

ORAL HISTORY INTERVIEW

Marcia DeBraga



**STATUS OF INTERVIEW:
OPEN FOR RESEARCH**



Interview Conducted and Edited by:
Donald B. Seney in 2008
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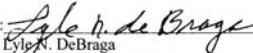
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**STATEMENT OF DONATION
OF ORAL HISTORY INTERVIEW OF
MARCIA SMITH DeBRAGA**

1. In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms, conditions, and restrictions set forth in this instrument, I, Lyle N. DeBraga, (hereinafter referred to as "the Donor"), and representing the estate of Marcia Smith DeBraga, of Fallon, Nevada, do hereby give, donate, and convey to the Bureau of Reclamation and the National Archives and Records Administration (hereinafter referred to as "the National Archives"), acting for and on behalf of the United States of America, all of the rights and title in the estate of Marcia Smith DeBraga to, and interest in the information and responses (hereinafter referred to as "the Donated Materials") provided during the interview conducted on January 18, 2008, at Fallon in Nevada, and prepared for deposit with the National Archives and Records Administration in the following format: cassette tapes and transcripts. This donation includes, but is not limited to, all copyright interests I now possess in the Donated Materials.
2.
 - a. It is the intention of the Archivist to make Donated Materials available for display and research as soon as possible, and the estate places no restrictions upon their use.
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Date: Sept 22 - 2011

Signed: 
Lyle N. DeBraga
Representing the estate of
Marcia Smith DeBraga

INTERVIEWER: Donald B. Seney

Having determined that the materials donated above by the estate of Marcia Smith DeBraga are appropriate for preservation as evidence of the United States Government's organization, functions, policies, decisions, procedures, and transactions, and considering it to be in the public interest to accept these materials for deposit with the National Archives and Records Administration, I accept this gift on behalf of the United States of America, subject to the terms, conditions, and restrictions set forth in the above instrument.

Date: _____

Signed: _____
Archivist of the United States

Introduction

In 1988, Reclamation began to create a history program. While headquartered in Denver, the history program was developed as a bureau-wide program.

One component of Reclamation's history program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University - Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation: water transportation over great distances; three Native American groups with sometimes conflicting interests; private entities with competitive and sometimes

misunderstood water rights; many local governments with growing water needs; Fish and Wildlife Service programs competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada; and Reclamation's original water user, the Truckee-Carson Irrigation District, having to deal with modern competition for some of the water supply that originally flowed to farms and ranches in its community.

The senior historian of the Bureau of Reclamation developed and directs the oral history program. Questions, comments, and suggestions may be addressed to the senior historian.

Brit Allan Storey
Senior Historian
Land Resources Division (84-53000)
Policy and Administration
Bureau of Reclamation
P. O. Box 25007
Denver, Colorado 80225-0007
(303) 445-2918
FAX: (720) 544-0639
E-mail: bstorey@usbr.gov

For additional information about Reclamation's history program see:
www.usbr.gov/history

**Oral History Interview
Marcia De Braga**

Seney: . . . home in Fallon, now near Fallon, Nevada.

This is our first session and our first tape.

Today is January 18, 2008. Good afternoon.

De Braga: Good afternoon.

Seney: Why don't you begin by telling me a little about where you were born, and if you don't mind saying when, and, and how you got to be here in Fallon farming?

Born in Los Angeles

De Braga: Yeah. I was born in Los Angeles. My mother and father had moved there from Sugar City, Idaho, a little town that got lost in the Teton flood and doesn't exist anymore. (Seney: Ah.)

Moved Back to Idaho with Mother

But, my father worked at Lockheed, and actually he went out for a pack of cigarettes one day and didn't come back, and so my mother was left with three girls to raise so she moved back to Idaho. And, that was when I was in about the fourth grade.

Mother Remarried and She and Stepfather Put One Another Through College and Became Teachers

And, a few years later she married a man from Rex[burg]¹—well, no, let's see, from Ashton, I

1. A note on editorial conventions. In the text of these interviews, information in parentheses, (), is actually on the tape. Information in brackets, [], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken. Words have sometimes been struck out by editor or interviewee in order to clarify meaning or eliminate repetition. In the case of strikeouts, that material has been printed at 50% density to aid in reading the interviews but assuring that the struckout material is readable.

think, Idaho, but close to Sugar City, and they put each other through college. And, he had some help with, through the GI Bill.

“ . . . their first teaching job was in Fallon. Well actually, in Stillwater, a one-room schoolhouse. . . .”

And, put each other through college and their first teaching job was in Fallon. Well actually, in Stillwater, a one-room schoolhouse. She taught the lower grades and he taught the upper

The transcriber and editor also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.

In an effort to conform to standard academic rules of usage (see *The Chicago Manual of Style*), individual's titles are only capitalized in the text when they are specifically used as a title connected to a name, e.g., Secretary of the Interior Gale Norton as opposed to Gale Norton, secretary of the interior; Commissioner John Keys as opposed to John Keys, commissioner. Likewise formal titles of acts and offices are capitalized but abbreviated usages are not, e.g., Division of Planning as opposed to “planning;” the Reclamation Projects Authorization and Adjustment Act of 1992, as opposed to “the 1992 act.”

grades.

“ . . . they, from here, went to Las Vegas to teach school and I got married and stayed here. . . .”

And so they, from here, went to Las Vegas to teach school and I got married and stayed here.

Seney: Uh huh. So, you went to (De Braga: Long story short.) schools here? And . . .

De Braga: I did from the eighth grade on.

Seney: Yeah.

De Braga: Yeah.

Seney: Well, you're almost a native. Not quite. You must have children?

De Braga: Oh yeah. Four.

Seney: They're natives, and you're not?

De Braga: They're natives. Yeah. (Laugh) And I'm not.

Seney: How old, how old are your children?

De Braga: Oh, they're old people. That's a good question.
They're all—one is fifty and the other three are in
their forties.

Seney: Ah. Okay. All right. And, they live elsewhere
or are they still here?

De Braga: One lives in Elko, our son. He's the curriculum
director for the Elko County School District,
and then the, my three daughters live here.

Seney: Ah. All right. Now, and how long, and you
married Mr. De Braga and began farming right
away?

**“I've always been involved in a lot of things,
especially youth activities, but always like as a
secretary or some, some role like that. . . .”**

De Braga: Um-hmm. I was seventeen. And so, I raised

my kids and then actually just, just, you know, I've always been involved in a lot of things, especially youth activities, but always like as a secretary or some, some role like that. And I thought, you know what I want to be the top dog in something. (Seney: Right.) I want to go try to—I'm a person who sits and yells at the guy on TV who's not telling what I want to hear.

(Laughter)

Seney: Yeah.

“ . . . I won, the first election [for the Assembly], with no experience in any office of any kind. . . . ”

De Braga: And so, I thought, “Well, I want to go, go get involved and be the person who,” or try. I thought it was a longshot because this is an

extremely republican district. And I won, the first election, with no experience in any office of any kind.

Seney: Was this for the Assembly?

De Braga: Um-hmm.

Seney: How did you, obviously you're a democrat?

De Braga: Um-hmm..

Seney: I mean, not obviously, but you are a democrat. And did, you became active in the democratic party, and then . . .

Was Always Interested in Politics and Was Active off and on in the Democratic Party

De Braga: Well, I was off and on, depending on, you know, what was going on at home, because four kids keep you pretty (Seney: Sure.) busy. And

so, off and on I was, but always interested in politics. Yeah, definitely.

Seney: And, what year was that, 1990 was that, when you ran?

First Elected in 1990 and Served Five Terms in the Assembly

De Braga: That I ran for office? Yeah.

Seney: In 1990? And . . .

De Braga: Yeah. And served five terms.

Seney: Five terms? (De Braga: Um-hmm.) And, I take it, it was—so, how did you beat the republican? This, 1990, would that have been a good republican year? I would think so.

“ . . . that’s what they called ‘The Year of the Woman.’ . . . But, with no experience and certainly really naive about the process I still won, partly because Churchill County had the most voters in

the district at that time, and the man I ran against . . . He was a great speaker. . . . great sense of humor. . . . but anyway I won. . . . then I beat republicans in three other elections and had a free ride in one. . . .”

De Braga: You know, that’s what they called “The Year of the Woman.” (Seney: Ah.) If you remember (Seney: Yes, I do.) back then? But, with no experience, and certainly really naive about the process, I still won, partly because Churchill County had the most voters in the district at that time, and the man I ran against (Seney: Uh huh.), from Ely, had been a commissioner, county commissioner, and had made a few enemies out there. So, those two districts were the bulk of the vote and (Seney: Oh.) and I got elected. You know, the first time I heard him

speaking I thought, "Oh, my god, I'm killed." He was so good. He was a great speaker.

Wonderful booming voice, great sense of humor. And, and so, but anyway I won. So, there I was. And, then I beat republicans in three other elections and had a free ride in one.

Seney: You had, was that your last time?

De Braga: No. Next to the last.

Seney: Next to the last. Yeah. How come you had a free ride, do you think?

De Braga: Nobody ran against me.

Seney: Yeah.

De Braga: Yeah. So.

Seney: They thought you couldn't be beat, probably?

De Braga: No democrats, no republicans. So.

Seney: That must have been nice?

De Braga: Oh, it was great. (Laughter) It was great. You don't have the pressure and you can, you can do a good job campaigning, (Seney: Yeah.) which we still did anyway.

Seney: Right. Did you still raise money for that election?

De Braga: Um-hmm.

Seney: And were you, you know, I was going to ask you how you became chair of the Natural Resources Committee and when that happened?

**Served as Chair of the Natural Resources
Committee for Four Terms**

De Braga: That happened my second term and, well I was always on that committee from the start,

Government Affairs, throughout my whole, almost my whole time there. And, Natural Resources, and Joe Dini was speaker at that time, from Errington, and he just made me chairman and, and I stayed there as chairman the rest of the time I was in the legislature.

Seney: You know, I asked you before we started if, if the Truckee-Carson Irrigation District ever contacted you or you worked with you on other legislation besides A.B. 380 and I think you said, “No”?

Brother-in-law Talked to Her about Issues at T-CID, but the District Never Approached Her for Assistance

De Braga: I tried. (Laugh) I tried, and they actually had a legislative committee, and I think they still do,

but they never contacted me. And, I contacted the director of the T-CID at that time, you know, many times, but he never was interested in any help, nor did he have any legislation. My brother-in-law, Ted, was chairman of T-CID at that time. And so . . .

Seney: Ted De Braga?

De Braga: Yeah. And so I, you know, he would talk to me about things that he thought needed to be done and that kind of thing. But, aside from that the group, as a whole, didn't.

Seney: How do you explain that?

De Braga: You know, I don't know whether they thought they could just do a better job without my help. (Laugh) To start with, in the legislature I was,

you know, like a, an untested commodity and that could have been part of it.

“Part of it, it’s an all-male organization and has never had a female on the board, ever. And, maybe a little bit chauvinistic? All republican as near as I know, as well. . . .”

Part of it, it’s an all-male organization and has never had a female on the board, ever. And, maybe a little bit chauvinistic? All republican as near as I know, as well. So, I think if they wanted something they probably went to my counterpart in the Senate, which was Senator McGinness, and did it that way.

Seney: You know, that’s interesting because in most states where you have, say, something like T-CID and you have, especially if you have

members from different parties representing the same district in the different houses, the normal rule would be, well, you get the agreement of the two legislators and then the rest of the legislators say, well they're onboard, (De Braga: Um-hmm.) and everything goes through smoothly. I would take it the Nevada Legislature's that way, isn't it, maybe a little bit?

“ . . . there just were very few issues, if any, that really were collaborated on or brought forward by the T-CID and pursued that way. . . .”

De Braga: Oh, absolutely. Yeah. Yeah. If you've got a bill that you're introducing in the Assembly and it's important to your whole district you certainly want the senators' support as well.

And, but there just were very few issues, if any, that really were collaborated on or brought forward by the T-CID and pursued that way.

Seney: Yeah. You don't recall Senator McGinness, then, sponsoring things or coming to you about matters?

De Braga: No, there may have been one or two that were not, you know, vitally important, not real big issues. (Seney: Right. Right.) But, things, and if they're important to the district certainly I supported his (Seney: Sure. Sure.) legislation. (Seney: Understandably.) No question there. And probably, he supported mine as well, if they were district wide, (Seney: Right.) or introduced his own on the Senate side, (Seney:

Right.) which is common practice too. (Seney: Sure.) You gotta (Laugh) protect your own interests. (Seney: Right.) But, and there's so few of us. Let's see, now there's three assembly people for Churchill County and then there was just one.

Seney: And, that would have been you?

De Braga: Um-hmm.

Seney: Yeah. Yeah. How did, how did A.B. 380 come about?

Passage of A.B. 380

“ . . . I had wanted to sponsor something for a long time that would allow farmers to, without exceeding their allocation of water, move water around on their own acreage. . . . ”

De Braga: Well, it was really interesting because I had

wanted to sponsor something for a long time that would allow farmers to, without exceeding their allocation of water, move water around on their own acreage. In other words, if you have a hundred acre, hundred acres of water right and you decided you wanted to grow a water-intensive crop like rice, which doesn't grow here, you know, just as an example, (Seney: Sure.) and put all your water on one place you could do that, as long as you didn't exceed your allotment. So, that was one of the things I really wanted to pursue.

“And, the ranchers here were all suffering the effects of Public Law 101-618, which there's two schools of thought on whether we had a say on it or we didn't. . . . it was hurtful to Churchill County and as well as the 2,300 lawsuits against Churchill

County non-Indian farmers that were filed by the Native Americans. . . .”

And, the ranchers here were all suffering the effects of Public Law 101-618,² which there's two schools of thought on whether we had a say on it or we didn't. And, I'll talk about that in a (Seney: Sure.) minute. (Seney: Great.) But, it was hurtful to Churchill County and as well as the 2,300 lawsuits against Churchill County non-Indian farmers that were filed by the Native Americans.

Seney: By the Pyramid Lake tribe?

De Braga: By the Pyramid Lake tribe. But, (Seney: Right.)

2. Public Law 101-618, sponsored by Nevada Senator Harry Reid, passed Congress in 1990 and was signed by President George H. W. Bush. It contained two main sections: Title I-Fallon Paiute Shoshone Tribal Settlement Act, and Title II-Truckee-Carson-Pyramid Lake Water Rights Settlement Act. Senator Reid has been interviewed by the Newlands Project Series oral history program.

on behalf of the Indian interests to take more water to Pyramid Lake and less here. So, so there were a couple of things I wanted to, we had done that would help farmers. Those lawsuits concerned not allowing delivery of water to beds and banks of irrigation ditches, or even corners of fields, you know, where your tractor turns a corner so there's this little square here that you can't really plant in. They took that water right away as well and they weren't delivering that.

Seney: Some, may I say, were also houses, where the houses had been there, (De Braga: Where the houses were.) and corrals, (De Braga: Um-hmm.) and buildings, (De Braga: Yeah.) and

what not?

De Braga: It took (Seney: Yeah.) all that away. That's exactly right. And, that makes more sense, (Seney: Sure.) than the others. But, you graze the banks and the irrigation ditches, so that didn't make any sense, and ranchers were hurt in the process. So, those were a few things I wanted to help the ranchers get cleared up here. So, I talked a great deal with Mike McKinnon, who was, who is a local attorney. In fact, the city's attorney. And, but he had handled a lot of the cases that, the defendant's cases against the Pyramid Lake tribe. He'd handled a lot of those, so he was really interested. And he and Steve King, who works with him, and I went

over to see Joe Dini a couple of times and tried to see where we could, where we could go with this.

A.B. 380 Did Several Things

So, we put in a legislation that did several things.

Allowed Farmers to Move Water Around

One, it allowed the moving of water around.

Allowed Municipalities to Speculate in Water

Two, it allowed for water speculation³ by municipalities.

Established a 1902 Priority Date on the Newlands Project

It also created a priority, 1902 priority date for water rights on the Newlands Project that would

3. See further discussion of this terminology on page 54.

be universal. You wouldn't have to go prove it, you wouldn't have to fight it, it was there.

Eliminated Forfeiture on the Newlands Project

And, it got rid of forfeiture.

Seney: No that, may I say that was, that date was critical because of the forfeiture and abandonment (De Braga: Exactly.) rules in Nevada which--was it 1913 is the cutoff date when the rules changed?

De Braga: I, you know, I'm not positive. (Seney: Yeah.) That sounds about (Seney: Right.) right. And, the forfeiture it got rid of.

Abandonment Stayed in the Statute

Abandonment was a different story. (Seney: Right.) It stayed in the statute. But, forfeiture

was a gray area. (Seney: Right.) So, it got, it did those things.

“ . . . we introduced the bill and then we started having negotiating sessions on it. And, Joe Dini was so fabulous through that whole process, because he just basically turned me loose. . . .”

So we, we introduced the bill and then we started having negotiating sessions on it. And, Joe Dini was so fabulous through that whole process, because he just basically turned me loose. If I had to be in one of these negotiations then other duties were shoved off on somebody else. And, and so we started a fight.

Got the Parties Together and Told Them They Would Have to Resolve Their Differences

Well, the way I approached it was I said, “Here’s the bill. We’re going to go in here and

we're going to resolve how we're going to pass this bill. We're not going to open the door again until we get this done. So, this is what we have to do. We have to resolve our differences here and, and that's what we're going to do."

So.

Seney: Does this, now does this include the tribe at this point?

De Braga: It included the tribe.

Seney: Are they in the room?

De Braga: It included T-CID, Sierra Pacific, City of Reno, County of Washoe, Churchill County, Lyon County. Who am I leaving out? Department of Interior. (Seney: The . . .) So, the whole nine yards. (Seney: Because . . .) Everybody was

included.

Seney: Because the other shoe here, so to speak, was
A.B. 412?

Rolled Assembly Bill A.B. 412 into A.B. 380

Sierra Pacific Sponsored A.B. 412

De Braga: Yeah. And that's, was my bargaining chip
because I took the A.B. 412 to my committee,
and that was, that was Sierra Pacific's bill on
their portion of speculation, (Seney: Right.)
rolled it into my bill, and then said, "We're
going to negotiate this or you're not going to get
your bill passed." Now, that was not entirely
true, because I had promised them that their bill
would get a fair hearing no matter what. Rolled
in—but I, but . . .

Seney: This was Sue Miller, their lobbyist?

De Braga: Sue Miller was their lobbyist and she and I almost came to blows one day, (Laugh) and I said to her—because she said, “You told me that you were going to give this bill a hearing,” and I said, “Yeah, but here’s the deal—and I will. But, here’s the deal. We are going to negotiate both sides of this deal. Your side and our side. I have no problem with what you want, but we need to get something resolved for these farmers as well, (Seney: Right.) something that makes some sense.”

Seney: Now, a little background is what, one of the things that the city began to do was, here in Fallon, was to go up and challenge water

transfers (De Braga: They have.) on the Truckee Meadows, haven't they?

Part of the Reason A.B. 412 Came up Was Because the City of Fallon Started Challenging Water Transfers on the Truckee Meadows

De Braga: They had.

Seney: And that was why A.B. 412 . . .

De Braga: Came about to start.

Seney: Came about. Right. And so, it's, I've heard people say that that was really one of the cleverest things that the people down here did was to go up and use a political tactic, and that is to file those challenges in Washoe County and, because that really changed the tune of Sierra Pacific Power?

Rolled A.B. 412 into A.B. 380 for Political

**Reasons—to Maintain the Interest of Sierra Pacific
in Passage of A.B. 380**

De Braga: You know, it did, but that part of it hurt us in a way in the long run. We, when I rolled that into—because it, and to back up a little bit. I misspoke, because 412 had not been a part of my bill to start with, (Seney: Right.) and it got rolled in in order to get ours heard. Sierra Pacific’s representatives, (sigh) they, they were very interested, of course, in getting their, their portion of it passed and I was afraid would abandon our side of it if they (Seney: Ah.) got what they wanted. So, I rolled it in.

“ . . . bottom line of that is, had ours gone down in flames I still would have heard their bill. . . .”

Although, bottom line of that is, had ours gone

down in flames I still would have heard their bill. (Seney: Right.) I couldn't X out everything else and . . .

Seney: In your mind that would be a matter of fairness to hear theirs?

De Braga: Yeah. And, I told Susan Miller (Seney: Yeah.) that. And, otherwise she probably would have wanted to kill me, (Laugh) which is all right because we needed—you know that's, I'm sorry but sometimes that's how politics plays out, (Seney: Right. Right.) and everybody had to compromise in order to get something done. (Seney: Right.) So, we got all these people together and, and Mike McKinnon was there as well, and some other attorneys, and tribal

representatives. Did I say that to start with?

Tribal

Seney: I think maybe you did. Yeah. Yeah.

De Braga: They were, they were involved. (Seney: Yeah.)

There were tribal representatives.

Seney: Now, let me, at what point, Senator Reid has now already been involved, right? That's why you're having this big get together?

Senator Harry Reid's Opposition to A.B. 380

De Braga: He, he had called—not quite yet. No. He wasn't (Seney: Okay.) involved yet, I don't, not at this point. We started to have hearings and all those representatives were present. Now I'm not, now I'm not absolutely sure now that you say that whether it had—it had come to the floor but, but

it had been referred to committee. So, we held the negotiations before any final vote was taken. I think that's how that went.

Seney: Well, there was, Reid got interested in it pretty early. I'm looking here. There was a chronology that I came across. And, we're into April as this begins to happen. There, there was a—April 9th there was an important meeting in the afternoon and then in the evening, again, and maybe a little later than that. But Reid, at this point, I, if this chronology is correct, has already become involved in it and has raised a lot of questions about A.B. 380 being passed. And, there's a point where Speaker Dini comes in and says, "Well, let's be sensible here. We

want to get Marcia De Braga reelected. If this goes down in flames there won't be a chance of that. We want her reelected for a number of reasons, but one of the most important ones is redistricting is coming up after 2000." And, do you remember when that – because, Reid really put the pressure on Dini? (De Braga: Oh.) Am I saying Dini right? How do you say it?

De Braga: Dini.

Seney: Dini? Okay.

De Braga: Uh huh. Exactly what, he may have been involved earlier than I was even aware he was involved. (Seney: Right.) But, before the bill first came up for a vote—and, at this point I can't remember where, whether it came for a vote or

we took it back to committee, or what happened, or we put it on the chief clerk's desk to delay it, I can't remember (Seney: Yeah.) exactly. And, that may have been the way it went. (Seney: Right.)

“ . . . before it came up for its first vote he actually personally called all the democrats he could. . . . And, threatened them. . . . he had said . . . ‘You vote against this’ . . . That backfired. In fact, it totally backfired but it took a while. . . .”

But, before it came up for its first vote he actually personally called all the democrats he could.

Seney: Reid did?

De Braga: Reid did. (Seney: Yeah.) And, threatened them. He had one rep, one assembly person in tears, because he had said to her, you know, Basically, you, “You vote against this or you

won't get any help from me next go around," or whatever. Whatever it (Seney: Right.) was he, (Seney: Right.) he's threatened to do.

Seney: Or maybe support someone else?

De Braga: But he's, (Seney: Right.) or, "I helped you and by god you better not (Seney: Right.) vote for this bill." That backfired. In fact, it totally backfired[,] and, but it took a while. It took a while. This went on for quite a while.

". . . we'd made very little progress, and I suggested that we, if people were not going to be allowed to use the water rights they owned, that a fund be created and water rights be purchased. . . ."

So anyway, we started our negotiating hearings and we'd made very little progress, and I suggested that we, if people were not going to

be allowed to use the water rights they owned, that a fund be created and water rights be purchased. And, at that point Mike McKinnon said, “Absolutely not. We’re not going to do that.” And I said, “Well, I’m going to run it past. We are. We are going to try it.”

Seney: Why would he oppose that?

De Braga: You know, I don’t know. I don’t know. I never really did know, but he did not want to do that at all.

Seney: Because, at some point you, you agreed on a new cap for the district, from 74,000 acre-feet to what, 65,000 acre-feet?

**T-CID Proposed Reducing the Cap for the District
from 74,000 Acre Feet to 65,000 Acre Feet**

De Braga: Right. But that was their, that was their proposal. I never proposed the specific amount.

Seney: That was the district's proposal?

De Braga: Uh huh.

Seney: Ah.

“The district, the city, and the, and the county, probably, but the city for sure. Because they, they all presented the figures and they said that was something that was doable, was that 6,500 acres be retired. . . .”

De Braga: The district, the city, and the, and the county, probably, but the city for sure. Because they, they all presented the figures and they said that was something that was doable, was that 6,500 acres be retired. (Seney: Yeah.) Is that the one you're talking about or total delivery?

Seney: Total delivery. Right.

De Braga: Anyway, it was the same. (Seney: Yeah.) The amount was 6,500 to be withdrawn, (Seney: Right. Right.) to go up for sale. But anyway, when I proposed this Mike said, “No. We don’t want to do that.” But, I went in and said, “Let’s talk about this.”

“ . . . that had some appeal to everybody there, because we got our priority date. We got Sierra Pacific, the federal government, and the State of Nevada to participate in the fund for water rights purchases that would go to Pyramid Lake. . . .”

And that had some appeal to everybody there, because we got our priority date. We got Sierra Pacific, the federal government, and the State of Nevada to participate in the fund for water rights purchases that would go to Pyramid Lake. Those that were protested water rights or those

that people were willing to sell. And, and we got our ability to shift water around on our own (Seney: Right.) project, on our own land. And that did, that did fly. And so, I mean it took some serious (Seney: Right.) screaming and yelling and talking.

Seney: How, what was Bob Pelcyger's reaction when you came up with the purchase?

De Braga: Of course, he was a representative and he had to take it back to . . .

Seney: I can't remember if Mervin Wright was the tribal chairman or Norm Harry then?

De Braga: I'd have to go look at the sign-in sheet.

Seney: Yeah. I can't--yeah. I can't.

De Braga: I want to say it was Norman.

Seney: I think it was. Yeah.

De Braga: I'm pretty sure it was Norman. I know them both, but I know Norman (Seney: Right.) better. I'm pretty sure it was Norman. And, and I think that was that April 9th that you talked about, because we had reporters out—I mean, we had the doors closed. It was not an open hearing, which is not something I'm really in favor of, closed hearings, but (Seney: Right.) it was a hash-out to say what, you know, be able to say whatever you wanted to say, scream and yell, throw your books on the floor, whatever it took. (Seney: Yeah.) And a lot of that happened.

Seney: Was there a lot of it?

De Braga: Yeah. (Laughter) Not a horrible amount.

People were fairly civilized, but they'd been through this process numerous times before, (Seney: Right.) numerous times, (Seney: Right.) and, with no success. And, in fact, that brings me back to what I said I'd talk about later.

“ . . . Harry Reid . . . Public Law 101-618, Ted . . . of the T-CID . . . Everybody was going to participate. Harry said that Ted refused to negotiate. Ted's side of that story is that everything there was stacked against the water users and we weren't going to win any part of it. And, I had seen this before. Their idea of negotiating seems to have been, 'We tell you what we want, and you give it to us.' . . . that was their negotiating strategy. . . . ”

When Harry Reid first started holding hearings, before he passed [Public Law] 101-618, Ted was chairman of the T-CID (Seney: Ted De Braga?) at that time. (Seney: Yeah.)

And, he went to the hearings, and it was a good idea. Everybody was going to participate.

Harry said that Ted refused to negotiate. Ted's side of that story is that everything there was stacked against the water users and we weren't going to win any part of it. (Seney: Right.)

And, I had seen this before. Their idea of negotiating seems to have been, "We tell you what we want, and you give it to us." (Seney: Right.) That's the, (Laugh) that was their negotiating strategy. So, I wasn't there. I don't know. But, that's the two sides of the story. So ...

Seney: Well, there are so many, there are so many sides that everybody (De Braga: Yeah.) who was

there has a kind of (De Braga: Yeah.) different take on it.

De Braga: Has a different take on it. (Seney: Yeah.) So.

Seney: You know, let me just, let me suggest this to you, though. I've been told, not by Ted but by others that, on the other side, that they kind of thought that Ted and the District thought, "Well, no legislation, this legislation's not going to get passed. There are too many people, too many fingers in this pot, versus 101-618, so we don't really need to be bothered with it because it's not going to go anywhere." Did you ever get the feeling that there was any merit in that notion?

“. . . none of the non-Indian farmers believed that

the Indian farmers had any rights. Go . . . Way back to the Pyramid Lake War. . . . so they didn't take a lot of that seriously. And I know Ethan, my husband, said, 'Well, the government would never let them take our water rights away.' . . . Nobody thought that would really happen or be allowed to happen, but it did happen. . . ."

De Braga: Yeah. There is some, and that goes way, way back to the point at which they didn't, none of the non-Indian farmers believed that the Indian farmers had any rights. Go way back. (Seney: Right.) Way back to the Pyramid Lake War. (Laughter) (Seney: Right.) Practically. Going back that far. They just didn't think they had any rights, and so they didn't take a lot of that seriously. And I know Ethan, my husband, said, "Well, the government would never let them take our water rights away." (Seney: Yeah.) I

mean, they didn't really believe it. (Seney: Right.) People used to trust their government a little more than they do now. (Seney: Right.) So, yeah, there's some of that. Nobody thought that would really happen or be allowed to happen, but it did happen. And, again, not for the wrong reason.

If everybody, if everybody had actually had an equal say, an equal footing in deciding how the water was allocated and everybody set out to try to get the best deal for everybody involved it would have been perfect. (Seney: Right.) His, Harry Reid's idea was not a bad idea. It just didn't turn out right. So, and, so there's—and wars have gone on forever. (Seney:

Right.) And I guess, (Seney: Right. Right.) I don't know. (Laugh) Don't want to run out of water.

The Press Was Waiting at the Conclusion of Negotiations on A.B. 380 and A.B. 412

So anyway, after the negotiation that we had and we arrived at a, a conclusion within there, we came out of that room and there was reporters everywhere, and it was like, you know, when they're waiting for the puff of smoke when they're electing a new pope (Laugh) or something, it gave you the same kind of feeling. And, it was late at night (Seney: Yeah.) that night. And so, Brandon Riley was there and I said, "Well, we had agreed that we

wouldn't have a press conference and announce it," and he said, "God! You've got to tell us. You've got to tell us." So we did.

Seney: Brandon Riley is the—who?

De Braga: He's Associated Press. (Seney: Yeah.) And so, we did. We said, "Well, this is what we've agreed to. Of course, it still has a long way to go." (Seney: Right.) So, when, so we got it through the Assembly. It passed, much to Harry's disgust as near as I can tell, and much to Susan Miller's great relief. (Laughter) And, we then had to take it to the Senate, of course, and it had some hearings, and of course they had to tweak something here and there, not, finally, and so part of it was the funding. And, at that

time I was not on Ways and Means or, and so I didn't have a real strong say in the funding. The Senate was going to have to be the one that passed that. And, the Governor called us in and there was several other bills that were being negotiated at the same time. And he basically said to me, "I'll agree to this funding if McGinness's thing gets on that bill as sponsored." And I said, "Well, all we care about is the right thing is done. (Seney: Yeah.) Just go for it." So, he did and he won.

Seney: And, did you ask McGinness to sponsor the bill with you before?

De Braga: I—yeah. I had run it past every entity. And, of course, Mike McKinnon certainly helped in that

process, because we wanted, what our goal was when we started was get all the opposition out of the way before we (Seney: Sure.) get to the (Seney: Sure. Sure.) legislature, which wasn't how it turned out. (Laughter) Well, best laid plans. (Seney: Yeah.) But, anyway.

Seney: Well, you smoked it out once you got it to the (De Braga: We did.) legislature.

De Braga: And a lot of hours, a lot of sweat. I'll tell you what, the last day before it passed our House I was so depressed because we had been through so much, and we were worn out, and it looked like it wasn't going to go because of all Harry's, Senator Reid's objections.

Seney: Did he ever call you?

**Dropping His Opposition, Harry Reid Called
Marcia De Braga and Said He Wanted to
Participate in the Press Conference Announcing
the Bill**

De Braga: Oh yes. (Laugh) But, not while this was going on. Not until after it was over. He called and he said—I can almost quote him exactly. He said, “I hope you know the high esteem your colleagues have for you.” In other words, “Because they backed you and didn’t back me.” And, he had all the ammunition.

Seney: Yeah. Oh yeah.

De Braga: And, then he said, either then or later, that he, the bill was okay with him and he wanted to be there . . .

END OF SIDE 1, TAPE 1. JANUARY 18, 2008.

BEGINNING OF SIDE 2, TAPE 1. JANUARY 18, 2008.

De Braga: He wanted to be there for the press conference when we announced what, what we had (Seney: Right.) done with the bill and what we had proposed, and he was there. (Seney: Right. Right.) He came and was a big part of it. He came and Mary Connolly came, and they conducted it, and it was cool. It was great.

Seney: He apparently put a lot of pressure on Joe Dini. Did he ever, did Joe Dini ever tell you about that?

Joe Dini said “‘You know what? Harry and I have been friends for a long, long time,’ and he said it made him ‘physically ill’ to be treated that way. Because he had—I don’t know if ‘threatened’ is the proper word, but Harry had really given him a hard time over this bill. . . .”

De Braga: Yes, he did. Joe said, “You know what? Harry

and I have been friends for a long, long time,” and he said, ~~it~~, it made him “physically ill” to be treated that way. Because he had—I don’t know if “threatened” is the proper word, but Harry had really given him a hard time over this bill. And, I think that Joe would have done the fair thing in any case. I mean, if there was a portion of it Harry objected to and he wanted Joe’s help in getting it out, and Joe thought it was fair, (Seney: Right.) he would have done it. But instead, the tactics he took just, he was, it was like a, you know, knife in your heart because they’d been friends for so long. (Seney: Right.) And so, that was the downside of all of this, is at first I had a fight with Susan Miller that I didn’t

want, although I never would have let her down in the end, but I had to use that bargaining chip. (Seney: Right. Right.) And that it just drove a wedge between Joe and Harry after all those years, (Seney: Yeah.) and that it, they had legislators in tears, you know.

“ . . . the end result of all that was that Washoe County got its right to hold water for future municipal use, water off of previously-farmed ground . . . ”

It's a tough game, but that was for all the marbles and it, the end result of all that was that Washoe County got its right to hold water for future municipal use, water off of previously-farmed ground, (Seney: Right.) and that's important for municipalities. They have to.

[Recording stopped].

Now, where was I?

Seney: The Sierra Pacific Power got water, and Washoe County?

“ . . . they needed that ability to hold water. Maybe “speculation” isn’t exactly the word, but to hold it for future municipal development. . . .”

De Braga: Yeah, they did. And, they needed that ability to hold water. Maybe “speculation” isn’t exactly the word, but to hold it for future municipal development. (Seney: Right. Right.) That’s important.

“It was a win-win for everyone. Pyramid Lake got extra water, that they wouldn’t have otherwise gotten. And, the farmers here . . . got paid for the water rights they were never going to be able to use anyway. . . .”

It was a win-win for everyone. Pyramid Lake

got extra water, that they wouldn't have otherwise gotten. And, the farmers here who were not, who did not want to stay in litigation—they could have stayed if they wanted to, but those that did not want to stay and litigate got paid for the water rights they were never going to be able to use anyway. (Seney: Right.)

Fallon Withdrew its Objections to Water Transfers in the Truckee Meadows

So, it was a great program, win-win-win. Part of that negotiation, Churchill County did two things—City of Fallon, first—withdrew their suits against Washoe County. Now I, that upset me. I did not want them to do that because that was one of our bargaining chips, (Seney: Right.)

and I didn't want us sold down the drain. But, they did it. I didn't. I didn't even suggest it and I was not in favor of it. And, but maybe it was the right thing. Maybe it was the right thing to do.

It Was Agreed Water Could Be Sold off 6,500 Acres in the Project—Though That Objective Was Not Reached

And, the other was the agreement on how many water rights would be sold, and they agreed on the water rights off 6,500 acres, which was never achieved. (Seney: Right.) It could have been. Again Harry, Harry blocked this one, but maybe he didn't have any choice. In the end, what people did was they held on and held on thinking the price would go up.

And so, they didn't get the 6,500 acre-feet, acres not acre-feet, (Seney: Right.) but acres of (Seney: Right.) water right.

“ . . . in the end they had enough promised at the very end to reach that goal, but the federal government did not give all the money they were supposed to and neither did the State of Nevada. . . . ”

And, in the end they had enough promised at the very end to reach that goal, but the federal government did not give all the money they were supposed to and neither did the State of Nevada. (Seney: Ah.) So, they ran out of money. I would have liked to have seen them reach that and the rest of the—the deal was that if they reached, had 6,500, sold back to the 380 program the tribe would withdraw any

remaining litigation. But, they didn't reach it and, I would have liked to have seen that. But, even so I think the bill was tremendously successful in that those who wanted to sell, sold, got the money, and went on. And actually, with the money, if they wanted to they could buy other water rights (Seney: Right. Right.) and fill back in their, those they had lost. (Seney: Yeah.) And, some did that. Quite a few did that, that were able to do it. So, the program got a slow start. There were a lot of technicalities.

Seney: What did you think about the Carson Subconservancy running it?

Carson Subconservancy's Management of the Program

De Braga: They did a great job. They did a good job, but they had, they had one person here and it was difficult for the one person who had other jobs to keep up with.

Seney: That was Jamie Mills?

De Braga: Yeah. That was Jamie Mills. It was difficult for her to keep up because she had other jobs. (Seney: Right.) So, and she ran into a lot of red tape and the T-CID wasn't always rapid in the things they had to do, and there were accusations that the T-CID, if it was somebody the powers there liked things went through quickly and if they didn't know or care they went through slowly, or they, you know, whatever. There were those kinds of

accusations, whether they were legitimate or not, who knows. But there was, it was a slow process, slow process.

“ . . . they ended up with a list of people willing to sell their water rights and no money to buy them. Or they would have, I think, come extremely close to that 6,500 . . . ”

And, they ended up with a list of people willing to sell their water rights and no money to buy them. (Seney: Oh.) Or they would have, I think, come extremely close to that 6,500 or have achieved it.

Seney: What did they get, 4,200, 4,300, somewhere in there?

De Braga: Left?

Seney: Yeah. No, that they actually purchased.

De Braga: Yeah. Yeah.

Seney: Yeah. Right. Right.

De Braga: Yeah. But they had enough then at the end I think they could have made it. It had come down close and maybe the tribe would have agreed to, “Okay. (Seney: Right.) Good enough.” (Seney: Right.) So.

Seney: But, the water rights suits are still active from the tribe because that was . . .

De Braga: Yeah, they are, because they didn’t—and, that’s the bad part. People had the opportunity, and had it gone faster (Seney: Right.) there would have been enough money because there would have been less administrative costs. Probably. (Seney: Right.) I can’t, I don’t have the figures

so I can't (Seney: Right.) guarantee that, but probably. Because it was, it was extended, what, over a year for one thing. (Seney: Right. Right.) And so had things moved along in a more timely manner they could have kept the administrative costs down and had more money.

Seney: Well, I understand is, as you say, the, for whatever reason and perhaps they were waiting for the price to go up, the huge bulge came in in the last sixty days, ninety days.

Fair Market Value of the Water Rights

De Braga: They really thought that. But the agreement was, create what's fair market value and don't, and it's for everyone. Don't . . .

Seney: That was \$2,200 an acre-foot for the (De Braga:

Below the dam.) Carson Division, (De Braga:
Um-hmm.) and \$3,600 or \$3,800 above, in the
Truckee Division, (De Braga: Um-hmm.) right?

Market Value of Water on the Carson River Was Lower than on the Truckee River. Farmers in the Carson Division Who Sold Their Land and Water Right Received Both Carson River and Truckee River Water, but They Were Paid as If it Was All Carson River Water. She Felt They Should Have Been Paid Based on a Formula apportioning the Mixed Carson River Water and Truckee River Water.

DeBraga: Yeah. (Seney: Yeah.) And the Truckee – yeah.
They were, it was worth more, obviously. But,
that was a set amount, is what I mean. (Seney:
Right.) I mean, everybody above got the one
price and everybody (Seney: Right.) below got
the other price. (Seney: Right.) And, there's
another flaw in the law, which I don't know if

it'll ever correct. How do you prove how much is Carson water and how much is Truckee? Because, the rivers combine at the dam, or, you know, about, it's diverted (Seney: Right.) anyway, but anyway they combine at the dam. I have long thought and still think that they should have created a formula, and that formula based on past years for however many years back they want to go of what percentage, you know, what the flow percentage is (Seney: Right.) from each river, and estimated that everybody below the dam gets a percentage from both rivers. (Seney: Right.) We're just considered entirely a Carson Division. (Seney: Right. Right.) That's not exactly right. (Seney:

Yeah.) That's not fair.

Seney: I can understand what you're saying. Right.

(De Braga: Yeah.) Yeah. Yeah, it's difficult to know how much, when it gets to your field where it's coming from. Yeah.

De Braga: And they should have established a formula for that, (Seney: Right.) which could have been done. It's not impossible. Done some modeling (Seney: Yeah.) and looked back quite a few years, drought years and good years, and done that. But, that was never done and that wasn't part of the bill anyway. But, that would have—and then you run into the, oh god what do they call it, decrees. (Seney: Right.) Yeah, you run into . . .

Seney: Alpine or Orr Ditch Decrees?

De Braga: Yeah. You run into, you don't want to have to open them up and get (Seney: Right.) involved in that. So, that was another reason for not trying to establish that. But, it really should have been.

Seney: How do you, how do you see the future of the district and irrigation in this area?

Issues with Public Law 101-618 and the Fact That Many Very Inefficient Areas Did Not Choose to Sell Their Land

De Braga: Oh, it'll do nothing but go downhill.

Everything uphill, whether they have the water right or not, the water goes through there first.

(Laugh) (Seney: Right.) I think, hindsight is absolutely wonderful, because you can do the

right thing, after the fact. But, 101-618 allows for selling, or purchasing water rights from willing buyers and will sellers. To me, that was a mistake. (Seney: Yeah.) And the reason I say that, I know how it just sets people off and it would probably set me off too if somebody says, “This is eminent domain and I am going to take your water right. (Seney: Right.) I’m going to pay you for it, but I’m going to take it.” (Seney: Yeah.)

But, had they targeted areas, which actually they started out to do. They had a perimeter where they were going to get the water rights from but they never pursued that. They left it willing buyer, willing seller. What

happened then is that the most, some of the most inefficient places for water delivery kept their water rights so that the poorest land kept water rights. Instead of making, doing trades, (Seney: Yeah. Yeah.) and targeting certain areas—and I know it might have created a lot of ill will but done properly it might have worked very well, (Seney: Right. Right.) and again it's hindsight—they could have kept the water on the most productive areas, kept everybody farming who wanted to farm, kept a cluster closer to the sources, and made the water delivery more efficient, but that isn't what was done.

Seney: Yeah, I know there were talks about shrinking the district (De Braga: Uh huh.) and doing it

reasonably, and taking the less affected.

De Braga: Because, look where we are. And if you noticed as you came through here, look at the water, look at the land that the water's been stripped off of. (Seney: Yeah.) It's a checkerboard. (Seney: Right.) So, to deliver water to us and to bypass all that land in the process is an inefficient delivery system.

Seney: Right. Right. Which canal is it? There's a big one out here by you, isn't there?

De Braga: Yeah. You know, I don't know the numbers. (Laugh) (Seney: Yeah.) I never order the water, but yeah there is a big canal that runs this way, and there's only, yeah, this is (Seney: Right.) still watered.

Seney: Right. (De Braga: Yeah.) So, this one's going out to the reservation?

De Braga: This one goes all the way to the wetlands.

Seney: Wildlife (De Braga: Um-hmm.) refuge?

De Braga: Um-hmm.

Seney: Yeah. Yeah.

De Braga: Yeah. So, so that was inefficient to do that checkerboarding. (Seney: Right.) And again, like their, their ranch, twelve, fifteen miles out of town that direction and not much in between, and a lot of sand, hard to get the water to it. (Seney: Yeah.) Still got water rights.

Seney: A lot lost in the (De Braga: Um-hmm.) transportation.

Run-off and the Wetlands

De Braga: A lot lost. (Seney: Yeah.) The idea is you've got to get some to the wetlands, but that's where it's going anyway from the run-off. (Seney: Yeah.) See, the farmers here didn't grasp any of this situation, because nobody, when they say we wasted water, which they said we did, which some people did. Some people weren't real right on the ball and didn't shut the water off, so it finished (Seney: Right.) right when it got to the end and began to run off. (Seney: Right.) But, the run-off is what kept the wildlife (Seney: Yeah.) going. (Seney: Right.) So, there's several schools of thought there, and there's probably a middle ground that says, "You shut it off as quickly as possible, but yeah

there will be some run-off, and yeah it benefits the wildlife.” (Seney: Right.) Because, the government has not done the best things for that wildlife area either. (Seney: Right.) (Laughter) Typical government, I guess, but they haven’t. So. So, they don’t, they don’t irrigate regularly. They wait and irrigate a whole bunch at the end, and things that don’t make any sense to most people. (Seney: Yeah.) So, they still aren’t doing the most and best, most efficient use of the water.

Seney: No. Let me go back to the legislative business. This was in 1999 and in 2000 election you were actually defeated?

De Braga: Um-hmm.

Seney: Did this not help you?

Not Reelected in 2001 Due to Redistricting

De Braga: It, I don't think it had anything to do with it.

They redistricted. (Seney: Ah.) Well, 2001, I think.

Seney: Yes, right. Right.

De Braga: 2002.

Seney: Yeah.

De Braga: They redistricted and added. I had four counties, a very little, well parts, two whole counties and parts of two others, a very small part of Eureka, just a tiny little bit, (Seney: Right.) to connect the whole thing. After they redistricted it was seven counties and (Seney: Oh.) dramatically increased the republican vote.

I think that was the biggest thing. (Seney: Ah.)

You know, they're very political. Rural counties vote at seventy, eighty percent.

(Seney: Right.) They have big turnouts. And, for the most part they're very anti-government.

And so, anything you did that was good is not going to help you one way or another. (Seney:

Um-hmm.) And so they . . .

Seney: Held against you, in a way?

De Braga: Huh?

Seney: Almost held against you in a way?

De Braga: Oh yeah. And a democratic woman? (Seney:

Yeah.) Um-hmm. I don't think so. (Seney:

Yeah.) "No matter what she did was great, here we've got a nice republican man who's one of

us. (Seney: Right. Right.) Who, actually,”
well, I’m not going to go there. But that, I
think, was the biggest factor. (Seney: Yeah.) I
really do.

Seney: Yeah. Well, I did look him up and I can
understand why, you know, he had a lot of
organizational experience in this organization
and that organization that’s kind of appealing,
but I think I can understand what you’re
reluctant to say. Yeah.

De Braga: Well, look at the record since, is what I was
going to say. Look at my record, what I did
when I was in office. (Seney: Yeah.) I mean, I
wouldn’t take an office and not do anything.
(Seney: Right.) And, if that, that doesn’t appeal

to anybody that's fine, but that's not the way I operate. (Laugh)

Seney: What happened to the democratic majority in the lower house after the 2001 election, 2002 election when you were defeated? Did it go up?

De Braga: Yup.

Seney: So, you were kind of sacrificed, I would think?

De Braga: Oh yeah. And so were a couple of others, republicans as well as democrats. (Seney: Yeah.) Our, Joe Dini, myself, and—we were the two that voted against it in the House. (Seney: Ah.) We wanted them to add, I think they had to add three assemblymen in the Clark County area and left our districts alone, and that would have done it. But, they wouldn't go for that.

Seney: That is increase the size of the legislature?

De Braga: It would have by three seats, (Seney: Yeah.) and one in the Senate I think. And . . .

Seney: They wouldn't go for it?

De Braga: They wouldn't go for it.

Seney: Yeah. Yeah.

De Braga: But, as a result of what they did, and the foolishness, this district that I live in is so gerrymandered that it's ridiculous. You actually, it actually splits precincts in Humboldt County, and there's just a thin thread connecting one part to another part. And, Dean Rhoads, who is a senator, was a senator for Elko, I think, Humboldt, and what else. Elko, Humboldt, and maybe Lander. Anyway. Several counties.

Now has, as his district, the entire state of Nevada, except for Clark County, part of Clark County and this area that McGinness has, which is Churchill and the east, western part.

Seney: Washoe?

De Braga: Carson and . . .

Seney: Yeah.

De Braga: Yeah.

Seney: Douglas County? (De Braga: Um-hmm.)

Yeah. Good heavens.

De Braga: So, it's a huge unbelievable land.

Seney: And everything else is Southern Nevada, and Clark County, and what not?

De Braga: Right. And, McGinness's is, McGinness's district takes, I can't remember exactly, but it'll

have like Story, Carson, Douglas, Nye, Eureka. No, Nye, Esmeralda, and five, fifty thousand voters, fifty-three thousand voters in Clark County. And, it twists around and goes across the top of Clark County over the Utah border. It is just (Laugh) the most ridiculous thing you ever saw.

Seney: And who draws this up? The legislature?

De Braga: Well, the legislature does, and everybody has a vote, but what happens is they have, they hire people to do this. And, you can go look and make suggestions for your own district, but when it comes down to the wire it's voted on the last day, (Seney: Yeah.) and they change it at the last minute and you really can't do a

damn thing about it, (Seney: Yeah.) when it comes down to the wire.

Seney: Right. As long as the majority is happy (De Braga: Um-hmm.) that's all you need?

De Braga: Exactly. And, they don't care. The majority's in Clark County.

Seney: Yeah. Right.

De Braga: They don't really care about the rest of the state (Laugh) that much, you know. You're there. (Seney: Yeah.) Whatever.

Seney: Yeah.

De Braga: So, no, it was a, that was a bad deal but you can't really take it personally. (Seney: Right. Right.) Okay? So, I had some things that I'm pretty proud of that I did and I'm, I would have

stayed. I mean, it wasn't that. (Seney: Right. Right.) I wasn't happy about leaving because I liked the legislature.

Seney: Right. Was A.B. 380 was of those that you were proud of?

A.B. 380

De Braga: Oh yeah. Oh gosh. Oh yeah. Absolutely. It was, it was great. The, I don't know if you, you've probably looked at the newspapers. The Reno newspaper says, "Fallon Legislature Credited With a Miracle." (Laughter)

Seney: Yeah, right.

De Braga: And Pelcyger, in that, they asked him, "Why weren't you guys ever able to do this before?" And he says, "Because we never had anybody

like Marcia to work with before,” which is, I consider the greatest compliment.

Seney: Yeah. Yeah. So, once things got moving along the tribe wasn't so bad?

De Braga: They were tough all the way, and even afterwards, even when they were setting up the guidelines of how to put it through they were very, very tough. They got everything they possibly could out of the deal, but I mean that's, that's what they set out to do. But they, (Seney: Right.) they agreed, they signed. (Seney: Right. Right.) So, it was a, it was—and they benefitted. (Seney: Right.) But, they got out of the lawsuits too, you know.

Seney: Right. They were expensive for them too?

Right? (Laughter)

De Braga: Exactly. Oh god, it's horrible, (Seney: Yeah.)
and unnecessary. And, I'll tell you what, I think
it was 1978, if I'm not wrong but I, somewhere
in that area, I was working in a newspaper
office and we got a letter from the Department
of Interior saying they were taking over the
Newlands Project, and of course everybody was
just severely shaken up. And, my reaction to
that was, "Why didn't you guys go sit down
with the Indians a long time ago and work this
out? (Seney: Yeah.) It could have been done?"

**“. . . bottom line was that most of them really
didn't take the Indians seriously . . . the Indians
realized they do have some rights. . . . my feeling
all along. 'Go sit down with them. Talk to them.
There's got to be a way to work it out peacefully**

**without all this government intervention as well.’
But, nobody was willing to do that . . .”**

But, the bottom line was that most of them really didn’t take the Indians seriously, (Seney: Yeah.) didn’t think they had any rights. Well, (Seney: That’s right. Yeah.) it came back to bite them in the butt because (Laugh) (Seney: Yeah. Yeah.) the Indians realized they do have some rights. So, but that was my feeling all along. “Go sit down with them. Talk to them. There’s got to be a way to work it out (Seney: Right.) peacefully without all this government intervention as well.” But, nobody was willing to do that, that I know of. (Seney: Right.) I don’t know of anybody trying.

Seney: What, what's your reaction of the break up in Fernley that just occurred, the levy break? What's going to happen as a result of that, do you think?

Canal Break in Fernley in January 2008

De Braga: Well, the project's going to get sued. The Department of Interior's going to get sued. The land developers are going to get sued. And, and it's all understandable. I don't know if you can put the blame on anybody first. It has broken before, but when it flooded it only flooded farmlands. (Seney: Right.) Nobody was seriously, hideously injured, although it cost over a million dollars to repair the damages at that time. So, the Department of Interior, not

the T-CID necessarily but they may have a role in it, is responsible because they didn't shore that up and they should have been especially cautious when it became a residential area. That being said, who gave them permission to dig, to put houses in a hole? (Seney: Right.) I mean, because they're lower, as I understand (Seney: Right.) it. (Seney: Yes.) I haven't been over there and looked at exactly that area, (Seney: Right.) but they're lower as I understand it.

Seney: Yes, they are below the canal.

“ . . . they should have told them. ‘This has happened before. You’d be smart to get flood insurance’ . . . ”

De Braga: So, and why weren't they told, “You'd really be smart to have flood insurance because, not

because it rains here. One lady said, “Why would I have flood insurance? I live in a desert.” But, they should have told them. (Seney: Right. Right.) “This has happened before. You’d be smart to get flood insurance.” I don’t know whether they’re allowed to do that, but they should be able to disclose that kind of thing. (Seney: Yeah.) Or, or the buyers should have been smart enough to do that or to ask, “Why would we need flood insurance?” you know. (Laughter) I, there’s probably enough blame to go around everywhere.

“I do not want my water rates raised to pay for that. . . .”

But, two things. I do not want my water rates

raised to pay for that and I will fight that.

(Seney: Yeah.) That will make me so incredibly angry. I don't think it's fair.

Seney: That would be your O&M costs?

‘ . . . the Department of Interior said in 1978, ‘We own this project.’ Okay. Well, put your money where your mouth is, because now you’ve got a problem. . . .’

De Braga: Yes. Exactly. (Seney: Yeah.) I don't want that raised to fight that (Seney: Right.) fight. To go to court, any of that. That's (Seney: Yeah.) the, the Department of Interior said in 1978, “We own this project.” Okay. Well, put your money where your mouth is, because now you've got a problem. (Seney: Right.) And, if they want to get rid of the entire T-CID Board and run it

themselves, which they don't want to do,
(Seney: Yeah.) (Laugh) go for it. But, I don't
think it's fair. And, I'm not saying that just
because it affects me personally. I don't think
that's fair. There's too many other people to
blame and we had nothing to say about it.
(Seney: Yeah.) So, I don't, I don't agree with
that. The other side of that is, those poor people
that they, they've been declared a disaster area
so the government gives them a low-cost loan.
They already have a mortgage. They don't need
a low-cost loan, (Seney: Yeah. I know.) and
they can't afford it. And, people are walking
off. (Seney: Yeah. Yeah.) They're just leaving
it. Why? Where's the loss? You know, they

probably got in very low down. Walk off. You can't afford to (Seney: Yeah.) fix it. (Seney: Right. Right.) So, it's, my understanding, and this is what I'm hearing, is that FEMA's doing a better job over there, and so it may not be as bad for the individual (Seney: Let's hope so. Yeah.) homeowner as first thought. But now, they better fix it. (Seney: Right.) And who bears that cost? (Seney: Yeah.) Certainly the T-CID must have insurance?

Seney: You'd think, right. Right. Yeah.

De Braga: Whether it covers all that, I don't know. It's kind of tough because it's not a flood, per se. (Seney: Right.) It's not an act of God. It's not weather related. (Seney: Right.) Because, the

level in the ditch was way lower than, in the canal, was way lower than what it's, what it holds in the summertime, (Seney: Right. Right.) what it's made to hold. So, I don't, you can't blame it on God. (Laugh)

Seney: Yeah. That's right. Right.

De Braga: Yeah. It's, that's going to be a really interesting one. But, that's where I see it.

Seney: All right. That's all the questions I have for you. I really appreciate your giving me this time.

De Braga: Oh, no problem.

Seney: All right. Thank you.

De Braga: It's interesting stuff. (Laugh)

END OF SIDE 2, TAPE 1. JANUARY 18, 2008.

END OF INTERVIEW.