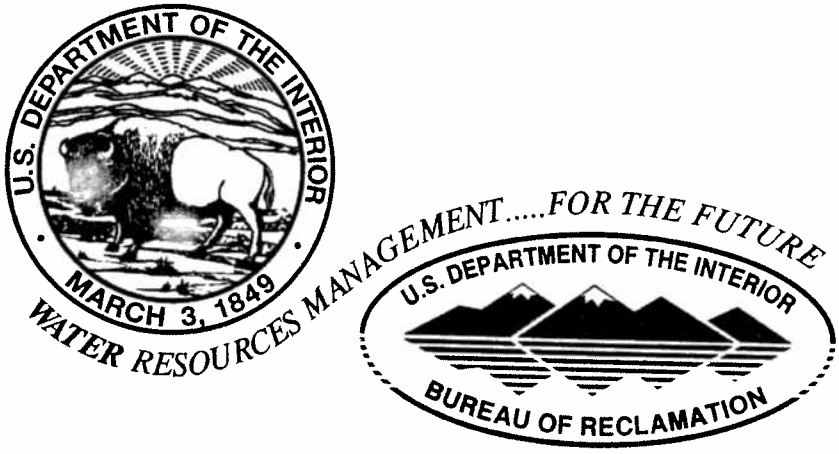
ORAL HISTORY INTERVIEW
ROGER C. LESUEUR



BUREAU OF RECLAMATION
ORAL HISTORY PROGRAM

ORAL HISTORY INTERVIEW
ROGER C. LESUEUR
Supervisory Civil Engineer, Fallon Office
Bureau of Reclamation

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NEWLANDS PROJECT ORAL HISTORY PROJECT

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November 4, 1994
Fallon, Nevada

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STATUS OF INTERVIEW:
OPEN FOR RESEARCH

♦ ♦ ♦ ♦ ♦ ♦ ♦

Interview Conducted by:
Donald B. Seney
Bureau of Reclamation

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Oral History Program
Bureau of Reclamation

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INTRODUCTION

In 1988 Reclamation hired a historian to create a history program and work in the cultural resources management program of the agency. Though headquartered in Denver, the history program was developed as a bureau-wide program. Since 1994 the senior historian has been on the staff of the Commissioner, Bureau of Reclamation, in the Program Analysis Office in Denver.

Over the years, the history program has developed and enlarged, and 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); and making the preserved data available to researchers inside and outside Reclamation. It is also hoped that the oral history activity may result in at least one publication sometime after 2000.

Most of Reclamation's oral history interviews focus on current and former Reclamation employees. However, one part of the oral history program has been implementation of a research design to obtain an all-around look at one Reclamation Project -- the Newlands Project. Focus on the Newlands Project, one of Reclamation's oldest projects, was suggested to the senior historian in consultations with Roger Patterson, the Regional Director in the Mid-Pacific Region, in which the Newlands Project is located. The Newlands Project was selected for several reasons: its relatively small size makes it manageable for this project; and the issues on the Project are complex and varied thereby providing a good mix of current issues faced by Reclamation in the arid West. This interview is one part of a research design to develop a comprehensive look at the entire constellation of interests and participants affected by the Newlands Project in western Nevada.

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

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CHILDHOOD, EARLY LIFE AND EDUCATION

Seney: Today is November 4, 1994. My name is Donald Seney, I'm with Roger LeSueur in his office in Fallon, Nevada. Good morning, Roger.

LeSueur: Good morning.

Seney: I want to start by asking you to tell me a little bit about yourself, about where you were born, and a little bit about your family life. And not too quickly, how you got to be where you are today, working for the Bureau.

LeSueur: Well, I was born in Newport, Oregon in 1953, and I grew up in several communities. I did go to high school in Canby, Oregon -- that's where I lived the longest when I was growing up.

Seney: What did your father do?

LeSueur: He was a high school teacher.

Seney: So he moved around, did he, as a high school teacher?

LeSueur: Quite a bit. We lived in Newport Oregon; Albany, Oregon; and Chehalis, Washington; Tacoma, Washington; Enid, Oklahoma; Tulsa, Oklahoma; Newport, Oregon; Corvallis, Oregon; Mill City, Oregon; Corvallis, Oregon; Maupin, Oregon; Corvallis, Oregon; Maupin, Oregon; Myrtle Point, Oregon; and Canby, Oregon. From there I graduated high school.

Seney: That's a lot of motion for a high school teacher.

LeSueur: Well, back in those days that was the only way they could really get any decent raises was to shop around with various school districts and see what their salary scales were. He finished up his career in Canby and retired a couple of years ago. I graduated Canby High School in 1972, and I enlisted in the Coast Guard two weeks later and served a four-year term and got out in 1976. From 1976 to 1979 I basically just worked odd jobs. I got married in 1979. At that time I was working in construction. The interest rates went real high in 1979, construction went real low, and I was out of work. So I had some G.I. Bill left, so I went back to college.

Seney: Where'd you go to school?

LeSueur: Well, I attended first at Clackamas Community College in Oregon City, Oregon, and then I transferred to Portland State University. I graduated there in 1984 with a Bachelor of Science in civil engineering, emphasis in water resources.

Seney: What drew you into that sort of a major, that sort of an emphasis?

LeSueur: My father is a mathematics teacher, and my skills are more towards the hard sciences and not very much towards the fine arts or social sciences. I enjoy mathematics, my current hobby is astronomy. So the sciences have always interested me.

BEGINNING A WORKING CAREER

Seney: What about the water emphasis?

LeSueur: Oh, it just seemed like a good thing to emphasize during my education. I got a job with David Evans and Associates when I graduated. That's a consulting firm in Oregon. I worked there for fifteen months, and because of declining work load, they let me go. I started looking around for a job and three months later I was offered a position with the Air Force in Abilene, Texas. I accepted that position and went into what they called their Palace Acquire? Intern Program.

Seney: Say that again.

LeSueur: Palace Acquire Intern.

Seney: What does that mean?

LeSueur: Well, it's a program designed to . . . .

Seney: That must be an acronym, is it?

LeSueur: Well, I don't know what the acronym stands for, but it's a program designed to give a broad exposure to new engineers into the Air Force. Then there were some other disciplines too, with an idea of training those people for higher positions in government service. I worked there for four years and I was offered a position with the naval air station in Fallon.

COMING TO WORK AT THE FALLON NAVAL AIR STATION

Seney: How does that come about? How do you get offered from the Air Force in Texas to the Navy in Fallon? How does that work?

LeSueur: I sent out several applications, looking to move back towards the West Coast, because of my family considerations and my wife's family considerations.

Seney: Do you have children by this time?

LeSueur: Oh, I had children before I started college. I started college with a five-year-old child and a pregnant wife, so that's the easy way to do it.

Seney: How many children do you have now?

LeSueur: I have two daughters. One's twenty and one's fourteen.

Seney: What are their names?

LeSueur: Bobbi and Elizabeth.

Seney: Did you come out and interview for the Navy? How did that work?

LeSueur: Well, they called me and interviewed by phone and offered me the position and I accepted that position. And we moved to Fallon then in 1989.

Seney: Do you remember your first impressions of Fallon?

LeSueur: Oh, small town, didn't seem all that hot, even though I think it was 104 degrees the first day I got here.

Seney: Well, you'd been in Texas, right?

LeSueur: Yeah. And there was no humidity here, so it didn't seem hot at all. When we came here we thought housing was a little expensive, but it's gotten even

more so since we bought. We enjoy it here, although when I went to work for the air station, it turned out to be not a very good place to work -- they didn't treat their civilians very well out there.

Seney: Was it different than the Air Force?

LeSueur: Oh, substantially different. They were a lot less structured. One of the problems I had is that the priorities would change every day. They'd assign projects and say, "these are top priority, they're the hottest thing," then the next day it'd be "drop that project and do something else."

Seney: Ever get a sense of why that was that way?

LeSueur: Well, I have my own opinions. Generally, in a situation like that when a base is run by one person and that one person is the responsible party for how the whole base operates, problems like that generally fall back on him. In my opinion, the Captain of the base is responsible for how the base is run. That doesn't mean that he personally gets involved in all the various areas, but he should be setting up policies on how business is done, and my impression was that that wasn't done, and it resulted in a lot of . . . .

Seney: He wasn't keeping enough of an eye on what his subordinates were doing?

LeSueur: Well, no, he just didn't have a clear policy on what he expected to be done, and what were his priorities. And generally his priorities had filtered down through the various commands, and the various commands would come in

line with those priorities. That was my experience with the Air Force.

Seney: Do you mean with the Navy?

LeSueur: No, with the Air Force. The policies and the priorities were clear cut. With the Navy they were not.

Seney: How long did it take you to realize that maybe this wasn't the best choice you'd made here?

GOING TO WORK FOR THE BUREAU OF RECLAMATION

LeSueur: About three months. I worked for them for seven months, and I was offered a position with the Fallon Field Office in the Bureau of Reclamation.

Seney: Now obviously, again, you reconnoitered the situation and found that there were some openings. Tell me about that.

LeSueur: Well, what it is, I just picked up the phone book and turned to government agencies. I called Soil Conservation Service, they said they didn't have any openings. I called the Bureau of Reclamation, they said, "We've been trying to hire an engineer for quite a while." So I gave them my application and they hired me.

Seney: How long did that take?

LeSueur: About a month.

Seney: Who makes the decision, may I ask, in a case like that? Would it be the Area Manager?

LeSueur: No, it would be the Local Supervisor here in this Office.

Seney: And that's which is now your position? (LeSueur: Yes.) You're now the Local Supervisor.

LeSueur: Yes, the person that hired me, Jeff Peterson, took another position up in Boise [Idaho][1], and when he did that I took over this Office, and I was eventually officially hired into his position.

Seney: So what is your date of service, beginning with the Bureau? Month and year is good enough.

LeSueur: Somewhere around March of 1990. I've been with them for about four-and-half years.

Seney: And how long have you been in the position you're in now, heading this office?

LeSueur: About two-and-a-half years.

Seney: That seems like a kind of quick rise to me -- is it?

LeSueur: Oh, not necessarily. Some people rise quicker, some people take longer to get there.

Seney: What is your title?

LeSueur: Supervisory Civil Engineer.

Seney: And what GS grade is that?

1. Unless otherwise indicated, material in brackets was inserted by editor.

LeSueur: GS-12.

Seney: And here your job is to administer the OCAP [operating criteria and procedures], right?

LeSueur: Yes, it is.

Seney: Or maybe you should tell me what your job is here.

LeSueur: Well, my job is twofold: one is to administer the OCAP and make sure compliance with it, and the other part of the job is to give assistance to the irrigation district [TCID] on improving their efficiencies for delivering water.

THE DEVELOPMENT OF THE OPERATING CRITERIA AND PROCEDURE (OCAP)

Seney: Why don't we start by talking about the OCAP. I know from direct experience with you, you were kind enough to go along on a tour that I took of the District, along with another member of the history staff from the Bureau, so I can appreciate you have, from my point of view, rather wide-ranging knowledge already of what's going on here. And I'd like you to give me kind of a thumbnail sketch of the whole OCAP business as it begins, back to 1973 and before. Can you give me kind of a history of it? And don't be too brief. We'd like as many details as possible.

LeSueur: Well, it's going to be brief, because (chuckles) I don't know all the details!

Seney: Well, tell me what you can then.

LeSueur: Well, let's see, I know the Secretary of the Interior formed a task force in

1964 to study the use of water in the Newlands Project. I'm not sure, but I think that lawsuits or actions by the Pyramid Tribe instigated or was the factor that started that task force. As a result of that 1964 task force, there was an OCAP implemented in 1967, and I'm not quite sure what that OCAP did. I know that it reduced diversions from the Truckee River.

Seney: That's when the winter diversions stopped, isn't it, and the winter power generation ceased about that time?

LeSueur: I think so, because one of the conditions of the OCAP, and I think all the OCAPs since 1967, has been power generation would be incidental to the operation of the Project for irrigation. That OCAP I think continued in place until 1973. I got to be careful here, so I can try and remember this correctly and not give . . . .

Seney: Well, if you misstate a date or two, when you review the manuscript, you'll be able to correct that.

LeSueur: Well, the dates I have are pretty good -- it's the reasoning behind them that I'm sometimes a little foggy on, because I wasn't here. But the 1973 OCAP I think was a result of the Pyramid Tribe bringing suit, saying that the Newlands Project was wasting water.

Seney: This is what's generally called the Gessel Court OCAP, right?

LeSueur: Yes, and that OCAP limited diversions to a little over 288,000 acre-feet per

year. The irrigation district refused to comply with that, and continued to divert excess water. The Bureau of Reclamation, as a result, terminated their contract. TCID [Truckee-Carson Irrigation District] brought a lawsuit in the court saying that the Bureau of Reclamation did not have the authority to terminate that contract. That case continued until I think about 1984 when the court ruled in favor of the Bureau of Reclamation, and said that the Secretary has the authority to impose OCAP on the Project, and that the Secretary also has authority to terminate the contract with a forty-five-day written notice. The OCAPs were looked at again in 1985 and an interim OCAP was put in place I think in '85, '86, and '87.

Seney: This would have been ordered simply by the Bureau, rather than the Department of the Interior? Do you know?

LeSueur: I'm not entirely sure. The Office of the Secretary has been involved in this quite a bit. But in 1988, the final OCAP was implemented, the quote, "final" (both chuckle) OCAP. And that OCAP basically set efficiency standards for the Project, target diversions, and it emphasized using water only on water-righted ground, reaffirmed the Alpine and Orr Ditch Decrees. It reaffirmed that power generation would be incidental to irrigation, and it provided several suggestions for the District to implement to conserve water. It also set up a system of debits and credits in Lahontan Reservoir as incentives for

the District. If they failed to reach the target efficiencies, they would be given a debit to the storage in Lahontan Reservoir, and if they exceeded the efficiencies, they could accrue credit water that they could use for any purpose consistent with state law.

Seney: What was the efficiency set in the OCAP?

LeSueur: Well, it was a sliding efficiency. It was realized that the higher the diversions to the Project, the higher the efficiency can become -- mainly because a lot of the losses in the system are fixed, they don't vary with the amount of water released. And the efficiencies were phased-in over a five-year period.

Seney: A lot of people, I hope, are going to read this who aren't familiar with the Project and who aren't engineers and so forth. They'll want to know when you say "efficiencies," what do we mean by "efficiencies"?

LeSueur: That's the ratio of the water diverted to the Project, to the water delivered to the farm headgate.

Seney: So in other words, what's lost along the way, through leaky canals (LeSueur: And evaporation.) and evaporation. What other factors would there be? Would that be it?

MEASURING WATER ON THE PROJECT

LeSueur: Inaccurate measurement at farm headgates, inaccurate measurements at

diversions to the Project.

Seney: Inaccurate diversions to the Project: would that be at Derby Dam, you mean?

LeSueur: Well, actually the diversions to the Project are determined at two points on the Truckee Canal: estimates of diversions off the Truckee Canal to the Truckee Division, and the river gauge below Lahontan Reservoir.

Seney: So it's possible to make mistakes there in other words?

LeSueur: Oh certainly. And also water measurement is not an exact science. The gauge below Lahontan is where the vast majority of the water diverted to the Project goes by. About ninety percent of the water goes by there, about ten percent is taken directly off the Truckee Canal.

Seney: That's the Truckee Division part of the Project.

LeSueur: Yes, that's correct.

Seney: How does a water gauge like that work?

LeSueur: They measure the height of the water and they do some current meter measurements, and using regression techniques, they develop a rating curve. That tells them at two feet of water you've got a certain number of cfs [cubic feet per second] going by, at five feet of water you've got a certain number of cfs going by.

Seney: When you say "two feet," you mean . . . . (LeSueur: Two feet in depth.)

Or five feet in depth, right. (LeSueur: Right.) So you've got maybe one or two gauges -- some that are measuring the depth of the water, and some that are maybe measuring the speed? Or will you know what the speed is from the depth? These may sound like very stupid questions, by the way.

LeSueur: No, they're not. It's generally done just by the depth of the water. The depth of the water can be a fairly accurate way of measuring the water without having to determine the speed under certain circumstances. One of the things that has to be avoided is what is called "backwater." If you were to measure the depth of water in a river and correlate its discharge to that, and then a beaver builds a dam just downstream of that and it makes the water level rise, but there's no rise in the actual discharge, then you can get a false reading. Some of the other things that cause problems besides beaver dams are flat canals where the water just tends to back up because it's so flat. The operations of the checks and structures in the canals by the irrigation district personnel can have an effect on the accuracy.

Seney: What's a "check"?

LeSueur: It's just a device in the canal that's similar to -- well, it's just another word for a gate. The level in a canal has to be brought up to a certain point so you get sufficient water going out the side outlets of the canal. So they'll build a gated structure in the canal and sometimes they'll use gates, other

times they'll just use boards that are dropped in slots that ponds the water up to a certain height so it can go out the delivery points to the sides.

Seney: So it has enough height when it goes out the delivery points at the sides it'll flow far enough, in other words.

LeSueur: Yes. And that height is referred to as "head."

Seney: So that's the head on the water. (LeSueur: Yes.) How much head you've got, in other words, is the height (LeSueur: That's correct.) which will determine the flow.

LeSueur: Yes, it's one of the factors in determining the flow. Other factors that determine flow are the physical configuration, the geometric configuration of the gate; what the material of the ditch is made out of, whether it's dirt or gravel or concrete; how much vegetative growth you have in the canals; how much silt deposition you have in them; what the slope of the canal is. It's quite complex, and it's not easily modeled.

Seney: When you say "not easily modeled," in other words, you can't put it on your computer and figure every contingency. Is that what you mean?

LeSueur: Well, you can put it on the computer, but you're only going to be able to approximate it, and almost all water measurements are approximated through empirical means, rather than theoretical. There are some theoretical models for specific circumstances that work fairly well. But for instance, in river

flow, they use what they call a "Mannings equation," which incorporates the wetted perimeter and the hydraulic radius, which are measurable quantities. It takes an estimate of the roughness, which is what I call their "fudge factors" thrown in there.

Seney: The roughness would be what kind of material the bank is made out of?

LeSueur: Right, and the bottom. And then they use a number -- for English units it's 1.046 or something in that area. That's another fudge factor they throw in. They just developed that equation by going out and making a lot of measurements in a lot of different channels, and then using some regression techniques to develop those equations.

Seney: But they're really not all that useful after all?

LeSueur: Oh, they're quite useful, but they're not all that exact.

Seney: Well now you and TCID quarrel about these kind of things, don't you? About the efficiencies and how much is going in and so forth.

LeSueur: Oh yes. We've gone out and done a lot of current meter measurements, and current meter measurements are generally accepted to be within five percent of the true flow. And we've compared those with the delivery records that TCID maintains. And we think on the average they're undercharging the water users by about ten percent.

Seney: In other words, they're giving them ten percent more water than they ought

to be giving them?

LeSueur: Well, no, that's not necessarily true. They're only charging for about ninety percent of the water that they're getting. They may be entitled to that other ten percent.

Seney: Ah, okay.

LeSueur: There's a difference there.

Seney: Or they may not be. (LeSueur: Right.) But my statement was not necessarily the correct one.

LeSueur: In some circumstances it would be incorrect.

RELATIONS BETWEEN THE BUREAU'S FALLON OCAP OFFICE AND TCID

Seney: Okay. One of the things when I talk to the people from TCID, the farmers and [Project Manager] Lyman McConnell and others, is that they feel there's some friction between you all and them over these kind of measurement questions and efficiencies and how you measure efficiencies. Would you agree with that, that there are points of difference on these things?

LeSueur: Oh yes, there are several points of difference. One of the big arguments that they talk about is "Why don't you count drain flows that flow out to the wetlands in the efficiency? Because then the Project efficiency would be eighty-seven or eighty-eight percent." That's their contention. Well, we could do that, but then that would not reduce diversions from the Truckee

River, which is our goal. So we would have to, if they were doing eighty-eight percent now, we'd probably have to say, "Well, then you have to achieve ninety-five percent efficiency."

Seney: So the undisguised, real, well-understood purpose of the OCAP is to reduce diversions from the Truckee River, so that that water is made available for other purposes?

LeSueur: Well, actually, the number one purpose of the OCAP is to supply water for valid water rights. And they want to do that within the context of using as little water from the Truckee River as possible.

Seney: So you want to minimize losses, in other words?

LeSueur: Well, we want to minimize losses, we want to minimize improper use of water. For years the irrigation of non-water-righted land has been a common practice. We want to accurately account for the water. All these factors could lead to reductions in diversions from the Truckee River. Under law, any water that is not required for valid Project uses must go to Pyramid Lake.

Seney: So if you can reduce through increased efficiencies, the amount of water that's needed to meet the water-righted users' allocation then that excess will flow into Pyramid Lake, under law.

LeSueur: That's the goal, yes.

Seney: I want to get back to the points of contention between Bureau and TCID. I wonder if you could go through some of these and tell me how you see them and how they see them. You started with the drainwater business, and I can kind of understand what they're saying, because up along the Truckee, say, when Westpac Utilities takes in water for municipal use, they do get some credit, do they not, for what flows back into the river, treated?

LeSueur: I don't know.

Seney: But that's not uncommon, in other words, for the flowback to be counted?

LeSueur: I've heard that is done, but I can't verify that.

Seney: But the Bureau just is not going to do this? They're not going to go along with the notion that the drainwater ought to be counted in the efficiency calculations?

LeSueur: Well, actually, I think that there'd be no problem in doing that. However, we would modify the efficiency targets then.

Seney: So you'd come back to the same place?

LeSueur: Yes.

Seney: Is this a substantial quarrel between you, or does TCID pretty much realize they're not going to get anywhere with this?

LeSueur: I don't know, that hasn't really been argued with me too much, but it has been argued in some other forums. I don't think that TCID or the water

users will gain anything from it, even if they're able to get the drainwater counted towards their efficiency, then the efficiency targets are going to change. So there will be no net gain by that argument.

Seney: Right. What are some of the other points of difference?

TRYING TO DEVELOP MAPS OF WATER RIGHTED LANDS

LeSueur: Well, hm. The mapping that we do to delineate the number of irrigated acres in the Project is continually argued about. In 1990 we did a cooperative agreement with the Agricultural Stabilization and Conservation Service, and we did a fly-over of the valley and took aerial photographs. The Department of Agriculture photography lab in Salt Lake City then rectified those photographs, and that removes distortion from the photographs, both for the variance in height of the plane as it flies over, the inherent distortion from photography, because of distance to the center of a photographic frame is not the same as the distance to the edge of a photographic frame, and for the curvature of the earth. Those things were corrected for and it brought the horizontal distances on the photographs to within about one percent of the true distance. We used those photographs on the computer set-up and digitized-in the boundaries of the agricultural fields within the Project. We overlaid the District's water right maps on those, along with the County Assessor's plat maps to determine ownerships and

what was water-righted and what was not water-righted. This process took about a year to complete. One of the big problems that we've run into is that the water right maps the District has were developed by the District between 1981 and 1983. They drew their water right maps onto "one inch equals 400" maps that showed one section. A section is defined as one mile on a side, 640 acres. They drew all their water right maps onto a perfect one-square-mile sections. In reality, perfect one-square-mile sections do not exist. Quite often, on a quarter-section the edge is 1,320 feet long, by definition. A lot of times, when they're surveyed in the field, they'd be 1,350 feet or 1,360 feet, and that's just the way it's set up for the township and range method of delineating land. When we try and fit those water right maps over those, they don't fit precisely, so we have to make judgements as to the way we think the water rights were intended to set on those sections, and from there then determine what lands are water-righted and what are not. Those judgements are subject to fairly wide interpretation, depending on who is doing it. So because of that, those maps are continually argued: One person can lay those maps over and see water-righted lands in one position, another person can do it so that they're in a different position. I don't know any way to get around that, short of redoing all the water right maps, and the fiscal situation doesn't allow for that right now.

Seney: That would be expensive?

LeSueur: Extremely expensive.

Seney: Would that require you to go out on the land itself and to walk through it and resurvey it all?

QUESTIONS OF ABANDONMENT AND FORFEITURE

LeSueur: At one extreme, yes. Now the Pyramid Lake Paiute Tribe has filed a petition with the Ninth Circuit Court, and this petition says that certain water rights, because they haven't been used in quite a while, or never used, no longer exist, because of the state laws on perfection, abandonment, and forfeiture. They base those on the water right maps that TCID maintains. If those water right maps were to be redrawn so that they fit properly, then the Pyramid Tribe's contention, or their exhibits that they've developed for their petition would no longer be valid. To actually go in and redo the water right maps I think would be extremely difficult -- not only from the expense side, but from the political considerations and the legal considerations.

Seney: This case is working its way through the courts.

LeSueur: On the Pyramid Tribe's petition it is in the courts now. I really don't know what its status is.

Seney: How many acres are at issue here in terms of what you think have been abandoned and so forth? How many acres are we talking about?

LeSueur: Oh, roughly 15,000 acres.

Seney: What is your estimate of how many water-righted acres there are on the Project? Let me say it seems odd to me that nobody can say, "Well, this is exactly how many water-righted acres there are on the Project."

END OF SIDE 1, TAPE 1.
BEGINNING OF SIDE 2, TAPE 1.

Seney: While I'm asking you that question, you're actually looking on your computer to tell me the answer to that. But the Bureau of Reclamation's answer may be different than TCID's answer, right?

LeSueur: No, this is from TCID records.

Seney: What are you queuing up there?

LeSueur: Oh, it's just a little Lotus spreadsheet I've developed from TCID records, and of the number of water-righted acres in the Project. And as of the date of this spreadsheet, sometime in mid-1993, there were 73,751.08 water-righted acres in the Newlands Project.

Seney: That's from TCID's point of view?

LeSueur: Yes. And their records are -- we consider those records to be fairly accurate.

Seney: So you're not really quarrelling with those figures. In other words, this 15,000 acres would mean it would be 80,000-plus acres?

LeSueur: No, it would be the 73,751 minus that.

Seney: Minus the 15,000. Okay, so that's where the quarrel comes in.

LeSueur: Now Reclamation is not involved in that quarrel. That's a petition that the Pyramid Lake Tribe has filed. They are using some of our information from the Regional Office in Sacramento as part of their exhibit. However, Reclamation has not, as far as I know, entered into that petition as an intervener of any sort.

Seney: Why did you then develop these maps that you were talking about? What was the purpose of that?

LeSueur: The purpose was to insure that water was only being applied on water-righted ground and that the amount of water did not exceed the allowances in the Alpine and Orr Ditch Decrees.

Seney: So you take a look at those maps, you say, "This is how many acres we think there ought to be," which would be what, about 58,000, did you say? Did you say 73,000 acres plus or minus 15,000 acres.

LeSueur: Well, yeah, we estimated in 1993, 57,000 acres were irrigated.

Seney: Okay, some of those are going to be benchlands, and some are going to be bottomland, so some have a 3 1/2 acre duty, and some have a 4 1/2 acre duty. You add those together and you say, "This is the total that the Project should be using."

LeSueur: Well, no, we say that's the total that the Project used for that particular year. Now that doesn't mean that they can't increase that, as long as it's still on

the water-righted ground. Until the court makes a decision, we consider the water rights that the tribe has petitioned on to still be valid, and they have a legal right to apply water to those water rights. Now a lot of these water rights are no longer capable of receiving water, because the facilities no longer exist. The cities encroached on some of them, there have been subdivisions, a lot of the delivery facilities simply aren't there. For instance, I live in a subdivision in Fallon. I don't own water rights, but my neighbors on both sides of me do. They couldn't get the water even if they wanted it, because there are no ditches, no headgates, nothing to deliver the water there.

Seney: How is it that you don't own water rights and your two neighbors do?

LeSueur: The previous owner of my home sold them. I'm kind of glad, because that would be a (Seney: Conflict of interest, wouldn't it?) definite appearance of one, yes.

Seney: Did you know when you bought the house that this had been done?

LeSueur: No, I was working for the Navy at the time and that type of thing did not concern me.

Seney: But when you found out, there was a sense of relief, as you say, because there's not going to be any questions raised about whether or not you're a water right owner.

LeSueur: That's true.

Seney: Let me just stop you for a second. Those two neighbors of yours, obviously they're not using the water rights -- they can't. (LeSueur: That's true.) After five years, am I right?, under Nevada law, then you've got abandonment and forfeiture?

LeSueur: Well, a five-year limit is on forfeiture. And that only applies to water rights that were applied after, I think, March 22, 1913, because that's when the law was enacted. If those water rights had an application date after that, then yes it could be subject to forfeiture. I really could not tell you how the abandonment laws apply.

Seney: So you don't know if they still have water rights or not.

LeSueur: In the TCID records, they still do. That may change after the court makes its final ruling on the petition. There are those who argue that the date for all the water rights in the Newlands Project are 1902. I guess that's based on when the water was reserved for the Project. And I don't know which date is really applicable. That's something for the courts to decide.

Seney: Is the 1913 date based upon when the water began to be delivered?

LeSueur: No, that was the date that the law was enacted. It was not a retroactive law.

Seney: What law was enacted in 1913?

LeSueur: On forfeiture.

Seney: Oh, I see, that was the State of Nevada law.

LeSueur: Yes.

Seney: Alright, good enough.

THE PROBLEM OF WATER RIGHT TRANSFERS

LeSueur: The other big controversy that's occurring right now is the fact that the Bureau of Reclamation has determined that 215 water right transfers permitted by the State Engineer are not valid water right transfers.

Seney: On what basis did the Bureau make that judgement?

LeSueur: It was on the basis of the court decisions that the State Engineer did not properly address the issues of perfection, abandonment, and forfeiture when he permitted those transfers.

Seney: Describe, maybe as an example, what those transfers are. Is that your predecessor in this house selling the water rights? Would that be one of the transfers maybe? Or that kind of thing?

LeSueur: It might be, I've never investigated the one on my property specifically. When the irrigable lands were first determined, there were a lot of sand hills and various things that they farmed around. As technology improved and new equipment became available, on many occasions they would remove those sand hills and incorporated them as a part of their field.

Seney: And those were not water-righted areas.

LeSueur: And those were not water-righted areas. And for years they irrigated them as

non-water-righted areas. Well, I do know that some transfers were allowed in the 1970s, but they were under the authority of the Secretary of Interior. That's my total knowledge of that. In 1984, it was determined that the State Engineer had the authority for approving transfers on the Newlands Project, and a lot of transfers were filed at that time to correct these areas where people had been farming for years. The Pyramid Lake Tribe filed protests on almost all of them.

Seney: What do you mean to "correct" these? What was being done?

LeSueur: Well, the areas where they were irrigating that had no water rights. Many of the farmers applied for water right transfers to move water rights onto those areas.

Seney: To buy them from someone else? Or transfer them from another parcel they might hold? Maybe that kind of thing?

LeSueur: Yes, both cases. And Pyramid Lake Tribe filed protests on most of those, as is their right under state law. And the basis of their protests was that portions of this water was either never perfected, it was abandoned, or it was forfeited. The State Engineer ruled against the protests of the Pyramid Tribe and permitted those water right transfers. As a result, the Pyramid Lake Paiute Tribe filed suit in the Ninth Circuit Court [later corrected to Federal District Court (Tr.)], saying that the State Engineer erred and did not follow

his own state laws in permitting those water right transfers. The Ninth Circuit Court [Federal District Court] found in favor of the State Engineer and upheld his decisions on the transfers. The Pyramid Tribe appealed that to the Ninth Circuit Court of Appeals. The Ninth Circuit Court of Appeals . . . .

Seney: You said Ninth Circuit in both cases. You mean first the Federal District Court upheld the [State] Engineer's actions, then it went to the Ninth Circuit Court?

LeSueur: Right. And the Court of Appeals overturned the District Court's decision, and said that the State Engineer did not properly consider the issues of perfection, abandonment, and forfeiture, although they said specifically they did not know whether those applied -- however, he did not address them properly, and remanded them back to the Ninth Circuit Court, which is where they're setting right now. The Ninth Circuit Court has not taken any action since it was remanded back. The Bureau of Reclamation in consultation with the Department of Justice determined that because of the Court's decision, that those transfers were no longer valid. Last year, in October of '93, the Truckee-Carson Irrigation District filed an emergency motion with the Ninth Circuit Court of Appeals saying that people were going to be damaged because of Reclamation's determination that the transfers were invalid, and it

was argued that the transfers indeed were valid, because the Court did not specifically vacate the State Engineer's decision. The emergency appeal was denied by Judge [Howard] McKibben. During the hearing, Judge McKibben did state that the issues of perfection, abandonment, and forfeiture were not properly addressed by the State Engineer when he permitted those transfers, and when the issues of perfection, abandonment, and forfeiture are not properly addressed, then no valid transfer exists. And that's about where it sets now. I believe the Newlands Water Protective Association has filed with the Court to expedite the court remand on these. And the Court did say they were going to appoint a fact-finder to take a look at those issues. To my knowledge, that has not yet occurred, and the Newlands Water Protective Association is trying to expedite that process.

Seney: I take it if I'm going to buy a water right from you, and we're going to transfer it between us, the Bureau has to approve that?

LeSueur: No, the Bureau does not have to approve it. We are going through a procedure now where transfers are coming to my office for approval, but that approval is not required by law. What we are doing is taking a look at the issues of perfection, abandonment, and forfeiture, and we are making determinations on that. Then we are making recommendations to the Pyramid Lake Paiute Tribe that these issues have been properly addressed on

this transfer. Based on that, the Pyramid Lake Paiute Tribe has agreed not to file a protest on those transfers.

Seney: Ah, so that's why I would bring it to your office, if I were buying a water right. I would bring it to you, because if I could get you to say everything was okay on the abandonment, perfection, and forfeiture, that would mean I wouldn't have to quarrel with the tribe over it, and it would go through.

LeSueur: That's correct. If it's not approved by this office, then more than likely, the Pyramid Lake Paiute Tribe would file a protest on that transfer, which is well within their legal rights.

Seney: What do people think about having to come down and see you in the office here about this?

LeSueur: The don't like it. They think that we're interfering in a process that's mandated by state law and that we as Federal agents have no right to circumvent the state process.

Seney: How did this come about, this arrangement that you guys have a look at this here?

LeSueur: We met with the tribe and worked out a method whereby people could get transfers through to correct some of the problems on their farms, so that they would have an opportunity to save crops that were already in, they would have an opportunity to avoid financial losses because of crop damage.

Seney: So you're trying to be good guys, you think.

LeSueur: I think it's a two-edged sword. On one hand we are determined to enforce the laws and the decisions as they have been made, on the other hand we are trying to put in a mechanism whereby people can go ahead and get things corrected. If the Pyramid Lake Paiute Tribe files a protest on a transfer, and it will be months, perhaps years before a final decision is made on whether or not that transfer will be permitted. If we go through the process and we make these investigations on behalf of the tribe, then transfers will go through rather quickly, and then these people can go ahead and continue with their farming operations.

Seney: How many transfers have come to you for your evaluation so far?

LeSueur: I don't know the exact number, but it's somewhere between fifty and a hundred.

Seney: What percentage, roughly, have you said, "These are okay, these are not okay"?

LeSueur: According to TCID, sixty-two percent are okay and thirty-eight percent are not. And they complained about that, and I did respond and told them that I am going to be picky on these, because if the tribe loses confidence in what we are doing here, then they will begin to file protests on all transfers, and then this opportunity for being able to get transfers through quickly and

easily will be gone.

Seney: I take it in this kind of thing you have been delegated the authority by, what, by Ed Solbos and the Project Office to do this?

LeSueur: Yeah. Also, the tribe has agreed to give me authority to act in their behalf on this.

Seney: Let me just sort of insert a question, kind of about administration within the Bureau locally. Does Ed Solbos interfere much with this? Does he say, "Roger, give me a weekly update on what you're doing here. Let me know only if this is a big name and I'm likely to hear about it"? How does that work between the two of you? I'm asking this because I would think this is a rather sensitive task you've got here.

LeSueur: Oh, it is sensitive, and I would say that Ed never interferes. He's always supportive and he likes to be kept informed.

Seney: He definitely doesn't want to be blindsided, obviously.

LeSueur: No, he does not.

Seney: How does that work? Do you pick up the phone, do you e-mail him? What do you do?

LeSueur: Actually, I really just give him general updates, and really don't refer to specifics. Whenever a letter goes out saying that these transfers are approved or not approved, I sign the letters, I do make sure that a copy of it goes by

Ed so he's aware of the correspondence.

Seney: But he's left this in your hands to take care of?

LeSueur: Yes.

Seney: How do you feel about this task? You're kind of smiling when you say this, by the way.

LeSueur: It's a difficult task, and it's got a lot of responsibility, and I take it very, very seriously.

Seney: Is this pretty clear-cut, or is there a lot of room for your judgement here?

LeSueur: I would say there's some room for judgement. I would say there's not a lot of room for judgement. We are putting the burden of proof upon the irrigators to meet the conditions that have been set forth on the transfers. We have provided materials to TCID in the form of aerial photographs and some histories so that they have some better tools to work with the farmers so that they can make their decisions. We have tried to stay out of the process of advising farmers. We try to give our guidelines to TCID and let them give the advice to the farmers on what their options may be.

Seney: When I bring in my water right transfer application, what should I have in there to satisfy your needs?

LeSueur: You should have in there delineations of where the existing place of use is, delineations of where the proposed place of use is, and evidence that the

existing place of use has been irrigated between 1984 and 1989. That can be in the form of a composite map that was developed by the Bureau of Reclamation showing where irrigation took place during those years, it can be in the form of the infrared photos that were taken in 1984. It can be in the form of aerial color photographs that ASCS maintains in their records.

Seney: "ASCS" meaning?

LeSueur: Agricultural Stabilization and Conservation Service. They routinely take aerial photographs to ensure compliance with their programs. It can be in the form of testimonial letters from people who are not owners of the property but who are aware of the practices taking place on that property.

Seney: How do you regard those?

LeSueur: I generally regard them as more than likely being accurate. And I do attempt to verify that with other pieces of evidence. That's kind of like a last resort piece of evidence. Because the photographs, if something shows up green in this desert, it has to be getting water from somewhere. So I do take them seriously, I like to have them corroborated. If they could get two people -- not a husband and wife -- but two different neighbors that say that, "Yeah, I remember when he laser leveled that and he ran water in it in 1986 and he grew melons there," then I take that as fairly good evidence that that did indeed occur.

Seney: Would the Soil Conservation Service have some record if they'd assisted him in laser leveling that field?

LeSueur: Oh yes. They get us those records, we take a look at it. We take a look at TCID's delivery records as to what headgates they delivered water out of. It's just anything at all where they can show us that indeed that was irrigated during those years. It's hard to say in advance what's credible evidence -- we sort of take it on a case-by-case basis. People are sometimes quite inventive on showing what happened in the past.

Seney: What do you mean by that?

LeSueur: Well, for instance, assistance in laser leveling fields. I never thought about that in advance until somebody showed us the receipts and the checks for doing that. They had a photocopy of the check they wrote to the fellow to do it. Those type of things. It was quite interesting. I don't pretend to know all the records that a farmer might have on his place.

Seney: Sure, right. Maybe a wedding photo taken on the porch that shows the field in bloom or something like that. (LeSueur: I haven't seen that yet.) With the wedding certificate along with it. Presumably, one could even have that kind of evidence, I guess.

LeSueur: I'd have to take a look at it and see how credible it seems.

Seney: So you're kind of a judge -- it's "Judge LeSueur" in this case.

LeSueur: No. (laughs) I do make judgement calls on those -- I'm not a judge.

Seney: Is there anything else on this that we should know about?

LeSueur: Oh, I don't know, probably, but I can't think of it right now.

THE BENCH AND BOTTOM LAND CONTROVERSY

Seney: Okay, well if you do, bring it up later, because we can jump around, that doesn't matter.

What about the bench and bottom controversy? How much have you been involved in that?

LeSueur: A lot. I was not involved in making any determinations on what's going to be bench and what's going to be bottom. That was done in our Regional Office in Sacramento. The fellow that worked on it, for the most part, was Gordon Lyford. He no longer works for Reclamation. The determinations of whether it be bench or bottom is based mainly upon the soil maps that were developed several years ago by the Soil Conservation Service and the characteristics of those soils and the depth of the seasonal high water table. The Regional Office poured over those maps and developed a bench and bottom map delineating areas that are bench and bottom, and those that have changed from the traditional TCID map. My role in this has been to take the bench and bottom map and determine specifically which serial numbers and how many acres of bench and bottom exist on those serial numbers for the

ones that have changed.

Seney: "Serial numbers" meaning?

LeSueur: The TCID serial numbers for an individual's parcel. They number each of the parcels that they serve. We transmit that information over to TCID -- as a matter of fact, we're right in the middle of it now. And then TCID modifies their records to show the new number of bench and bottom acres on that parcel, and then they inform the individual owners of those parcels of the changes, and the changes in their water allocations.

Seney: Now the court has ruled that this is something the Bureau can do on kind of the basis you're talking about here -- that is, evaluate the soil, the height of the seasonal water table -- and can make this distinction between bench and bottomlands.

LeSueur: Um, no. The Bureau's initial map was set up, and the court ruled that the initial map is valid, based on those. Any challenges to that map -- for instance, people may say, "That's not correct for my place." Those challenges must go to the Federal Watermaster, who is an agent of the court. He is not an agent of the Federal government.

Seney: Right. So he'll be the one who'll ultimately decide whether these are, in fact, bench or bottomlands?

LeSueur: No, he'll only decide when the designation is challenged by the landowner.

The court has implemented the Bureau of Reclamation's bench and bottom map. I guess in a sense that what you're saying is correct. The Bureau of Reclamation made that determination. Any challenges to that determination goes to the Federal Watermaster -- it does not go to the Bureau of Reclamation.

Seney: So if I'm a water user whose benchlands, which had a 4 1/2 acre duty, are now 3 1/2 acre duty bottomlands, I go see the Federal Watermaster. And he says, "Let me have a look, and I'll decide whether in fact these are bench or bottomlands." Right?

LeSueur: Yes, but when you go see him, there is delineated on what you have to present to him. Once again, the burden of proof is going to be on the landowner that indeed his land should be classified differently. What he has to do is show soil classifications for his property. The soil classifications are probably going to be required to be confirmed by the Soil Conservation Service, and then any depth to seasonal high water tables are going to have to be done through actual measurements and observation wells, over a period of three or four normal irrigation seasons.

Seney: That may take some time to do.

LeSueur: Yes. And it will be difficult to change them from the map determination.

Seney: So when I go see the Federal Watermaster, I'm behind the eight ball here,

really. It's going to be tough. I've got a high hurdle to go over, in other words, before I can get my designation back as benchlands.

LeSueur: I wouldn't call it a high hurdle, I wouldn't even call it tough. I would just say that the landowner has to present credible scientific evidence that indeed the designation is not correct. For years the designations have been not based on what you would call scientific basis.

Seney: What were they based on? You're smiling again.

LeSueur: Well, that's because I'm not quite sure what they were based on originally. I know there was something in there called the Walker Line, which was an elevation contour, but I'm not quite sure what the original determinations are based on.

Seney: I've been told by someone on the Federal government side that when TCID got around to drawing up bench and bottomlands, they tended to look at their water delivery slips and see how much water they had been putting on this land, and to make the determination almost that way.

LeSueur: I've heard that, but I can't verify it.

ROUTINE WORK IN THE FALLON OCAP OFFICE

Seney: I'm kind of curious about this sort of routine that you go through and how that might reveal to us . . . .

LeSueur: What routine?

Seney: (laughs) Well, if there is no routine, that's important too. When I came in today, you were on the telephone. What was that all about, in general terms? I don't expect you to reveal a confidence.

LeSueur: Oh, no, I was talking to the Federal Watermaster about pre-Project rights: before the Newlands Project was developed, there were already water rights along the Carson River. And they have a seniority over the Project. About 20,000 of those acres were exchanged for Project rights, but there were some that were not. The pre-Project rights have a priority ahead of the Project. However, they have no right to the storage in Lahontan Reservoir, and they have no right to the use of Project facilities for the delivery of their water. They only have a right to the water as it's available in the Carson River, or as it would be available in the Carson River without the Project being here. Some of the rights that were not exchanged, I was looking these up on Page 144 of the Alpine Decree, and some of the rights that were never exchanged are right in the middle of the Project. I was trying to find out from him if indeed these rights had been exchanged for Project rights, what their current status is, and who their current owners are. That's what that conversation was about.

Seney: The question here being, Exactly what are they owed under the arrangements?, I take it. That is the arrangement that they maintained their

pre-Project water rights.

LeSueur: Well, not what they're owed, but what they're entitled to. And try to determine what their entitlement is in relation to the rest of the Project, and if indeed water deliveries to these parcels are in accordance with the OCAP and the Alpine Decree. The appearances are now that they're treated just like Project rights. If they're entitled to be treated that way or not, I don't know, that's what I'm trying to investigate.

Seney: What will you be doing this afternoon?

LeSueur: That's hard to tell, it depends on what phone calls I get. But more than likely, the Federal Watermaster is going to be FAXing some stuff over to me on those water rights, and I was going to, more than likely, be studying those and determining where I might be able to get more documentation on them.

Seney: What did you do on Monday?

LeSueur: (pause) I really couldn't tell you right offhand. I couldn't tell you on Tuesday. On Wednesday I had a meeting with the Geological Survey in Carson City to talk about their various data-gathering activities. We use a lot of the data that they gather. Yesterday I had a fellow out from the Denver Technical Service Center who was taking a look at our measurement structures and some of the farm headgates, and he's probably going to be developing some proposals, we hope, that are inexpensive and accurate on

better ways to measure the water that the people get. A lot of times I respond to letters that I get, I draft up letters for my signature, I'll draft up letters for Ed's [Solbos] signature. Generally I sign correspondence that is not controversial or is not policy-making. Those that are very controversial or have an impact on policy [are] reserved for the Area Manager. I get requests from Bill Bettenberg with the Secretary's [of the Interior's] Office. He's from the Office of Policy Analysis, and he asks me to research various pieces of information: for instance, where the Carson Lake Pasture gets its water; what are the water deliveries to Stillwater Farms; what are their water rights? They're under a special contract from 1919 that gives them special things that other water users in the Project don't have. I sometimes try to get into Are these agreements still valid after eighty years? I request our legal people to make reviews on things like that.

Seney: I take it from Mr. Bettenberg at this point you're answering some questions that may be coming up as he's taking part in what are called Settlement II negotiations.

LeSueur: Oh, some of them may be used in there, and some of them may not be. I've been asked to write papers on various options for the sales of water rights and what the government might like to see if those were pursued. I've been asked to write things on what the implications of water banking under Public

Law 101-618 might have on the OCAP. And then of course I have to supervise six people and make sure that some of the tasks that we're involved in are being properly addressed.

END OF SIDE 2, TAPE 1.
BEGINNING OF SIDE 1, TAPE 2.

Seney: This is November 4, 1994, my name is Donald Seney, I'm with Roger LeSueur in his office in Fallon, Nevada. Go ahead, Roger, tell me what you're dealing with your staff about now. You said you're responsible for safety and what other things did you mention?

LeSueur: Well, I'm responsible for an active safety program in the Fallon Field Office. The safety program has to be in compliance with OSHA [Occupational Safety and Health Administration] standards, Reclamation instructions, and various other publications and guidelines. I'm responsible for providing a safe and healthy workplace for my employees. I'm also responsible for a lot of personnel actions as it relates to scheduling vacations, being able to reschedule work in the event somebody is sick and gone for a while, personnel actions such as promotions. Sometimes the positions change and we have to rewrite the position descriptions and I'm responsible for that. I'm responsible for figuring out and delineating and setting up a training program for each of the employees. Just all kinds of personnel stuff.

Seney: The normal supervisorial duties, right. What about the duties that are peculiar to this office, as the Fallon Field Office?

WORKING WITH TCID

LeSueur: Well, as I said earlier, our two main things are ensuring compliance with the OCAP and giving assistance to TCID on improving their delivery efficiencies. The OCAP compliance entails having to monitor the acres that are irrigated and determining how much water is delivered to those acres. At the end of the irrigation season we determine whether or not there is a target efficiency in accordance with OCAP, and if so, what that target efficiency is. Then we have to compare that against their actual efficiency, and then go through a series of calculations to determine what the size of a credit or a debit is, depending on whether or not they reached or did not reach the target efficiency.

Seney: And so far, because we've been in droughts, really, since the '88 OCAP, the efficiencies really haven't been met.

LeSueur: Well, there have been target efficiencies for 1989 and 1993. [The years of] '88, '90, '91, '92, and '94 were drought years, and when there's less than a seventy-five percent delivery of entitlements, there is no target efficiency. And in those years, we fell short of that seventy-five percent delivery of entitlements. We also have to determine if water was delivered in excess of

the Alpine and Orr Ditch limits, how much was delivered in excess of those? And if water was delivered to non-water-righted ground, what the quantity of water was that was delivered to that non-water-righted ground.

I'm going to go over a few of the things that some of my people are working on. I have two civil engineering technicians -- one at a GS-7 level and one at a GS-11 level. They're in charge of our measurement program. Our measurement program consists of about thirty-one gauging stations that we operate and assemble the data on the Newlands Project for OCAP purposes. We're also assisting in a water quality study being conducted by our Denver Technical Service Center that is not OCAP-related, and they gather information on that: both water quantity and water quality. They also perform current meter measures in support of the ditch riders that are employed by TCID. The ditch riders may be delivering water to the water user, they can call my office, have one of my people come out and we'll measure the water and tell them how much water is actually going past a certain point at that point in time.

Seney: Do they do that very frequently?

LeSueur: We did almost 200 of them last year. But there were 12,000 deliveries last year.

Seney: Is there resistance from TCID to doing this?

LeSueur: I wouldn't call it resistance. There's some ditch riders will call for measurements all the time, and some others that never call for measurements.

Seney: If I'm a ditch rider, why would I call you? What would be peculiar maybe about this delivery that I would want to know something from you.

LeSueur: Well, you may be in an argument with the farmer over how much water is actually going to him. The ditch rider might say, "You're getting twenty cfs," and the farmer may say, "That ditch won't hold any more than twelve! It never has and it never will!" In that case the ditch rider may call out one of my people to measure the water.

Seney: Settle the argument.

LeSueur: It never settles the argument, but it gives the ditch rider a little bit firmer information on how to charge the farmer.

We've also entered into a program where we're trying to assemble ditch rider handbooks for the ditch riders, and my technicians are involved in this. These handbooks are generally a layout of the subdistrict that they're delivering water in: where their major structures are, where their measurement structures are, how to do measurements, and generally information that assists them in being able to run their district.

On our thirty-one stations, every winter we have to disassemble them, we have to clean them, we have to scrape the aquatic growth off of the weirs

and the ramp flumes. We have to do painting. On the stilling wells they have what they call stingers, which are pipes that stick out into the canal so water can get in so where it can be measured, and those have to be cleaned out, sometimes dug out. They tend to get plugged up. We have electronic data-loggers that they bring into the office after the season, and they test those and make sure those are working. And for the ones that aren't working, we get them repaired.

We're doing current metering for the Irrigation Drainage Program which is basically a program that is trying to determine what kind of contaminants are going to the wetland areas. And we're supporting that by going out and doing current meter measurements at certain points to determine how much water is going into those areas.

During the irrigation season we -- I think I already said this -- but we gather the data from the measuring stations, we compile that and we distribute it. We distribute it to the ditch riders, to the TCID watermaster, to the USGS [United States Geological Survey] in Carson City. Sometimes to the Federal Watermaster, and we also use that information to conduct studies: how much is a particular segment losing?, and so forth.

I also have two journeyman-level civil engineers. They're involved in designing weirs.

Seney: What's a weir?

LeSueur: A weir is just a concrete wall or a metal wall across a canal that water falls over. We can fit an equation to those to determine how much water has gone by, just by measuring the level of the water over it.

My engineers also evaluate equipment, such as data-loggers and some of the new equipment that's on the market, and make recommendations for keeping our stations updated and replacing worn out equipment. They perform studies of operations and make recommendations to the District on maybe changes in operations. We're going to be taking a look at locations for putting in automated gates, which maintains levels in canals automatically, without having to have the interaction of a ditch rider. We make recommendations on where they might reuse drainwater, what the quantities might be and what the cost benefit analysis is on it.

They're investigating compliance issues to ensure that things like a pond that might be on a farm is in compliance with all the rules and regulations. They perform ponding tests, where they just put water into a section of canal, block off both ends and then watch how much water seeps out and make calculations on that, and that's used in determining whether or not it'd be worthwhile to line a section with plastic or concrete and so forth.

They get involved with the Corps of Engineers for getting

404 Permits under the Clean Water Act for putting in dikes and modifying wetland areas to improve efficiencies.

Seney: The 404 Permit -- that's a Section of the Clean Water Act, is what you're referring to?

LeSueur: Yes. We take a look at requests from TCID for replacement of their equipment and their structures and what would be the best ones to put in for the money.

I also have a cartographic technician. He keeps extremely busy because he's the one that does all the mapping for our compliance issues. He's doing the mapping for the bench/bottom issues. He determines what was irrigated and what was not irrigated, from aerial slides. He develops custom-ordered maps. He's already developed one that's being widely used in the negotiations. (Seney: Of the Project?) Of the Project, yes. He investigates the water right transfers when it comes to us to see whether or not they meet our criteria. He interacts with the State Engineer on incorporating new water right transfers that are permitted, withdrawals to those water right transfers. He interacts with the County Assessor on new subdivisions in the county. He's probably the busiest one on my staff.

Let's see, I interact with people at the Department of Justice on their requests for information or activities. I quite often answer letters from

farmers or from TCID. I've been involved in developing criteria for the interpretation of the OCAP, and what does the OCAP mean, and how do we interpret it, and how do we apply it? I've been involved in that as a continuing, ongoing basis. I conduct meetings with TCID and the [Fallon] tribe, especially lately on non-water-righted irrigated areas that we're trying to correct. I have down here some stuff I have to do for personnel stuff I'm currently working on. I get letters from farmers like this one here that is complaining that he doesn't like the way we're doing business, and quite often I have to respond to those.

Seney: Do I see that that was actually addressed to Ed Solbos, and then Ed sends it down to you?

LeSueur: No, Ed didn't send it to me, I got a carbon copy from the writer.

Seney: So will you draft a reply for Ed to send out maybe on that?

LeSueur: I may. I may not. I really don't know on this one yet -- we just got it yesterday. But that's kind of a thumbnail sketch of the stuff that we're involved in.

RELATIONS WITH THE FALLON TRIBE

Seney: Well, you left out something very interesting that I have to talk to you about: And that has to do with the Fallon Tribe, and that has to do with late water deliveries (LeSueur: Oh yes.) which I have discussed, let me say, from

many points of view here. I have talked to the people at the Fallon Tribe, to Ed Solbos, to the people on the Project, the TCID people about the late water deliveries (LeSueur: Oh yeah.) so that I'm very anxious to get your perspective on this, because I know that you were in fact the designated person to actually open the structures and see that the water got down.

LeSueur: Yeah, my senior technician and I did do that. We went out and we opened the gates and adjusted them to get the water there.

Seney: Were you really huffing and puffing as was alleged in the TCID newsletter? (laughs)

LeSueur: No. The writer of their newsletter is Tim Findlay [phonetic spelling] and he tends to take some journalistic . . . .

Seney: "Literary liberties."

LeSueur: Yeah, that's a good term. And quite often I think some of the statements he makes are downright untrue. For instance, "Ed Solbos made good one threat by having his people open facilities off the 'S' Line. But both Indians and non-Indians knew it had less to do with the need for water on the reservation than it did with the exercise of power in Solbos' office." That's a falsehood. We're not trying to exercise power. We're trying to fulfill our responsibilities and the Federal laws on the Indian trust responsibility. From that perspective, we had no choice to do but what we did. There's no

exercise of power there. It's certainly not something that we wanted to do, and we did encourage TCID to do it.

Seney: To go along with the tribe's request.

LeSueur: Yeah. And they in fact refused.

Seney: Their argument was -- if I have it correct -- that others had made requests, that is, other users, and to them, the Indians are just another user, no different than anybody else, no different than this farmer or that farmer, in this sense that we're talking about, and that others had made requests for late deliveries and they had turned them down, and when the tribe came and made their request, they simply treated them like another user and turned them down too. Is that your understanding of the way TCID views this?

LeSueur: Well, that's what they've said. As a matter of fact, the Indians are different. They are treated different -- they're treated as a sovereign nation. The United States government works with the tribe on a government-to-government basis, and we believe that TCID as an agent of the government of the United States should also treat them on that basis.

Seney: So when you get a communication from the tribe, that has a kind of special standing, in other words.

LeSueur: Yes, it is. Under current laws and under the current administration policies, that is the way we have to work with the tribes. I guess when TCID says

it's not fair to the other farmers for them not to get late deliveries, my response is, Why didn't they give them the late deliveries? They had the water available. They had over 1,000 acre-feet in Harmon Reservoir, which is one of the reregulating reservoirs that they chose, on their own, to keep in the reservoir and not deliver to the farmers. They could very easily have made late deliveries. It was the TCID's Board of Directors' decision on when they ended the irrigation season. Their decision, and it was not based on anything except their Board of Directors' desire to end it, and the fact that they like to shut off the reservoir when it's at 4,000 acre-feet.

Seney: Lahontan Reservoir?

LeSueur: Yes.

Seney: I don't think you've answered: How do you explain their unwillingness to accommodate to the tribe? How do you see it?

LeSueur: They're unwilling to view the tribe differently as the United States government views them.

Seney: Yet they've offered them a seat on the Board, haven't they? One seat.

LeSueur: Yes, they have. That's what I've heard. And the tribe has refused to take that offer. And there's probably some valid concerns on the part of the tribe. They don't want to compromise their position, I guess, as a sovereign nation. They don't want to be involved in decisions on other non-Indian irrigators.

All-in-all, in this water delivery, no irrigator was hurt -- none whatsoever.

Seney: How many acre-feet did you end up sending down to them?

LeSueur: There were 450 acre-feet stored. I think of that 450 feet . . . . What did we give to them? (checks references) I've got that written down too.

Seney: So there was no harm to anyone else in carrying this out, in other words.

LeSueur: That's right. The total outflow from the reservoir was 355.4 acre-feet. The total that got to the reservation boundary is 266.39 acre-feet.

Seney: That's not a lot of water, is it?

LeSueur: No. No, the 450 acre-feet is minuscule. And that was 450 acre-feet out of well over 100,000 acre-feet that came into the Project.

Seney: And that's what they'd asked for, 450 acre-feet?

LeSueur: Right. And not only did they ask for that, they said, "If you put it in 'S' Line Reservoir, whatever seeps away, whatever evaporates away, whatever gets lost in transmission to the reservation, we will absorb the losses so that TCID does not have to."

Seney: In other words, "just release 450 feet, we'll take whatever gets to our boundary line and we'll call it even."

LeSueur: And they could charge it to the Indians.

Seney: Charge the whole 450 to the Indians.

LeSueur: Right. So it would actually have an effect of improving the District's

efficiencies.

Seney: Because they could show it as an absolute 450 charge-off, when it was really only 200 and change.

LeSueur: Right. Now the other farmers that requested late deliveries, none of them offered that same type of deal.

Seney: I know it was recommended to the District, "Listen, you've got political problems here. Negotiations are coming up, the tribe is a party to these negotiations, here's a chance to make some friends. This might be quite a political thing to do." And that apparently didn't "cut any ice," shall we say, with the TCID. How do you explain it? I mean, you work very closely to them here -- I mean, physically, we're very close to them.

LeSueur: Well, my impression -- and this is my personal impression as far as what's going on (Seney: Sure, I understand.) -- was the Board of Directors were saying, "We're not going to do that, you can't make us do that, so there." And I think if there was any attempt at an exercise of power, it was the Board of Directors refusing to comply with that.

Seney: Not taking a kind of broader, more political kind of compromising viewpoint on things.

LeSueur: Yeah, I would say they just didn't want to do that.

Seney: You know, they went to great pains in the newsletter -- where they have you

huffing and puffing in the one that takes liberties here -- to say, "This was not a takeover." I mean, they said that several times.

LeSueur: Uh-huh. I wonder what it was then.

Seney: Why such a sensitivity to the word "takeover" on their part?

LeSueur: Oh, because they feel like we use it as a threat against them whenever they don't do what Reclamation wants them to do.

Seney: Have you ever done this before? Have you ever gone out and opened up the structures and let the water flow and managed it to see that it goes one place or the other?

LeSueur: No, not since 1926.

Seney: So this is a rather precedent-setting piece of action on your part.

LeSueur: Yes.

Seney: Do you feel like the Bureau crossed a pretty big boundary here, by doing this?

LeSueur: I don't know. I really don't know.

Seney: How has it affected your relationship with TCID -- personally and as the Bureau person here on the spot?

LeSueur: (pause) Well . . . I think it has deteriorated some, but not a lot, not as much as it could have. I remember setting in a Board meeting where we told them that we were going to do it. There were several farmers in there too. One

of the Board of Directors said, "If you guys do this, some of those farmers down there are really angry, and we don't know what they might try and do to you." And one of the farmers sitting in there said, "This type of action is just going to lead to violence." And another one of the farmers said that our motive in this was that we were trying to drive a wedge between the community and the tribe, so as to scuttle the negotiations. Jack Allen [phonetic spelling] who is a member of the tribe and representative at that meeting said that this is not Ed doing this, this is the tribe pushing for it. And my perception was that statement fell on deaf ears, they didn't want to hear that, and so they didn't. One of the members in there told Ed that he just ought to quit his job. And of course when those statements are made to Ed, since I do the same things that Ed does, those statements, in my opinion, are also made to me.

ANGER AT THE BUREAU FROM TCID

Seney: Let me say this, that I have heard you and this office described as "spies." This is probably, I'm sure, not news to you, that this word is used.

LeSueur: Oh, not at all, but if you want to consider somebody that flies over the farms and takes pictures and tries to determine what's being irrigated and what's not being irrigated, and how much water somebody's getting -- I suppose that could be said, "You're spying," just as much as a highway patrolman

setting alongside a highway with radar, trying to figure out how fast people are going, is a spy too.

I'm going to show you something here. We call it a "love note." It's in this pile. That the letter telling them that their transfer was not valid because of court decisions, and on the back there's a response we got from one of the farmers.

Seney: This is the Truckee-Carson Irrigation District dated September 12, sent out to water users regarding invalidated water right transfers, and this was sent to some farmer telling him that his water right transfer was not valid, right? (LeSueur: Yes.) And it's been turned over and on the back there's a note, which I think I'll read. Do you mind if I read this into the microphone?

LeSueur: Go ahead.

Seney: Okay. It is unsigned by the way. "This is ridiculous! It is a blatant attempt by an arrogant, bloated bureaucracy" -- and this is addressed to the Bureau of Reclamation.

LeSueur: Yes, it arrived at our Carson City Office.

Seney: Okay. "It is a blatant attempt by an arrogant, bloated bureaucracy to trample the private property rights of honest tax-paying citizens. It is a frontal attack on the United States Constitution. If you think we the people are going to stand by and allow you jerks to take what is lawfully and rightfully ours, you

are dead wrong. This water is ours, we bought it, we paid for it, we own it, we pay taxes and fees on our property for the system that delivers it to us, and . . . ." And this is all in capital letters, "WE WILL USE IT ANY DAMNED WAY WE SEE FIT! We're getting mighty tired of your stupid little games. You're reminded it is our tax dollars that pay your salary and for all those Federal benefits you suck up. Furthermore, if the taxpayers of this country ever get constipated, you bureaucrats would starve. We will fight you and the rest of the sleazy liberal bureaucrats and politicians to the bitter end. Screw you and the horse your useless bureaucratic ass rode in on." End of statement.

Well, it certainly indicates strong feelings, doesn't it?

LeSueur: Oh yeah, but it also indicates to me that people sometimes don't realize that they can't do what they want with their property. A person in town can't open up a business in their house without jumping through certain hoops. A person can't drive their car through downtown Fallon at ninety miles an hour, and a farmer can't use their water any way they see fit. There are laws that address that and prohibit certain uses.

I don't know how to respond to something like this. I guess I just kind of slough it off as somebody being mad at the moment and maybe feeling better after they typed it out and mailed it off. But it does show a

general attitude in the valley of, "It's my water and I'll do whatever I want with it." When in fact, the use of this property, which may or may not be a private property right -- I'd have to refer that to lawyers -- but it shows that the general attitude is they want to use their property any way they see fit, but it's governed by laws that won't allow them to do that.

THE POSSIBILITY THAT THE BUREAU WILL TAKE OVER THE PROJECT

Seney: Right. Let me ask you about the Bureau taking over the Project. What is the status of the contract currently? Is there a contract in place at this point between the Bureau and TCID to operate the Project?

LeSueur: There is a temporary contract in force. The court decision in 1984 upheld the Secretary's right to terminate the 1926 contract, which Reclamation did, and a temporary contract has been in force since then. We started to enter into negotiations for a new operation and maintenance contract, and there were actually a couple of public hearings held on that that were conducted by Ed.

Seney: What would be the term of that contract? The 1926 contract, I take it, really had no term to it.

LeSueur: I really don't know, I haven't read that contract. I think the proposed term on the new contract was for one year with options for extension. And these are only proposals for options for extensions if TCID essentially complied

with the terms of the contract. The negotiations for the contract were put on hold in lieu of the overall negotiations that are occurring now. But sooner or later we will have to enter into a new contract with TCID -- we can't continue with the temporary contract.

Seney: The threat is sometimes made by the Bureau of Reclamation, I think -- or at least TCID understands that there's a threat that the Bureau will take over the operation of the Project. The District would just cease, I suppose, as an entity. I mean, it may legally continue, but the Bureau would operate the District. Is that something that you have worked on, the studies on whether or not that's feasible to do?

LeSueur: I really haven't worked on any studies. It is pretty well generally understood that there are certain requirements that the Secretary of the Interior has that have to be met, and that they will be met in one form or another, whether TCID as a contractor to the United States will meet them for us, or if we are in a position where we have to take over the Project in order to meet those requirements.

Seney: As you see it, sitting here, how real is the threat that the Bureau will take over and operate the District, do you think? Am I looking at the future manager of the Newlands Project Office of the Bureau of Reclamation in other words?

LeSueur: Oh, I sure hope not. (laughter) But I think that there is a probability that we will take it over. I also think that there's a probability that we can arrive at a mutually satisfactory contract. I really don't know which way it's going to go right now. And this being Nevada, and the land of placing bets, I wouldn't know which way to place my bet on that.

Seney: You know, I alluded to the word "takeover" in this latest TCID newsletter which I have a copy of too, and several times, they make it clear that this is not a takeover. They say that several times. And it struck me as I read it that they're fearful, again, that this is going to be a precedent. So I want to kind of ask you again, [keeping] in mind what you've just said -- Has the Bureau crossed a kind of psychological barrier here by your taking over and operating the "S" Line, even in such a limited fashion for this water delivery? I mean, does this make it easier now for the Bureau to contemplate this? Certainly the Department of Justice has been in on this, I know, and up to Assistant Secretary [Betsy] Rieke's office. I mean, do they say, "Well, gee, we've done it already in this little part, we can certainly do this." Has anything changed, in other words?

LeSueur: I think that there has been a definite change in the Federal government's position. I believe I was told that this was brought up in the negotiations by Bill Bettenberg, and the Environmental Alliance as part of the proposal,

wanted a local board to control the Project. And Bill Bettenberg pointed out that in 1973 we sent a letter to the District telling them not to overdivert water to the Project or they'd have to pay it back. They did overdivert and they do have to pay it back.

Seney: This is the recoupment issue.

LeSueur: Yeah. And he pointed out that it's the same thing with the delivery of water to the Indians. If they won't do the things that we have to have done, then local control might not be in the best interest of the government.

Seney: And he referred to your recent action here, and the Bureau's, in terms of the diversions to the Fallon Tribe.

LeSueur: Oh yes. And that was definitely brought up at the negotiations.

END OF SIDE 1, TAPE 2.
BEGINNING OF SIDE 2, TAPE 2.

Seney: When you opened those gates, did you have a feeling that something important, momentous, was going on here? Or was this just a routine matter and following Ed Solbos' order?

LeSueur: Well, it definitely wasn't routine, and I felt like that it may be a precedent-setting event, you know, because we'd never done anything like that before. My feelings were I was nervous and I was a little bit afraid I might run into some confrontations with some angry irrigators.

Seney: Did you at all?

LeSueur: No, not at all. And I was angry at the District and it's refusal to comply, because it did put me in that position. I understand that there are several farmers that were wanting to stage a demonstration, but that the Newlands Water Protective Association talked them out of it. Had they been there at the gates to demonstrate when we opened them, we wouldn't have opened them, we would have just left. And then they could have demonstrated all by themselves.

Seney: Was that Ed's orders to you.

LeSueur: Well, not specifically, but that was the operating procedure that we worked out here, that there would be no benefit to be gained from any confrontational issues there.

DAY TO DAY DEALINGS WITH TCID

Seney: Right. Well, it's a very interesting squabble and disagreement for what it reveals about the relative power position of the various players, and especially TCID's position, as becoming -- I'm not quite sure how to put it, but maybe increasingly beleaguered as time goes on, and less influential. And with that sort of gratuitous conclusion on my part, let me ask you, How often do you walk across the way to TCID headquarters?

LeSueur: Several times a week.

Seney: What do you normally have to work out with them when you go over there?

LeSueur: Sometimes I have questions on certain operational procedures, and I might ask their watermaster, or I might ask Lyman [McConnell]. I may have some questions on some records. I go over and talk to their records people on it. I work closely with Diane Bailey and Tricia Blank and Melody Litnetki, and we work fairly close with Willis [Hyde]-- not as close as I would like to.

Seney: Willis Hyde the watermaster?

LeSueur: Yeah.

Seney: Why not?

LeSueur: Oh, I don't know. He has been noncooperative in providing information. I remember one day when he came to this office and stood here and accused me of falsifying Reclamation records to purposely make his ditch riders look bad.

Seney: Groundless charge?

LeSueur: Yeah. Of course! But it is groundless. We take our information and publish it as it is.

Seney: Why would he say that? What would give him the impression?

LeSueur: I don't know. I really don't know what prompted that. You know, as far as our information, what we publish and put out, we put out what we believe is the best information that we have, and we are open to people saying, "That looks kind of funny, can we take a closer look?" And we are open to that,

we have done that. Sometimes we find there are some errors in our data, most of the time we find that there's not. When we do publish data that we know is questionable, we put a remark on there that the data is suspect. You know, when you get a stilling well that plugs up or a cable that falls off one of your recording devices, and that happens. Some of these are wires with little beads on them, and if a spider gets in there and does a little webwork around one of those, that'll sometimes knock it clear off the pulley. It's amazing!

Seney: So when you publish your charts, you'll put a footnote there saying, "This instrument was damaged and reliability of these figures is . . . ."

LeSueur: Or sometimes, you know, instead of thirty days' data, we only have fourteen and the rest is missing. We make those notes, because we want to get as good a handle on what is actually happening as we can.

Seney: Overall, how is your working relationship with TCID?

LeSueur: Oh, I'd say that there is a working relationship that's not as good as it could be.

Seney: Well, they regard you as adversaries, don't they? As I said, the word "spy" has been used to describe your operation here. I know you bristle at that, but . . . . (LeSueur: Oh, not really.) And I'm not trying to convey it to you as though it's my point of view, but it's one that has been expressed to me.

LeSueur: Well, I don't bristle at the term "spy." We do have to monitor activities, and I guess a spy monitors activities. We try not to do it covertly. You know, people ask us, "Did you fly and take pictures?" "Yes we flew and took pictures. You want copies of them, we'll make arrangements for copies of them." So the term "spy" tends to imply that you're being covert, and we're not being covert. People can come in here and take a look at our information whenever they want.

I just lost track what the other part of the question was!

Seney: Well, it wasn't my view being conveyed, it was the view of others being conveyed. I'm not sure there was another part of it.

Let me ask you: This is a relatively small town. And obviously you must be known by a number of people here.

LeSueur: Yeah, I am, and sometimes it makes it difficult to go out to eat. I've had comments made to me at church. For example, being told I'll probably be shot. At church. That's not why I go to church. No, I go there to worship.

Seney: Which church do you go to, by the way?

LeSueur: Parkside Bible Fellowship. I'm not enthusiastic about going out to eat in this town. As a matter of fact, more and more, when I want to go out with my wife, we go to Carson City or Reno. One of my technicians that used to work here, he retired in January, he got to the point where he simply didn't

want to go anywhere in this town -- he didn't want to go to the grocery stores, he didn't want to go to the restaurants, he didn't want to go to church. He was going to one of the Mormon churches here in town, and he'd always get asked about water: What about this about water?, and what about that about water? And normally when I leave work, I really would like to leave work behind. It does become difficult in a small community.

Seney: And has become more difficult, I take it, probably over time, has it?

LeSueur: Oh yes, it has.

THE SETTLEMENT II NEGOTIATIONS

Seney: Let me ask you from your perspective -- and I'm not talking so much about the Bureau's point of view here. I mean, obviously you're a Bureau employee and so forth, but I'm more interested in your sort of professional, informed judgement: What do you think is going on with these Settlement II negotiations? How do you see them from where you sit?

LeSueur: I see a bunch of people sitting around who have different values. The overall societal value in this country is changing. There's more value being placed on wetlands, there's more value being placed on endangered species. And my perception is, that is generally what the majority of this country wants. The problem is that you can get in small communities or small areas where that viewpoint is not the majority viewpoint, and it's being imposed

upon those small areas or small communities. And Fallon is one of them that I think that some of the values that the United States in general has, are not shared here. But yet because those values are there, it's being forced upon the people here. Whether that's right or wrong, I really don't want to get into that.

Seney: I understand, right.

LeSueur: And it extends far beyond the Newlands Project. There's movements in Nevada to try and get Federal presence out of the National Forest and the BLM [Bureau of Land Management] lands. They want those turned over to the counties. Yet, if you talk to a majority of the people in Sacramento, San Francisco, Los Angeles -- those people want those lands owned by the Federal government so that they're open for their use, where they can go get away from the cities and go recreate, and then go back home. And they want those lands to be taken care of and to be preserved in a certain way. The ranchers, for instance, that have grazing leases, they just don't see it that way. And they see the government ownership of lands like BLM or the Forest Service as taking something away from them that they think that the local people ought to own and control.

My personal viewpoint is that the benefits of these public lands extend way beyond just the state of Nevada -- it extends to the whole United

States, so that it should be the will of the people of the United States that control those lands. And that's just a personal viewpoint there.

Seney: Do you think the negotiations are going to be successful? Do you see them as likely to resolve the problems?

LeSueur: I really don't know. I have hopes that they will be successful. I don't think that negotiations will make everybody happy. I think that the best we can hope for is that negotiations will result in something that everybody can live with.

Seney: Okay. Anything that I haven't asked you about that we need to know about?

A TOUGH JOB IN FALLON

LeSueur: Oh, I don't know. I try and keep a sense of humor.

Seney: Is it a tough job you've got, do you think?

LeSueur: Yeah, I think so. I think it's not as tough as Ed's job, but yeah, it is a tough job.

Seney: What makes it tough?

LeSueur: Well, for instance, people coming in and saying, "It's my water rights, why can't I move them?" and I have to set there and tell them, "Because you don't have the right to move them. You don't have a right to use them any way you want." And it's very difficult, because a lot of times there are confrontational situations, and I am not a person that likes to confront

anybody. As a matter of fact, I took one of those tests and it says my favorite mode for resolving conflicts is to avoid it.

Seney: (laughs) And you can't avoid it here, can you?

LeSueur: Oh no! No, it just is difficult in relationships off the job, and my own social life is impacted quite a bit by my work.

Seney: Does your wife work?

LeSueur: No, she's a student, majoring in accounting.

Seney: So she doesn't really then come in contact with it much unless she's out with you? Or is she likely to get comments too, separately?

LeSueur: Generally not.

Seney: You have an unusual last name -- I mean, it's hardly Smith or Jones.

LeSueur: Oh, I know that.

Seney: So she doesn't get recognized, though, because of her name?

LeSueur: No, not too much, although she is impacted when I'm impacted.

Seney: Sure, obviously, right. Well, I really appreciate your taking the time to talk to us about this. You've really given us a wealth of details about how the OCAP works and so forth. Do you think there is going to be a lining of the ditches and whatnot out here?

LeSueur: It's hard to tell, because Federal money is pretty tight, as you very well know. You've probably seen what's going on in Denver, and to go out and

spend a lot of money is probably not going to happen for a while. They're going to look for other solutions that are not as expensive.

Seney: And of course one of the problems with lining the canals, I suppose, is the argument that it won't gratuitously recharge everyone's wells.

LeSueur: Well, that's not exactly the purpose of the Project either.

Seney: I understand that. But it would, if tomorrow all the canals were lined, it would play havoc, would it not, with the ground water drafting for M&I [municipal and industrial] purposes.

LeSueur: Well, yeah, there's the thought that it would have a substantial impact. Just what the magnitude of that impact would be, I really don't know, because when you run the water over the fields, you're going to be recharging ground water from that too. The USGS would probably have a better handle on that than I would.

Seney: Okay, well I'm going to be talking to them too.

Well again, I really appreciate your time, and the information you've given us.

LeSueur: Well, it's been fun. We'll see how much Ed [Solbos] would like to edit out. (chuckles)

Seney: I don't think he'll change anything. Thanks, Roger.

END OF SIDE 2, TAPE 2.

ORAL HISTORY PROGRAM GUIDELINES:
BUREAU OF RECLAMATION

Effective Date: October 13, 1994

COOPERATIVE PROGRAM WITH THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

The Bureau of Reclamation conducts its oral history program cooperatively with NARA because Reclamation wishes to permanently protect the data obtained through implementation of its oral history program, facilitate research in Reclamation's history, and assure permanent access of Reclamation and researchers to the data resulting from implementation of its oral history program. This cooperative program permits Reclamation to: use and distribute unrestricted oral history materials; use and distribute restricted oral history materials after the restrictions end; and, close interviews to public access and researcher access through restrictions contained in a donor's deed of gift accepted by the Archivist of the United States. The program is governed by a Memorandum of Understanding between the Bureau of Reclamation and the National Archives and Records Administration. These Oral History Program Guidelines of the Bureau of Reclamation fulfill one condition of that agreement and are required to be followed.

OBJECTIVES OF THE ORAL HISTORY PROGRAM

The ideal sought in Bureau of Reclamation oral history transcripts is to retain information understood today which may not be clearly understood, or will be lost entirely, in the future; yet, still retain facts and opinions, speech patterns, inflections, characteristics, and flavor of speech. This shall be done through preservation of oral history interviews: on cassette tapes and in printed transcriptions.

ORAL HISTORY INTERVIEWS DONE OUTSIDE THE DENVER OFFICE

Oral history interviews done outside the Denver Office should conform to the guidance in this document to assure that the resulting tapes and transcripts will be accepted by the National Archives and Records Administration for permanent storage and retention. Even if that is not done, copies of tapes and transcripts should be provided to

the Oral History program in the Denver Office.

CONDUCT OF INTERVIEWS

Preparation for Interviews

Effective interviews are dependent upon proper preparation in advance. A brief telephone conversation with the prospective interviewee should provide basic background about where the interviewee worked at Reclamation and types of responsibility. Using that information, basic research into the offices involved and relevant projects may be conducted.

It is always a good idea to have a list of questions ready in advance of the interview. These should contain both general and specific questions about Reclamation and the interviewee's special areas of expertise and responsibility.

Obtaining Deed of Gift

Signature of the interviewee on the approved deed of gift should be obtained before the interview--with the understanding that clauses limiting access to all or part of the interview may be added after the interview if the interviewee deems it necessary.

The interviewer will also sign the deed of gift as a simple acknowledgement of conduct of the interview.

Objective of the Interview

ALWAYS REMEMBER THAT, WHILE WE ALSO WANT GENERAL BACKGROUND ABOUT THE PERSON BEING INTERVIEWED, THE OBJECTIVE(S) OF THE INTERVIEW IS:

> TO PRESERVE INFORMATION ABOUT THE BUREAU OF RECLAMATION, ITS PROJECTS, THE COMMUNITIES ON ITS PROJECTS, AND PERCEPTIONS OF BOTH INSIDERS AND OUTSIDERS ABOUT THE BUREAU OF RECLAMATION.

Conduct of the Interview

(Including Opening and Closing Statements on Tape)

Introducing the Interview
Before Taping Begins

Before beginning the interview discuss:

the general nature of what is going to happen,

the deed of gift and request signature of it,

point out that the interviewee may at any time state that they don't wish to discuss the topic proposed,

state that in addition to information strictly about the Bureau of Reclamation you want general family, education, biographical outline and other information about the interviewee,

Explain that the interview will be transcribed and then transmitted to the interviewee for review for accuracy and correct spellings. The interviewee will then be asked to initial each page of the interview.

Beginning the Interview on Tape

Open the interview with a statement which includes the following information:

Names of interviewer and interviewee.
Any pertinent information such as: farmer on _____ Project, or, electrician at Hoover Dam, or, operator at Minidoka Dam, or, watermaster of the Northern Colorado Water Conservancy District, etc..
Location
Date
Time
Point out to the interviewee that the conversation is being recorded and ask permission to record the conversation.

Conduct of the Interview on Tape

Try to avoid questions which can be answered with yes and no. Instead ask

for descriptions, explanations of events or working conditions or relationships with the community, etc.

Responses that include hand motions need supplemental work by the interviewer. When a person says "Oh, it was about this high" [and holds a hand about 2½ feet above the floor] -- we have no record of the meaning of what was said. The interviewer must integrate words into the tape to provide the necessary meaning, e.g., "Oh, about 2½ feet high, then?"

Just Before Ending the Interview

Before closing an interview, ask the interviewee whether (s)he wishes to add anything, recount an interesting story, or express any perspectives on Reclamation that were not already covered.

Ending the Interview

In spite of the signed deed of gift, each interview should end with a question such as this:

> May we quote from and otherwise use the information in this interview for purposes of research and quotation? And may we also provide it to researchers interested in Reclamation and its history for purposes of research and quotation?

The end of the interview should be a brief restatement, ON TAPE, as to the identity of interviewer and interviewee, time, date, and location.

PREPARATION OF TRANSCRIPTS[2]

Use of Computers

For editorial and other reasons it is necessary to use an IBM compatible computer using WordPerfect 5.1 or a later version for transcription of Bureau of Reclamation oral history interviews.

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2. Much of this material is developed from Shirley E. Stephenson, *Editing and Indexing: Guidelines for Oral History* (Fullerton: California State University, 1978 (Second Printing with revisions - 1983).

Objectives

Transcription and editing of oral history interviews by the Bureau of Reclamation shall be carried out in accordance with this guidance.

Transcription shall be done only with very limited editing. The basic objective is a verbatim transcript of the interview.

The Parts of the Final Transcript

The following will normally be the outline of a completed transcript, and when transmitted to the interviewee for review the transcript will be as nearly complete as possible:

- Title Page with suggested bibliographic citation form on the back of the page near the bottom. The title page should include the information and be laid out as shown in Appendix 1.

- Table of Contents -- use the table of contents function of WordPerfect to do this.

- An "Introduction" to the transcript with background material on the interviewee and interview, and including:

  Discussion of the time, location, date, and circumstances of the interview.

  Listing of each Bureau of Reclamation employee or contractor involved in the interviewing, transcribing, editing, and indexing of the interview.

- Copy of the signed and dated "Statement of Donation" for the interview.

- The transcript of the interview.

- Appendices, including:
  - A copy of the Bureau of Reclamation's "oral history program guidelines".

  A list of donated photographs (including copies made at Reclamation expense

which were only loaned) and/or documents -- if any provided by the interviewee/donor.

- Copies of any photographs and/or documents.

♦ Index to the transcript -- use the indexing function of WordPerfect to do this.

Page Layout of Transcripts

Begin the first page of the transcript with the heading "Oral History Interview of _____."

Single space the heading on the first page. Double space the transcript itself.

Insert a centered footer which will include the page number to begin after the first page of the transcript in this format (8 pt. Times Roman font):

Name of Interviewee
Bureau of Reclamation Oral History Program
Date of Interview
Page Ctrl-B

The transcript, if it falls naturally into distinct segments may have headings for each segment inserted in the transcript.

To indicate the speaker use the last name of the person followed by a colon on the left margin of the page, e.g.:

Wilson:
Would you tell me about your educational experience?

Smythesville:
I was educated, first, at a one- room school house in Wittsendburg, . . .

After the name of the speaker indent as needed to line up the left edge of the text for all speakers. For instance do not do the following:

Babb: Would you tell me about your educational experience?

Smythesville:
I was educated, first, at a one- room school house in Wittsendburg, . . .

Instead, indent twice after Babb and once after Smythesville for this effect:

Babb: Would you tell me about your educational experience?

Smythesville:
I was educated, first, at a one- room school house in Wittsendburg, . . .

Indicating paragraphs in transcripts should follow the following rules:

Immediately after the name of the speaker do not tab at the beginning of the paragraph. For all subsequent paragraphs tab the beginning of the paragraph and do not insert extra spaces. For instance:

Watson:
Would you tell me about your education?

Witt:
Well, I went to grade school at South Wittburg, junior high school at

West Wittburg, and High School at South Inglewood.

On the other hand, my older sister went to grade school at South

Wittburg, and then attended West Wittburg Junior High School before

going off to finishing school in Basel, Switzerland.

Then I went to college at . . .

Indicating the Beginning and end of Tapes

Indicate the beginning and end of each side of tapes in the transcript. Place this notation on the left margin lined up with names. Do not indicate the beginning of the first tape -- simply begin the transcript. For instance (note single spacing):

END OF SIDE 1, TAPE 1.
BEGINNING OF SIDE 2, TAPE 1.

Smith:

There was no indication that we . . .

If interviews/sessions on more than one date occurred then use the following format:

END OF SIDE 2, TAPE 2. SEPTEMBER 15, 1993.
BEGINNING OF SIDE 1, TAPE 1. OCTOBER 22, 1993.

Smith:
There was no indication that we . . .

In such cases, place that date at the end of all indications of tape changes in order to help quickly orient readers/researchers:

END OF SIDE 2, TAPE 1. SEPTEMBER 15, 1993.
BEGINNING OF SIDE 1, TAPE 2. SEPTEMBER 15, 1993.

Smith:
There was no indication that we . . .

Editorial Conventions

Transcription shall be done only with very limited editing -- punctuation designed to clarify meaning must be provided; only false starts and redundant oral sounds shall be edited out of the transcript with no indication they have been removed; interruptions to the interview or situations when the conversation wanders from the topic may be indicated in brackets and not included; to the extent possible full identification of individuals and geographic place names shall be provided.

Punctuation Conventions

Punctuation is the best tool for the transcriber and editor to provide clarity, understandability, and readability. Do not rearrange sentences or words to do this. Punctuation must simply reflect the original meaning and the original arrangement of thoughts.

Quotation marks.

Do not use quotes around the words of the interviewee as spoken to the

interviewer. Use quotes around words which are presented by the interviewee as quotes of another person, e.g., -- then he said to me "Well, if you want it that way you can go ahead and do it."

Place commas and periods inside quotation marks -- regardless of whether the punctuation belongs to the quotation or the sentence as a whole.

Place colons and semicolons outside quotation marks.

Question marks and exclamation marks are placed inside or outside the quotation marks dependent upon whether or not they belong to the quotation or to the sentence as a whole.

PARENTHESES ARE USED TO INDICATE THINGS WHICH ARE ON THE TAPE. When laughter or other expressive sounds occur indicate them in parentheses =( ). Indicate only what is on the tape with parentheses =( ).

ALSO USE PARENTHESES to include brief interjections in a discussion. For instance:

Smith:

At that time we were assigned to special duty as concrete inspectors for the construction of the dam. We found that the quantity of ice mixed with the concrete was insufficient to reduce the temperature properly, (Jones: Yes.) and we had to work that issue out with the contractor. That only took a day, but it was rather tense because the contractor had to shut down the [concrete] batch plant while we worked it out. (Jones: Um-hmm.). The contractor was particularly concerned that she wouldn't fall behind schedule, and . . .

BRACKETS ARE USED TO INDICATE SUPPLEMENTAL EDITORIAL INFORMATION SUCH AS INTERPOLATIONS, EXPLANATIONS, AND CORRECTIONS PROVIDED BY THE EDITOR WHICH WAS NOT ON THE ORIGINAL TAPE -- place it in brackets =[ ]

FOOTNOTES:

May be used to provide supplemental editorial information. This would generally be done for researched information added to clarify and supplement the interview while brackets would provide brief information intended to clarify what was said.

Footnotes must be attributed to indicate who added the material. If the editor made the addition, the footnote should be followed by: (Ed.) If the addition was made by the interviewee, the footnote should be followed by the initials of the interviewee in parentheses.

Footnotes should be printed at the bottom of the page on which they appear in the final transcript rather than at the end of the entire transcript or of a section of it. The following conventions should be used (using WordPerfect set these conventions in the options to footnotes at the beginning of the transcript):

The footnote number in the text shall be superscript.
The footnote(s) shall be separated from the text on the page with a line from margin to margin of the page.
The footnote number in the footnote shall be on the left margin with the beginning of text one tab in from the note.
The footnote number in the note shall be full-size and shall sit on the same line as the text, i.e., it will not be superscript.

Ellipses are used to indicate pauses in the conversation.

For pauses in the middle of sentences always type them as three dots separated by spaces from one another and the preceding word -- thus . . .

For pauses which become the end of sentences or even incomplete thoughts, always type them as four dots separated by spaces form one another and the preceding word -- thus . . . .

Use of dashes.

Double dashes (--)[3] are used to show an abrupt change of thought in a sentence. For purposes of Reclamation's transcripts each double dash will be preceded and followed by a space. For example:

> Our house at the dam had a living room, dining room, kitchen, and three bedrooms -- now it's been moved over on "N" Street here in town.

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3. Technically double dashes (--) are known as "em" dashes and single dashes (-) are known as "en" dashes.

Single dashes (-) are used in inclusive or continuing series of numbers or dates (e.g., 23-26 or 1945-1948; to indicate words spelled out by the interviewee (e.g., L-A-N-I-D-O); for compound words (e.g., twenty-one).

Use of italics:

Use the italics font on the computer to indicate italics.[4]

Italics are used:

For titles: books, plays, newspapers[5], periodicals, journals, long poems, musical productions, paintings, films; the names of ships, trains, and aircraft.

For foreign words not yet anglicized.[6]

Abbreviations:

Under normal circumstances abbreviations should not be used since one does not speak in abbreviations and the objective is a verbatim transcript. The following abbreviations are generally acceptable: Mr., Messrs., Mrs., Ms., Dr., Jr., Sr., Ph.D., M.A., B.C., A.D., a.m., and p.m..

Do not use U. S. Postal Service abbreviations for names of states. Spell them out.

Acronyms:

Acronyms are capitalized without periods inserted after each letter, e.g., BR, NASA, NPS.

Normally the first use of an acronym should be followed by the words for

---

4. If a typewriter is being used for some reason, a single underline of the word indicates it is italicized.

5. The official title of the newspaper that appears on the masthead is what should be italicized. Consult *Ayer's Directory of Newspapers and Periodicals* for the official title.

6. Dictionaries are useful here. A useful reference is Marjorie E. Skillin, Robert M. Gay, et. al., *Words Into Type* (Englewood Cliffs, NJ: Prentice-Hall, Inc., 1974).

which that acronym stands in brackets, e.g., BR [Bureau of Reclamation]; SOP [standard operating procedure].

If an interviewee uses the acronym B-O-R for Reclamation, type it BoR [BOR is the acronym for the Bureau of Outdoor Recreation, a now defunct Federal agency].

Hyphens:

Do not use hyphens except in compound words. Turn the hyphenation default in the computer program off.

Margins:

Set the margins in the computer at one inch -- top, bottom, and sides.

Justification:

Set the justification at left justify only. Do not use the "full" justification setting.

Grammatical Conventions

Use contractions in the transcript when they appear on the tape, e.g., they's, it's, etc..

Do not correct the interviewee's grammar.

For consistent colloquial pronunciations of words use the proper spelling instead of a phonetic spelling, e.g., them and not "em." But, equally, do not change the words, e.g., "yeah" is a word and should not be changed to "yes."

Numbers:

Generally exact numbers of two or fewer digits should be spelled out and numbers with more than two digits should be expressed in numerals.

Dates and parts of a book are expressed in numerals.

Do abbreviate dates when the century was not included in the taped discussion (e.g., '41 and not 1941)

When referring to dates you may use numerals and an "s" -- type 1940s instead of Nineteen Forties, or type '40s for the term forties. Do not use an apostrophe unless the term is possessive [as in -- The 50's autos often had huge tail fins]..

Spelling Conventions

Use the first (preferred) spelling in a standard dictionary when transcribing. American English conventions are preferred over British English conventions in most instances (.e.g, interviewing a Briton might result in use of British English spellings).

Table of Contents

Interviews on different dates and major sections of the manuscript shall be marked with the table of contents function of the WordPerfect 5.1 program. Interviews of different dates shall be labelled at Level 1. Major sections within each interview shall be labelled at Level 2.

Indexing

All proper names, project names, feature names, locations, and major topics of discussion shall be indexed using the WordPerfect 5.1 indexing function. Items in the text will be cross-indexed as necessary to assure ease of finding them.

Review of Transcript by Interviewee

After transcription and initial editing, the transcript will be forwarded to the interviewee for review, comment if necessary, correction of names and place names, etc. The interviewee will be asked to initial each page of the interview if it is acceptable as is.

If the interviewee requests changes, additions, or deletions to the transcript, each request will be considered on its merits. The transcript will then be corrected as necessary and returned for final review and initialling by the interviewee.

Changes to Transcripts at the Request of Interviewees

Additions to transcripts requested by interviewees will be made in footnotes at the appropriate location in the text with the initials of the interviewee in parentheses at the end of the addition.

Deletions to transcripts at the request of interviewees should be made with care and only after consultation with and approval by the Senior Historian of the Bureau of Reclamation.

Editorial changes to transcripts for the purposes of making the text more formal and grammatical, e.g., more like a formal written style rather than spoken style, shall be discussed with and approved by the Senior Historian of the Bureau of Reclamation. It is the policy of Reclamation, where possible and appropriate, to retain the flavor and style of the spoken interview.

Preparation of Record Copy of Transcript and Other Materials for Transmittal to NARA

The record copy of the transcript prepared for transmittal to the National Archives and Records Administration will be on quality, non-acid paper with a high cotton content, preferably 100 percent cotton. The record copy will be unbound, but Reclamation's copies will generally be bound in a standardized hard cover format.

Transcripts of 100 pages, or fewer, will be printed on one side of the paper. Transcripts of more than 100 pages will be printed on both sides of the paper.

The record copy of the transcript and other copies shall normally be printed in Times Roman font at the 12 point size.

SUGGESTED INTERVIEW CITATION FORM FOR RESEARCHERS

A suggested bibliographic citation should be placed near the bottom of the page on the back of the title page of each oral history interview. The following is the format and punctuation for the citation:

Suggested Bibliographic Citation:

Last name, First and middle name or initial (of interviewee). ORAL HISTORY INTERVIEW. Transcript of tape-recorded Bureau of

Reclamation Oral History Interview conducted by ___(name of interviewer)____, ____(relationship of interviewer to Reclamation)____, ___(date of interview - be precise)___, at ___(location of interview). Transcription by ___(name of transcriber or transcription service)___. Edited by ___(name of editor[s])___. Repository for the record copy of the interview transcript is the National Archives and Records Administration in College Park, Maryland.

THIS SET OF GUIDELINES SHALL BE PLACED AT THE END OR BEGINNING OF EACH INTERVIEW TO PROVIDE INFORMATION ON THE PRINCIPLES USED IN DEVELOPMENT OF THE TRANSCRIPT.

ORAL HISTORY INTERVIEW
Name of Interviewee
Name of Reclamation Project
(if limited to only one - otherwise blank)

Date of Interview
Location of Interview

♦ ♦ ♦ ♦ ♦ ♦ ♦

Interview Conducted by:
Name
Title
Organizational Unit

♦ ♦ ♦ ♦ ♦ ♦ ♦

Oral History Program
Bureau of Reclamation