPORTER

2844 VERNIA WAY, SACRAMENTO 21, CALIFORNIA

I 1  
S 2  
E 3  
4 4  
E 5  
S 6  
7 7  
S 8  
E 9  
OI 10  
II 11  
SI 12  
SI 13  
VI 14  
SI 15  
SI 16  
VI 17  
SI 18  
SI 19  
OS 20  
IS 21  
ES 22  
ES 23  
ES 24  
ES 25  
ES 26

REPORTER'S CERTIFICATE

---oOo---

This is to certify that I, Alice Book, a Certified Shorthand Reporter, was present at the time and place the foregoing proceedings were heard before the State Water Rights Board of the State of California, in the Kaiser Building, Sacramento, California, Tuesday, December 23, 1958, and that as such reporter I did take down said proceedings in shorthand writing, and that thereafter I caused the shorthand writing to be transcribed into longhand typewriting, and that the foregoing pages beginning at the top of page 1 to and including line 3 on page 43 hereof, constitute a true, complete, accurate and correct transcription of the aforementioned shorthand writing.

Dated this 30<sup>th</sup> day of December, 19 58.

Alice Book  
Certified Shorthand Reporter

---oOo---

1  
 2  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26

[Large blank area for shorthand notes, containing a dense pattern of noise or bleed-through from the reverse side of the page.]

JUNE 5 1 31 PM '59  
 STATE OF CALIFORNIA  
 SACRAMENTO



shortly  
seems  
ing is  
forex  
to be  
written  
as and  
Sacramento  
Board  
Foreign  
shortly

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

JAN 6 1 31 PM '59  
STATE WATER RIGHTS BOARD  
SACRAMENTO