

June 29, 2010

**Testimony of Kenneth Parr
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 Bureau of Reclamation**

I. Biography

My name is Kenneth L. Parr. I am the Area Manager for the Bureau of Reclamation (Reclamation), Lahontan Basin Area Office, Carson City, Nevada. After earning a Bachelor of Science Degree in Wildlife Science from Utah State University, I served in professional wildlife biologist positions with Bureau of Land Management, Fish and U.S. Wildlife Service, and several Indian tribes until 1984. I then worked for the Bureau of Indian Affairs in Wyoming and South Dakota as a wildlife biologist for the next 11 years. In 1995 I transferred to Reclamation's Newell Field Office in South Dakota as a Natural Resource Specialist responsible for environmental compliance activities. I was selected in 2002 as the Supervisory Natural Resource Specialist for the Lahontan Basin Area Office; in 2006 I became the Deputy Area Manager and in 2008 the Area Manager.

With respect to the Truckee River Operating Agreement (TROA), I was Reclamation's technical representative on the Federal team negotiating TROA and lead for preparing the TROA Environmental Impact Statement / Environmental Impact Report (EIS/EIR), Record of Decision, and Federal Rule. In July 2008 I assumed the role of Department of the Interior representative for TROA activities.

II. Introduction

The purpose of my testimony is to provide an overview of the benefits associated with the change petitions and appropriation applications. Other witnesses will provide detailed information.

The potential effects of TROA were evaluated in the January 2008 Final EIS/EIR which was jointly developed by the U.S. Department of the Interior and the State of California. Since the provisions of the change petitions and the appropriation applications are integral components of TROA, they could not be evaluated separate from TROA in the EIS/EIR. Therefore, the effects of TROA, including those of the petitions and applications, are one and the same.

III. Change Petitions

The change petitions are key to the implementation of TROA, because they would accommodate: (1) common points of diversion, rediversion, and redistribution of storage among

Boca Reservoir, Stampede Reservoir, and Independence Lake; and (2) common places and purposes of use for Prosser Creek, Boca, and Stampede Reservoirs, along with Independence Lake. As detailed in Mr. Buchanan's testimony, approval of the change petitions would allow the operation of Boca, Stampede, and Independence to be coordinated with one another, as opposed to individual units as they are currently operated (with the exception of flood control requirements). Such integrated reservoir operations would lead to more effective and efficient use of these facilities.

Mr. Buchanan will also testify that approval of the change petitions would enable the accumulation of credit waters in Prosser Creek, Boca, and Stampede Reservoirs, and Independence Lake. In order to remain in compliance with the existing licenses and permit, and to allow for TROA operations, the petitions would expand places and purposes of use so that they were common among these three storage facilities and Prosser Creek Reservoir. Approval of the change petitions would not add new water rights to the licenses and permit, and would not change the annual amount that may be diverted to storage.

A. Water Rights

1. Water rights of others

Approval of the change petitions would not injure existing water rights because only rights associated with the existing licenses and permit for these facilities would be exercised. The difference between the Boca, Stampede, and Independence change petitions and the existing licenses and permit is that project water associated with them could now be diverted, rediverted, and redistributed to storage in any of the three facilities.

TROA will not impair or conflict with the exercise of vested or perfected *Orr Ditch* decree water rights or interfere with flood control and dam safety criteria. As Mr. Buchanan, Mr. Van Camp, and Mr. Shahroody will testify, TROA protects owners of vested and perfected water rights and provides for compensation if implementation of TROA results in an owner "not receiving the amount of water to which that owner is legally entitled."

2. Initiation of New Rights

The change petitions would not initiate new rights because they only add places and purposes of use, and points of diversion, redistribution, and redirection to the existing Boca, Prosser, and Independence licenses and Stampede permit to allow for a common place of use, purposes, and points of diversion. Other terms in the existing licenses and permit would not change, except as may be granted by approval of the two appropriation applications.

B. Public Interest

Approval of the change petitions and implementation of TROA would allow a number of public interest benefits to accrue.

1. Interstate Allocation

Section 204 of P.L. 101-618 (Interstate Allocation) will go into effect when TROA is implemented. Specifically, the allocations of Lake Tahoe and Truckee River waters between Nevada and California, and the confirmation of the *Alpine Decree* as part of the interstate allocation for the Carson River basin will become effective (see Section 210 (a)(2)(A) of P.L. 101-618). TROA provides an operational basis for serving Truckee River water rights consistent with such allocation (see Article Six of TROA).

2. Environmental Benefits

Discussion of the effects associated with the SWRCB's approval of the change petitions is presented in Chapter 3, "Water Right Change Petitions and Applications, Summary of Effects" of the final EIS/EIR.

Mr. Caicco will testify that results of the analysis generally show that stream flows under TROA would be beneficial for fish and other biological resources and that TROA operations would result in beneficial effects on several of the other environmental resources in the study area. Because no significant impacts were identified, no mitigation or monitoring is needed. To help track responses of biological resources in the future, however, several agencies with jurisdiction over these resources have signed a memorandum of understanding for development of a biological resources monitoring program and have begun the process of implementing elements of the program. The program will provide the framework to take advantage of TROA's operational flexibility and allow for the greatest range of resource management options under TROA.

3. Municipal Drought Water Supply

One of the benefits of TROA will be that the need for additional water storage facilities to meet increasing municipal and industrial (M&I) water demands in the region (notably, Reno-Sparks, Fernley, and California) would be reduced, thus eliminating construction, operation and maintenance costs for new water storage facilities. In addition to avoiding the construction of new storage facilities, there is the additional benefit of providing storage capacity to satisfy M&I water demand in the future. See the Economic Environment section of the Final EIS/EIR for more details.

4. Recreational opportunities

TROA, through the accumulations of credit waters in Prosser Creek, Boca, and Stampede reservoirs, will enhance reservoir recreational access and ensure a higher quality of reservoir recreational experience. In addition, it is projected in the Final EIS/EIR that recreational visitations to these reservoirs will be greater than under current operations.

IV. Applications

Approval of the Stampede Reservoir application would allow the total combined amount of water that could be diverted to storage from January 1 through December 31 to be 226,500 acre-feet. Increased diversion would not injure existing water rights since only water that would have otherwise flowed to Pyramid Lake would be diverted to storage under this application. Mr. Shahroody will testify that the storage priority of this water would not impair the exercise of vested or perfected direct diversion water rights and would not constrain or limit the operation of other Truckee River reservoirs.

Approval of the Prosser Creek Reservoir application would increase the existing maximum withdrawal of 20,162 acre-feet during a year and would expand the filling period from October 1 to August 10, while continuing to allow a maximum annual storage of 30,000 acre-feet as under the existing license. This would increase the potential annual withdrawal from the reservoir by 9,800 acre-feet. Water available for diversion to storage under this application would be water in the Prosser Creek basin upstream of Prosser Creek Reservoir that would otherwise flow to Pyramid Lake. Mr. Shahroody will testify that the priority storage of this water would not impair the exercise of vested or perfected direct diversion water rights, and would not constrain or limit the operation of other Truckee River reservoirs.

As Mr. Caicco will testify, approval of the applications would allow more water to be stored and released for cui-ui and Lahontan cutthroat trout spawning in the lower Truckee River. Also under TROA, there would be more water available for: (1) maintaining spawning access for Lahontan cutthroat trout from Independence Lake into Independence Creek; and (2) enhancing minimum bypass flows at hydroelectric diversions on the Truckee River. Such flow management would also benefit fish species other than cui-ui and Lahontan cutthroat trout. In addition, approval would make more water available for enhancing reservoir releases for stream flow benefits, and maintaining reservoir recreational pool. Increased storage would also enhance habitat for fish, waterfowl and shore birds.

Reclamation requests that SWRCB:

- Approve the change petitions for Boca, Independence, Stampede, and Prosser Creek filed by 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 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 all protests filed by the Truckee-Carson Irrigation District; Churchill County, Nevada; and Newland 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.