ORAL HISTORY INTERVIEW
GARRY STONE

♦ ♦ ♦ ♦ ♦ ♦ ♦

NEWLANDS PROJECT ORAL HISTORY PROJECT

♦ ♦ ♦ ♦ ♦ ♦ ♦

August 15, 1994
Reno, Nevada

♦ ♦ ♦ ♦ ♦ ♦

STATUS OF INTERVIEW:
OPEN FOR RESEARCH

♦ ♦ ♦ ♦ ♦ ♦ ♦

Interview Conducted by:
Donald B. Seney
Bureau of Reclamation

♦ ♦ ♦ ♦ ♦ ♦ ♦

Oral History Program
Bureau of Reclamation

Suggested citation:

> Stone, Garry. ORAL HISTORY INTERVIEW. Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, Bureau of Reclamation, August 15, 1994, in Reno, Nevada. Transcription by Barbara Heginbottom Jardee, Jardee Transcription, Tucson, Arizona. Edited by Donald B. Seney. Repository for the record copy of the interview transcript is the National Archives and Records Administration in College Park, Maryland.

Record copies of this transcript are printed on 20 lb., 100% cotton, archival quality paper. All other copies are on normal duplicating paper.

Statement of donation is held in the collections of the National Archives and Records Administration in College Park, Maryland. Original statement of donation is copied in printed version of this interview.

Pagination of on-line version may vary from printed version.

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.

Brit Allan Storey
Senior Historian
Office of Water, Land, and Cultural Resources (D-5300)
Program Analysis Office
Bureau of Reclamation
P. O. Box 25007
Denver, Colorado 80225-0007
(303) 236-1061 ext. 241
FAX: (303) 236-0890
E-mail: bstorey@do.usbr.gov

TABLE OF CONTENTS

ORAL HISTORY INTERVIEW: GARRY STONE

CHILDHOOD AND FAMILY LIFE

Seney: My name is Donald Seney, today is August 15, 1994. I'm talking to Garry Stone, the Watermaster, in his office in Reno, Nevada. Good afternoon, Garry.

Stone: Hi. How are you doing?

Seney: Good. Why don't we begin by you telling me where and when you were born, a little something about your family, and your own background?

Stone: Well I was born in a little town out in North-Central Nevada, by the name of Lovelock. My mother was a native Nevadan. My grandparents immigrated from Denmark in the early 1900s and worked their way down the Humboldt River after coming across the United States, and ended buying a small farm in Lovelock, in the Rye Patch Project, which is another Bureau Project, by the way, below Rye Patch Dam.

The family history is interesting in that, not only was my grandfather an immigrant and a farmer in Lovelock, but he also worked on the construction of Rye Patch Dam, as did my father and some of my uncles. So when Rye Patch Dam was completed, my grandfather went to work for the Pershing County Water Conservation District, which was the operator of the Project.

WORKING FOR THE PERSHING COUNTY WATER CONSERVATION DISTRICT

Subsequently, I went all through school in Lovelock, all through grade school and high school, and went to the University of Nevada. And when I went back to Lovelock, I went to work for irrigation district and worked there for about

-- that was in 1958 -- and I worked there for about seven years, I believe.

Seney: What did you do for them?

Stone: I was a Watermaster type, ditch rider, glorified ditch rider, I suppose. Took care of about 20,000 acres of irrigated land in the lower part of the valley, delivered the water, was responsible for measuring and allocating and that sort of thing.

Seney: Let me just ask you, were there any peculiarities in terms of measuring and delivering water on that particular Project that would, say, make it different than the Newlands or some of the other Projects around?

Stone: No, I think it was comparable. I would have to say, though, that during the years that I was there, and I think this is true from the actual completion of the Project and when they first started delivering water, that they were very tight in terms of the delivery of the duty.

Seney: "Duty" meaning?

Stone: Three acre-feet per acre. The amount of water that was allocated during any given year if you had a full supply, per acre of irrigated land. And the duty up there was set pretty much based on state decrees, which I believe is three acre-feet per acre, whereas in the Newlands Project in Fallon it's three-and-a-half for bottomland and four-and-a-half for benchland, and there is no such designation in the Rye Patch Project. It's all just three acre-feet per acre. Very heavy soil, deep soil, well-drained soil, et cetera. So we were instructed from the very beginning of our employment, those of us in the distribution end of it, to, you know, closely monitor it. We measured several times a day on each ditch and kept good records and I'm sure that they do, I know that they do in Fallon too, but I think we probably were

[more careful about duty][1], from what I've been able to determine since then, over in Fallon they sold some extra water, which was acceptable to the Bureau. That's come out in some of the court cases.

WATER USE ON THE RYE PATCH AND NEWLANDS PROJECTS

Seney: Why do you think you were so careful in Pershing County? (pause) Because, let me say, there are accusations over in the Newlands Project that maybe things could have been measured a little more closely. As you know, the Pyramid Lake Indians have raised some questions about how carefully that water is managed there. What was it about that District, the District we're talking of, Pershing?

Stone: I guess I hadn't thought that much about it, Don, until you posed the question. But certainly the first thing that comes to mind is that the Rye Patch Project sits at the end of the Humboldt River, as the Newlands Project does at the end of the Carson River. But the Humboldt River has been determined to be about a thousand miles long, and there's a tremendous number of individual users on the river, and it's fed by innumerable small streams out of the Ruby Mountains, and there's the Little Humboldt River and the North Fork and the South Fork of the Little Humboldt River and lots of different tributaries. And I guess having said that, I would think that the water supply, in those early years, to the Project in Lovelock was probably not as good or didn't have the same assuredness as it did in Fallon in those early days, being fed by the Truckee and the Carson River. Agriculture, as you know, has gone out in the Truckee Meadows area as the subdivisions have increased. To begin with, there was about 50,000 acres irrigated on the Truckee River, and the

1. Clarification provided by Mr. Stone.

Truckee River is a much bigger river, produces a lot more water, than the Humboldt River, as does the Carson. So I guess my perception, looking back at it, would be that the supply was not as firm, and perhaps for that reason, they were a little more careful than they were in Fallon in those early years. But of course, now, we've had the OCAP [Operating Criteria and Procedures][2] and the lawsuits and the other things that have occurred in the Newlands Project, since the late 60s and early 70s, so that's changed over there too. And I say what I just said, qualified by the fact that that's the way business was done in those days in Fallon. The Bureau, you know, they weren't selling water more than the duty to individuals without the blessing of the Bureau and the Board of Directors and those kinds of things. But there's just that basic difference.

Seney: Well, I guess there wasn't also the upstream competition claims on the Truckee River water that we see today, either.

Stone: No, that's correct. And Reno and Sparks, of course, was, you know, half of what it is now and the M&I [municipal and industrial] demand was not as great, or the need for a firm supply wasn't, you know, quite as critical as it is today. (aside about microphone) There's no municipal-industrial use on the Humboldt River, as there is here.

Seney: Municipal-industrial, meaning homes or businesses?

Stone: Homes, businesses, industrial areas and that sort of thing, yeah. The Humboldt River is primarily, well it is, almost a hundred percent agricultural, as are the tributaries. There's no power generation that I know of, and very little, very, very,

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

very minuscule amount of domestic use on the Humboldt.

Seney: Why no power generation?

Stone: Well, the Humboldt River is a very flat river. I don't know whether it would have to do with the fall, you know, to develop an adequate head. And they didn't put power generation facilities on Rye Patch and they didn't on Boca, for that matter, or Stampede. You know, the addition of the power generation facilities at Stampede goes back, I think, only about four years, or five -- probably somebody else could get that information better than I could -- but about that.

Seney: Because that's not your concern.

Stone: No, my concern is that we try to maintain releases from Stampede to satisfy the peak demand. By "peak demand" I don't mean it in the context of Reno's demand being at the peak on the Fourth of July at midnight or something; I mean we try to make our releases so that the power generators can operate at their maximum efficiency. So if that's fifty, we'll try to operate the reservoir in combination with Boca, to get the fifty cfs [cubic feet per second] out, if it's there, whatever it happens to be. There's two generators up there, and one of them maxes out at about, I believe it's about fifty and the other one is a little over two hundred. I can't remember exactly. But at any rate, suffice to say that we try to maximize those releases at the low end to max out that low, you know, the small generator, and at the high end to max out the big one [or both together][1].

EARLY CAREER

---

0. Clarification provided by Mr. Stone.

Seney: Well, let's go back to your career for a little bit, because you're working in Pershing County Water Conservation. And you stayed there how long?

Stone: I was there, if I recall right, from '58 until about 1964. And then in 1964, I came to the City of Sparks and worked for the Public Works Department for about nine months, I believe. And a fellow that I worked for in Lovelock, by the name of George Moseley, who was the manager of the District up there, used to stop by my house out in Sparks occasionally and visit on his way back from a meeting or something. And he said that they were looking for a manager of the Carson Water Sub- Conservancy District out in Carson Valley, the Minden-Gardnerville area.

And at that time I was running a survey crew, chief of party on a survey crew, and I guess I'd had enough of "the city," quote, unquote, even though Sparks probably only had about 10,000 people in it. To me that was a lot. Surveying up and down the streets and doing whatever we were doing.

And so I was very interested and I called another friend of mine, a gentleman by the name of Leonard Anker , who was the Acting Secretary-manager of that District, who was also with the Soil Conservation Service and, in fact, a Lovelock native, a tie back there. And we visited for a minute on the telephone and he told me he thought that they would be very interested in talking to me and interviewing me. So I went over there and met individually with the seven directors who, by the way, were all farmers.

THE WASHOE PROJECT

And at that time they were trying to contract with the individual farmers for construction of the Washoe Project, the Carson Division of the Washoe Project,

which would have been a reservoir on the East Fork of the Carson, called the "Watasheamu," or the "Watasheamu" -- people call that by a different name; it's an Indian word that means big water or something, a Washoe word.

Seney: Where would that dam have been located?

Stone: Right at Horseshoe Bend on the Carson River, on the East Fork of the Carson, which is about five miles, probably, upstream from Gardnerville, roughly. And there was not a lot of interest among the big ranchers in Carson Valley. There were two or three ranchers over there that owned -- I mean, when I say "big," at least by Nevada standards for irrigated, it was in excess of 10,000 acres, and almost 12,000 in one ranch and 8,000 in another one and several ranches in the thousands, and they were a very conservative, independent, old German community, part of an old German community, and they were very opposed to any government involvement whatsoever, and particularly in their water rights. So we were unable to contract with enough people to facilitate the construction.

Seney: That would have been a Bureau of Reclamation Project?

Stone: That would have been a Bureau of Reclamation Project. And as a matter of fact, Stampede Reservoir and some of the reservoirs up here were the Truckee Phase of the Washoe Project.

Seney: Say that name. Watasheamu?

Stone: Watasheamu. W-A-T-A-S-H-E-A-M-U.

Seney: That should be in a spelling bee, I think. (laughter)

Stone: Well, I guess I wrote it enough that I should know how to spell it. (laughter)

Seney: Was that the only element of the Carson Division of the Washoe Project?

Stone: There were several others: There was an afterbay, because they were power generation facilities.

Seney: What's an afterbay?

Stone: Well, that was another, smaller dam that collected the water that was going to be used for generation of the power and then it would be released from that smaller reservoir at a lower rate.

Seney: That's the dam in front of the dam.

Stone: The dam in front of the dam, yeah. One of the real important phases of that, other than the power generation and, of course, the reservoir itself, which was going to have a capacity of about 160,000 acre-feet, the water was going to be a supplemental supply for the Carson Valley folks and some downstream users above Lahontan, through the Dayton Valley and some of those areas, there was a drainage phase. And they were going to go out on the west side of the valley and install a very complex system of drains: tile drains, underground drains, open drains. And they hoped to generate about as much water, conservation yield from the drainage phase as they did from the reservoir itself, from the capture of the water in the reservoir.

Seney: How does that work?

Stone: Well, the water table is so high out there that they determined that any time the water table was within -- let's just say, for purposes of this discussion -- one foot of the surface, the transevaporation was so great that if they could lower that water table to some lesser level, to get rid of that transevaporation, that they would then be able to drain that water back into the river channel and re-use it downstream

and all the way to Lahontan.

Seney: When you say "transevaporation," I guess that's evaporation out of the ground?

Stone: Through plant life.

Seney: Through plant life, okay.

Stone: And, as I said, we couldn't really generate the interest at the time.

MANAGING THE CARSON WATER SUB-CONSERVANCY DISTRICT

Seney: Because you became Manager of the District.

Stone: Yes, I did. I'm sorry, I kind of skipped over that. They did hire me, I did become the Manager.

Seney: Let me ask you to name this District again.

Stone: Carson Water Sub-Conservancy District.

Seney: What does a district like this do?

Stone: We always referred to it as a "sub-district" because it was a district within a larger district, and the larger district was the Carson-Truckee Water Conservancy District, which is still, by the way, in operation. There are those who question why; they're trying to perform other tasks, in terms of channel maintenance and some things that they get involved with. They have a huge tax base in the six Western Nevada counties. They were the agency that was going to do the direct contracting with the Secretary [of the Interior], for the construction of the Washoe Project.

Seney: Kind of the relationship that the Washoe County Water Conservation District has with Boca Reservoir.

Stone: Correct. And as a matter of fact, as you know, they built Stampede, they built

Prosser, and there's never been a contract signed for those reservoirs.

Seney: What does that mean?

Stone: Well, the repayment of the reservoirs was supposed to be contractually agreed to by the Secretary [of the Interior] of the United States and the beneficiaries, either the farmers or, in this case we'll say it's the District representing the farmers and the power company and other interested [parties].

Seney: TCID [Truckee-Carson Irrigation District], you mean.

Stone: TCID, the local farmers here in the Truckee Meadows and up and down the Truckee River. And then, as a part of that, the sub-district was formed to contract for the Watasheamu Division of the Washoe Project, which was on the Carson River.

Seney: Okay. Let me stop you just for a second, since you've raised this contract business on Stampede and Prosser. So in other words, the money's not flowing back to retire the costs on that. That's just coming out of the general Treasury of the United States.

CONCERN FOR WATER FLOWS INTO PYRAMID LAKE

Stone: That's my understanding, and I think Ed Solbos or somebody could maybe enlighten you on that. But the reason for that -- this was in the mid 60s as I indicated; I believe I went to work for the District over there in 1965 -- and about that time was when the "concern," if you will, or an interest on the part of the United States, in doing more to get more water to Pyramid Lake began, you started to see, and hear, and realize that there was beginning to be a concern on the part of the government as to how all of this was operating.

Seney: What were the origins of that concern, as you see them, saw them?

Stone: (sigh) Well, I think -- and this is just a gut feeling, okay? -- I think that the tribe itself, and some attorneys and folks who had declared interest in preserving and protecting Pyramid, kind of started the ball rolling a little bit. At that time the tribe had an attorney by the name of, I think his name was Robert Leland [phonetic spelling]. Have you heard that name in your other discussions? (Seney: I haven't.) And he was a very active, very animated, very direct kind of person, and I think he just started talking to the right people. That's a very good question that you pose. I think that's a question that should be asked of others that you're going to interview, where all that started. Of course there's a lot of new folks around; a lot of people won't remember the genesis of that, but it was in about '67, that it kind of got started. And then the Secretary [of the Interior] appointed a task force called the Pyramid Lake Task Force, and a lot of local, state, and Federal agencies became involved and we had meeting after meeting. And about that time the interstate compact was about to be adopted by the two states [California and Nevada], which eventually it was: Congress never passed it, but both state legislatures ratified it and both state governors, [Ronald] Reagan and [Paul] Laxalt at the time, signed it.

And I think a whole lot of things were happening all at the same time there: The Washoe Project, Stampede was in the process of being constructed, we were trying to contract for Watasheamu. I think there was some feeling, and probably rightfully so, that if any reservoir were constructed on the Upper Carson, that obviously that was going to mean less water to the Newlands Project and more

water being diverted out of the Truckee over to the Lahontan Valley, and I just think that a lot of concerns kind of began to be focused about that time in the late 60s.

THE FAILURE TO BUILD WATASHEAMU DAM

Seney: What's your feeling about Watasheamu? Should it have been built? As you look at things today, would it have been a good Project, do you think?

Stone: Agriculturally, I don't think so. I think, at that time, people had a mind set that we were going to be, in these small Western Nevada valleys, whether it be Mason Valley, Lovelock Valley, Churchill Valley, wherever, that we were going to be farming forever. And that certainly has proved to be (laughs) dead wrong. I mean, look what's happened in the Carson Valley with Minden and Gardnerville and Carson City, the state capital, and Reno and Sparks and Fallon and every place. Western Nevada's just -- not compared to Las Vegas, it isn't -- but really, the population's exploding. So the real benefits of Watasheamu, had it been built, would have been for flood control, because Carson Valley is occasionally just devastated by floods. It would have been a tremendous recreational reservoir, and it would have generated some power, which is a good way to use water. A lot of folks like wild and scenic rivers, and I do too, but on the other hand a lake is nice too. So that's just a difference of opinion. But as far as a supplemental supply for agriculture, my feeling is that we would have been in the same place soon, if not already, over there where we are now, where some of the water that was allocated to agriculture is now being converted by whoever -- the power company or whoever happened to be the purveyor over there -- to municipal and industrial use.

And that's not wrong either, but it would have had the net effect, I think, of reducing the amount of water that got to Lahontan and it probably would have -- just a gut feeling -- it probably would have increased the draft on the Truckee too.

Seney: But the fundamental problem was you just couldn't interest the members of your Sub-Conservancy (Stone: Right.) to sign up (Stone: Correct.) in big enough numbers.

Stone: The repayment was not overwhelming, because there were so many other benefits, which I've already spoken to, that took up part of the cost of repayment. But we had to have those big ranchers in order to make it work, because this one ranch, the Dangburg Ranch, the 12,000 acres was almost twenty-five percent of the irrigated area in the valley, and if you can't get twenty-five percent, whether it's one or a hundred different users, you're, you know. And we just couldn't crash through that barrier.

Seney: Can you give me a sense of -- you must have gone out and talked to the farmers.

Stone: Oh, yes, I talked to every -- oh, yes.

Seney: Can you give me a sense of how these conversations would go, what arguments you might make and what you might hear back?

Stone: Yeah, well, the major argument for the water users, the farmers, was that theoretically you should never suffer another dry year again, and if you do it's not going to be very dry because of the storage we're going to have up here. And so, you know, the Bureau had done a tremendous amount of work on a definite plan report and their studies based on flow records of the hydrology of the river, determined how much they could store and carry over from year-to-year and so on

and so forth. And those are some technical things which I've kind of forgotten about, you know, in terms of exact numbers. But the big argument, of course, was that you would have a full supply and it would last into late summer.

You know, without a reservoir, your storage is all in the snowpack and when the snowpack melts, the water's gone on by you. So in Carson Valley, as a general statement, by about July 15, on an average year, almost everybody, except the very early priorities -- and I can elaborate on priorities if you want me to.

Seney: I would like you to, when it's appropriate.

Stone: Okay. Those folks with the very earliest priorities would still have a water supply for maybe another month to six weeks, but the majority of the valley would be out of water, because the snow had melted and the river had dropped down to minimal flows. So that was the big argument. The argument for the folks along the river and the taxpayers was the flood-control benefits. And recreation was not a big factor for the water users over there; most farmers weren't interested in that part. Not to say they wouldn't go fishing once in a while, but that wasn't a big thing to them. And of course, it was cheap. If I remember correctly, the contracted price was something like a dollar -- I wish I could remember exactly, and this is something maybe I could fill in the blanks later -- but is was substantially less than two dollars an acre-foot.

Seney: That's very cheap!

Stone: I think the Bureau intentionally did that, they came up with the flood control benefits and the recreation benefits and fish and game benefits and all those sort of things and the water really would have been cheap, because they also, as I

indicated earlier in the discussion, were going to generate a tremendous amount of water from the drainage, which is really cheap water. You know, you're not going up and building a huge dam with a spillway and the whole thing that goes with that. So they had ways within the Bureau of allocating the costs in such a way that they could offer the water to -- and I think it was $1.75 an acre foot, as I recall, and some people were a little cheaper if they had really good priorities. But those were the kind of conversations I had and in most cases I had to go back two or three different times, because there was a of a lot of concern, "Well, are we going to sign our water rights over to the government?" Because, you know, they did that in some of their early Projects. When the Bureau came in and built a Project, a lot of times if you had a vested right or a decreed right or whatever you want to call it, they would insist that you turn that back over to the Federal government again and then they would lease the water back to the users. And they were all worried about that and they were worried about government control and they were worried about a lot of those kinds of things, as I indicated earlier; a very conservative community.

PRIORITIES IN WATER USE

Priorities, just to delve it into that a little bit further: In the decrees, whether they be state decrees, Federal decrees, or whatever, they set forth a date which is the first time that water was beneficially applied for a certain purpose. And in the case of Carson Valley, as you may or may not know, Genoa was the first settlement in Nevada. And when the Mormons settled Genoa, they did that to provide provisions for the gold miners that were coming across at the top to get

into California. And so there are some priorities out in the Genoa area that date back as far as 1849. And also around Carson City, there's some very early agricultural priorities, because some folks stopped there and started farming and raising grass and selling it to folks that were on their way to the gold rush. And that's exactly what a priority means, is the first time the water was applied beneficially, then that's the date of your priority, and if that's ahead of anybody else, you're the last one that gets turned off.

We're in that situation now on the Truckee River. That's where I was this morning. I was out talking to several people out on the last ditch in the valley, as a matter of fact, with the best priority, and the river, as you may or may not know, is about gone here. I mean, that's why this phone call about the dead river; we only have water in there now that's [enough][2] to satisfy the Westpac municipal-industrial demand, and all the irrigation ditches and stock-watering ditches are off. But this particular ditch happens to be below the last treatment plant that Westpac owns, so whatever water gets away from Westpac, Sierra Pacific, they're entitled to it at this irrigation ditch.

Seney: This is Pioneer Ditch?

Stone: Pioneer Ditch. And of course they're fighting over it. There's about two-second-feet in there this morning and four users and they all want it and that's not going to work. So those are the kind of things that we have to resolve.

Seney: As long as you're on that: there are four users. What are their dates? Are they all

---

0. Clarification provided by Mr. Stone.

the same, their dates of priority?

Stone: Yes, they're all the same. It's an 1861 priority and the Pioneer Ditch -- the University of Nevada owns a huge ranch, and they just haven't called for their irrigation water since, basically, we ran out of water.

Seney: It's a working ranch.

Stone: Yes, it's a working ranch. The students go out and they have a dairy and they teach, you know, the whole thing. But that's when the priorities come into play, is if there were four separate priorities on the Pioneer Ditch, the oldest priority would be the one with the water, but they're all equal. So you try to divide two second-feet up among five hundred acres and it just doesn't go very far; and they don't ever want to say die; they don't ever want to say, we're out of water, you know.

Seney: So it's your delicate task as the Watermaster to try to divide That water.

Stone: Mediate, divide, that's correct. Make two second-feet stretch further than it can. (laughs)

Seney: Two second-feet doesn't seem like very much.

Stone: There's about 450 gallons per minute in a second-foot.

Seney: So it's about 900 gallons going past a point.

Stone: A given point in time. Well, it's two cubic feet, which translates to 900 gallons, going past a given point in one second of time, the cubic feet per second term. One cubic foot per second -- and we'll round this off, it's 1.9888, I guess -- but it's two acre-feet a day, and an acre-foot is enough to cover one acre, one foot deep.

Seney: Is there enough water for even one of these users, really, out there?

Stone: There are two users out there who have row crops. They're really the only ones in

the Truckee Meadows who try to grow row crops, and one of the reasons is because of their ~~old~~ [early][3] priority. We shut the ditches off this year on June 13. At that point we were no longer able to maintain Floriston rates, which is a rate of flow mandated by the Federal court decree at stateline, and we do that in combination of natural flow [and release from storage].[4]

Seney: Now this time of year the Floriston rate is supposed to be, what, 500 cubic feet per second.

Stone: Correct. And this morning, for example, we had ninety-five cubic feet per second at Farad, which is the gauge at stateline, and of that ninety-five cubic feet per second, about seventy-three of that was being released from storage. So the natural flow, as we call it, in the river this morning was, give or take, about twenty-five cubic feet per second. That's what Mother Nature's providing to the river if we didn't have storage. [From] springs, mostly from springs, because some of the creeks are still dribbling a little bit, you know, there's these really high snow areas, glaciers -- although they really wouldn't qualify as a glacier, but they get snow that gets tucked back in under a little protected area and it just melts a little slower -- and some of those creeks will run. But it's just the creeks and springs.

Seney: So if there wasn't any storage flow, there would be twenty-two cubic feet per second going past the gage, the measuring instruments at Farad, which is near the stateline. How much of that, what would be left by the time we got to Reno here?

Stone: Well, if it was twenty-two cubic feet per second, Westpac would certainly, under

---

3. Clarification provided by Mr. Stone

4. Clarification provided by Mr. Stone.

the circumstances, be taking all of that that they could at their first treatment plant, or by the second, they'd have it dried up. So if that were the case, there would be no flow going through Reno. This morning there was nineteen cubic feet per second at the Kietzke Lane Bridge in Reno, and zero at Sparks. So there's no flow whatsoever leaving the Truckee Meadows, as we speak, none whatsoever. But if you go downstream about half-a-mile or so, we'll say the sewer treatment plant then puts water back in the river again, treated water from Reno and Sparks, and that is what I'm using to make up the Indian right on the reservation and whatever other priorities I can serve on a rotation basis between the sewer plant and Pyramid Lake. And we try to set up a schedule down there, between the several ditches, so we can utilize the smaller flow. Another way to say that is, if you have thirty-five second feet, for example, at Vista ....

Seney: Thirty-five second feet is?

Stone: .... Cubic feet per second.

Seney: Okay.

Stone: Obviously that would just be enough to give everybody a little bit. So the ideal way to handle this is to say, "Well, we've got thirty-five, let's divide that into three 10-foot heads of water. We'll give three people ten feet and there will be five left over, so this ditch can have five, and you can keep that for two days or four days or whatever number of days, and then we'll move it to the next ditch." So that's called a rotation.

Seney: So in other words, you get enough head of water so that it will actually flow out into the ditches and through the laterals or whatever onto the fields.

Stone: Right. Well let's just say, if we had ten ditches with thirty-three feet, if we divided it evenly -- and it wouldn't necessarily work out this way -- we could give each ditch three cubic feet per second, which is not really enough to do anything with. If you put that thirty-three second feet in three ditches, then you can give each one over ten and that's a substantial amount, or "head" as we call it, of water, and you can cover some ground and put it to real beneficial use. So you get this person wet, and you move it to the next one with the ten second-feet, and you cover ten times as much ground.

Seney: What's your authority to do that?

Stone: It's in the Federal court decree. It says rotation shall be utilized when -- and I'm paraphrasing, I can't give you the language directly -- it just says rotation among users shall be [allowed],[5] you know, whatever, the Watermaster's got the authority to do it.

Seney: And that's your job. But that must be diplomacy in its highest form, I would think.

Stone: Well, I guess there has to be a certain amount of diplomacy because everybody wants . . . .

Seney: Let me turn this over.

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

Stone: If you look at it from one perspective, the fellow that you're going to give ten would rather have the thirty. Now that wouldn't always fit in his ditch or anything, but what I'm trying to say is, they always want as much as they can get for as long

5. Clarification provided by Mr. Stone.

as they can have it, to get as much ground wet as they can, because it's, you know, it's their living. So there is a certain amount of diplomacy involved in convincing them that if you do this, you will get wet. It may take you a day longer or two days longer, but also while doing this we're going to get Joe and Pete and Mike wet. And so it works, and it's a matter, really, of convincing them that it works.

FLORISTAN RATES AND FLOWS ON THE TRUCKEE RIVER

And I say that with the background of the drought. Since 1935, when Boca was completed and began to be used for Floriston rates, along with Tahoe and the natural flow, which I mentioned a minute ago and I can elaborate on again, there was one time in that whole period from 1935 to 1985 -- we'll just round it out at fifty years -- there was one time during one month when Floriston rates were not met, and that was in September -- and I'm trusting my memory here -- September of '77, which was another terribly dry year. In all that fifty-year period that's the only time that Floriston rates were not met, all year around, twelve months a year, whatever they happened to be during that time. Since 1987, we made it all year; '88 we didn't. Instead of giving you all these dates, I'm going to tell you that from '87 to '94 we didn't make Floriston rates one, two, three, four, five, six years out of that eight-year period. And the dates are: in 1988, we made it until September 11; in '89 we made it all year, we reduced them, but we made it; in '90, August 25; '91, July 25; '92, June 5; '93, September 25, that was a pretty good year last year; in '94, June 13. The problem that we've had is, once Tahoe dropped below the natural rim of 6223.0 we haven't been able to get any contribution out of the Tahoe Basin, and that's a huge basin with a huge amount of snow. But the lake drops

down a hundredth every day, all summer, all summer, continuously.

Seney: A hundredth of an inch every day?

Stone: A hundredth of a foot. And by the time we get around to where it starts to storm again, we've got such a hole up there to fill that in '93, for example, a hundred-and-forty percent year, which is a tremendous year, we had such a huge hole to fill in Tahoe that it came up about six inches above the rim, we only got a maximum of about sixty cubic feet per second of that stored water, and I think that lasted for about two-and-a-half weeks.

So what I'm trying to say is, Lake Tahoe plays such an integral part in the operation of the system in the maintenance of Floriston rates and the provision of M&I water, power generation and ag[ricultural] water, that once you dig yourself a hole, if you will, at Lake Tahoe, you've got a hell of a time pulling yourself back up out of it again. And a year like '93 wasn't enough to do it. Now, as we speak, Lake Tahoe is already nearly a foot below the rim again; it's 6222.15 this morning, and the natural rim is at 6223.0. So what does that mean? We're eighty-five hundredths of a foot, a little over three-quarters of a foot below the rim already, and here it is August 15th. In this country, you really can't hope for too many storms before November. You get some rain in October and so on and so forth, but it's still pretty warm. So we just can't seem to get over this debit, if you will, that Mother Nature's created in Lake Tahoe.

Seney: That must be the key, in other words, to getting enough water into the Truckee system.

Stone: Exactly, because Boca, which is the other reservoir that we can use for

maintenance of rates -- we call the water between Boca and Tahoe "pooled water"; that was pooled by the Truckee River Agreement.

Seney: So the combination of Boca and Lake Tahoe is the pool water?

Stone: Correct. And we can use either one of those, or both in combination, which is usually what I try to do, to maintain the Floriston rate.

Seney: Give me a sense of that. You're sitting here in your office in Reno, and obviously you're picking up a piece of paper that is a printout, I take it, a computer printout of all your measuring stations up and down. Is that what that is that you're showing me?

Stone: Yeah. Yeah. Actually, it's not a computer printout, although we get it from the computer. That's called the Watermaster's daily work sheet, and if you will follow it down there, we get the flows at those stations, Farad, Reno, Sparks, Vista, Tracy, Derby, this is the Truckee Canal, Nixon down at Pyramid Lake.

Seney: Where it takes a left down into Pyramid Lake instead of Derby Dam.

Stone: Yeah. But this is down almost to the lake. We also get those stations on the Carson River, and we get the elevations and storage, then, in Lake Tahoe and Boca and Prosser and Stampede, Lahontan, Donner, Independence, Martis, which is a flood control reservoir. And we also get Pyramid Lake; we don't get that daily. And then we also have, in the last column then, the releases from each reservoir.

Seney: What does it mean here? You have, for example, under the Farad Gate, "2.15." What does that mean?

Stone: Okay. Rather than explain, I want to show you, okay? (tone from telephone number pad) This is called a telemark. I just pushed 4-0-# on the speed dial and I

think you can pick this up your [microphone]. (Through telephone receiver, sound of phone ringing.)

Seney: Yes, that will definitely pick up.

Stone: Is it too loud?

Seney: It will pick it up. You don't need to . . . . (computer whistles)

Stone: Now you're going to talk to the computer here in a minute.

Seney: Okay.

(Whistle sound of computer, through telephone receiver.)

Computer: I-A-F-A-R-P-1, 5-1-2-5-7-3-4 (Stone: That's time.) Level 02.30. (Stone: Now it will say "Enter command," and then I'll turn it off.) Enter command.

Stone: Okay. Now we have the capability of either that way, or from the computer, of getting these readings at these various stations, and also at the reservoirs. I could dial up any one of those for you.

Seney: And that's how these numbers are generated off this system?

Stone: That's correct. That's correct. And, for example, at Farad, you'll notice that column says "shift." the United States Geological Survey, the agency responsible for stream gaging and reservoir [levels],[6] and a lot of that sort of thing, as you know, go up and monitor and measure the flows at different stages throughout the month and if we get a change in what we call the "rating table" they will then send us a shift. And let's say that the 2.15 was the reading -- we got 2.3, but let's just go back to the 2.15 -- and there may be a shift of plus .10, so then we go back and -- well I should find you one that actually has a shift.

---

6. Clarification provided by Mr. Stone.

Seney: Here's one below it. Reno has a shift.

Stone: All right.

Seney: Yeah, here's one right below it, and so does Sparks.

Stone: Okay. So they'll tell us what that shift it. There's a minus .01 and a plus .02, and you'll see that most all of them -- this is unique that there is no shift. And then we go to a rating table and we apply that shift from that rating table that they provide us, and from that we can get the flow.

Seney: So it was ninety-five cubic feet per second at Farad.

Stone: This morning at eight a.m.

Seney: And at Reno it was sixteen cubic feet. And as you said earlier, at Sparks it was zero. At Vista it's fifteen cubic feet per second, because that's below one of the treatment plants.

Stone: Correct, but you will notice that we have a suspect reading at that.

Seney: An "S" in there, yes.

Stone: Yes, suspect, and the reason for that is because this time of year we get a lot of moss, because it's warm and the water really warms up and it's shallow and it's moving very slowly. So now the USGS will go out and remeasure that, try to do some moss clearing and so on and so forth, but we know, for example, because of where the Vista gauge is, that that reading probably ought to be about thirty-five to forty. So we put suspect by it.

Seney: That much water comes out of the sewage treatment plant?

Stone: Right.

WATER QUALITY ON THE TRUCKEE RIVER AND MAINTAINING FLOWS

Seney: So what's the quality of that water?

Stone: It's getting better all the time. That's another incidental benefit to the river that the Pyramid Lake Tribe has been responsible for, along with the EPA [Environmental Protection Agency], and a lot of people deserve credit. But the Pyramid Lake Tribe is very concerned about the quality of the water that enters the lake, and they've been working with the cities of Reno and Sparks and the State of Nevada to try to improve that water quality out of the treatment plant.

Seney: For example, by improving the techniques in the treatment plant and how elaborate the treatment is.

Stone: Correct. And they built, you know, it's a very up-to-date modern plant and the water quality has improved dramatically. And again, I don't want to leave the impression that the Pyramid Lake Tribe is solely responsible for that, because they're not, but they certainly have a direct interest in it, as do the Fallon people. So there's been a kind of a, that's one thing everybody can kind of agree on, I think, is water quality, you know, so it doesn't cause any arguments.

Seney: Who tends to pay for those upgrades in the sewer plants?

Stone: The users.

Seney: The users do.

Stone: A lot of Federal grants, though. You know, there's an awful lot of Federal money available nowadays for upgrading water quality and air quality and those kinds of things. And so they use the Federal grants, and the local taxpayers, of course, support it.

Seney: Let me go back to the pooling and the Lake Tahoe and the Boca Reservoir.

Obviously it's been some time since you could let anything out of Lake Tahoe. But you've got a little bit left in Boca.

Stone: Yes, and what happens in Boca is that we use the Boca water, or Tahoe water, in conjunction with the natural flow to maintain the Floriston rate, whatever it may be, five hundred, four hundred, three hundred, whatever it is, depending on the time of year.

Seney: And what is it now?

Stone: It would be five hundred.

Seney: But it's negotiable down, isn't it, given the conditions?

Stone: If the three parties, TCID, Washoe County Water Conservation District, and Sierra Pacific Power Company agree, we can modify rates.

Seney: Have they agreed to that?

Stone: We did reduce them this year to four hundred, from the five hundred. We ran at five hundred for just a few days, as I recall, and then they voted to reduce it to four hundred.

Seney: It's nowhere four hundred on the sheet you showed me.

Stone: No, because I don't have any water. So we're not making rates.

Seney: Oh, I see. And if you can't make them, you don't make them.

Stone: That's right. If I don't have adequate water in storage or natural flow or a combination of the two, then I can't make rates and I don't make rates. So whatever is the flow in the river [,its natural flow or private storage].[7]

Seney: And that's <u>your</u> judgment, then, to do. You decide, because you're just letting out

---

7. Clarification provided by Mr. Stone.

of Boca now, right?

Stone: Well, right now what we're doing is letting private storage from Independence [Lake], we're passing that through Stampede and Boca into the river. So we're not releasing any storage from Boca Reservoir.

Seney: Now that's Sierra Pacific Power water.

Stone: That's coming from Independence, from their private storage. Right.

Seney: Now what do you do? Do you call them up, and obviously you're in touch with them constantly, I would think, this time of year. So you'll say to them, "Listen, you've got to increase the flow out of Independence, because you know what we're at at Boca." How does that work? How do you manage that kind of stuff?

Stone: Okay. The way that works is, Sierra Pacific has a water production manager. He tracks the demand in the Reno-Sparks area based on his experience, historic uses.

Seney: That's Westpac demand.

Stone: Correct.

Seney: Okay.

Stone: And he will try to plan ahead as to how many gallons per minute we're going to need or how many gallons per day we're going to need for the Fourth of July, or the twenty-fifth of whatever, pick a month. He then will coordinate with me, releases from reservoirs, through reservoirs, from reservoirs, whatever the case may be. Now <u>they</u> make their own releases from Independence. I don't have a man that does that. They have a fellow that lives right at the dam and he changes it as per their order. But then they tell me what they're doing and we make sure that it gets through Stampede and through Boca and into the river and past the

ditches to their point of diversion.

Seney: I see. Let me see if I can be a little more concrete about that. I don't know what a number would be that would come out of Independence, how many cubic feet per second.

Stone: Well, right now it's about twenty-five.

Seney: So that would go down into Stampede; you'd let out twenty-five at Stampede; it flows into Boca and you let out twenty-five at Boca, above whatever else you may be letting out, right? while you're letting their part out. That's coming down, now, the Truckee River. At what point does that flow into their system?

Stone: They've got four different choices they can make, and the first one is out of the Steamboat Canal into the Hunter Lake treatment plant, then they have a treatment plant at Idyllwild.

Seney: Why would it flow into the treatment plant? I'm thinking this is going to flow into the taps and homes of their users. Am I right about that?

Stone: Yes, but it's treated first.

Seney: Ah, okay.

Stone: It's treated first. Have you interviewed anybody up at Sierra Pacific?

Seney: Just Joe Gremban, this morning, for about an hour.

Stone: Are you going to interview anybody else, in terms of their water use? It might be a good idea.

Seney: Well, I'll certainly take any suggestion from you. Sue Oldham I was going to talk to, and some of the higher-ups. But maybe there's someone in water management that you think I should talk to.

Stone: Well, Janet Carson would be a name that you could consider talking to, and Sue can arrange that for you.

The water that they perceive to be their demand for that day, then, at this point is, again, in combination of natural flow and reservoir releases. Just interesting, as an aside, they worked an agreement out with Cal[ifornia] Fish and Game this year: instead of making a bigger release out of Independence and bringing all that down at once, they made an agreement with the Cal Fish and Game and the Indian tribe and [U.S.] Fish and Wildlife Service, where we are maintaining about a twenty-five cfs release from Independence; we're drawing a little bit more out of Stampede to meet their demand. We're creating a debit in Stampede, which eventually will be filled back up by the release from Independence. But we're actually drawing more out of Stampede now than is coming in. We're creating a debit.

Seney: But you know every day, that you're going to get that out of Independence.

Stone: Exactly. We keep an accurate accounting of all of the reservoir storage, who it belongs to. See, we're constantly moving water from one reservoir to another by exchange methods, to satisfy Westpac's demands, and sometimes they'll save some of their Donner [Lake] water in Boca because they didn't need it all, and they want to store some to carry over in Boca and get more in Donner next spring, and these kind of things.

Seney: Ah! So in other words, they might say, for sake of illustration, "Lower Donner by half, park that in Boca," planning that Donner will fill. Now they've got Donner full, plus half-a-lakeful, shall we say, stored in Boca that they can use. Do you

charge them for that?

Stone: Yes, the Bureau of Reclamation charges them for that. And there is a contract, as a matter of fact, that was negotiated between Sierra Pacific and the Bureau to do exactly what we're talking about. And it's not quite as simple as you made it, because there's other constraints and restrictions.

Seney: Well then make it sound right for me.

Stone: Well, they, by that contract -- which Ed Solbos maybe should give you a copy of, just to give you a feel for it -- there's such things in there: that you can't carry it over longer than a certain length of time.

Seney: Why would that be?

Stone: I think it has to do with the endangered species at Pyramid. I think that there's some concern that if their water's in there, there has to be a provision that says that you can't keep Sierra Pacific water in some reservoir -- let's just pick Stampede -- you can't keep Sierra Pacific water in Stampede and not have room for some fish water that may come next spring. So if we get a huge year and we can fill Stampede, then your water has to spill.

Seney: Stampede is fish water, is *cui-ui* water, really. We'll get back to that.

Stone: By the same token, if you store it in Boca, 40,800 acre-foot capacity, and we get a year where we can fill Boca, and there's 5,000 acre-feet of Sierra Pacific water in there, then that would reduce the storage that we can use to maintain rates to back down to 35,000. So it's got to spill if you get that kind of year. But if it happens, they're not going to care anyway, because it's going to be a full year, so they're not really losing anything and the fish are gaining, and you know, and the people,

certainly.

You know, we kind of jumped away from what happened when I didn't get the contract signed.

Seney: Yeah, I know. That's okay. We'll jump around. But let's jump back.

Stone: I was going to say, this gets a little disjointed. But I suppose you . . . .

Seney: That's okay. No, we'll leave it. This is in the nature of a conversation,and there are so many points to this, it's hard to keep it, in line, and I would rather just let the conversation flow rather than say to you, stop, we'll get back to that. Because the likelihood is we won't get back to it.

OPERATING THE WEST FORK OF THE CARSON RIVER

Stone: Well, I said, in the mid 60s or about '65, when I went over to Carson Valley and I was trying to get the contract signed and I didn't have a lot of luck, and about that time the Pyramid Lake situation started to come to a head and the compact and all that. About that time, I believe it was 1967, Claude Dukes, who was my predecessor -- and I'm sure you've heard that name. He was in this office.

Seney: And he was here for many years.

Stone: Forty-some years, and he was Watermaster for about twenty, I don't know, from about 1959 until he passed away in '84. About that time the activity level of the contracting for Watasheamu began to kind of [fade], everybody could see the handwriting on the wall: It was going to be tougher and tougher and tougher. They didn't really want to give up, and they thought there may be some ways around it, and the Bureau looked at different ways of building the Project to allay some of the fears and so on and so forth. And Claude asked me, because of my

experience in Lovelock -- working as a ditch rider, Watermaster, whatever, and my knowledge of the Carson River by then -- if I would go to work for him operating the West Fork of the Carson River. He had a gentleman named Cecil Stodick that operated the East Fork at that time, and he didn't want to do them both, and he was older.

Seney: The West Fork is the one that runs down Hope Valley?

Stone: Correct. Uh-huh. By the way, there was a plan for a big dam up in Hope Valley way back in, way, way back, and it didn't materialize either.

Seney: It's hard to imagine such a thing today.

Stone: (laughing) Yes, it is. And so I said, "Sure," and I talked to the Board and they all said that would be fine.

Seney: They released you, in other words.

Stone: Well, I worked for both of them. I managed the District, kept all of that going, with the budgeting and still working with the Bureau on the contracts, and worked for Claude on the West Fork. And I think that was just one year, '67, and then Cecil retired, and I took both rivers.

Seney: What did you do on the West Fork?

Stone: Administered the water, delivered the water to the priorities and, just about what I'm doing now, except now I have people that do it for me.

Seney: Where do the West Fork and the East Fork meet?

Stone: Close to Genoa, which is down -- do you know where Genoa is? I mentioned Genoa beforehand. Just below the Genoa Lane. And so at that time I was managing the District, the Sub-District if you will, although it's called the Carson

Water Sub-Conservancy District, it was a District, but people called it the Sub-District. And I went to work for Claude, and I then took both rivers, the East Fork and the West Fork, and eventually even went downriver clear to Lahontan for Claude, doing the Dayton area and the Fort Churchill area for him.

Seney: Now this wasn't under the Orr Ditch Decree. Was this under the Alpine Decree?

Stone: This was under the Alpine Decree, but it was before it was entered. It was just, at that time, a temporary restraining order, TRO they called it, and there was a special Master's Report, but there was no Decree yet.

Seney: So Mr. Dukes was both the Orr Ditch Master and the Preliminary Decree Alpine Master as well.

Stone: Correct, correct. And I ended up, in essence, administrating the whole Carson River for a lot of years. As a matter of fact, until 1984. During those intervening years, I had some help; Claude authorized some, I had some part-time folks that worked for me. But I worked full-time for Claude then, and stayed with the District, had both jobs. And also during that period, I was a Douglas County Commissioner.

Seney: I see on the plaque on the wall indicating you were Chairman, in '77-'78 you were Chairman in Douglas County.

Stone: Yeah, I was elected in '74, I guess.

Seney: There's no conflict of interest? I can understand how you could have the Sub-Conservancy and work for the Watermaster, but there was no problem being on the Douglas County Board of Commissioners?

Stone: No, I was there for one full term, and I ran and was re-elected to a second one and

then I got sick; I had some very serious health problems, and I had to resign from the Commission after serving just one year of that second term. But, you know, I thought about that, and obviously the public, in a small community, there was no secret of what I did.

Seney: So you may have been elected because of those things.

Stone: Well it could have been, could have been. I knew an awful lot of people and was involved in a great many things during those intervening years.

Seney: There were no times as a county commissioner that you found yourself wondering which the Sub-Conservancy had or the Watermaster had?

Stone: No, I never was in a situation where that happened. And I was prepared for it, because I'm very sensitive to that, and even in this job I'm careful about that now. But I talked to Claude, obviously, before I ran for County Commission; he told me I was crazy to do it, but he'd support me.

Seney: There was no other problem than that.

Stone: No problem. I was stretched pretty thin, and that's why I got sick. I developed diabetes and some heart problems. It was just stress-related. I was just, like I say, I just stretched myself too thin there for a few years and my old body just said, -- that's what the doctor told me -- your body's sending you a message, "Whoa, enough." (laughter)

BECOMING FEDERAL WATERMASTER

So Claude passed away in September of 1984, and apparently it turned out that it was kind of pre-arranged with the attorney for the office and Claude's wishes were that I be named his successor. And the judges, of course, appointed

me, you know.

Seney: You actually work for the Federal District Court here.

Stone: That's correct. I don't work for them, but I am an officer of the court and you'd have to say that the judges are my boss.

Seney: You're essentially a Federal government employee.

Stone: No, I'm not.

Seney: You're not?

Stone: No, I'm not. This is a little sensitive and it's a little hard to explain, but I'll take a stab at it. I'm like a Special Master. You've heard of Special Masters?

Seney: Yes, they're appointed to assay the facts in cases.

Stone: That's correct. When these Federal Court Decrees were entered -- and there aren't very many Federal Court Water Decrees. As a matter of fact, to the best of my knowledge, there's one other Federal Watermaster, and I've never met the person, but I've heard it's in Washington State, but I don't know. I can't verify that. The other one that comes the closest is the Walker River, and he's called a Water Commissioner and he works for a Board of Water Commissioners who answer directly to the judge. In my case, I answer directly to the judge. Two judges appointed me: one on the Carson and one on the Truckee. I administer both court decrees, the Alpine and the Orr.

Seney: Okay, you do both, just as Mr. Dukes did.

Stone: Just as Claude did, right. And I was appointed by Judge Thompson on the Carson River and Judge Walter Craig, who was the sitting judge at that time on the Truckee River Decree.

Seney: But you get a Federal paycheck.

Stone: No.

Seney: It doesn't say United States Treasury on it?

Stone: No.

Seney: What does it say? If I may, I mean, it's just curiosity.

Stone: No, no. That's what I say: it's difficult to explain. This part's easy, but the relationship to the [Federal] government and the state and everything is a little hard to explain, but I'll make a stab at that.

What I do is, every year I prepare a budget for my anticipated expenses for the next water year: salaries, rent, vehicles, phone, paper, everything. Everything it takes to run this office. I prepare that budget and my attorney prepares an order, and that's submitted to the Federal Court.

Seney: "Your attorney" meaning who?

Stone: His name is Roger Bergman, he's just an attorney. He's been with the office for a long, long, long time.

Seney: But he's obviously not your personal attorney. He's part of the Watermaster's Office.

Stone: That's correct. He's the Federal Watermaster's attorney. That's correct. He prepares the order, submits the budget in the proper legal forms, the judge schedules a hearing, it's advertised in the local papers on both [the Orr and Alpine Decrees] -- two separate hearings, but it's, you know, two separate times. They usually have them a week apart, coincidentally. I then go to that hearing, and anybody that wants to file a protest has to do so by a certain date, and we go to the

hearing and, you know, if there's nobody there to protest the budget, which there hasn't been for a long, long time. There was a protest at one time, the Justice Department wrote Claude a letter in 1976 demanding that he -- and I'm paraphrasing and talking legalese -- demanding that he enforce the Orr Ditch Decree on a more strict basis than he had been, in terms of diversions, et cetera. That ended in a stipulated agreement, stipulated settlement, whereby Claude set forth some things that he would do and intended to do for better monitoring and so on and so forth.

Seney: Had he not been enforcing the decree rigidly enough?

Stone: Well, he said that he had, because of the return flow and the fact that the higher diversions had got back to the river and so on and so forth, but he made a strong case before the judge and the judge asked him, as I recall, to try to sit down and work this thing out. And they ultimately did, in a series of meetings, which I attended.

And just about the time that Claude was going to start preparing what we came to finally refer to as "the Plan," he passed away, and that's when I got the call and was appointed. So I came in and prepared that Plan, I really didn't have any experience on the Truckee River at that time; all my experience was on the Carson, although I'd been with the office a long time, had been involved in the compact negotiations, I attended any and all meetings that were called for these types of discussions, and so I felt fairly well-versed. But as far as the actual day-to-day

operation of the Truckee River and the reservoirs and the administration of the Orr Ditch Decree, I wasn't well-versed at all. So I was kind of, the epitome of "learning it under pressure," if you will, you know. Well, there's an expression for that which escapes me at the moment.

But at any rate, I came in, prepared that Plan, had meetings with all the ditch companies involved on the Truckee River, and decided where the measuring stations were going to be -- Monte Bianchi was working for me then -- decided where all the measuring stations needed to go and so on and so forth.

And we ended up going back to court for my budget hearing. Claude died in September; I think my budget hearing was, I don't know, it was just a few months away from that and I had prepared the plan and I'd put the money in that I thought I needed to do it. And the government protested that budget that year because they didn't think that I had budgeted enough to carry out the provisions. And I contended that I did, and the judge agreed that we should try it with that budget. And we did, and it's worked, it's been fine.

So that's the only time that my budget was ever opposed, except one other time: The City of Reno used the budget hearing as a way to try to get the requirement to return the effluent to the river removed. And it was a kind of a strange thing: they went down to Las Vegas before the judge down there, on the Orr Ditch hearing; they protested it and the attorney called me and said, "We're not protesting your budget, we're protesting the fact that the effluent has to be returned to the river, and we consider that as being our water once it gets to our treatment plant. And we're going to spread it out and use it so we don't have to treat it. Less

intensely."

Seney: Oh, I see. Leaching fields or something, instead of treatment.

FINANCING AND BUDGETING IN WATERMASTER'S OFFICE

Stone: Right. So, it's interesting to try to explain this, because it was not a protest of my budget, it was a method of getting before the Federal judge for another [Purpose]. (chuckles) So those are the only two protests I've had on either budget since I've been Watermaster.

Seney: Let me ask you, then the court says, "Okay, we accept your budget." Now maybe you've put raises in there for yourself and whatever you think is appropriate. What guideline do you use, say, if you decide to give yourself a raise? Do you go along with what the Federal employees have been increased?

Stone: Yeah. What I've done with my operation, is, I kind of use a combination of state salaries and Federal salaries in similar positions. And it's not easy because there aren't very many Watermasters running around. So I've tried to keep it in balance in that regard, and again, that's published and nobody seems to be unhappy with it.

Seney: Are you a part of the Federal Retirement System?

Stone: No. That's another problem that we have in the office.

Seney: What about your person [who works for you in the office].

Stone: We have a SEP. We finally were able to get the IRS [Internal Revenue Service] to agree that we could have a Simplified Employees Pension Plan. It's similar to a 401(k) or that sort of thing. And we've had that now for only about five years. And up until that time I was always under the State Retirement Plan, because of the District out there. But they would not allow the office in the State Retirement

Plan because we didn't get state paychecks, and the Federal government, the Federal OMB, Office of Management and Budget or one of them back there, we wrote them a real nice letter and our attorney was involved and they said, "Not if you don't get a Federal paycheck." So we were in limbo.

Seney: What does it say on your paycheck? U.S. District Court of Northern Nevada?

Stone: Yeah, "U.S. District Court Watermaster, Truckee," and then the other one says, "U.S. District Court Watermaster, Carson River."

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

Seney: I'm Donald Seney. Today is August 15, 1994, and I'm talking with Garry Stone, Watermaster, in his office. Garry, you were saying about how you're paid and where your checks come from. I think that last part didn't quite get on the last tape.

Stone: Okay. Well, once my budget is approved by the court and the order is signed approving my budget and authorizing my assessment, I assess each water user, each owner of water rights on the Carson River, an equal amount. Okay? On the Truckee River, the Decree set forth, where it actually says, "one-third to the United States, one-third to Sierra Pacific Power Company, and one-third to the Washoe County Water Conservation District." That's the way the court decree states that I have to raise my annual operating money.

That's since been modified to where TCID pays ninety-two-and-a half percent of one-third, the [Pyramid Lake] Tribe picks up the balance of seven-and-a-half percent; Sierra Pacific Power Company does, in fact, pay their one-third, still do; the Washoe County Water Conservation District pays about seventy

percent and the other thirty is picked up by non-District water users, we call them the "fifth parties."

So once those budgets have been approved and the order signed by the court, then we send out an assessment to the individual water users, water rights owners, whatever, individually. We keep two separate bank accounts, one on the Carson, one on the Truckee. And there's more to this, but I'm going to skip that for just one minute.

And then that money comes in, the folks who we bill [send it in], and that's deposited in these two separate accounts at the Office of the Watermaster, and then the checks to operate the office -- salaries, wages, office supplies, pick-ups, gas, the whole thing -- just comes out of that. I also have a contract with the Bureau of Reclamation for operation of Stampede and Prosser, which is separate and apart from that. That's also in my order that the judge signs, it's just been historically that the Watermaster has operated those reservoirs since they were constructed back in the 60s.

And we have a special assessment that we levy out in one of the little valleys out here that's fed by Galena Creek, and that's so that we can hire a man three days a week to just specifically stay within that area. There's a lot of small users and it just caused Claude no end of trouble, and so he said, you know, he went to the judge and said, "This is too much for my staff," and so they allowed him a special assessment, and we still do that. And that's in a special account.

And then, of course, the operation of the reservoirs, that's not a very large amount of money. I believe it's only like $10,800 a year. I don't even remember.

That's also in a special account.

Seney: Do you get two checks a month, then? One is Carson River, Alpine Decree, and one for Orr?

Stone: I get three checks a month. I get Alpine, Orr, and the Prosser-Stampede account check.

Seney: What about, say, Jalie Porter in your office? Same thing with her? So her time is apportioned too?

KEEPING RECORDS ON WATER RIGHTS

Stone: Correct. We try to apportion between the two decrees. And again, that's not easy because, you know, how do you do that? The office is here in Reno, but we still administer both decrees and we have vehicles. And so, you know, I've just done that, just exerted my best effort to keep it as fair as I possibly could. We don't get very many Carson River people in the office. We get a lot of Truckee River people in here because of the conversion of irrigation rights to municipal and industrial rights. We get a tremendous, tremendous number of calls and visits, walk-ins, from people who want to know if they have water rights on their town lot, and can they sell it, and how much is it worth, and all those kinds of things.

Seney: Do you find out they do very often?

Stone: Yes, quite often, Don. As a matter of fact, when they subdivided the Truckee Meadows, way back, they did not always transfer the water rights off. If a subdivision came in, a lot of times the water rights just stayed in that subdivision, and if they did, then they remain appurtenant to that given piece of property. If you've got a little quarter-acre lot, you've got a quarter of an acre of water rights,

an acre-foot, we'll say. And the roads and the streets all had water rights. We're constantly updating those records and trying to keep track. We have thousands of individual people who own water rights, thousands. By that, I mean 23,000-24,000 people have water rights. They don't use them, they're under their house, but they still own them. One of the charges of the office is to keep an accurate, updated file on the owners of the water rights, because Westpac and developers and folks are buying those.

Seney: If I own, say, an acre-foot of water, I can sell that to someone?

Stone: Yes.

Seney: How much would I get for that?

Stone: Well, it varies. If you can sell it to a private individual, developer, entrepreneur type, you can get, I mean, I hear prices that will boggle your mind: three to five thousand dollars an acre foot. Westpac was paying twenty-five hundred dollars at one time, and now we hear two thousand dollars an acre foot. And then they go to the State Engineer's office and go through a process to change that water right from agricultural to municipal-industrial, change the point of diversion and all the things that you have to do under state law.

Seney: Does abandonment come in here?

Stone: Abandonment has just raised its head within the last year, through a motion filed by the Pyramid Lake Tribe with my office, to declare certain water rights on the Truckee River abandoned, and the Carson River too, for that matter, abandoned through forfeiture, non-use. The court has not heard that yet. There's an awful lot of preliminary motions and legal documents being [prepared]. I'm not a lawyer,

but I have to read them all and try to understand them and to try to keep up with it. But again, that's relatively new. It's been talked about over the years, but the tribe just filed that petition, I think about a year-and-a-half ago or so.

Seney: I know they've done that for abandonment on the TCID Project, but they're also doing it for the Truckee Meadows?

Stone: Not yet. I don't think that that's come into play yet. No, it's strictly, at this point, I believe down in the Newlands Project.

DIFFERENCES BETWEEN THE ORR DITCH AND ALPINE DECREES

Seney: Let me ask you, what general differences are there in administering the Alpine Decree on the Carson, and the Orr Ditch on the Truckee?

Stone: Well, there are no major reservoirs on the Carson River above Lahontan. There's a series of small reservoirs way high in the Sierra on both forks of the [Carson] river. The individual owners of those reservoirs will do the physical opening and closing, but they will have to tell my deputy so that he can get the water past others to them, or whatever the case may be.

Seney: Let me ask you just about one of them, which I know about: Kinney Reservoir. Who owns Kinney Reservoir?

Stone: Alpine Land and Reservoir Company, which is a group of stockholders, about fifty-six or fifty-seven individual farmers and water users out in Carson Valley.

Seney: And <u>they</u> can decide when they take the water out of there?

Stone: Correct.

Seney: So, now, probably, they're beginning to drain it.

Stone: Oh, they already have, yes. Uh-huh.

Seney: Yeah.

Stone: That's the one right up on top. You probably drive right by it on Highway 4, or fish in it. Yeah.

Seney: And so they're already draining it out?

Stone: Yes.

Seney: And is it drained yet, or . . . .

Stone: I don't know, but I can find out in about two seconds, if you want me to, before you leave. I don't know what the status is.

Seney: Sure. I'm just curious. But that one I am familiar with. I've seen it a number of times. I know in the fall it's drained down. And so those people built that dam, I take it. (Stone: Correct.) Do they have a pretty early priority?

Stone: The priority is fairly early. It's not as early as a lot of people below, but the judge said in here [the Alpine Decree][8] that the high Alpine reservoirs fill out of their priority order because of the time when the snow melts. So he allowed them to fill the reservoirs out of priority. There's a specific language in the decree that allowed them to do that.

Seney: So in other words, it's okay if they fill them up out of their -- obviously, that's what you said -- out of their priority, meaning before they should if they strictly applied the priorities.

Stone: Right.

Seney: What would be the rationale for that?

Stone: Well, I think when they went in to the judge -- now, you mentioned Kinney;

---

8. Clarification provided by Mr. Stone.

Kinney Meadows has an 1895 priority.

Seney: That's a junior priority.

Stone: Yeah, that's not very good. It's not very good. The rationale, I think, was just the fact that -- there was a couple of reasons. I'm sure one of them was historic practice, that they'd always done it since they'd built them. And I don't think the judge perceived any detrimental effect to anybody, and they were ahead of Lahontan. I mean, Lahontan's priority was 1902. He also said in the Decree that we would administer the river in autonomous segments and sub-segments; we wouldn't shut the water off in one priority to satisfy a senior priority in another segment. And so, I suppose that nobody complained and somebody made that strong case way back, and so he just decided to let them fill them out of priority order.

Seney: But back to the general question, you say that there are, other than these private high dams, there are no storage facilities above Lahontan.

Stone: No. So that's a basic difference. There's no rate; there's no, call it "Kinney rate," Floriston rate, there no mandated rate of flow because there's no storage to do it with. Therefore the priority system is basically in effect all the time. If I have enough water to satisfy all of the users, OK, but the minute it drops off to the point where somebody doesn't have water, the priority system kicks in, whereas here it doesn't ever kick in as long as we're making Floriston rates. And when it does kick in, it's usually to the point where the natural flow has dropped off to eighty cubic feet per second and we're making rates out of releases from storage. So when I exhaust the storage by which I'm maintaining rates, the flow in the river at

Farad will go from five hundred or four hundred down to eighty, just like that (snaps his fingers) overnight. Whereas on the Carson, it starts its decline and goes from maybe a thousand second-feet down to twenty second-feet between May 15 and August 1 or something. So that's a basic difference.

Another basic difference, although this is slowly changing, is there's still a tremendous number of irrigated acres on the Carson River. There's some major ranches over there, whereas in the Truckee Meadows there's probably eight or nine left. So you're still dealing with the folks over there that are basically serious, if you will -- not that all farmers aren't serious -- but these are fellows that are making their living on the ground.

Another basic important difference is that we have so many one- and two-acre parcels in the Truckee Meadows on these ditches where when they subdivided in the old days, they used to leave the water rights, as I've indicated, and in some cases they'd sell one- and two-acre parcels and people have horses or cattle or whatever. An estate-type place. There's some of that in Carson Valley, but not too much yet. It's all fairly substantial-sized places over there.

Seney: What kind of agriculture is going on over there mostly?

Stone: Almost all either alfalfa or pasture. Very little grain anymore, very rarely do you see a barley field or a grain field. And I don't know why either. It's just happened over the years. There used to be quite a bit of grain over there, but now it's just strictly one hundred percent alfalfa or pasture.

APPOINTMENT AS WATERMASTER AND THE SUPERVISING FEDERAL JUDGES

So I guess I've told you about my career, how that all came about in

Lovelock and up to the present time, when I was appointed Acting Watermaster the day after Claude died; he died on a Sunday, I believe, and I was appointed Monday morning by both judges, as Acting Watermaster. I think I was appointed December 1, 1984, if I'm not mistaken, on a permanent basis.

And I guess in the meantime they did entertain some other applications, because it was big news when Claude passed away. He was very well known and of course the word got out, and I'm sure that there were, well I know for a fact, that there were. I heard, (chuckles) for whatever this is worth, I heard there were two hundred applications for the job. I've heard that from enough people, and I heard it from an unimpeachable source, so I'll just let it go at that. But, it's a fairly high-profile position,in that you're dealing with floods and droughts and every time the word "water" is mentioned in this area, they think "Watermaster."

Seney: Well, I see you on television, especially when you shut the ditches off on June 12 or 13, whenever that was.

Stone: Yeah. They will call me from San Francisco, Sacramento, and gee, I've had calls from all over. I've had calls from New York City and Boston, and most of those calls are about Lake Tahoe. There's a tremendous nationwide interest in Lake Tahoe. And when Lake Tahoe goes below the rim, or it's about to, or to come back up to the rim, or whatever the situation is -- and boy, we've had a lot of that recently -- it'll go out on the AP [Associated Press] wire and somebody will pick it up, some news fellow in wherever, and they'll call the office and want to know all about it. You know, and they don't know, some of them don't even know where Lake Tahoe is, but the editor said, "Oh, boy, a Lake Tahoe story!"

Seney: Sure. Do you have direct contact with the judges at all who oversee this?

Stone: Yes, I do. Uh-huh.

Seney: Ever call them up on the phone (Stone: Oh, yes.) and talk to them about something? (Stone: Oh, yes.) Obviously you wouldn't breach a confidence, but what kind of thing would cause you to pick up the phone and call the judge on either of the decrees? I take it, obviously you're calling one on Orr Ditch and one on Alpine, but what kind of thing would make you do that?

Stone: Well, sometimes it's difficult to determine where the Watermaster's Office "fits," if you will, between the [District] Court and the Ninth Circuit Court [of Appeals] and decisions that are pending, decisions that have been remanded. The Ninth Circuit Court will remand a decision and say the Watermaster should do this, or -- I'm not phrasing this very well, but -- there was a recent one on the bench- and bottomland controversy out in the Newlands Project, which, if you haven't heard about it, I'm sure you will.

Seney: I have. This is where the Pyramid Lake Indians are trying to get a re-definition and eliminate the benchlands, because they get more water than the bottomlands.

Stone: Correct, correct. At least cut them back as much as they possibly can.

Seney: Right. I think 12,000 acres is the figure.

Stone: Well, the judge ruled on that.

Seney: The is the District Court judge who ruled.

Stone: Yeah, Judge Howard McKibben.

Seney: He's your boss for Orr Ditch?

Stone: Alpine.

Seney: For Alpine, I'm sorry.

Stone: No, that's alright. But Judge Thompson ruled on this . . . .

Seney: And he's the Orr Ditch guy.

Stone: No. He's passed away. He was the Carson guy, but he passed away and Howard was appointed. And I believe that, well here it is, "In '67 the Secretary [of the Interior] adopted regulations which provided controls over the diversion of waters by the TCID, thereby making water available at Pyramid Lake." And then he quotes something in '88. But the point, in regard to your question, is that these lawsuits will go to the District Court and the District Court judge, who is my boss, will rule and then that ruling will be appealed to the Ninth Circuit. In the meantime, I'm kind of in limbo, because I, you know, the court's ruled a certain way, but they've appealed it. Well, that's okay, we'll say, "Well, you know, you just do what the judge says and if it's overturned, so . . . ." So then what they do is they remand it back. Well a remand just says, "look this over again and do this or don't do that" to my boss, to the judge.

So there are instances where I'm not sure <u>where</u> I fit in some of these legal matters that come up, so I'll call occasionally or go over and see him. I visited with Judge Thompson <u>a lot</u> when I was first appointed, because, again, to reiterate, I wasn't so sure in those days, and Judge Thompson had the case for years and years and years, and he wrote the Carson Decree.

Seney: He was a quite capable judge, wasn't he?

Stone: Oh, he was wonderful. A wonderful judge and a wonderful man. He was fabulous. You'd never hear anybody say anything bad about Judge Thompson.

And Judge McKibben's the same way, I might add. I have had several judges on the Truckee, because they've had a hard time getting somebody that doesn't own a water right or, you know, different things happen and they've had, I think -- let's see, Judge Craig, there was a Judge Baloney, Judge George, and then the new judge had it for a while, his name is David Hagen, he's the sitting judge now. And then I see about two months ago I got a notification in the mail that the chief judge had reassigned it back to Judge George again. I have had a plethora of judges on the Truckee.

Seney: Who do you call if you have a problem on the Truckee?

Stone: Well, right now it would be Judge George.

Seney: So in other words, if somebody brings a matter before Judge George and he rules on it, and they appeal it, you might call him up and say, "Judge, what do I do?" Or if they remand back, you say, "Do I open this ditch now, or don't I?"

Stone: Well, let me give you one specific example. The first ruling that Judge Thompson came out with said, in essence, -- and I'm paraphrasing -- to these Fallon farmers, "If you don't agree with these maps, you appeal it to the Watermaster. You file a petition with the Watermaster and then he'll make a determination."

Seney: These were maps which were . . . .

Stone: The original maps. The TCID had bench- and bottomland maps, and the Secretary came in and prepared different maps, they didn't coincide.

Seney: These are recent maps?

Stone: Correct. And so I get these letters and phone calls all the time from Fallon farmers, wanting me to change the duty.

Seney: You're holding one up there which is asking you to do that?

Stone: Yes.

Seney: Without saying his name, what does that say?

Stone: Well, it just says, "Dear Mr. Stone, I've been a farmer and a dairyman in Lahontan Valley since graduating from high school in 1943. I acquired my present ranch in 1958, 320 acres of some of the best land in the valley. In the 60s I worked with the SCS, Soil Conservation Service, and the ASC" -- he means the Agricultural Stabilization and Conservation Service -- "to make farming better and to conserve. I now have all-cement ditches, have re-leveled my ranch with laser, tested the soil and found it to be about ninety percent benchland, which should have four-and-a-half acre-feet of water per acre. My neighbors next to me have four-and-a-half feet. I would like to apply for four-and-a-half feet as I now have only three-and-a-half. The ranch cannot maintain crops needed with the present three-and-a-half feet. The past six or seven years I have tested the water table and worked with the Soil Conservation. I need your approval for the TCID to consider this request." And then he attaches a bunch of maps and some letters and some information from the Soil Conservation Service. And this came in, this latest one came in August 4. Well, this opinion was entered on August 8, four days after this letter. So I got a whole bunch of these in the last two or three years, while this court case, whatever it is, D185HDM, was going up through the system, and up until this order was entered, nobody had decided who was going to make that determination. So I was getting all these letters, having to answer back to the people.

Seney: Saying, "It's not my job."

Stone: Well, I don't know. It may be, but at this point I don't know.

Seney: Okay. Now it is your job.

Stone: And now it is my job.

Seney: So even though this letter is dated before the decision, will you still act on the letter?

Stone: Yes.

Seney: Okay. And so now what will you do with that?

Stone: I don't know for sure. I hate to admit that, but today I just got back and I read this, this morning before my problem out on the ditch.

Seney: Oh, of course. This arrived while you were on vacation.

Stone: Right. And I haven't had a chance to review it. I read it but I haven't reviewed it. I don't know specifically what the judge has instructed me to do.

Seney: So there may be criteria in there, there may not. You don't know yet.

Stone: I think that there are, but I'm not sure that they're just set out in black and white. Now, that's an instance where I would maybe call the Judge, and I would say, "Judge Mckibben, I got the order and I've read it and I'm not totally sure;" I'm not telling you I'm going to do this, but I'm telling you it's an instance where I might do it. If I'm not comfortable with the specifics in that order as it relates to the office, then I have an open invitation to call up and talk.

Seney: So you'll say to the judge, "Listen, this is how I'm going to handle it. Is this going to meet the order that you've signed?" And he'll say, "Yeah, that's what I have in mind," or "No, don't do this, do that."

Stone: Something like that.

Seney: So you'll be able to talk to him.

Stone: Yeah, I may even specifically, if it's not set forth in there, I may even specifically ask him some technical questions, like for example, if he mentions depth to ground water I may say, "What is that? Is that four feet, eight feet, seven feet or do you want me to decide?" I mean, you know, those kinds of things. So occasions occur when I feel the need to talk to the judges about those kinds of things. You know, just different things, more toward the legal side of things that I'm just not totally comfortable with, and I'm precluded, I would think, by going to some attorney representing one of the parties. So I just go to the judge. And he's my boss. I mean, I have to feel comfortable to do that. And I do it a lot on a lot of different issues, and the judges call me.

Seney: Might he mail you an opinion and in a couple of days give you a call and say, "Listen, Garry, this is what I mean by that"?

Stone: Nah, I don't think he would do that. I think we'd talk about it. If that were to happen, we would probably talk about it. He may have a specific question, not a legal question, but an operational question, that if I rule such-and-such, you know, is that do-able? I mean, I could see that happening, yes.

Seney: So he might be drafting an opinion and get to a point where he wonders what this is going to mean in practical terms.

Stone: Yeah, that could happen.

Seney: So he gives you a call and says, "What's this going to mean in practical terms?"

Stone: Well, not necessarily -- yeah, that's a good way to put it, I guess. I don't want to give you the impression that the judge is asking me, you know, for advice or

counsel and guidance.

Seney: No, no.

Stone: But just from a purely practical standpoint, you know, is there any way you could transfer water out of ditch "A" and put it into ditch "C" and make it work?, as just an example.

Seney: Sure. No, I think that it's reasonable that you two are going to be in contact with the judges, because this is a very complicated business, and it's going to forestall, I would think, and foreclose difficulties if you're in contact.

Stone: Well, the judges have retained jurisdiction over both decrees, too. So in essence, they're in charge. I mean, the decrees are still theirs.

Seney: Well this is not substantially different than the kind of way they supervise school desegregation (Stone: Correct.) and things. I mean, where they deal with the people whom they appoint to administer these schools to make sure what they want done is getting done.

Stone: Well, you know, a judge, I don't think they get as much respect and understanding, sometimes, as they deserve. I mean, these are fellows that sit there and hear every conceivable case, from, God, well name it, and they hear it! And these fellows are not super-human. They can't know everything about all things. They just have to sometimes depend on folks.

THE TRUCKEE RIVER OPERATING AGREEMENT

Seney: Yeah. Tell me a little about the Truckee River Operating Agreement. How do you fit into the Truckee River Operating Agreement?

Stone: I administer that. That's a part of the decree.

Seney: This is the 1935 agreement.

Stone: Correct. That's right. The Truckee River Operating Agreement was made a part of the Orr Ditch Decree when it was entered in 1944. It says right in it. Basically, they're one in the same; they're just two separate documents.

Seney: And from your point of view, what does the Truckee River Operating Agreement call for? What do you do in terms of administering it?

Stone: Wow! (sigh) There's so many provisions in the Truckee River Operating Agreement that I'm not sure there's any easy answer to that.

Seney: Let me tell you one of the reasons I'm asking this question. And you're doing exactly what I want, that is, I hope the sigh was picked up on the tape. (Stone chuckles) Because one of the things I want to be able to convey to people in the future, as they look at it, is the complexity of all of this. I mean, as I said to you before we began, I thought this was going to be a simple exercise for me, (Stone: Oh, no.) on my part, and the more I do, the more almost bewildered I become over this. And even after all the years you've worked on this, I can see too, that it's bewildering at times, perhaps, to you as well. So, don't worry about making it sound complex. That's part of the picture, that's part of the story. So, with that in mind, if you could do your best, we'd appreciate it.

Stone: Well, the Truckee River Operating Agreement, the '35 agreement, is the bible for the operation of the river. It tells you what the Floriston rate is at different levels of Lake Tahoe and different times of the year. It sets forth the levels of Lake Tahoe, you know, during the years when we can fill it, how high it can be at

certain times, ~~and~~ [depending on][9] what the snowpack is projected to be. It talks about water that Sierra Pacific owns to de-ice their flumes. We can release water from Boca to keep the river flowing when it freezes up, if we ever have any water in the river again. I mean, there are so many things. It's just basically, anything and everything you ever wanted to know about the operation of the Truckee River is in there, and without, you know, having a more specific question about "How do you maintain rates?" or "What are rates?" or something -- that's a hard question.

It's very, very hard to understand. Anybody and everybody would tell you that, that's looked at it, and I assume you have. There's so much legalese and so much referring back to paragraph 1, and sub-paragraph "C," sub-sub-paragraph "D," and it's just a mishmash. It's a <u>terrible</u> document to try to read and understand. And I think over the years, the office, along with the parties, the TCID, the Washoe County [Water Conservation] District, and the Sierra Pacific, have come to a meeting of the minds, if you will, as to how things should operate and have operated, if you will, since '35. And obviously there's never been any real serious problems, until recently when the new TROA, that's causing an unbelievable number of problems, but until that happened . . . .

Seney: Until which?

Stone: The new Truckee River Operating Agreement, TROA.

Seney: Oh, okay.

Stone: But things have changed, you know.

Seney: What's the most troublesome part of that agreement, as you administer it? What

9. Clarification provided by Mr. Stone.

do you run into the most difficulties on? I mean, the Floriston rates, obviously, if you've got the water, you keep them up; if you don't have the water, you don't keep them up. That seems to me fairly clear-cut.

Stone: Yeah. Well, I guess I'd have to qualify my answer by saying that since OCAP was put in place [things have changed]. You know, there was a time during the years prior to OCAP when the diversions into the Truckee Canal were just allowed up to the capacity of the canal and you didn't have to worry about elevations of Lahontan Reservoir because they generated power, if they couldn't store it they ran it on down out to the wetlands and the sink and so on and so forth. And they kept the canal as full as they possibly could. So during those years there was never a problem with the canal as far as diversion entitlement.

OCAP changed all that, and if you've reviewed OCAP, you will know that it's a very complicated set of rules and regulations that needs to be followed. And the formulas are there for determining diversion entitlements and when you can and can't divert into the canal are, you know, long and complicated. And so that -- I'm not sure that this is a direct answer -- but I guess that OCAP modified the agreement, at least in terms of diversions into the canal, to make that the most difficult part of the operation now, is to try to determine when the canal is entitled to divert. And the Bureau does most of that.

They took me to court one time too. I went out and opened the canal, the first year I was here, because we really didn't have, in my judgment at least and the judgment of some of my legal advisors, we didn't have an OCAP in place. And they took me to court because I opened the canal.

Seney: You mean, you opened it, meaning you let water go into it?

Stone: Un-huh.

Seney: Into the Truckee Canal?

Stone: Correct.

Seney: And they didn't want you to?

Stone: No, they didn't.

Seney: The Bureau didn't, but TCID probably did.

Stone: Right. The TCID actually petitioned me to do that. I hadn't been here very long, and after reviewing everything I could find in Claude's notes and talking to my attorney and so on and so forth, I decided that I would open it, and I did. And they took me to court, and Judge Craig at that time issued an order.

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

Seney: Did you wish that the judge had said whether you were right or wrong in this, and he didn't really.

OPERATING CRITERIA AND PROCEDURES ON TCID

Stone: Yeah. And the reason I say that is because, since OCAP, there's been several situations that have come up where there's, you might say, there's dual authority, dual responsibility. And see, I don't think that the Bureau has any authority. I mean, I think OCAP has the authority to determine diversions, but I don't think the Bureau -- the Bureau needs to come to me and we need to agree together that that's what OCAP says.

Seney: The OCAP comes from . . . .

Stone: Operating criteria and procedures.

Seney: And who puts those in place? The court?

Stone: Well, the court did put them in place, and I think that because of their relationship with the [Orr Ditch] Decree, and the fact that the court that I serve did that, that those are, you know, are my responsibility. And that's why I opened the canal that day, because my determination was that it was the proper thing to do under the law. And they disagreed. And I wish the judge had determined whether or not it was a proper thing to do under the conditions that existed at that time.

Seney: Because it would have made your life a little easier.

Stone: Well, the Bureau went out, and just shut the canal, [they] told TCID, "Close the canal; you can't have any more water." They should have come to me and said that, I think, you know, "Because of OCAP, and these are the following reasons." I don't think arbitrarily, at that time -- and things have changed a lot since then; I want to qualify what I'm saying. This has been ten years ago, now, or nine-and-a-half. And at that point in time I don't think that they had the authority, under OCAP or any other order, to do what they did. And I think that the judge just said that they will cooperate with me. I wish, in retrospect, he would have said either the Watermaster is the only one that can issue orders to open and close that canal, or the Bureau is. Because it's still somewhat in limbo, and we still have disagreements occasionally about that.

Seney: Now this is consistent with the limitation of how much water can be diverted out of the Truckee watershed into the Lahontan Reservoir, for use on the Project?

Stone: Correct.

Seney: At that point, how many acre-feet could be diverted? Was it at the 385,000 acre-

feet mark, or had it moved down under that OCAP?

Stone: Well as I remember, that wasn't resolved until 1988, and the temporary OCAP at that time, I'd have to go look. I don't remember. See, it's gone from (Seney: Four oh six?) 406 to, I don't remember. (Seney: Three eighty-five.) Yeah, I don't remember where we were at that time. But I do know that that was in '85, and Lahontan was very low and we were in the middle of what turned out to be the drought. We had a big year in '86, but '85 was not a very good year; '85 was fairly dry and they were sitting over there with a pretty low reservoir and not much snowpack. I think the transcript of the hearing here, or the trial did say that, that the Watermaster used his best judgment based on the conditions at the time.

I don't think anybody would deny, whether you're a tribal representative, a consultant, attorney or whatever, or Bureau, or this office of whoever, TCID, that OCAP has got some holes in it that need to be fixed. And they're doing that with experience, and, you know, I think it's getting more understandable and better. But this was ten years ago, like I say, and I had a problem with them just arbitrarily saying, "Shut the canal off."

Seney: One of the issues between the Pyramid Lake Paiutes and TCID is this problem of recoupment, as it's called. The tribe alleges -- certainly that's how TCID would put it -- the tribe alleges that the TCID has taken, I think, 1,085,000 acre-feet of water -- I think I have the number right -- too much over a period of years. And I've seen a couple of years bracketed: '77 to '85, and one goes back '73 to '85, and I'm not sure exactly what are the years, do you know, in which they're making this claim that the TCID took too much water?

Stone: Well, I think it began in '73 when OCAP was first approved, if you will, by the Federal court in Washington, Judge [Gehard] Gessel. And I think it goes up to '84, if I'm not mistaken. The reason I have a problem with commenting about recoupment is that I believe that when and if that's ever filed -- and I think that's probably that time is approaching, from what I hear -- that's obviously going to go to my court, to my boss, to my judge, whatever. And I'd just as soon try to stay away from that. You know, I can talk about issues that have been resolved.

Seney: Right. I understand. Let me see if I can approach it in a way that will help us illuminate it without putting you in a compromising situation. My understanding is that, as the Pyramid Lake Paiutes claim, Judge Gessel in the '73 OCAP ruled on a certain level of diversion through Derby Dam. The TCID said, "Well we're just going to take what we've always taken. That's what we have a right to take." And they continued to take what they thought they ought to have, not what Judge Gessel said. Do I have it right so far?

Stone: I think so.

Seney: Now that's the difference here, that causes this recoupment problem, is it? between what Judge Gessel said and what they actually took.

Stone: Yes. I think that's it.

Seney: And when you add all that up, it comes out to 1,085,000. Do I have that number right?

Stone: That's the number I hear, 1,085,000. A little over a million is the number that I think would be about right.

Seney: That's where this recoupment is, and that's where the number comes from.

Stone: Yeah, I think it comes from the date of the approval of OCAP, back in the Federal Court in Washington. And that, of course, is one of the problems, that it was, TCID, I guess, that took the position at that time that that Federal Court didn't have any authority, it wasn't in the Orr Ditch court, and so on and so forth.

Seney: And they didn't take part even. They did not send anyone back to take part. I don't want you to go to the merits of it. I just want to talk a little bit about the mechanics of it.

Stone: As I understand it, just to kind of reiterate here, from the date of the approval of OCAP until 1984, the tribe alleges, as you said, that they diverted in excess of what the Gessel Order allowed, and that's what they're trying to get back, whatever that number is.

Seney: Now that -- and I may get into grounds here, and please say so if I do, that you don't want to comment on -- but that seems to me, that in any attempt to settle all these issues, that that's a big bone of contention here.

Stone: Oh, I think you're absolutely right. It's a tremendous amount of water and it could have an <u>incredible</u> impact on the Truckee-Carson Irrigation District if, in fact, they had to pay that back, if the tribe was successful in recouping that.

Seney: Let's say they <u>were</u> successful in recouping it. I expect that the responsibility for overseeing the repayment would fall on you, wouldn't it?

Stone: There was a recent situation where something similar, although very, very minor in comparison to the million acre-feet -- it was something like 21,435 acre-feet or something -- that Judge Thompson ordered me to release from Stampede Reservoir to the Newlands Project, which had been captured up there under terms of the

OCAP. And I did that, and then they went back to court and the Ninth Circuit Court ruled that they had to pay that back, that TCID had to pay that 21,435 acre-feet back to the Pyramid Lake. The order did say, in fact, that the Federal Watermaster should do the accounting at Derby Canal, at the point of diversion. So I would have to make the assumption, I guess, that at some point this office would have to become involved, because we operate the river, with accounting for that water. As to how that would work and, you know, how it's all going to be set up, in terms of the hows, whys, and wheres, I don't know, but I would, yeah, I would think so.

Seney: But to characterize it as even a problem in terms of administering the diversion or somehow apportioning it out over the years to make up the deficit, I would think that would be a very difficult situation.

Stone: For sure. For sure. If it's determined that, in fact, they owe it back, the mechanics are going to take a lot longer to work out than the decision as to whether or not they owe it, I think. Yeah, there are just going to be so many side-issues that come up: evaporation and, how much do they have to pay back every year.

Seney: Tell me how evaporation would come into something like that.

Stone: Well, I don't know. It just struck me that if the million acre-feet had been put in there during those period of years, a certain part of it would have evaporated. But maybe it wouldn't, because if it hadn't been put in there the evaporation still came into play.

Seney: Okay. (laughter) But it is another complicating factor (Stone: Yeah, I think so.) that may have to be taken into consideration.

Stone: That was one of those comments off, "shoot from the hip," that I probably shouldn't have made.

Seney: Does it matter to you? Do you care, as the Watermaster, who the water gets allocated to? I mean, does that matter to you at all? In terms of opening and closing the reservoirs and shunting it here and shunting it there and so forth , does it matter to you if it goes to Pyramid Lake or if it goes [somewhere else].

Stone: Do mean it operationally or personally?

Seney: Well, I don't expect you say personally.

Stone: Okay, operationally? No, I can do all that.

Seney: So it doesn't really matter.

Stone: Not operationally, unt-uh.

Seney: The system is there and it will send the water to Pyramid Lake or it will send it down the Truckee Canal as well.

Stone: Sure, we do that all the time, with OCAP and paybacks and credit; yeah, we do all that all the time, so that's not a problem. The accounting could be a problem, though. I want to leave that thought with you. The mechanics of opening and closing gates and storing, you know, I can do all that. But the accounting gets tricky.

Seney: Well, I think you gave us a sense of that when we talked earlier on about taking the water out of Donner Lake and storing it in Boca and then shipping it down. Can you give me some other sense of how some of these reciprocal agreements and management techniques for keeping the water levels where they're supposed to be.

Let me say, I went down and I interviewed Willis Hyde, whom I'm sure you know, the Watermaster down at TCID. Now he operates a much smaller system, but he's got essentially the same problem: he's got to shunt it here and he's got to shunt it there and he's got little side reservoirs that he can store it in, and he can make arrangements with the farmers to kind of get them to take water at the same time so he's not getting a big flow-through and a big waste. You've just got a bigger system to do that with, right? (Stone: Yeah.)

Can you give me a sense of some of these other exchange agreements and pass-throughs that you use on a kind of regular basis, they way you manage the flow on the river? And we're talking about a drought now, but if you want to go back to a year in which there's plenty of water and tell me the difference, maybe, in the problems between a drought year and a non-drought year.

THE TAHOE-PROSSER EXCHANGE AGREEMENT

Stone: Well, the first thing that comes to mind would be the Tahoe-Prosser Exchange Agreement. And when Prosser Reservoir was constructed, it enabled, if you will, some minimum releases from Tahoe that had never been possible before. We have a minimum release of fifty cubic feet per second during the winter months: October, November, December, January, February, March. And the other six months, it's seventy. Those are minimum releases. I think I got the dates right.

Seney: At least that much will be released?

Stone: Correct, if I have it. When I'm doing that, then I can capture a like amount of water in Prosser Reservoir and exchange it and treat it as though it was pooled water, or Tahoe water, to use to make rates with. Now, again, nothing's as simple

as it sounds, because there's also some argument about just exactly what that means in terms of Floriston rates and pro-rating the fifty or the seventy down to some lower number if you need it for rates, and if you don't need it for rates, and all that. But that's just an example of an agreement that we have to account for in terms of how much water we have in Prosser that's exchange water that we can use to make rates.

Seney: Now some of that's used also to make sure that the lake level doesn't get too high, when there is an abundance of water in the lake in the summertime, right? You can exchange between Prosser and Lake Tahoe to make sure the beaches don't get inundated as they used to in past years.

Stone: No, we don't do that.

Seney: You don't do that?

Stone: No, the only exchange agreement we have between Prosser and Tahoe is the one I mentioned, and that's strictly on a minimum release. See, Prosser only holds 29,800 acre-feet, and one-tenth on the surface of Lake Tahoe is 12,000 acre-feet. So, no, there's nothing like that. No agreement. Did somebody tell you that?

Seney: It seems to me I read that. That to keep the beaches from being inundated, that there was some exchange agreements that allow you to draw off of Tahoe and leave the water in other reservoirs, during the summertime. But that's not so? (Stone: Unt-uh.) That's, if I'm not mistaken, in the *Truckee River Atlas*,[10] published by the State of California. I think they make some mention of that.

---

10. State of California, The Resources Agency, Department of Water Resources, Sacramento, California. June, 1991.

Stone: Well, let me get that out and we'll look at it before you leave. (Seney: Okay.) Because I have it.

Seney: I may have read it wrong, but I thought that was one of the things that -- when there was a problem of beach inundation in Lake Tahoe, when the farmers wanted to keep as much water in Lake Tahoe as possible, for late summer releases, and the practical effect was, it was inundating the beaches and so forth. You don't do anything about that?

Stone: No. There's a fellow up there that was the head of the, I want to say Lahontan Water -- what's the control board?

Seney: Lahontan Quality Control Board[11], something like that.

Stone: Yeah. He wanted to do that, and we had a bunch of meetings about that. He wanted to lower the upper limit of Tahoe from 6229.1 down to 6227.1 or 7.5. That never happened. There was discussion, though, but it never happened.We fill Tahoe right up, (chuckles) when we can, we fill it right up to the top. Now, it's maybe discussion, maybe that was under the heading of discussion. So anyway, we do that, without elaborating too much on that legal document, that's just to kind of give you an overview of it.

STAMPEDE RESERVOIR

We have a minimum flow requirement at Stampede, of thirty cubic feet per second. We used to use that to maintain Floriston rates, but now we capture that in Boca and that's credited back to Stampede; we have an accounting system to do that. There's some evaporation that comes into play there. We store Independence

11. California Regional Water Control Board, Lahontan Region.

[Lake] water in Stampede, based on this new contract. We can store Donner water in Boca, move it back up to Stampede. One year we moved some Prosser water out of Prosser, and over into Boca, and back up to Stampede. And this is not all, you know, we're not moving red water into Boca and it becomes red water. It's paper exchanges. We do different things to make the exchange work.

Seney: On the whole, is that very complicated?

Stone: No.

Seney: Pretty straightforward transactions.

Stone: Pretty straightforward. For example, if we wanted to move Prosser water to Stampede, we'd move it by making rates out of Prosser instead of Boca, and, you know, just shift them around that way.

Seney: Sure. When you do that, and let's say some of this is Sierra Pacific water you're messing with, do you send them a record of what you've done? Or do you keep all the records here and everyone relies on your records?

Stone: We keep all the records here and do all the accounting here. Now whether they do separate accounting, I don't know, and they might. But we send out a daily work sheet telling everything that's going on, 365 days a year this goes out, with storage releases, flows, et cetera. We also send out, every month, what we call a "Stampede Work Sheet," which lists all the reservoirs on it, and the operation for that month and why we did certain things and how much of everybody's water is here and there. And that's going to get more involved, and I guess I'll have to say more complicated, if and when the TROA goes into effect.

Seney: Now this is the new Truckee River Operating Agreement?

Stone: Correct. I'll refer to that as TROA.

Seney: Okay. And that's the one that's being negotiated (Stone: Correct.) as we speak, almost. It's about to start, the negotiations.

Stone: Well, I don't know. I'd guess you might get some argument about that. There's a lot of people who think it's got a hell of a long ways to go. Don't quote me on that, though! (laughter)

Seney: But this is the one with the January deadline.

Stone: This is the one that's supposed to be complete by '97.

Seney: The one that's supposed to be ready by -- this is not the one with the January deadline on it, that everybody's involved in?

Stone: I don't think so. The one I hear about is 1997. I don't know. There may be a January deadline for some part of it.

Seney: Yeah. Is this the one that has the mediator? A woman who's mediating this one?

Stone: Oh, no.

Seney: Okay, okay. This is another.

Stone: No, the one you're talking about is the new contract between TCID and the Secretary. That's a different one. Yeah, I couldn't figure out for a minute what you were talking about, but now that you mention the mediator, that's what that is. Senator [Harry] Reid set that up to try to get that new board consisting of different interests, et cetera, et cetera, and TCID.

But when the TROA is in place, then we're going to have a situation -- and I'm not actively involved in the TROA because, you mentioned before we started the interview, and you hit it right on the head, I really can't be. For a while, I'm

not sure that everybody agreed with that, but hopefully more of them do now, that it's just not appropriate for me to be in there.

Seney: And you don't want to be, I don't think.

Stone: I don't want to be, anyway. And it has to go to the judge. One of the provisions is that it has to go back to court for approval, and how can I be in there negotiating and "yes-ing" and "no-ing" this? I mean, I can provide information and I can tell them how different things work and why, but as far as being an advocate, it's just not proper. So I don't go.

Seney: Let me stop you here to say, why do we need a new Truckee River Operating Agreement? Why a new TROA here?

Stone: The reason, as I understand it, is that they are going to have to modify Floriston rates. There are those who would like to do away with them altogether. They're going to have to modify Floriston rates -- and this is a real over-simplification, but I think it works -- to be able to store the credit water upstream, for fish or Sierra Pacific. Because if we have to make the 500csf, and TCID's not entitled to it because of OCAP or they've got a full reservoir, whatever, it's going to Pyramid, isn't it? I mean, if we make the 500cfs. So what they want to be able to do is, they want to be able to say, "We just need 'X' cubic feet per second in the river at Farad to meet demand "A" through "F."

Seney: To meet Westpac, and farmers, [etc.]. Right. And that may be well under 500 cubic feet per second.

Stone: It could very well be 250.

Seney: Would you think that the power company will give up enough flow to make power

on the Truckee?

Stone: They already have agreed to do that. they're going to be compensated, however, I understand.

Seney: Because I know this is trivial. I mean, they want the water for Westpac, not for power purposes.

Stone: Well, I think that they're giving up some revenue, but I think that they're going to be somehow reimbursed for that, either with water or money, I don't know. But somebody else will have to answer that. I'm not sure.

THE CUI-UI RUN INTO PYRAMID LAKE

Seney: I don't know exactly the timing of the *cui-ui* run, when do the *cui-ui* run?

Stone: They usually start to ask for attraction flows in the early spring, April, sometimes as early as March, and then what they'll usually do is send me a schedule and they'll want 150 cfs at Nixon. I probably have one of those schedules; I could get it. And then it will gradually increase and it will get up to 1,000 this year, for example, by the first of June, we'll say. I could get the schedule, but just for overview, alright? It will go from attraction flows, and then increase, increase, increase up to the max of 1,000, we'll say. And then he'll say, "Hold that until further notice, but we're thinking about July 15." Well it's much too early at that point, to know when the *cui-ui* are going to come out of the lake and when they're going to finish laying their eggs and when the fry are going to be back in the lake. So Chet Buchanan, who is the lead guy on this *cui-ui* recovery plan, calls me every day and we go through the numbers, and I'm trying to keep the 1,000 second-feet flowing on top of all the irrigation demand and the diversions into the canal and

whatever else is going on, okay, in the river at that time.

Seney: Is that a fair amount of water, 1,000 cubic feet per second?

Stone: Yes, it is for the Truckee. And we deliver that to Nixon, and every day we verify that on our daily work sheet.

Seney: What does it say today at Nixon?

Stone: Twenty-five.

Seney: Twenty-five.

Stone: But if it's 1,000 demand, then I make adjustments at Stampede, which is where that water comes from. I make adjustments at Stampede and it's passed through Boca. This year, we had to, in order to make rates and do the 1,000, I had to use a spillway in conjunction with the outlet, the tubes at Boca: there's two tubes. So that's a bit of a balancing act. You have to maintain Boca at a certain elevation in order to get a certain amount out of the tubes and a certain amount over the spillway and meet the 1,000[cfs fish flow][12] plus the Floriston rates, whatever they happen to be, and so, you know, all that gets to be kind of interesting around here during the fish runs. We're not real enamored by fish runs in terms of what it means to the office, because it's real tedious, time-consuming -- and we worry a lot about it, because it's pretty critical, you know.

Seney: And people are watching.

Stone: Well, sure. I mean, everybody's watching and then everybody on that recovery team is doing their damnedest to make sure that everything that they are doing works for the maximum benefit, because that's what they're charged with doing.

---

12. Clarification provided by Mr. Stone.

And so I just have, you know, that to uphold, and we think we do pretty good with it. Well, I know we do.

Seney: You feel pretty good about your contribution here to the recovery, you mean? You feel like you're maintaining the rates they need and are able to do that without, say, putting 1,000 and wasting a little, you're able to get it pretty close to the number?

Stone: Yeah. We graph that every day and we keep as accurate as we can with the gaging that we have, and we really do. I think we do a really good job on it. And we work at it. I mean, I'm saying this (chuckles), but we work at it. We work damned hard at it and we think it's important, a very important aspect of the job. Just like maintaining rates. You know, we do that even if we have the fish water in the river, we still have to maintain rates. We still have, one's red and one's green, but we still have those two levels of water that we have to maintain. And then, of course, you get all kinds of things like inflow below the reservoirs that we can't capture, we have no control over that.

Seney: What does that mean, "inflow below the reservoirs"?

Stone: Just water that comes in from creeks below the reservoirs that I can't control. All the creeks that enter the Truckee river below a reservoir. And if we get a big runoff, we get a warm night and we start to get some runoff, it means that if I'm letting 200 cfs out of Boca to make rates, and all of a sudden we have 280 cfs of natural flow feeding to the river, then I store all I can in Boca and then maybe we'll be over rates by eighty, but I can't do anything about that, because I've got no way to store it. So if that happens then, and TCID is not entitled to it at the canal, then I can cut Stampede another eighty. You get a feel for what I'm saying? Because

you do have a magic number that you're trying to maintain at Nixon and at the canal and all those different ~~numbers~~ [requirements].[13]

Now there's times when you have no control whatsoever. I mean, in '93, for example, the reservoirs were off, Tahoe was below the rim but it was off, and there were times when we exceeded . . . .

Seney: When you say, "the reservoirs were off," you mean?

Stone: Shut off, except for minimum flow requirements; just shut them off, because we're making rates.

Seney: And you want them to fill up.

Stone: Sure. And we're making rates with natural flow and there's enough natural flow above rates to satisfy the fish demand and keep the canal full. So that's what we do every day. We come in in the morning and we look at all these numbers that you see here and we make a decision.

Seney: You know, as you show me these numbers and as you talk about it, it sounds very complicated. But I expect that this is not very hard for you to do. Is it?

Stone: No.

Seney: I mean, it's sort of second nature after all these years. You know and your staff knows and -- when I say "staff" I mean . . . .

Stone: I have a wonderful staff. I have a hydrologist, Jeff Boyer, I don't think you met Jeff, but he worked for the office, he worked for Claude for a year or two, when he was -- he's forty-three or forty-four -- but he's really good, and he's dependable. And then I have another young man that I just hired that's fresh out of UNR

13. Clarification provided by Mr. Stone.

[University of Nevada, Reno] with a degree in hydrology. And Julie, and then I have some part-time field people. But, yeah, the answer to your question is, I have an excellent staff and very dependable and Jeff's [got enough experience now to know what to do]. And it is not hard to do [once you understand the system].[14]

SETTING FLOW RATES FROM THE COURT DECREES

Seney: It just seems complicated to outsiders. I mean, I got a copy of the Orr Ditch Decree, so I start to read it. Well it's one name after another, succeeded by this person and that person. There's very little narrative, and then as I open up the Orr Ditch Decree -- in fact, there's a copy of it here. And if I may walk across your office and open it up and bring it in front of you here.

And just open it anywhere, and see, we're looking here at the Last Chance Ditch. All this means something to you, right? You know when it says here . . . . What does this mean?

Stone: It means the southeast quarter of the southeast quarter of Section 16, Township 19 North, Range 19 East.

Seney: And then it tells you how much water they're going to have here.

Stone: Correct.

Seney: So you know how much to flow in. And when you read that, those numbers, that tells you exactly what the judge has decided based on the evidence presented in that case that that particular parcel gets.

Stone: Right. And what we do is, because the Last Chance Ditch numbers that you see here on these several pages, there may be only half of this still irrigated. They fly

14. Clarification provided by Mr. Stone.

over and take photos about once every three years, unless something dramatic happens where they need it more often. When I say "they," usually the power company does that and other people cost share it with them. We, from those photos and field inspections, determine how many acres are still being irrigated in the Last Chance Ditch. It's one of the still-active ditches. We then add up the irrigated water-righted acres, keep track of that, during the year and from year-to-year, we know what the duty is -- that's this column here that says "acre-feet per acre per season" -- and we set a flow rate in that ditch for the irrigation season, whatever it's going to be. If it's for three months, four months or six months, whatever that is, and then we set a flow rate that's allowed in that ditch for that period of time. And we monitor that twenty-four hours a day all through the irrigation season, whatever that is.

Seney: How do you monitor? Do you have a ditch rider, do you have instruments there?

Stone: We have instruments. We have continuous stage recorders that leave an ink path [on paper graph].[15] There's a float down in a well, and as the water level changes up and down, that float raises and lowers; there's a drum up above with an ink pen on it, and it shows us the elevation of the water in the ditch. We have then gone out and measured the ditch several different elevations and we prepare a rating table and we know how much water is in that ditch at all these different gauge heights.

THE BENCH AND BOTTOMLANDS CONTROVERSY AT TCID

Seney: Let me say that, given the fact that this is so much parcelled out by the courts, I

15. Clarification provided by Mr. Stone.

would think that this is pretty routine. But to go back to the letter you read earlier from the farmer, now you're going to have to go in and decide, maybe, what are bench- and bottomlands. Isn't that going to stir up a hornets' nest for you, kind of. You must not be looking forward to that, I wouldn't think.

Stone: No, I'm not. It's going to be new for the office to do that and, hopefully, as I indicated earlier, there's going to be some criteria that I can follow. You know, obviously when these petitions are filed, there's going to be several interested parties. There's going to be TCID, there's going to be the tribe, there's going to be the individual farmer, the Soil Conservation Service is going to be involved, et cetera. And they're going to come in with their different records of depth-to-water table, soil moisture-holding capacity, and all those different things, and if the criteria are established in the beginning as to what it has to be to be bottomland or benchland and the scientific information that I'm given is not disputed. I don't know, you see, it could get to the point where the Bureau sets out their own instrumentation and the tribe sets out their own instrumentation, and the farmer sets out their own instrumentation, and then they're going to -- and it could be this way; I've seen it, and they all come in with three different sets of numbers, you know. Now it may turn out that the Soil Conservation Service, for example, which is a Federal agency and respected by most everybody, would be a proper agency to go out and do this monitoring of the ground water. But it isn't going to be anything that's going to happen overnight. You're going to have to do it for a season or so.

END OF SIDE 2, TAPE 2.
BEGINNING OF SIDE 1, TAPE 3.

Seney: It's August 15th, 1994. My name is Donald Seney, and I'm with Garry Stone, the Federal Watermaster, in his office in Reno, Nevada. We're talking about deciding bench- and bottomlands and maybe getting the office into a whole new area. Are you going to try to avoid that? Are you going to, maybe, say to the judge, "Gee, the Soil Conservation Service knows how to do this, Your Honor, and they'd be just the right guys for this?"

Stone: No, I'm not. No, I'm not going to do that. I may say that the Soil Conservation Service is a logical non-biased agency that can go out and get me the information, but I wouldn't say that the judge should turn the final decision over to the SCS or anything like that. I think it's pretty clear in here that I'm charged with doing it, and I intend to do it. (Laughter)

THE WATERMASTER'S JOB IN AN INTERESTING ONE

Seney: This strikes me as an interesting job. Is it, do you think?

Stone: Oh, yes. I really enjoy the job. This is my thirty-seventh irrigation season, I think, if I counted right; 1958 through '94. The frustrating part of the job is watching people argue and fight and disagree, but, you know, Mark Twain said that "whiskey's for drinking and water's for fighting over," and that's about as succinct as you can get it, because it sure as hell is, you know.

A lot of times we find ourselves shutting water off. It's almost like we're a regulatory agency, in that the bad news is, "here comes the Watermaster and there goes our water," you know. And this morning that difficulty I had, for example, was a situation where I had a couple of farmers out there that are row-croppers, as

I told you before. And you know, those guys, when you're looking at an acre of corn, you're looking at big bucks. And then you've got another guy down the road, or down the ditch in this case, a little bit, that's got a fourteen-acre parcel and he's put a driving range on it and he's just replanted it in new grass and fertilizer and you know, he's got a tremendous investment. So you're in a situation, a lot of times, when I turn a ditch off and it affects 400 people, two golf courses, three parks, and stock water.

I hope people respect the office and they know what we're charged to do. But I don't bring a lot of good news to people, (chuckles) especially during drought years, you know. But it's interesting and it's always different. It's a high-profile job, as I indicated before. The press is constantly, constantly, constantly calling for interviews and wanting to know this and that, because water's a big part of everybody's life, you know. And so I've enjoyed it. I have my moments, Don, when I think it's time to go to my cabin.

Seney: Do you find when you go out to these ditches, that you can say to the guys, "You know, this is the Decree and you guys know that, I know it, you know it. There's no water. If there was more water we'd, you know, we would all have what we need. It's really out of my hands. You know I've got to do this. I mean, you can yell at me if you want. If it makes you feel better, go ahead, but I still have to do it." Is that how you find yourself, kind of, dealing with the situation? I mean, it's kind of an inevitable situation. It isn't totally a judgment call on your part, although I'm sure that there's some of that. And I'm not sure exactly what I'm trying to say. Maybe you can sense it.

Stone: Well, I guess I could kind of summarize by saying that when I took the job, I mentioned earlier the fact that we did the Plan. And when we talked about the Plan, we didn't get into the specifics of what the Plan did or so on and so forth, but in essence what the Plan did was, it reduced diversions in the Truckee Meadows, by about fifty percent, which is substantial. And that was the first year I was Watermaster. And I had meetings with all the ditch companies and we went out, I decided to do it over a couple of years, and we went out and we cut the ditches if it was flowing thirty and it was only entitled to fifteen, I took two years to cut it back. In the meantime, I took all the calls, took all the letters, I took all the whatever it took. And I explained to people what was going on and the whys and wherefores of it.

Seney: That they'd been getting too much in the past and now it was time to do it right.

Stone: And because of that, there was not really an appreciation, let alone an understanding, of the Decree. The Decree didn't mean anything to them. Some of them, they had heard about it but it didn't mean anything, and "the Truckee River Agreement, what's that?" you know. So when I go out and talk to people, I've learned here in the Truckee Meadows that the Decree, they don't understand that. You have to deal with them on their own level -- and I don't say that in any derogatory manner -- their own level, and that is, you know, "how much water's in the river?," as you said, "and why can't I have it?" "Well, you can't have it because it's going to the fish. Well then I have to sit and listen to a tirade about the *cui-ui* and how important their farm is compared to some damned sucker fish. Or Pyramid Lake and everything that portends. So, you do have to kind of be patient,

you have to be reasonable with these people, you have to understand it's their life's blood, a lot of them; some of them are just a bunch of spoiled -- (sigh) that's a whole other subject. These one- and two-acre parcels, I've got a real . . . .

Seney: Kind of a hobby farms?

Stone: Yeah. Those kind of people that, you have lawyers and business people, folks with, you know, incredible wealth, if you will, and you'd think that that one- or two-acre parcel was their [whole life]. I mean, when you shut them off, it's just like if you're cutting off an arm. You know, and the farmer, a lot of times, he'll argue with you, "Well, by God, in another day . . . ." But eventually you just know that he's going to say, "Oh, well, I knew it was coming." But some of these guys -- girls, guys, just people -- boy, I mean, you'd just think you were just sawing off a leg with no anesthetic. (laughter) But that's a whole other aspect of the job. Some of those people are kind of hard to deal with. They probably give us more trouble. We have more trouble with, as a general rule -- I think that Jeff and my field people would agree -- that we have more trouble with the small parcel owners than we do with the ranchers. Because the ranchers expect it; it's just a part of doing business for them.

Seney: And they've been in it for awhile and it's happened before.

Stone: Right. And then the other point I think that fits in with your question is that, as I indicated, one year out of fifty, they didn't make rates for September of '77. And then all of a sudden we hit these years [of drought]. There's letters to the editor, I think there's one still up on the bulletin board where somebody, "Claude Dukes didn't have this trouble. We always had water when he was the Watermaster."

(laughter) I mean, you know. I called that guy that day, that morning. It was in Sunday's paper, and I just . . . . I couldn't resist calling him and telling him who I was. I said, "Would you like to have a little bit of understanding of how we operate and why and what we do? Come on down to the office; I'd love to visit with you." But he never showed up.

THE DISTRIBUTION OF WATER IN THE FUTURE

Seney: Yeah. Let me ask you, if you would, to speculate on what you think water diversions are going to look like in the coming years. I mean, you must get a feel for kind of the politics of the way the water's going to be distributed and how much may end up in Pyramid Lake and how much may end up the Newlands Project and how much may end up in the Stillwater Wildlife Management Area. Not what you want; obviously I'm not talking about that. But as you look out, based on all these years of experience and your knowledge of the participants and how the process works, how do you see the water being distributed in the future?

Stone: Well, I don't think there's any question that, as a general statement of fact, that in the Western United States, those of us who grew up around and watched irrigated agriculture flourish, are going to see the decline of irrigated agriculture over the next couple of decades. I think it's going to happen not only in Nevada, it's going to happen in Idaho and California and Arizona. And the reason for that simply is population growth, number one, you need more people water; number two, you're seeing a change, if you will, in people's perspective on the Pyramid Lakes of this country, and the wetlands.

Seney: And the place of Native Americans.

Stone: Native Americans, what role they play in it. I think you're seeing a realization that the days of the conquering hero and the outdoorsman and the mountain man, [are gone] that mystique that we generated when my grandfather came across, you know, the United States and came down the Humboldt River, and that was fairly modern as far as that's concerned, in the early 1900s. But those days of carving a ranch out of the wilderness and moving the boulders and cutting the trees you know, they're gone. And the demands that are going to be placed on the Truckee River and the Carson River for the growth of Western Nevada are going to be substantial enough that it may turn out there's not enough for everything that they would hope to see built and keep the growth going.

But it really gets questionable to me when you start factoring in Pyramid Lake and the wetlands. I mean, I guess I could kind of summarize that by saying that the water supply is finite, and we're going to have these wet years and we're going to have these dry years and hopefully we're not going to have too many of these '87 through '94 years that we talked about earlier. But we're going to have dry years, and when you look at it from the perspective that the average water-year has been "X" acre-feet past Farad for a hundred years, it isn't going to get any bigger unless we go back into another Ice Age or something dramatic happens. So, as the demand increases for the municipalities and the Pyramid Lake Tribe is successful as they have been in getting more water for Pyramid, and the wetlands become more important, it doesn't seem to me as though we're going to have enough water to meet all those demands any more than we've had enough to meet agriculture and the cities up until now. So, I guess the water supply is finite, but

the demand continues to grow. We're just placing demand for different purposes, aren't we?

Seney: Do you see any move toward -- there's been a little move here in Nevada -- but any more move toward, say, a free market for buying and selling water rights?

Stone: Yeah.

Seney: That's the future, you think?

Stone: Yeah, I sure do. I think that is the future. And I think that's going to be exacerbated by the land values for subdivisions versus raising alfalfa or pasture. I wonder sometimes, seriously, how somebody can continue to farm $30,000-an-acre land, [the] value for subdivision purposes, with water rights and the whole nine yards, all it takes to be subdivided, and raise $250 worth of alfalfa on it every year. Somehow it just doesn't make any sense. You know, you still have a few diehard farmer, rancher types that are going to die on that farm or ranch, but their kids aren't going to -- some maybe, but very few. And the grandkids guaranteed aren't going to do it. So you're going to see the free market not only in water, but also in land; it will all have its impact. And farming in the Truckee Meadows, as I mentioned before, we're down to, you can count them on two hands, the serious, make-your-living-at-it guys. Maybe eight? I can count them, eight or nine. Carson Valley is a ways away from that, but it'll [be there soon].

Seney: It's moving in the same direction, is it not?

Stone: Oh, sure. When I moved over there in 1964 there was about 2,500 people in the whole county, give or take; I don't know exactly. And now I think there's 40,000. And that's been in twenty-eight years, which is a long time, but that's a pretty good

growth rate.

And we haven't even touched on this: Where's Las Vegas going to go to get water? Carson City? I mean, anyplace you go in Nevada it's growing. And if you take water away from agriculture and convert it, which everybody has to do because agriculture and mining basically tied it up early on in our society, as we all know. Again, it's finite. There's just so much water. I don't care what the demand is, there's just so much water to fill it. So, the free market is going to take over, I think, and rightfully so. That's how it's supposed to work.

But, again, you have to think that it's going to be hard to generate enough money to sustain the wetlands as they used to be, for example, below the Fallon area, when the Carson River was free-running and before white men settled over there. Pyramid Lake, you know, it obviously had been dropping for millions, well millions? I don't know. Thousands of years, anyway, hadn't it? Before white men ever set foot on the face of this country of ours. So I don't know where they're going to get the money to buy all that. If it's a free market, that's a little scary too, maybe, if you're (chuckles) an advocate of Pyramid Lake, because you have to have the money. In a free market you have to buy it.

Seney: Well, thank you very much. I appreciate you taking the time to describe this very complicated business.

Stone: Well, it was my pleasure. I'm sure we missed some things, but then again, maybe I spent too much time on others.

Seney: No, no, no. I think we got an accurate picture of what you do, and I appreciate your constraints. I'd love to hear you talk about all the participants, but I know

that your position doesn't permit you to do that. So we're limited then to talking about the water exchange system, and I think we got a good feel for how complicated that is. Good. Well, thank you.

Stone: You betcha.

END OF SIDE 1, TAPE 3.

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[16]

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.

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.

---

16. 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).

- 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 (--)[17] 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.

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.[18]

Italics are used:

> For titles: books, plays, newspapers[19], periodicals, journals, long poems, musical productions, paintings, films; the names of ships, trains, and aircraft.
>
> For foreign words not yet anglicized.[20]

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.

---

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

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

19. 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.

20. 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).

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 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