

**ORAL HISTORY INTERVIEWS  
TED DE BRAGA**



**NEWLANDS PROJECT ORAL HISTORY PROJECT**



August 5 and 11, 1994  
Fallon, Nevada



**STATUS OF INTERVIEWS:  
OPEN FOR RESEARCH**



Interviews Conducted by:  
Donald B. Seney  
Bureau of Reclamation



Oral History Program  
Bureau of Reclamation

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Date: \_\_\_\_\_

Signed: \_\_\_\_\_  
Archivist of the United States

## 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](mailto:bstorey@do.usbr.gov)

**Oral History Interviews  
Ted de Braga**

**Family and Early Life**

Seney: My name is Donald Seney, and today is August 5, 1994. I'm talking to Mr. Ted de Braga in the TCID offices in Fallon, Nevada. Good morning, Mr. de Braga.

de Braga: Good morning.

Seney: I want to start by asking you to tell me about your mother and your father, and when your family came here to Churchill County.

de Braga: In 1916, the family moved to the Newlands Project, and the reason that my grandfather did move here, was because of a flier that was distributed by the U.S. Reclamation Service in 1914, enticing people to come to this Project. He was a miner out in the Austin-Ione area, which is approximately a hundred miles east of Fallon, and he seen one them fliers and thought that that would probably be a better lifestyle for the family than what the mining was at that time. So he came in and homesteaded forty acres in the Stillwater District, which is approximately fifteen miles east of the city of Fallon on the lower end of the Project.

Seney: Is that what he could homestead at that point, was forty acres?

de Braga: You could homestead forty, eighty acres -- up to 160 acres, actually. But he took up forty acres and developed it. There was seven children in the family. In fact, I still own the original ranch that he homesteaded, and of course I've put together a lot of other properties and added them into our operation. And currently we're into the fifth generation of the de Braga family on some of the

original ranches, and farming in the Stillwater area.

Seney: How large an operation, how many acres do you have now?

de Braga: I actually own 350 acres, and I lease another 200, and one of my sons -- I have three children, two boys and a girl -- and the youngest boy kind of has his own operation, yet we farm together, and between the two of us, we're running approximately 1,100 acres, total of leased and owned properties. The older boy is running a large ranching operation in California, and my daughter lives on one of the ranches also -- her and her husband -- and my mother's still alive and lives in the house where I grew up.

Seney: How old is your mother now?

de Braga: My mother is eighty-three.

Seney: By the way, when were you born? What was your birthdate?

de Braga: My birthdate was April 27, 1938.

Seney: When your father came to farm here, what did he start out farming? Did he plant alfalfa to begin with?

### **Alfalfa and Other Crops on the Project**

de Braga: It was actually my grandfather and yes, that was the main crop in the valley, was the alfalfas, and most people had like some dairy animals and some pigs and things like that, you know, to sustain the family -- raise their own meat and then of course in the summer they'd raise gardens. If they had the cellars, it was built underground, for the cool temperatures of climate, of course. And then of course my grandfather worked for a neighbor, helping him with his haying and dairying and stuff to help sustain the family also.



Seney: You know, I know a lot of different crops were tried on the Project: sugar beets, for example. Did your grandfather get involved in sugar beets at all?

de Braga: I don't recall him being involved in the sugar beets, but there was actually a sugar beet factory here on the Project. There was a disease that came into the beets: it was called, I think, curly dock or something. And that actually put the beet industry out of business. And then along in the late fifties, early sixties, then there was some beets raised again on the project. In fact, the Speckles Company came in, and they had what you called "quotas." And there was about 1,800 acres that was in this area on the Newlands, and I was one of the individuals at that time that was raising some of the beets -- one of my brothers and my father also -- we had part of the quota. And we raised beets for probably another eight years or so, until the late sixties.

Seney: How did that work out? Had they solved the disease problem by this time?

de Braga: Yes, the new varieties and stuff that they had was resistant to some of the diseases, and then of course, the new chemicals and stuff that they have for control of the weeds. But we used hand labor also for the thinning and the weeding. Of course that's all changed now: they have the mechanical thinners and all this stuff that actually takes the place of a lot of the hand labor. So I did try to get one of the sugar companies interested in coming back in here again last year, and there was no acreage quota allotments available. They did say that in the near future, they felt that [if] there was some available, maybe they would look at this area again, so that would be good.

Seney: What do you mean when you say, "acreage allotments available"?

de Braga: Actually, they determine how many acres or how much sugar, I guess, they need. So they was the ones that actually set up the allotments, the company did. You're under contract to them, in essence, is what it really means. And so back at that time, I believe it was 1,800 and some odd acres that they felt is what they wanted out of this area, and awarded them contracts. So there was probably around a dozen of us that had that roughly 1,800 acres, at that time.

Seney: What happened to the arrangement? Did they terminate the arrangement?

de Braga: It was along about that time is when the environmental movement -- some of the chemicals that we was able to use for insect controls and stuff, was abandoned. And so it made it very difficult. You could get a crop, maybe, you know, a couple, two or three hundred dollars an acre, tied up into the crop, when it's still very young, and have a chance of losing it. And in fact, that did happen on a couple of occasions, and so it was a pretty risky process.

Seney: If you couldn't spray, in other words, it was too risky?

de Braga: Some of the chemicals, yes. It was, I guess, outlawed. I don't know what's the best term. But at any rate, the FDA [U.S. Food and Drug Administration] took them off of the listing, so we wasn't able to use them. In fact, like the DDTs and some of them at that time -- some of the chemicals had that in it, and so they was the ones that was banned.

Seney: I know farmers don't like to talk about money, but was growing sugar a fairly profitable crop to grow?

de Braga: It wasn't that much more lucrative than the alfalfa. It was a cash crop.

Seney: When you say "cash crop," what do you mean?

de Braga: Well, you was under contract, so in essence, as soon as the crop is off, you'd have your money. And the alfalfa hay, when we put it up, you know, you have to wait for a buyer to come along, and sometimes that was difficult to get somebody. And actually, the sugar prices was pretty much set. And so, you know, you were at the mercy of how good your yield would be or something like that. So, like I say, when I say "cash crop," as soon as the crop come off, why, you pretty much, you know, was assured of getting . . . Well, actually, there was a couple different payments, but you was assured of getting your money.

Seney: And that's attractive from your point of view?

de Braga: It was. And it would be good now if there was some other crop. Certain parts of the valley now, there's row crop potential, due to the soil types. But out where I live is real pretty heavy, adobe-type soils, and we're kind of restricted to the types of crops that we can raise, and it's mostly more of the alfalfas and the pastures. And when we rotate the alfalfa, we go to small grain like wheat, barley, oats, or corn or something for two years, and then back to alfalfa.

Seney: You have to rotate the alfalfa?

de Braga: Yes, normal procedure is out two years. And now of course the new concept that's just coming on-line with some of the extension university people with some of their trials and stuff, that they are actually following back-to-back. Maybe you plow the field out, leave it lay for three weeks to a month, and go right back to alfalfa. But we always felt that by doing the rotations that we could clean up some of the diseases, possibly, in the soil, and some of the weed

problems and things like that. So that's a normal cycle, is two years out and then back to alfalfas.

Seney: For how long, then, would you grow the alfalfa before you need to take two more years out?

### **Soil Variations in the Lahontan Valley**

de Braga: Well, it varies, due to the types of the soil, of course. And then the variety that you [grow].

Seney: You say "of course," but obviously, I don't understand that.

de Braga: In the valley here, you know, this valley is actually remnants of ancient Lake Lahontan, and the sediments as they was laid down, and as the Carson River come down (public address system interrupts), we used the Truckee River water, but before pre-Project, it was just the Carson River that came. And so different parts of the valley have different soil textures. So when I refer to the types of soils, that's what I'm referring to. Now, as I say, along the river, more the channel area, you have the lighter, the sandier loam soils, which is pretty well uniform -- certain fields in forty acres you may get, you know, a small variation of soils from maybe an alkali spot or a little clay, to the sandier loam, to pretty near straight sand.

Seney: Is that good soil there?

de Braga: It's better. The rule of thumb is that that's a better soil. Now, when you get out in my area, it's virtually all the heavy clays. And you do get some sand streaks, or in forty acres you may have four or five different soil types, but the majority of it's the heavy clay.

Seney: Is that why I see, when I've driven by some of the fields, that there'll be spots, and as you say streaks, (de Braga: Yes) where clearly things aren't growing as well as they are in the rest of the field?

de Braga: That is true. And the reason for that is, like I say, and why you would think it would be more disbursed in forty acres, but in forty acres, within fifty feet, you can have alfalfa hay that will grow three feet tall, and fifty feet away, it'll grow six inches tall.

Seney: It must be very frustrating.

de Braga: It is. We've spent a lot of money in conservation practices and trying to put humus and stuff into the soil. We plow a lot of the stubble back in, and of course the manure and stuff is good to put on.

Seney: This would come from the dairies, I suppose?

### **Raising Cattle on Alfalfa**

de Braga: Yes. We have cattle too. I run cows and calves, because some of my soils, like I say, we generally put pasture in some of the soils that won't raise too good of alfalfa. And we do run cattle. And then of course, whenever you're into the haying business and stuff like we are, there's always the new seedings of alfalfa is what you would consider more off-grade hay. Or if you get rain on some of the hay, or for whatever reason, you always have a bunch of that kind of hay setting around. So that's hay that we end up feeding to our cattle, normally. And then we use them to clean up the fields in the fall, you know, and stuff. And so they're a good management tool, also.

Seney: That's essentially what you're talking about it, isn't it?, a management tool,

through the cattle.

de Braga: That's right.

Seney: What percentage of the hay that you grow do you use for your own cattle?

de Braga: Actually, the percent that I use would probably be less than ten percent -- maybe seven, eight percent is all, because we do put up quite a bit of hay, and most of that goes to the dairies. We try to get it up of quality good enough that it can go to dairies.

Seney: How do you grade it?

de Braga: You can send it to a lab to have it actually analyzed.

Seney: And what are they looking for?

de Braga: Well, TDNs, which is total digestible nutrients, and protein, of course. And so the scale now is that anything that's considered hay good enough to feed to dairy cows that's actually milking, has to have a minimum of fifty-four percent TDN. And years ago, you know, up until just the last seven or eight years, actually, the hay was more or less bought on just appearance. You know, hay can look real nice, and be put up right and all that.

Seney: Excuse me for stopping you along the way here, but what do you mean when you say "put up nice"?

de Braga: Put up properly. In other words, the hay doesn't have much weeds or anything, you know, and has a good color, and it was baled with the dew on it, and the leaves are all hanging still on the stems, and things like that. But yet, maybe that hay will not test as high as some that hasn't been put up properly -- was put up drier and has maybe a little bit of weeds or something in it too. So that's why

the test actually determines the protein and stuff.

Seney: What can you do to make the TDN, the testable protein rate, higher? Anything?

de Braga: Well, this year now, there wasn't anything. Very little of the hay in this valley tested. And the rule of thumb was that you should cut the alfalfa hay by the time it gets about a tenth bloom or prior to that. Once it goes beyond the tenth bloom stage -- in other words, you look at the whole field and if it's got a tenth bloom . . . .

Seney: A "tenth," meaning?

de Braga: Ten percent of the plants having what they call "the bloom" on it. When it turns to bloom, then that top flower turns purple on the alfalfa plant, and so it's very obvious to see, you know, how much of it is in bloom. But like this year now, with the shortage of the water, and in my particular instance, my fields, you could look at them and you wouldn't see less than one percent bloom. You just didn't see any bloom at all when we cut the hay, and we thought, "Well, this should be a good year for the test." Of course our yields was down -- see, we really needed one more watering.

Seney: But you didn't have enough water to do that?

de Braga: Didn't have enough water, because we're on the fifty-seven percent allocation this year, so wasn't able to irrigate it. And so we was really surprised when we got our tests back. It only tested right around fifty-three.

Seney: And it should be fifty-four or above?

de Braga: Had to be fifty-four. So that cost us about ten dollars a ton right there, just on account of it just not testing. But some of that hay now will probably have to set

until this fall or the first of next year. And it will actually go for stock cow hay or the dairies when the cows go out of the milk cycle into the dry lot. Then they will feed that type of hay to what they consider the dry cows until they come back into the milk stream again.

Seney: Now, it's ten dollars a ton for this hay?

### **Selling Hay for Export**

de Braga: No, it'd be ten dollars a ton cheaper. If it would have tested the fifty-four [percent], we would have got ten dollars a ton [more]. I did sell some of the hay that did not test, but it went to a press. Actually that hay was very nice. It had the leaves, it had the color, it was put up properly, no weeds in it. And so some of that hay now has went to a press, and will end up actually going overseas to Japan.

Seney: Is that where they make the pellets out of it?

de Braga: This particular operation here -- in fact, there's two of them presses here in Fallon -- there's one just down the road here. And what they do, they take a standard bale that is about sixteen by eighteen or twenty inches by four foot long, and they'll put that in a big compressing machine, and they'll just press that bale, and when it comes out of there, it'll be more like twenty to twenty-four inches long, and the same weight, and they just take and rewrap -- use the same string or wire or whatever, plus they put another band around it. And they do that so that they can condense them so they can get more in the cargo, and it goes on the ship and goes over. So you know, you walk up to one of them four-foot bales, and it weighs a 130 pounds or so, it seems natural. But when you



grab ahold of one of them little ones, that's maybe twenty inches long and weighs the same thing, it just doesn't seem right. (laughter)

Seney: Really! And then they have to break them up when they get them where they need them.

de Braga: When they get them to Japan, then I'm not sure what process -- whether they grind them or how they process it. They might just feed it loose, just break the bales and feed it that way also. A big percent of it around here is just fed that way, see, when it gets to the dairy. Some of it is run through, processed through grinders. And then they do have some processing plants that does turn them into pellets too. And that was how the Japanese was taking a lot of them over a few years ago. But their main focus now is along the bales, for some reason. I don't know why -- maybe less spoilage or less loss, I don't know.

### **Determining the Water Allotment on the Newlands Project**

Seney: You say this year you're getting a fifty-seven percent water allotment. (de Braga: Yes.) Tell me a little bit about the water allotment process and how that works, and how that's affected you in this current drought that we're in.

de Braga: Well, when I say fifty-seven percent allotment, on a normal year, we would get a hundred percent of our allocation. And we have actually three different allocations for the Newlands Project. You have what we consider the benchlands -- it's entitled to four-and-a-half acre feet per acre, per year. And the bottomlands is three-and-a-half acre feet per acre per year. And then there's about a little over 3,000 acres is called the "pasture right," that's entitled to one-and-one-half acre feet per year. So in other words, when I say I get fifty-seven

percent of my water, I get fifty-seven percent of the three-and-a-half acre allocation.

### **Benchlands and Bottomlands**

Seney: You've got all bottomland?

de Braga: Mine is all bottomland. Most of the benchlands, all the Truckee Division now is from Fernley, down through Hazen and the Swingle Bench area to Lahontan: that's all considered benchland. And that's a controversial issue now, how much of what we call the Truckee Division. That's all serviced off the Truckee Canal. That's above Lahontan, back up the river, to Derby Dam. And then the Carson Division is everything below Lahontan. There is benchland on the Carson Division also that's entitled to four-and-a-half, but several years ago now, the Bureau of Reclamation came in and said that a bunch of that land was not properly classified, although the Bureau is the one that did it years ago. And when the Bureau was running the operation, they serviced them same acreages. In fact, they issued water rights as high as nine acre feet per acre on some of the land: and sevens and sixes and fives, and all different things, because it was more of the sandier soils.

Seney: This was before 1926, (de Braga: Yes) before TCID took over?

de Braga: Yes. And so when the irrigation district took over, they continued to supply some of them lands additional water. And it was, I believe, 1974 or '75 that the district said at that point them higher allocations would not be allowed and restricted everybody to the four-and-a-half or the three-and-a-half or the one-and-a-half.

### Water Allocations During Drought Years

So like this year, when I say that fifty-seven percent, how it affects us, like I indicated, like on first cutting, it actually needed one more irrigation of water, because the yields were down. And we've left fields lay idle, or fallow, that we did not put any water on, so that you could use the water on the better land or the alfalfa and stuff, where we could try to get enough production to try to survive through the economics of it, in other words. We did go through six years prior to '93, actually was a hundred percent year. We had a hundred percent of our allocation in '93. Prior to that, we had it through six years from about seventy percent down to as low as twenty-eight percent in 1992.

Seney: Can you do much with twenty-eight percent?

de Braga: No, in fact, it put a lot of people in real financial straights on the project: equipment dealers, and like your fertilizer dealers and things like that really felt the crunch. So people just don't have money to go out and buy, change their new equipment and things like that, that you have to do. And yet the payments continue on. The land bank payments or real estate or whatever. They continue to remain the same. So it's very difficult.

Seney: I take it these percentage allocations are just a kind of mathematical matter: how much water is behind the dam at Lahontan, and how much can we send down the canals.

de Braga: That is true. We have to make that determination in the spring of the year. And Willis Hyde, our Project watermaster, works very hard, he looks at the numbers. The Soil Conservation Service and USGS [United States Geological Survey] do

start doing their snow surveys. The first of January we start getting their results of the surveys, and then they go up. They base it on percent of averages, in essence is what they do. And on a particular day, they may say that there's eighty percent of water on the watershed. But that's on that particular day. A week from then, that can change. If you don't get additional storms, that percentage can go down, or it can go up. So we use that. And like I say, they do come out with them monthly, and if it's real critical sometimes, why, they make a couple of them a month. So we pretty much base our allocations and determination on what the figure . . . . Although this year, the Bureau told us, way back, that we was going to have a normal or hundred percent year, and we, the board and the irrigation district said, "No, we do not believe that."

Seney: Does the Bureau make prognostications as to the weather, (de Braga: Yes.) and whatnot and snowpacks and runoffs?

de Braga: They do. And more recently, they've got more involved in the operation of the irrigation district, and that's due to some politics.

Seney: We'll get to that in a minute, the OCAP [operating criteria and procedure] business.

de Braga: Yes. But anyway, they indicated, like I say, they started talking in January that we was going to have a hundred percent year, and we was telling them, "No, we didn't feel we was." And as time progressed, they still indicated, up even into March there, that we were going to have a normal or a hundred percent year. It did not happen. The board, prior to the irrigation season, felt that we would have a seventy percent water year. Well, the numbers just kept getting less and

less, and so we dropped the allocation down to the fifty-seven percent, and [it's] very difficult to hold it at that. We think that we're going to be able to achieve the fifty-seven percent.

Seney: Do you think you might have been a little optimistic at fifty-seven percent?

de Braga: Yes, we was cutting it very close. Actually, the board, the last several years, even in the previous drought years, we felt that there was need. We're conservationists, environmentalists, all of us, to a point. And we felt that we should leave some water in Lahontan Reservoir and not kill all the fish. So we have took the position that we were going to leave 4,000 acre feet of water in Lahontan Reservoir -- not drain that out -- for the fish. So when Lahontan Reservoir reaches 4,000 acre feet, whatever date that is -- I think at this point it'll probably run after the first of September a little bit. When it reaches 4,000, then we will shut the reservoir off. And if some individuals have not got their fifty-seven percent, which is a good possibility, why, that's just the way it's going to be. Some of them have already used . . . . (sigh) People are kind of funny, you know. They figure they bought and paid for their theirs, so they're going to get it. So some of them have already used up their fifty-seven percent, or probably have a month ago.

Of course this year, the Truckee Division of the Project has really been devastated because they actually run out of water pretty much in the first part of July.

Seney: They're shut down now, are they not?

### **The Recharging of Wells with Project Water**

de Braga: Yes, there's no water in the system at all for them, as of last week. We're trying to maintain enough in the canal for the stock watering pipeline, and hopefully, if we can keep a little water in the ditches, maybe it'll keep their wells charged and stuff. This whole Project, pretty much the rural areas is dependent upon the shallow domestic wells for their water supplies. And so you start taking the water out of the system, actually, then your water tables start dropping and the wells start going dry.

Seney: That's one of the reasons there's been a lot of resistance -- along with cost -- to lining the canals in this Project, isn't it?

de Braga: Sure, that is part of it. There are certain parts of the Project that should have some lining, if you get some real high water losses. And the District has done that over the years, and the Bureau came in and did a pilot project to try to determine how much ~~in a real bad, what we considered some of the earth irrigation district over the years~~ [water was being lost to seepage in an area the district felt was a bad area for water loss. This district has, over the years, lined canals we felt were losing larger amounts of water than normal.]<sup>1</sup> I think there's approximately thirty-some miles of linings on the District, within the Newlands Project now.

Seney: How many miles of canals are there?

de Braga: I think there are in the neighborhood of 400 plus of canals and laterals, and

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

Editorial corrections by Mr. de Braga have not been printed at 50% density.

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

about that of drainage ditches also. So, the reason the District does it, if you got some real problem areas where you have a lot of washouts, or losing a tremendous amount of water, then we have lined some of them. But to come in and do a blanket lining of this Project, number one, it's not feasible, and from the standpoint of you get out in my area -- that's that heavy clay soil -- you lose very little water in seepage losses. And on top of that, that type of soil, if you put a concrete lining on it, in four years it's busted completely out, because that ground, we get probably in the neighborhood of 120-130 degrees variation on this Project, from 105-106 [degrees] down to 30 below. I've seen it 30 below here. And so the difference in temperatures, that heavy soil heaves and contracts so bad, it'll just bust the concrete lining out, unless you come in and do a complete sand envelope in that area, which is possible, but like I say, that type of soil just doesn't seep that much water. But yet it seeps enough, you know, it would maintain like wells or stuff, but the loss is minimal.

Seney: So if you lined them, you'd compromise the wells, I take it.

de Braga: You would, to a point, yes. Yes, you would.

### **How a Farmer Irrigates and Orders Water**

Seney: When you're getting your allocation, how do you pace what you're going to get? Any amount -- a hundred percent, fifty-seven percent. How do you decide, okay, today you call the watermaster and you say, "Tomorrow I want some water"? How often do you irrigate your fields and so forth?

de Braga: And we're going to be talking about OCAP. You know, I've probably been here (laughs) too many years, but you know you get these so-called experts that tell

us how to run the water and how we should irrigate and stuff. And a big percent of them have had no experience on this Project, or maybe even running water. And so when they start telling us that to achieve the efficiencies in OCAP and stuff, that you're going to irrigate in rotations and you're going to cut your irrigation season short and do all these types of things, I have a real problem with that. I irrigate -- it ain't fun out there in the middle of the night with the mosquitos and the skunks and snakes or anything that you might run into -- we go irrigate when the crop needs it. And you get these real hot days where the winds or for whatever reason, you may have to irrigate that crop in twelve days. Or if the weather's a little cooler, you might catch a little light shower, or the type of crop, that may go sixteen, eighteen days.

Seney: Between the needs to irrigate?

de Braga: That's right. And you irrigate when the crop needs it, not because some guy says, "You're going to irrigate it on rotation every fourteen days, because that water's there in that ditch. Or you're going to irrigate it now or you're going to wait another fourteen days." And that's what they're trying to propose to us, and that's wrong. We do it trying to survive and raise the families and stuff here. So [I] have a real problem with that. We irrigate when the crop needs it, and that may, like I say, vary from week-to-week, month-to-month, from year-to-year.

Seney: How much water would you run onto the field? Can you give me a sense of that?

de Braga: Yeah. Of course, like I mentioned a little earlier, we're conservationists.

Seney: When you say "we're conservationists" . . . .



END OF SIDE 1, TAPE 1. AUGUST 5, 1994.  
BEGIN SIDE 2, TAPE 1. AUGUST 5, 1994.

Seney: You were talking about when you irrigate.

de Braga: Yeah, like I say, we irrigate when the crop needs it. And there's new techniques out now too. There's some atmometers, and some of the individuals now are using that. That's a device that you can set up in a particular field or on your ranch, and [it measures] evapotranspiration. In other words, due to the temperatures and the humidity in the air and stuff, that gives you an indication of how much water is actually being taken out of the soil through the plants.

Seney: Do you use this?

de Braga: My son does, and there are several other people that have them on the Project.

Seney: You're not quite ready yet to use one?

### **Fifty Years on the Project**

de Braga: Well, I guess. You know, I've been involved fifty years. I'm fifty-six years old, and I was driving the tractor on the baler when I was six years old. You know, we pulled the baler. They was the old "poke and tie" balers at that time.

Seney: What's a "poke and tie" baler?

de Braga: That's the old hand, poke and tie, prior to the automatic balers coming.

Seney: So a certain amount of hay would be fed in, and then you'd have to tie it by hand?

de Braga: Well, on the baler itself, there were seats on each side of the chamber. And one individual had to set on one side, and he actually had to physically push a set of needles between the bales, and then he poked the wires through. And there was an individual on the other side who would take the wires and tie them together.

So that was the kind of balers we had initially. And I was actually doing it. So I've been involved, and I guess kind of observing things that happened since that period of time. And I run so many ranches and so many different fields, and when I irrigate, I have a book and I write in the book too. But I can pretty much drive down a road and look at a field and tell you what's happening. And a lot of people are able to do that, and some think that I should go to the new technology, and I probably should.

Seney: Isn't what you're describing here, that is, the experience you've accumulated and your ability to judge the field (de Braga: Yes.) by looking at it -- isn't that part of the joy of being a farmer?

### **Threats to the Newlands Project**

de Braga: That is part of it, and the lifestyle, the culture, that they're wanting to destroy on this Project now, and that's very hard to accept.

Seney: Talk about that a little.

de Braga: Well, I guess there's a real movement on to take some of the water out of the Project for endangered species, at Pyramid Lake and upstream uses in the Reno-Sparks area. And we all recognize, you know, that people have to have water. But there should be moratoriums put on the building. The conservation practices that they're forcing us into, restricting this Project down to water that's coming here. And the building continues in Reno -- escalating, in fact. We don't feel that's right. There should be water meters put on mandatory. We tried to get that in some of the negotiated settlements -- was not able to achieve that. I don't think that's right. Everybody should conserve. There's a real difference

in want, like for the cui-ui fish. There isn't any of us, and me particular, doesn't want to see anything extinct. In fact, like the coyotes and stuff, I drive right by them, with a gun right in my pickup, and I don't shoot them. If they're killing my calves, then I start shooting them and take some of them out. But there's a real difference between want and need. They want "X" amount of water, but do they really need? And so this Project, over the years, the last twenty-some odd years, now through litigation, legislation, or schemes -- and when I say "schemes," like OCAPs, bench-bottom issues -- they've come in and actually took a good portion of this water out of this valley that the water users have bought and paid for -- for no compensation. In fact, the water users spent millions of dollars trying to keep them from doing it. And that's money that could have went into conservation practices here on the Project: more automations, more of the linings in the particular areas that we're talking about, that would have saved water that they could have had. And we offered, in the negotiations over the years, they want the water users to do a lot more of this conservation practices. It's water that would be saved, at our expense, that somebody else would benefit from. The people that benefit from it should be the ones that pay. You know, and that's the way I talk when I start brainstorming with these people -- clear from the Secretary of Interior, down to the local offices of the Bureau, and the political people and that over the years I've been involved [with] or exposed to numerous ones of them. And one problem with that is, about the time that the individuals that we're involved with start talking to, start saying, "Hey, maybe them guys have some merit to what

they're doing, and they're operating the Project to the best of their ability, and there's a reason they're doing it -- then they move on! Or the administration changes, and so you lose them people, so then here comes a whole new group. Then you have to start over again, and that's what's frustrating.

### **Crops Other than Alfalfa on the Project**

- Seney: Before we get any further, I probably can't get you to stop talking with your hands, but when you tap the table, it bounces on the microphone. (de Braga: Okay.) I don't want to stop you. (de Braga: I understand.) Anyway, I want to get to OCAP a little later. As I said, we can go back and forth. I want to ask you some more questions about the Project -- that is, about farming on the Project. We talked about sugar beets. Was your granddad involved in turkeys at all? Did he get into the turkey part of it?
- de Braga: They did raise some turkeys, and chickens also. Of course the turkeys was more for meat consumption. And a lot of the chickens was for egg production.
- Seney: But both for export outside the Project?
- de Braga: Some probably did go out, but some of the local businesses here in Fallon, the grocery stores and stuff, utilized a lot of them also -- meat markets and stuff like that.
- Seney: But he wasn't involved in any of the Norbest turkey growing?
- de Braga: No, not under contract, as such. I think probably the individuals here in Fallon that did buy the turkeys or the chickens did export some of them, because the Fallon Hearts-O-Gold cantaloupe and Fallon Turkey was pretty much world famous: in fact, the cantaloupe probably was. But the turkey, more, you know,

within the United States. On the menus, in the restaurants and stuff, for years would be "Fallon Turkey," or the "Fallon Hearts-O-Gold Cantaloupe." But there's been no turkeys raised on this Project for probably twenty-five, thirty years.

Seney: Why is that?

de Braga: Just the economics of it, I guess. You know, small individuals can't compete with like Norbest or Foster Farms. They raise by the hundreds of thousands or the millions and stuff, and just a small individual trying to raise maybe a couple thousand or a couple hundred or something -- it's just economic. When they had to process them and take the feathers off of them and stuff, that was quite a job. I can remember the family doing that. My mother and father, and of course aunts and uncles.

Seney: And you, yourself?

de Braga: Well, to a certain point. We had parts of it that we had to do.

Seney: It's a lot of work, scalding them and . . . .

de Braga: Yes, temperatures had to be just right for the feathers. And like the turkeys, you know, they stuck them, and if they was stuck right, the feathers would virtually fall off. If they wasn't, then you had to virtually pull one at a time off.

Seney: When you say "stick them," you mean the method of killing them?

de Braga: Yes, right.

Seney: Cutting their throats, I think isn't it?

de Braga: Yes, go to inside there. And that was kind of hard for me, because I was fairly young at that time, and I had a little trouble with watching that process. So I've

seen a lot of it.

Seney: What about the cantaloupes? You ever grow cantaloupes yourself? Or did your grandfather? your father?

de Braga: No, because our soils will not -- the cantaloupes just will not do good in our heavy soils. They take more of a sandier, the lighter soils, which is more the area around Fallon to the northwest and west area of Fallon is more where the -- you know, like the cantaloupes, the watermelons. And there's some berries being raised also now. And there's one individual that has a contract for raising garlic. But that's a minimal amount, maybe fifty to a hundred acres a year.

Seney: How does that grow here?

de Braga: The particular individual that's doing it is right on the Carson River channel and has excellent soil. And so actually, he's doing quite well.

Seney: Is that going to be a good crop for him?

de Braga: Yeah. He told me just the last day or two that he's got a disease in it now. So once that disease hits a particular area, then you can never, ever grow garlic on that particular soil again. In fact, I understand they may have to go in and fumigate the soil, which may run up as high as a thousand dollars an acre to fumigate it.

Seney: To be able to use it for anything else, you mean?

de Braga: Well, yeah, to try to get rid of that fungus or whatever it is.

### **The Growing of Alfalfa on the Newlands Project**

Seney: First, when I started to become interested in doing this project, I thought, "Why alfalfa out here?" And then as I read the history of it, I see that there was

naturally-occurring hays and fodders and alfalfa. So it made sense. (de Braga: Yes.) I mean, there were markets that had been created by the natural alfalfa. The farmers were used to growing it, they were used to marketing. I mean, it made sense. And then, as I read about it, I see that turkeys were tried, as we've said. Sugar beets and melons and so forth were tried, and now you're mentioning garlic and the problems with garlic. And always it seems to come back to alfalfa. Can you give me a general sense of this situation or -- I don't want to say "problem," but alfalfa seems to be the crop here somehow.

de Braga: Well, it is, and years ago, the different varieties, some of the older varieties, they would get a taproot on it as big as -- it looked like a big turnip or it might get two or three inches around, the taproot on it, and it would go follow the water down, maybe to the water table, maybe twelve, fifteen, eighteen feet. But that particular variety would grow real rank. And when I say "rank," that would be not very good quality. It would be considered a very poor quality alfalfa in this day and age. But yet it sustained, back, years ago when the people was on the forty- and eighty-acre farms and stuff, they would all have a few cattle and stuff and raise their own beef and stuff. Well, it sustained what they needed then. But now for, like I say, the better quality, them varieties are no longer even raised in this area. So alfalfa has been the staple crop, or the major crop, and people have been able to survive on it. The old varieties, you know, if you didn't get around to cutting the hay right today or got it cut next week, it didn't make that much difference. But with the new varieties, they're bred up to mature in about twenty-eight to thirty-two, thirty-four days. And when I say

"mature," they'll start to bloom on you, and so you've got to get that crop cut and off there. So you don't have time to wait until next week to do that. And of course their life cycle is much shorter. Some of them old stands of alfalfa would be in for maybe fifteen, twenty, twenty-five years. And the new ones now, some of them will only last like maybe five, six, seven, eight years.

Seney: And then you'll have to plow and replant? (de Braga: Yes.) And do the rotation you were talking about earlier? (de Braga: Yes.) How many cuts can you get in a growing season, say, if you've got your full allotment of water?

de Braga: Well, in this area, three to four. Most people now are trying to get the four cuttings, and that is possible. The better soil, especially, is more possible, than some of the poorer soils. And the sandy soils warm up sooner in the spring. Them alfalfa fields will be maybe six inches high and already in their growing cycle when some of the heavier soils are still kind of dormant. And so them people actually have a jump on certain soils -- makes a difference. And then of course we get frosts here the first part of September. Once it starts getting that cold, why then it can affect the growing season.

Seney: Is the growing season over then, when the frost begins?

de Braga: Well, it depends on how heavy the frost is. Generally, you don't get a real heavy frost -- you get maybe like a twenty-eight- or a thirty-degree temperature and stuff. It's enough to kind of tip the plants over a little, and that kind of stresses them and stuff like that. And then of course the days start getting shorter, and sunlight has a lot to do with it. So each year is different. But as a rule of thumb, four cuttings is getting to be more the norm now. And like myself, I have the



cattle. We get three, and on some of it, we do cut four. If we don't, why, we utilize it with the cattle.

Seney: So you just let it go, and the cattle come in and take care of it?

de Braga: Yeah, we graze it off, because that's fodder that we need for them. And if we didn't have that feed for them, then we'd have to end up feeding more of the baled hay once it's in the pile. And so if we can sell the baled hay, why, that's better for us. And then, like I say, the cattle are a good tool for us also.

Seney: How many cuttings are you going to get this year, with fifty-seven percent allocation?

de Braga: Three. And they'll be light. Like I mentioned, the first cutting needed actually one more watering on it. And when the ground gets so dry, you get in these drought cycles, and especially like my soils: it takes one watering to get the alfalfa started back on some of that soil. It's not a lost irrigation, but it takes it to get the plants started, and it may only get six inches high with the first irrigation. And then if you only got one more irrigation to put on it, then in twelve to fifteen days, you're in there having to cut it -- you don't get a lot of growth on it.

Seney: And you should have thirty days on it.

de Braga: Well, when you irrigate -- in fact, I'm irrigating like right now -- in about twelve to sixteen, eighteen days, that cycle again, to where it'd have to be irrigated again. But if the crop had just come off and I just irrigated today, then this first irrigation, the first twelve to sixteen, eighteen days, takes kind of [to] get that plant started again on some of the soils. And then you get one more watering on it, then it only, in essence, has another twelve to fifteen days to grow, and it

should grow like maybe twenty-eight to thirty-two, thirty-four days. In essence, it's only got virtually a little over half that time to grow, ~~some of the plants, see.~~ So that's why I say your yields and stuff are down. But if you're going to put another irrigation on, ~~or stuff, why~~ then you get pretty much the full growth out of it.

### **Serving on the TCID Board of Directors**

Seney: Let me talk about the TCID board, because you said this is starting out your twenty-first year on the board (de Braga: Yes.) and you're the president of the board. (de Braga: Yes.) What got you motivated to [serve on the board], and then how were you chosen for the board? How does that work?

de Braga: Well, the Project is divided up in what is considered seven districts. And each district has what we consider a representative from that district, and we call them a director on the irrigation district board. And so it's done through an election process. You have to be a registered voter and own water rights to vote for a director on the Project. And that's all under state law. The state legislature controls how that process is done. And so back over the years, like I say, I've been involved, and I'm concerned about the water issues. And a particular individual who had served, which had been probably four or five that I remember from my [district]. I'm considered the Stillwater District -- actually, it's District 7. He'd done a good job -- in fact, he'd served twenty years on the board, but he split his term. He served for a while and then he was off for a while, and then he came back on it and served. And so he was to the point where he felt he'd served his time on the board, and so just kind of that triggered

me to think that I should get on the board. Actually, since I've been on the board, I've had no opposition that has ever come out. And every four years, you know, you have to refile if you're silly enough to do that. (laughter) So anyway, I done that, so I'm into my fifth term.

Seney: Are long terms typical on the board?

de Braga: Ah, yes and no. I think individually, talking about probably was twenty years. I'm into my twenty-first, I believe that's probably about as long as anybody's actually ever served. I think there's been probably two or three other ones that probably put in twenty years.

Seney: I want to ask you a little more about the process of getting on the board. Did this gentleman come to you and say, "Ted, I'm going off the board, I think you ought to take my place"? How did that work?

de Braga: Yeah, more or less. In fact, we're real good friends. He's a neighbor out there. And so I talked to him about water issues and stuff, and he just kind of indicated that he probably kind of felt maybe that I felt capable of taking his position too. And so ~~just kind of~~ in conversation he indicated that he was ready to step down if I thought that I wanted to [serve]. And at that point, of course, anybody could run, any water users in the district. And so I did file, and he elected not to file, and so nobody come out in opposition.

Seney: So you were the only one who filed?

de Braga: Yes. Some of the other districts, though, there has been elections, and some of the directors have been voted out of office over the years.

Seney: Did you do any campaigning? Did you go around with him and [he said], "Now

Ted's going to be on the ballot this time. (de Braga: No.) And you boys, a lot of you have supported me, and you boys line up behind him." Anything like that?

de Braga: No, none of that has ever happened in my district, but it does happen in other ones.

Seney: I'm just trying to get a sense of how this works, because this is not uncommon in districts like this for people to say, "Okay, I've done my share, now it's your turn. You're a good guy, we all know you, and you're a successful farmer." I assume you're a successful farmer, and I'm sure you are. You're looking modest and kind of shaking your head "yes." Because that makes a difference. I mean, they're going to select someone they've got respect for, certainly, (de Braga: Sure.) who knows the business and whatnot. But was it necessary for you to kind of make courtesy calls on the people in the district [to] say, "'Whoever' is bowing out and has asked me to run, and I hope you'll see fit [to vote for me]." I mean, is there kind of a way in which this is done?

de Braga: Well, it is on the part of the district: My particular district, the families that are out there, a lot of them, some of them come there in the mid-1800s. And my dad and my grandfather, they was the type of person, you know, that their word was always good. They could borrow money with a handshake, didn't need anything. And I think that kind of was overlapped.

Seney: Is that the reputation you've got, Mr. de Barga?

### **Controversies on the TCID Board**

de Braga: Well, I think so, or I hope so. I would like to think so. In fact, there was a

pretty controversial issue that come before the board, I believe around 1980, and there was four positions open on the board at that time -- mine was one of them. The other three individuals was voted out of office, and nobody elected to come out against me. So that made me feel pretty good.

Seney: What are we talking about here? Can you give me some more details?

de Braga: Well, the board at that time was trying to settle a lot of the issues and trying to negotiate. There was so much litigation and stuff going on, the board felt that we wanted to negotiate these issues and get out from under the heavy litigation -- it was costing the water users so much money. So we actually sent some of the board members back to Washington to talk with the congressional people from Nevada at that point to see if we could get negotiations started to settled these issues.

Seney: You were one of the people who went?

de Braga: I was not at that time. Three other board members and the project manager went. But at that point is when I got heavily involved, because it kind of overlapped onto me at that point, and [I] done most of the negotiations and stuff over the years, along with Lyman [McConnell, Project Manager] when he come on board. Lyman, and I've done virtually all of it. But at any rate, we did have numerous sessions with the Pyramid Tribe, the City of Reno, Sierra Pacific, the State of Nevada, State of California, and the wildlife interests and all that. And we felt that we would have to give up some water, and things like that cut the Project down by some amount. Well, the water users themselves, some of the people on the Project didn't feel that we should be doing that. And so there was

some very heated discussions about it, and some meetings called by some of the individuals, and took the irrigation district and the board to task on that. And it so happened the timing was just at election time, virtually. So there was a movement on to get rid of the board members who was up at that time. And so actually, three of them did -- which was kind of a shame, because it was some very good heads, very intelligent, concerned [members].

Seney: Yeah. But they didn't go after you, even though you favored the negotiations and essentially had the same position as the three who were defeated?

### **The Endangered Species Act and Environmental Concerns**

de Braga: Yes, because we felt we had to do something to get out from under the litigation costs that the water users was complaining about the assessment charges, and a big part of the assessment charges going for litigation, for attorney fees and stuff. And so actually even prior to that, in 1968, the Bureau of Reclamation -- Department of Interior, I guess, BIA [Bureau of Indian Affairs] and Fish and Wildlife people -- came to this Project and said they wanted to reduce the amount of water that was coming to this Project and acreage, to give more water for the endangered species. See, the Endangered Species Act of 1968, in essence, was pretty much put into effect for the cui-ui fish at Pyramid. This is number one Project, Reclamation Law of 1902, was for the Newlands Project. So you had number one endangered species and the Reclamation Act battling heads.

Seney: Did you realize at the time the Endangered Species Act was passed that it was going to have such a potent impact on these kind of questions?

de Braga: Well, we didn't realize that it would carry probably as much weight as it does. That's actually the driving force of all the endangered species now -- pretty much overrules a lot of the Constitution, I believe. That's my own personal opinion, but I really feel that.

Seney: Well, that's an opinion a lot of people share.

de Braga: Yeah. And like I mentioned earlier, you know, I feel there's a need for it. The environmental movement and stuff is good. Here again, I try to use "horse sense." I term it horse sense. Some things I say I think make too much sense -- people on the Washington level don't understand anything that makes sense. But the pendulum used to be way off on the opposite side, and now the environmental movement, they've took and they put it way completely over. And what I'm looking for is a balance, and that's what my position has been all these years. I know that they need some water, and that's why I made the statement, "want" and "need." I don't think they need the amount of water that they want.

### **Reelected to the TCID Board When Others Were Defeated**

Seney: Let me ask you about the election and the fact that the three were defeated and you were not. I know you're a modest man, but why didn't they go after you if they went after the other three?

de Braga: I'm not sure. I guess I tried to explain to the people why I felt it was necessary. I think the things I had done on the board previously, was probably the proper thing to do.

Seney: The water [users] keep a pretty close eye on the board?

### Serving as President of the TCID Board

de Braga: Yes. When you get these controversial issues, why, there's roughly 3,000 water users -- you get 3,000 directors! You know, what I kind of mean there -- everybody has their opinion and stuff. And I've always listened to their opinions. A lot of their opinions are good and I utilize them, and if I don't think theirs is, I try to explain to them why I think mine are. And over the years, I've always used the philosophy that we make mistakes, we're only human. I've made mistakes on this board, and you gotta be man enough to go back and correct that mistake. You've got to admit it and try to correct it, and that's been my position and not just be bullheaded and say, "Now, that was proper and it should be that way." So I think a lot of that enters into it. And I hope that's what I've tried to do. And as chairman and president of the board for twelve, starting thirteen years now . . . .

Seney: You've been president that long?

de Braga: Yes. People look to me and rely on me, and I get numerous phone calls, and when you get a real water issue like we're having now with all this new negotiations starting and these other issues . . . . You know, when I come to town, I get stopped by . . . . It's very difficult for me to get done in town what I have to do, and that has never bothered me, because people are concerned. And some of them are mad, and I can put up with a person that's really frustrated and mad, but a few of them got out of line, started getting nasty. Then I have a problem with that. So there's been a little of that. I've got a few things said about me that was a little disturbing, and in my estimation was not true. And I



think some of them have even come around afterwards and admitted it. This job has turned into quite a political job, and I hate politics with a passion. I never liked politics because I always felt it was kind of a dirty process. When you really get down in the trenches on some of our issues, that's when the dirty politics really take over. The issues aren't issues.

END OF SIDE 2, TAPE 1. AUGUST 5, 1994.

BEGIN SIDE 1, TAPE 2. AUGUST 5, 1994.

### **The Importance of Water to the Fallon Community**

Seney: Today is August 5, 1994, my name is Donald Seney. I'm with Mr. Ted de Braga in the TCID offices in Fallon, Nevada. Mr. de Braga, you were just saying as the [previous] tape ended, that politics is a dirty business, and so forth, and I can understand your frustration, and certainly small-town politics, and local politics can be really intense. And I think that's what you were saying about some people saying things about you [that] you didn't like, and they've come around. But aren't we also talking here about an issue -- that is, water -- that's really important to this community, and really affects the lifestyle and the culture of the water users themselves?

de Braga: Yes, that is true. The atmosphere that the water creates is why people want to live here. You take this water away from this valley, it'll revert back virtually to desert, which it was prior to the Project coming in. And ten percent of the people, possibly, or something like that, would continue to live here. But a big portion of them would not want to live here. I, for one, wouldn't want to live here.

Seney: And couldn't.

### Who Is Making the Decisions about Matters Affecting the Project

de Braga: And couldn't, if the water wasn't here. And so when I talk about the politics, it expands much further than the local -- it's on the national level -- has been for quite a number of years now, on the Washington [level]. Most of the decisions for this Project are being made on the Washington level. It's taken clear out of the local offices of the Bureau, or the regional offices of the Bureau of Reclamation, and it's pretty much done on the Washington level. It expands as far as, actually, the Justice Department making rules and regulations, which in my opinion is completely wrong. They should just be giving advice of whether rules and regulations or whatever -- policies -- is legal or not: not actually setting policy. So that's when I start talking "dirty politics," [when] it expands that far. And I'm not a modest man, I tell anybody and everybody that, and if they want my job, they can have it!

### The Importance of the Office of President of the TCID Board

Seney: In terms of your job as president of the board, it would seem to me that -- and there's certainly a mayor here in Fallon (de Braga: Yes.) and there's a county commission in Churchill County (de Braga: Yes.) and there's probably a president or chairman of the county commission. (de Braga: Yes.) But I would think that of all the officials, that you might be the most important and the most prominent one -- the position. I know you're going to be modest on me here and not want to say yourself. But wouldn't that, you think, be the case, that the president of the TCID board is one of the most important local political officials?

de Braga: I would have to say probably it is on a par with the other ones, because, the number one, issue one in the valley is the water and agriculture, so it's been our job in our position to try to maintain that, and keep it here in the valley. And like I say, when the negotiations, we was agreeable to give up some water, and the board supported [that] -- like for the wetlands. And now in the negotiations over the years, the wetlands was going to be excluded, they wasn't important. Well, I, in particular -- and the board supported that issue -- that the wetlands and recreation uses on this Project was very important, and had to be protected. The board set aside certain areas, like the Carson Lake pasture, for wetland, fenced it off, and entered into agreements with the U.S. Fish and Wildlife Service and the Nevada Department of Wildlife on like the Stillwater Management Area out there that was under the control of the irrigation district, because we knew that there was a need for that, and supported about ten percent of the Project being purchased for water that could go to the wetlands. When I say that, we felt that that had to come from certain parts of the Project, more of the fringe areas, some of the poor soils, and shrink the Project from the outside in, was what our position was, and supported that, and still supports that. We did get some criticism from some of the water users, when that did happen. But I think now a lot of them recognize that that was an important thing to do.

### **The Project and the Demands of Others for Water**

Seney: I guess your feeling is that the political position, broadly speaking of the Project, is that you do have to compromise with some of these people, and recognize these competing uses.

de Braga: Yes. And now, like I say, we're in the process of starting to try to renegotiate some of them issues again. And that's going to be, in my opinion, very difficult to do, because some of the parties received out of Public Law 101-618 a lot of concessions and things that they wanted.

Seney: This is the Settlement Act?

de Braga: Yes. And they will not want to relax any of the things that they gained in that, and want additional. And so that's going to be kind of difficult.

Seney: Who are you talking about here?

de Braga: Well, I think the Pyramid Tribe and probably the upstream users in the Truckee Meadows, Sierra Pacific. When we started the negotiations, I think I mentioned earlier, in 1980, we put in five years, and me in particular, working on that. I had to be in Denver, I had to be in Phoenix, I had to be in Washington, D.C., I had to be a lot of different places. But the main meeting stuff was in Reno-Carson City area, of course. So we put in about two years of negotiating, and we kind of stalemated. The Pyramid Tribe's position kind of all them years has been to have this Project down to roughly 288,000 acre feet of water.

Seney: It's about 345,000 now?

de Braga: Well, that varies from year-to-year. There again, you get some good rains or stuff through the summer, that can change that. Or if you get these 105-degree temperatures and no moisture. So that kind of varies. But at that time, it would vary from around maybe 360,000 to 380,000 acre feet of water.

Seney: What's the right, under the Orr Ditch Decree, of the Project?

de Braga: Well, to deliver no more than the three-and-a-half or the four-and-a-half to the

land.

Seney: Whatever that adds up to in gross numbers.

de Braga: That's right. You'd lose some of that in evaporation or seepage losses, and et cetera, depending on how much land is actually in production. And it all has a variation on that. So that was the tribe's position: Take Derby Dam out. That would settle all the issues. And of course, you take Derby Dam out, this Project, the Carson River, on average, won't maintain half the Project. I don't think it would maintain probably, I feel, maybe 25,000-28,000 acres.

Seney: And it's 50,000-60,000 acres at this point?

de Braga: Actually, there's 73,800 acres of certificate water rights on the Project. And on any given year, of course the irrigation district always felt we was delivering up around 60,000-63,000 acres of that. And the other would be, like the City of Fallon was built on water right ground, and a lot of the homes and some of the easements and stack yards and corrals and homesites cover some of that land. And that's another issue.

Seney: Cover some of the Water righted land.

de Braga: Water righted land. So in any given year, you know, we felt we was irrigating 60,000-63,000 acres. Now the Bureau with their, quote, "spy in the sky," [unquote] flyover, says we're irrigating something less, like 55,000-58,000, depending on whether you get the water right transfers involved.

Seney: And of course one of the arguments is, you're going to try to say, "We're doing more," and they're going to try to say you're doing less, right?

de Braga: Well, we know that some of the land is being taken out for subdivisions, but in

the early 80s there, when the Alpine Decision was rendered, then this was when some of this water was tried to be transferred. In other words, if I had some water, and was going to put a subdivision or some houses or something on it, and then wanted to take that water and transfer it off that land onto some other land that I had, that had to be through the Bureau standard, considered irrigable, and stuff like that, which they did come in and did quite a bunch of additional soil testing and stuff -- the Bureau determined whether some of this land was considered that.

Seney: By 1980, were they trying to shrink the Project?

de Braga: Yes.

Seney: The key year probably is what, 1967 with the passage of the Endangered Species Act?

de Braga: Yes. And then like I say, in 1968 is when they came out and talked to the water users and I went to the meetings with my dad. I wasn't on the board at that time, but I attended probably two or three meetings here in Fallon at least. At that time, Pyramid Lake was dropping some. And of course it's dropped for 10,000 years, because I can show you on the mountains out east of my house where Pyramid Lake was 10,000 years ago--ancient Lake Lahontan. And I didn't have anything to do with drying that up, Mother Nature did. But anyway, they said they needed 385,000 acre feet of water to sustain Pyramid Lake. So the proposal was, the irrigation district, and the Bureau itself . . . .

Seney: Would this be per year they needed 385,000 acre feet?

de Braga: On average.

Seney: Going their way.

de Braga: On average. Maybe this year they might get 600,000, maybe next year they get 250,000, but on average, that's what they figure they need to maintain the level of Pyramid Lake. So to achieve that, then the Bureau came and said, "Well . . . ." And like I mentioned, BIA, there was Fish and Wildlife people, and everybody involved in that process was to cut out the winter power water. See, there's a small power plant at Lahontan Dam, and in the nonirrigation season, which normally is from November until March, they continued to run water off the Truckee Canal, through the power plant, which was water that went directly into the marsh areas -- it sustained them, made them a viable, pretty near a fresh-water marsh area, wetlands. And so we was to cut out the winter power water, which was normally around 50,000-60,000 acre feet a year.

Seney: That was the first thing you had to do?

de Braga: Well, that was one. It was called the Nine-Point Program. That was one. We was required to divert no more than 406,000 acre feet of water annually, to the Project.

Seney: Through the Truckee Canal?

de Braga: Well, that would be total diversions -- out of Lahontan or off the Truckee Canal. That would be the total amount that could be diverted on the 406,000 acre feet. The acreage was to be cut back that could ever be put into production from 87,500 to 74,000, I think, or 74,500, or something like that.

Seney: How were these acreage cutbacks to be achieved?

de Braga: Well, at that time, to satisfy the original construction costs took "X" amount of

acres times "X" amount of dollars. There's several different water rights that was sold: from some as low as in the '20s, up to, I think, the '60s or '70s. Most of them have sold for fifty-four to fifty-eight dollars an acre foot. And so to satisfy the original construction costs, took "X" amount of acres, and up to as high as 87,500, was the amount. In fact, when Newlands Project was put into effect, it was actually put in for 232,000 acres to be irrigated. And Senator Newlands sold Congress a bill of goods -- there was never that amount of water in the system.

Seney: Or that much land that was worthy of irrigation?

de Braga: Well, a lot of it was up -- part of it was up on what they call the Dodge Flat, up above the Indian reservation, at Pyramid or Wadsworth, in that area -- there was quite a bunch there, and then quite a bit more up kind of north of Fallon here. But it would have been very hard to have got that much, what you'd call land that was probably classified, that should have been irrigated. And like I say, it [wasn't that much]. So that was another issue on the sixty-four-acre tract at Lake Tahoe where the outlet was part of that. And then for the district giving up the allocation of acreage and the winter power and all that, and the Bureau was going to come in and line a portion of the Truckee Canal, nonreimbursable to the irrigation district, which they did.

Seney: In other words, you wouldn't have to pay for it?

de Braga: Right. And sell some of these small tracts of land, small land tract sales. And so that went to a vote of the water users, and they voted virtually twenty to one to accept that proposal. And so it started to operate: cut out the winter power



water. Of course the acreage wasn't that high yet, but that was sold. A sixty-four-acre tract was an issue.

Seney: You're smiling when you say that. What do you mean?

de Braga: Well, it ended up litigation on it, and TCID bought and paid for it, the water users bought and paid for it, and the government said that they wanted to turn it over to the Forest Service, which they did. We fought them on it, but they ended up taking it away from us. So it belongs to them, [and was] turned it over to the Forest Service. But from 1968 to about 1975, the district operated under good faith -- in fact, still does, under points of that Nine-Point [Program]. The Bureau come and did the work on the Truckee Canal. It wasn't until 1975 that they actually sent us a letter that said that that Nine-Point Program was not viable, it had never been ratified by Congress, and in essence it had been shelved or thrown in the wastebasket. But then they turned around, and district water users now are paying -- the money that was spent on the Truckee Canal and stuff, that's being charged up to the water users. And so you get kind of a sour taste in your mouth on some of the things.

### **The 1973 OCAP**

Seney: The Bureau claims, from what I've read, that when they wanted you to cut back on your diversions, the district just refused. They said, "We don't have to do that."

de Braga: Well, that was in 1973. The Pyramid Lake Tribe took Secretary of Interior Morton to court at that time. And they did it back in Washington, D.C., in the courts back there. The irrigation district was not a party to that suit. And so

they didn't feel that they was obligated to it -- the previous board. I wasn't on the board at that time, but the legal counsel and stuff for the district at that time didn't feel it [was legal]. And the board took that position, said no, that they didn't have to. And the Bureau themselves didn't recognize that, because they started issuing interim OCAP's, with these numbers in them -- something less than 400,000, but some of them up as high as 370,000-380,000 acre feet annually. And to show you how bad this was, we was going through a couple different project managers and stuff at that time. We was having some problems, the board was, with management. And so a lot of that come right on my shoulders. And they got down where they was issuing OCAP's on a monthly basis, and one day -- this is the honest-to-God truth -- they gave me an OCAP in the morning, and they give me a different one in the afternoon. And how can you operate a project with 73,000 acres and 3,000 water users, when they're changing their mind on a day-to-day basis or week-to-week or month-to-month. And that happened! And we honored the "O" caps they was giving us -- we didn't exceed the allocations. And that's where they come back now and say from 1973 to 1987, we exceeded our diversions of this project by 1,058,000 acre feet!

### **Reclamation Cancels the Contract with TCID**

- Seney: At what point did the Bureau cancel the contract with TCID?
- de Braga: Huh, that was the early 80s, along in there.
- Seney: So since then, you really haven't had -- the board or the district has not had a long-term contract with the Bureau, as they had prior to that, to run the Project.

de Braga: That's a good question. There's still certain provisions of the '26 contract, if the shoe fits their needs, we still have to honor that -- and the district does honor the '26 contract. But if other parts of it doesn't fit their needs, why then the '26 contract is null and void. That's where the dirty politics come in again.

### **The Attitude of the Project and the Water Users Toward the Bureau of Reclamation**

Seney: You know, as we're talking about this, your face gets a little darker here, and you're obviously not very happy about (de Braga: That's right.) what's happened. Can you give me a sense of what it's like from your point of view, how you see it, and how you have to operate? And maybe how the attitude of the water users has changed toward the Bureau, if it has, and I assume it probably has.

de Braga: Well, it has, you know, because, like I say, they put out these mandates and stuff, and the board kind of gets caught between the water users and the Bureau. I use the term, we're the "puppets," I guess. They set up there on the throne, issue all these mandates down to us, and some of them we implement, and some we physically [are] just not possible to do, and try to explain to them. And sometimes we are successful, but then it goes to a higher level, and lots of times it gets turned around.

Seney: Which ones haven't you implemented, and why?

de Braga: I guess the 288,000 by the one court, you know, we still feel that that's not adequate.

Seney: Was there a court ruling on that?

de Braga: Yes, there was.

- Seney: That you are now limited to diverting from Lahontan itself, or through the Truckee Canal 288,000?
- de Braga: Well, that would depend on how much the Carson River supplied, but you wasn't supposed to exceed the 288,000.
- Seney: From the Lahontan Dam?
- de Braga: Well, for the whole Newlands Project.
- Seney: So in other words, if you got quite a bit out of the Carson, then less would come from Truckee.
- de Braga: That's right.
- Seney: But under current circumstances, the drought that we've been experiencing for these several years -- I can't even remember how long it's been, it seems like a permanent condition almost -- by now, it must seem that way to you too -- that you'd have had to take more out of the Truckee, because there's been less available (de Braga: Yes.) to you in the Carson River. (de Braga: Yes.) And you know, there was litigation over this. My understanding of it is -- and this is not just from the Bureau -- there have been atlases that you may have seen on the Carson River and the Walker River put out by the California Department of Water Resources, (de Braga: Uh-huh.) that are, I think, quite good. And they have discussed this conflict, and I think they may be somewhat of a disinterested party -- I'm not sure they're a hundred percent disinterested -- but they have said that the TCID has said to the Bureau of Reclamation, "Well, we're not going to do that, we don't think we have to do that." You're smiling when I relate this. "So we're not going to do it." And then the Bureau of Reclamation takes you to

court, (de Braga: Uh-huh.) and my understanding is that the court ruled against you, that they said, "Yes, in fact, you are obliged to do what the Bureau of Reclamation tells you to do." I guess you were saying, "Well, it's not in the 1926 contract, so we don't have to do it." And the courts said, "No, no, you still have to do it." Have I reflected that correctly?

de Braga: That's partially true. Yeah, the courts did rule against us on some issues, and some of them was ruled in our favor, and then they was appealed to higher courts. And in fact, we went clear to the Supreme Court with what we called the "big suit," *Nevada v. U.S.* The U.S. Supreme Court ruled . . . .

Seney: That kind of went in your favor, didn't it?

de Braga: Yes. The decrees was binding, and the tribe was represented in court and stuff, which they still claim that they were not. And so that was a very strong case. And it's been our position, you know, that we are entitled to that. And they recognize that now, but how you deliver that. So they come up with this so-called OCAPs and things like that.

#### **Attempts to Get Around the Ruling in *Nevada. v. U.S.***

Seney: Let me stop you for a second. My understanding of *Nevada v. the United States* is in a sense the court said, "Listen, these water rights have been apportioned long ago. This is a settled matter. These things can't be brought up over and over and over. At some point, you've got to say, 'this is it,' and you've got to live within it." So that gives you a certain allocation of water under the Orr Ditch Decree. (de Braga: Right.) But I take it that the Bureau of Reclamation, the Department of Interior, and the U.S. Department of Justice say, "Well, maybe

that's true, but we still want more water for Pyramid Lake, so we're going to find other ways to get it." (de Braga: Yes.) Am I beginning to understand this a little bit? (de Braga: That is true.) Tell me more about that.

de Braga: Well, and so that's where the bench bottomland issue comes in. They come in and say, "Even though (raps table for emphasis) the Bureau, when they was running the Project, issued the criteria, developed bench- and bottomland criteria, and said certain parts of the Project would qualify for that, so that was one way of getting additional water.

Seney: Let me stop so I make sure I get this clear. The Orr Ditch Decree says so much for bench-, so much for bottomland. (de Braga: Yes.) More for bench- than for bottomland. (de Braga: Yes.) So now they come in and they say, "Okay, we'll accept that. The trouble is, we think there's less benchlands and more bottomlands." Is that what they're trying to do now?

de Braga: Right on target. They set up a formula criteria to redetermine what would be considered bench, and what would be considered bottom, and so they started doing their studies and they set a certain water table, five-foot water depth to the water table, and so many inches of first foot of soils that would hold "X" amount of water for a certain period of time. They had this formula all devised. So they was going to use that to make the determination. And lo and behold, the first criteria they developed when they got about half-way through it, they found out that that formula fit the land pretty near to a "T" of what was considered benchland for all them years. So right in mid-study, they changed the criteria. It wasn't giving them any acreage!

- Seney: They weren't redefining it from bench- to bottom- on there.
- de Braga: That's right. The definition of that land was fitting the criteria that they had so close that they wasn't getting any acreage. So they changed the criteria. And they won't admit that, but that's exactly what happened. They changed right in midstream. (public address system interrupts) And so when they come up with a new criteria, then they come up with 10,000 acres difference -- it should be reclassified from bench- to bottomland. And so you take a foot of water right off of that.
- Seney: So you're talking 10,000 acre feet right there.
- de Braga: Actual, 10,000 plus the diversion losses and stuff, so you're talking 15,000-18,000 acres.
- Seney: When you say "diversion losses" . . . .
- de Braga: Well, transportation losses and whatever. If you don't have to service that land, then you don't have that much water. The OCAP triggers, with the 215,000 acre foot maximum in Lahontan that OCAP requires, that triggers that, that much quicker. The water is not diverted out of the Truckee to Lahontan, so it ends up going to Pyramid Lake.
- Seney: When you say the losses -- this is, say, getting 1,000 acre feet of water somewhere, (de Braga: Yes.) you're going to have to actually ship 1,200 acre feet to get that 1,000?
- de Braga: Well, see OCAP mandates a 68.4 percent efficiency, so out of every 100 acre feet that's diverted to this project 68.4 percent is supposed to actually get through the farmer's headgate. That's meant delivered to the headgate, and

actually to his headgate and charged to him. And the other is evaporation and transportation loss. And this is an older system, as we all know -- in fact, the first one. So we hear how bad it is, and it was a mistake and all this. But there's other Reclamation projects in the West that are much newer than this one that don't achieve near the efficiency that we do. We can't meet the 68.4 percent efficiency that OCAP mandates, and the Bureau recognizes that now, so they're going to develop us a new OCAP.

Seney: How did they come up with the 68.4 percent?

de Braga: My opinion is they wanted "X" amount of additional water, so you take the acreage that was being irrigated, times the three-and-a-half the bench- and bottomland, and put this formula to it, and you come up with "X" amount of acre feet of water. That's how it was determined.

Seney: So it was backwards.

de Braga: They worked in backwards -- not whether it was feasible. And so that's what I [say]. And so we get to court, and I admit, they can probably achieve the 68.4 percent efficiency, possibly they can. But to do that, they want to put us on this rotation that I talked about earlier, with no idea of the economic effect. If that crop needs it in twelve days, you've got to put it there. If it don't need it for eighteen, you don't put it on, because that could hurt the crop. That's one concept. You put the water in this ditch, everybody has to irrigate. Sure, you can get a better efficiency out of that.

They want to cut our irrigation seasons much shorter, up to possibly a month shorter on each end -- which would have a real drastic effect on getting



our new seedings in. We've got to put the new seedings in in the fall, and that needs that late watering to carry it through the winter, if it needs it. Like I say, every year varies. But to set a hard and fast rule, that that's the way it's going to be year-after-year, day-after-day, you just can't do that. And then they want to cut the size of the heads of our water down.

Seney: What does that mean?

de Braga: Well, the cfs, cubic feet per second.

Seney: How fast it flows on?

de Braga: Well, and amount. So my area, most of my heads of water run from like fifteen cfs to twenty-five.

Seney: I think I understand. This has to do with how much water is in the system.

de Braga: Well, or how much I'm physically able to order and get to my headgate to apply to my land, that the district can supply to me. And so that's another issue. Well, take an average twenty cfs head that we should irrigate with like maybe a five or seven cfs.

Seney: What would be the difference?

de Braga: Well, some of this soils is sandy, and you've got to put large volumes on and shoot it across there fast.

Seney: Because it won't get to the back end of your field? Is that your worry?

### **Laser Leveling the Fields**

de Braga: That's right, it all percolates into the soil and you've lost it. And we spent -- I think I started to relate this a little earlier when we started talking of conservation -- we've spent thousands of dollars with the laser leveling and stuff

that we have now, and we've took these fields and they're just virtually like this table when we get done with them. You can build a constant grade into them, and you take all the side fall out.

Seney: "Side fall," meaning?

de Braga: Well, in other words, this is your field here, and we call them borders or checks, and they vary from a couple hundred feet wide to maybe 600-800 feet wide. That's considered one check or one border. With the lasers now, the elevation at this side of that check or border is exactly the same as that side. We've taken all the side fall out. You can build a constant grade in with that. You set right into the transmitter that throws out the beam of light, and on your equipment you've got a receiver that picks that up and goes into the hydraulics on the tractor, so when you get done, you can put a tenth-and-a-half every hundred foot that that field drops. You can have anything that you want, but most of it is leveled to like, oh, a tenth to two-and-a-half or three tenths: every hundred foot that that field drops, that drops two-and-a-half, three, four inches -- constant grade. And so that requires less water. And then things that the farmers themselves -- that's all money that they've spent themselves. And it's only economic and good sense, conservationwise, to do them things. And so they say we take these larger volumes of water and shoot that water across it, it takes less water. So it only makes good sense. So they want us to take and cut them size of heads down, and it'll require much more water, and actually probably would hurt the crop, more than anything. If the water stands on the field too long a period of time on these hot days and stuff, you can get scalding. And that's what the

experts -- and he's got a placque on the wall that says he's an expert, but he's not an expert -- he's got to get here and get on his hands and knees, get a little dirt under his fingernails, and see why we do what we're doing. And that's the problem that I've had with some of them. But I think we're getting a little more attention on some of that now -- I hope I am.

END OF SIDE 1, TAPE 2. August 5, 1994.

BEGIN SIDE 2, TAPE 2. August 5, 1994.

### Other Mandates under the OCAPs

Seney: Besides the head of water and the rotation and so forth, what are some of the other things the OCAP wants you to do, or mandated you to do?

de Braga: Well, some linings, some automations and stuff.

Seney: "Automations," being?

de Braga: Automation of the main canal. And that would be on the main structures, your drop structure and stuff, you can put automation gates and stuff that are controlled -- you can set them to conform to whatever elevations and things like that, instead of . . . .

Seney: To keep the canals at certain levels?

de Braga: More constant level, and stuff like that, so you get variations in, you know, as one ditch rider or user upstream pulls a head of water out, the canal would want to drop, and if a guy down below is irrigating, that level would have to be maintained, so automatically that gate will reset to kind of hold the level for the guy downstream with twenty cfs pull out ~~==but stuff like that~~. So that's one issue. And like I said, we got involved with that, and then we was pushed out of it, you know, when they started saying, "Alright, this is how OCAP is going to

be, and you got to do these things to achieve that." We tried to put into it the reasons why we didn't feel it would work. There was a menu of twenty-two items in that, and the first seven was all that was actually mandated that we had to do to achieve the 68.4. Well, we did all seven, and then in fact, virtually all twenty-two, plus other ones, and still can't achieve the 68.4 percent efficiency, and they recognize that now.

Seney: When you say you were involved in it and then you were pushed out, what do you mean by that?

de Braga: I use the term, they "steamrolled" us, because we was objecting to some of the things in there, and in our own mind, from experience, stuff [that we] knew wasn't feasible and wouldn't work, and tried to interject that. And so in the long term, the final decision was just done by a few so-called experts, and presented to us. "This is the way it's going to be and you're going to live with it. And if you can't do it, why then we'll come in and do it." So I told them several times, "Well, you come do it." Well, they don't want to do it, they know they can't do it.

### **Dealing with Members of Congress**

Seney: What's your leverage in this situation? How do you get your point of view across to the Bureau and to the Department of the Interior?

de Braga: Well, it's very difficult to do now. Like I say, we're settling everything on the Washington level. More recently, it's been very difficult to get our points [across]. Like I say . . . .

Seney: Is this Congressman [Barbara] Vucanovich's district?

- de Braga: Yes.
- Seney: Do you work through her?
- de Braga: We work with Barbara and work with both senators.
- Seney: You know them well, I would think.
- de Braga: Oh yes, I know them real well, on a personal basis, and talk to them quite regular. The one senator, Reid, has got a little upset with me. And [he and] I had a real good relationship and talked privately, and hopefully things [will be better]. At one of the hearings he thought I said something about him that I did not say, and I've tried to indicate that to him, but at this point he's not receptive to me.
- Seney: He's been involved in these, more than [Richard] Bryan, in these water matters, has he not?
- de Braga: Yes. Senator [Paul] Laxalt, in the '80-'85 period of time -- I guess I started to tell you about that. I should wrap that up.
- Seney: Yeah, please.
- de Braga: When we went back, Senator Laxalt and President [Ronald] Reagan, see, was both governors of the state of California and Nevada.
- Seney: And good friends.

### **The Unsuccessful Interstate Compact**

- de Braga: Yes, and very good friends, and tried to get the interstate compact between the two states. The water got divided up between the two states. Was not actually successful.
- Seney: Why wasn't that successful, do you think?

de Braga: Politics (chuckles) again.

Seney: You got to tell me what that means.

de Braga: Well, I think when Senator [Edward] Kennedy and Senator [John] Tunney came out here back a number of years prior to that, in the early 70s, and said that they would solve the Pyramid issue with the stroke of a pen. That's all it would take. There's a tribe in Fallon, Paiute Shoshone Tribe, here at Fallon, who are water users, dependent upon the Newlands Project for their water. Tried to get them same individuals to come see their plight. Absolutely refused to do that, wouldn't even acknowledge them. So that's why I say "politics." And so when the interstate issues, the tribe and et cetera felt that that would jeopardize their water supply, [and] was against it. So that's why at that time, Laxalt and Reagan was not successful.

### **The Fallon Paiute Shoshone Tribe**

Seney: Let me stop you. What did the tribe think was in that interstate compact that would work against them? Of course we'll get to this later, but the Shoshones, Paiutes here, the Fallon Paiutes, have quite a different view of these matters than do the Pyramid Lake Paiutes. Am I right?

de Braga: Well, they want their water supply.

Seney: Which comes through the Project.

de Braga: Yes. And they're part of the Project, but they're not within the boundaries of the Project -- they're actually outside the boundaries. And that's another issue. The government says they own the water rights and hold [them] in trust for the Indian people. The Indian people said that they own the water rights. So that's a

conflict that's never been [laid to rest?]. But prior to the Project coming in, the Indian people owned a lot of the land out in the Stillwater area, and the government enticed them [to join the project]. And I admit, I'm the first one to admit, that the Indian people years ago got the shaft. They did. They got the dirty end of the deal.

Seney: Well, they were given 160 acres before the Project was authorized. (de Braga: Right.) Then they were traded ten acres, (de Braga: Yes.) plus irrigation water, free in perpetuity in the system to be built -- and none of that ever happened, did it?

de Braga: Well, they got the ten acres -- or most of them got the ten acres. But they were supposed to develop them a water system and give them additional land and stuff. Well, they got part of it, and part of it they didn't, and now the settlement is supposed to take care of that. But they give them the ten acres, to sustain their family. Now the Bureau and stuff is coming back and it's a real issue that anything that's ten acres or less is considered a hobby farm, and them people should pay a lot higher price, but yet they put the Indian people on there, and they're supposed to sustain a family on ten acres. So, you know, this thing, the more you stir it, the worse it smells. (laughter) Anyway, so yeah, they have a real concern for their water. In fact, for a good number of years, they did not have an irrigation system in place. And so about the same time I came on the board, even prior to that, I leased some of the land on the reservation. I took their ten-acre allotments. And so all the heirs, as these older people start dying, then the heirs start coming in, and some of them ten-acre parcels got a hundred

or a couple hundred people on them, and they can't agree what to do with it, so the land sets idle. And so the BIA people, for whatever reason, they targeted me, anyway. And so at least two or three times a year, them people would come talk to me, "What do we do to make this better?" I said, "Well, what you really should do is try to get them heirships out, get them into larger parcels so something can be done with the land. Get an irrigation system in place, level the land for them and get an irrigation [system], the structures and everything, in for them. Well, that all happened, but the heirship has still not happened.

Seney: "Heirship"? What do you mean?

de Braga: So anyway, the leveling and a lot of that was done, and they done a bunch of linings on the reservation -- concrete linings and stuff. And then so they asked me about . . . . You know, after they got a bunch of that done, there was some of the area was waterlogged, and so "What do we do about that?" I don't know whether you've ever heard of the T.J. Drain. Yes, it's a very controversial issue that is putting all the contaminants into the marsh or the wetlands area. Well, they asked me how they could reclaim that land up there. I said, "Well, you can put in some deep drains," which they had to do on this Project. You know, after it was put into effect, they had to come in and put the deep drains in.

Seney: Here in the Newlands Project?

de Braga: Yes. And the district entered into contracts on the drainage. And that takes the underground water out. And the return flow off of the fields, and that goes to the wetlands. Well, all these drains had contaminants and stuff in them when they first drained, and that's just naturally in the soil. Well, I told them they had



to put in a deep drainage system up there, which they did. It's called the T.J. Drain and they just got it dug and it was starting to work -- it was starting to pull the water out, that underground water. Well, that's about the time Kesterson hit, down in the San Joaquin, and with the selenium and et cetera, all the deformities. So the *Sacramento Bee*, of course, wrote an article that the Newlands Project was the same. And I told my board the day that that report hit the press that, "I'll bet you anything that sample was taken right out of that new drain." And it took me six months to find out, but that's exactly where it come from. And so immediately, sent up the red flag. They spent millions of dollars digging that thing, and now they're going to spend millions of dollars closing it up. They've deliberately diverted water away from it, to keep water out of it so it didn't get out to the marsh area. But the plants and everything, what little it has run, it's already cleaned itself. It's got the very same plants growing in it that grows out in the marsh area and stuff.

Seney: There's no selenium in this one, is there?

de Braga: Well, there was, a little bit. Sure, boron and stuff. But it was in all of them when they dug them. And if they'd put any water in it, it'd have been cleaned up the first year or two. And it cleaned itself up in four or five years, just with nonuse, it cleaned it itself up. And so . . . . Ach!

### **The Attempted Interstate Compact**

We felt that Laxalt and Reagan would be in a good position to help get some of this done.

Seney: Yes, I'm surprised. Two very powerful men: the president of the United States,

and one of the most powerful members of the Senate. And at this time, the Republicans controlled the United States Senate, during the time that these negotiations are going on.

de Braga: Yes. And so, like I say, we put in five years, and like I say, they had me all over different places and we was meeting (public address system interrupts) to start with, probably, you know, several times a year. And then towards the end there, we got down to where we was meeting weekly, and then down to daily, we was meeting, and we got this package put together. Because, see, the Pyramid Tribe, in their bylaws now, a chairman can only serve two, 2-year terms, maximum. He may be ousted, you know, after two years, but he could serve two terms if he's elected back in. And so I served, actually, with two, maybe three. I think the timing ended up -- one resigned or something -- I think I ended up with three different tribal chairmans in that period of time.

Seney: Did that make things more difficult?

de Braga: Well, not necessarily. I put in the five years, and like I say, every meeting I was ever at, their attorneys and the tribal chairman or somebody representing the tribe, was there. And I was never at one meeting that they wasn't. I don't know whether I was ever at one that they was at that I wasn't. But every one I was at, they was. And I don't think that they ever called any secret meetings that I was never at. But anyway, we worked on that, and we had a package put together to go to Congress, and we did go back to Congress with, and presented [it]. I testified before the House and the Senate committees on it. About ten days or so before we was to go back, the membership of the Pyramid Tribe, through, I

think, a little salt added to a few wounds or stuff, said that they wasn't getting enough out of the bill and was going to scuttle it and kill it. And so we get back there, and a group of them came back, and they had their headgear on, and their moccasins and their buckskins and stuff. And they said they was going to kill the bill, scuttle it, and in essence, they did that.

Seney: Now this was the interstate compact that had passed?

de Braga: No, there was two phases to it: Title I and Title II. Title II was the compact issue, and Title I was the other issues resolving all these other water issues, see? Morris Udall chaired the one, and I think it was [first name?] Andrews that chaired the other one. And you could just see the atmosphere just diminish or melt when the Pyramid Tribe membership got up and said that they wasn't getting enough out of this bill, the settlement, and they didn't want it to happen. What we spent five years of doing, just went down the drain. And so then Senator Laxalt tried to separate them and come back with a Title II, the interstate compact issue again, and was not successful in getting that accomplished. And so then he elected not to run again. And Senator Reid, then, was a congressman when the Laxalt Bill was in place, and so then he runs for Senate. When he's elected, he comes out and says he's going to end eighty years of water wars, and so comes and talks with us and starts the negotiations, and we put in, I'd say another thirty to forty days on that, over a period of a year-and-a-half's time, trying to negotiate that. And in the 80s, the district agreed -- and that was one of the issues that got the three board members voted out of office -- we agreed to give up another 31,000 acre feet of water, reduce the allocation to

375,000; do a bunch of automation, or agreed to do a lot of these things, and the water saved would go to them people; and things like that. And so, like I say, that didn't get anywhere. And so with the Reid negotiations, again, why then we agreed to put up another 20,000 acre feet of water, but it had to be matched -- you know, purchased upstream. Somebody else, in other words. The water users here had given everything, somebody else has to give up something. The reason we started the negotiation was to get rid of the litigation. Well, there was several lawsuits pending at that time: OCAP was an issue. If we could have settled, then OCAP would have went away, and these types of things. Pyramid Tribe was not agreeable to give up all -- they was only willing to give only about half of the litigation that was in process -- which wasn't right. They wanted the Project down to the 288,000 acre feet, or Derby Dam out, which we just can't achieve. And so then we get accused of walking away from the meetings. They called us the "Big Four." It was the State of Nevada, Sierra Pacific, the Pyramid Tribe, and TCID. And there was only myself and Lyman for the irrigation district and two or three from the tribe and stuff. And press or nobody was allowed in any of them meetings, and we had a confidentiality thing that nobody was going to put anything out to the press or anything. And we had session after session -- probably twelve or fifteen sessions. The wetlands wasn't going to be part of that, initially, which I fought for. I had protection in for the wetlands. It took a long time, and a lot of hardheadedness, but it had protection in for the wetlands in the Laxalt Bill, over the objection of fish people. U.S. Fish and Wildlife Service was allowed to attend the meetings, but the duck

people wasn't. See, there's a difference -- politics again. And so I carried the ball -- the irrigation district did -- for the wetlands. So we started with Reid for the same thing.

Seney: Why would you do that? Why would you be interested?

### **The Frustrations of Negotiations**

de Braga: Because it's important. The wetlands are important to this Project, and people recognize that, and I recognize that, and that gets a balance back again that I talked about. I never would allow them to exclude that, but they tried to do that.

Seney: This must be very frustrating, all these meetings and negotiations and so forth, and I know from what you've said to me, that you're still involved (de Braga: Yes.) in other kinds of negotiations now. Can you give me a sense of how these meetings go and what they're like?

de Braga: Well, it's, minimally, very frustrating, because, you know, you're dealing with people. Well, Bob Pelcyger is a good example. Bob and I are good friends, have been involved from Day One. I have a lot of respect for Bob, he's doing an excellent job for his clients, his people. Frustration? Yes. He frustrates me to no end because he comes up with some of the darndest schemes or ideas or whatever, and a lot of them, he's not able to get people to agree to, but a lot of them he does. And that's really very frustrating.

Seney: Well, my impression of him, from reading about what he does is that he's fairly imaginative (de Braga: Yes, very.) in what he comes up with.

de Braga: Yes, and he comes up with a lot of different things, and a lot of it is able to get before the courts. And things like that end up to his advantage sometime in the

future.

Seney: I know one of the issues they've raised is the fact that you take one of these eighty-acre parcels that originally was farmed and got water rights, and there'd be a sand donut in it (de Braga: Yes.) or sand streaks, and all that would be put into the middle, so you'd have maybe four or five acres there in the middle (de Braga: Yes.) that these farmers would say, "Well, I'm only going to irrigate seventy-six acres, that's all I want water rights on. (de Braga: Right.) But over the years that's been leveled out, and now there's eighty acres being irrigated, and he somehow stumbles upon this, does he not? [He] discovers this and comes to you and says, "Wait a minute now. You, whoever the farmers are, you've got four acres you're irrigating you shouldn't have. Give us that allotment back."

### **The Problem of Water Right Transfers**

de Braga: He challenged that under forfeiture and abandonment or [as] nonperfected [water rights] . But what happened over the years, which is true, some of them fields do have them spots in them, because back in what we called the "horse and buggy days," if there was a sand hill out in the middle of a field you know, that was a big job to move that. And so maybe out of an eighty-acre place, an individual did only take up seventy-five acres of water rights. And some of them water rights, probably under his home or his corrals or his easement or something. [He] could have water rights on it, and he bought and paid for that water rights. Okay, so now with the new technology, here comes a tractor along and made it easier to take that sand hill out, so the guy took the sand hill out,

made it so they could irrigate that, and so then he comes back, and he owns his water rights under his house and his corrals and stuff, so he owns that water, so then he wants to comply, which the government said we had to do, and he wants to transfer that water from there over to here. It's his water right, or maybe his neighbor, for whatever reason, had some water rights that he wasn't using, so he buys it from his neighbor and puts it over on there. And the government said we had to do that. But the water user on this Project tried to do that for years and years, and the government initially said no. The Secretary of Interior, since the late 1960s wouldn't allow that, because the politics got involved in it again. And it wasn't until the Alpine Decision was finalized that no, the individuals themselves owned the water rights, and the state engineer is the one that has authority to do that. So when that happened, then everybody started going through the process to comply with what the government and everybody said we had to do, and what state law requires. And so that's why now all this transfers that are in jeopardy fits that criteria. The people own the water rights, or they was valid water rights, a lot of them, and moved it out there and covered them spots. Now he's saying, "No, you can't do that."

Seney: The state engineer is a little more sympathetic, isn't he, to the water users, than the Department of Interior was, do you think?

de Braga: Well, he's going under what state law says, as long as you're putting it to beneficial use and stuff. And he has a criteria that's very stringent, that you have to go through, [a] process. In fact, some of these have taken several years to get through his process even. And then to come back and say that, "No, them water

rights are invalid and are not perfected." Some of them may fit that criteria, but a lot of them don't. And he just ~~blanket~~ said they all done that. Then he puts the burden on the water users to go out and prove it.

Seney: Do you mean Pelcyger?

de Braga: Well, yeah, the tribe, and the Federal government too now took up the same position.

Seney: Has he got you in court over this issue?

de Braga: Well, it's going to be in court. In fact, yeah, it's been in court, and the State Engineer approved a lot of them transfers, and went to the federal courts in Reno. The judge there approved it, and they appealed to the Ninth Circuit, and the Ninth Circuit took a look at some of them and said, "Remanded back to the court in Reno." And the court in Reno said, "Yes, they are valid." So then they remanded them back to the state engineer again, and it just goes on and on. In the meantime, the water users are caught here in a situation, they're being cited -- or the Project is -- for irrigating non-water-righted land. And the users have tried to do everything that's mandated. A good scenario, I guess, is that you own three cars, and so I arbitrarily come along and say, "You don't need three," and I just go take away from you -- no compensation or nothing. We say we bought and paid for them, if they want their water rights, then the government or somebody should pay the individuals for that water. But just to come and steal that, that's not right. And that's what they're doing, or trying to do.

### **The Use of Litigation to Try to Settle Disputes**

Seney: Well, as I say, Pelcyger seems, in my reading, to try everything he can think of.



(de Braga: Yes.) As you say, he ably represents his clients. (de Braga: Very well.) It must be frustrating to you, but he ably represents them. (de Braga: Very well.) One of the things that strikes me, in reading about all of this, is how much of this gets into the court. I mean, virtually everything (de Braga: Everything.) gets into the court. And it seems like that not the Legislature of Nevada, or the Legislature of California, or the Congress itself is the place where the decisions are made, but the decisions are made in the Federal courts.

de Braga: That's where they should be made.

Seney: You like that then? You think that's okay.

de Braga: We [referred to that] a little earlier. But then a lot of it is made from political maneuver and stuff -- that's what I have a real problem with. You know, if the courts say this and that, why then you're stuck with that. But when a lot of this stuff is just political, that's hard to accept. And as I indicated in the Reid negotiations, we've put in probably, oh, ten or twelve days with, as I quoted, the Big Four. Well, then, for whatever reason, the Justice Department was brought in, and a certain individual in the Justice Department, who I feel has a vendetta against the Project, was allowed to attend.

Seney: Is this Mr. Broadbent?

de Braga: No. Bob Broadbent is with the Bureau of Reclamation, and Bob wasn't in the Reid negotiations. Bob was involved from '80 to '85.

It ended up an individual from the Bureau was brought in, Frank Dimick was brought in to attend on behalf of the Bureau. But anyway, Mr. [Fred] Disheroon indicated that there wasn't going to be one red cent -- in other words,

we said we'd give up this water, and as I indicated earlier, who benefits from it should ~~be paid~~ [pay] for it. And his position was that there wasn't going to be "one red cent" -- that's his term exactly -- "not one red cent" of Federal money spent on this Project to achieve efficiencies or automations or whatever, and that was his position. We said, "You want to put the burden all on the water user, and that's not right." And the tribe's position was not to give up about half the lawsuits. Either that, or Derby Dam out, or 280,000 [acre feet]. We said, "Put all the conservation measures on us down here. You got [to put] mandatory water meters in Reno, [and do] all [the] conservation measures up there they can." Politically that's a hot potato, so they said any new construction [they would put water meters on], well, it should go back on the old construction. And so that's the way that the next "X" amount of meetings went. And that one particular day there, I just said, "You know, if that's the position that we're in, we'd just as well continue to take our chances probably in court." And the second I said that, that room just virtually exploded, and everybody just couldn't believe that, and we got accused of walking out of the meetings. And to this day we're accused of walking out of the meetings. I use the term that they probably forced us out, in essence. We got no support on the water meters and no support on [the position that] all the lawsuits are going to cease. You know, how can you leave half of them active? It takes money to do the things on this Project that [needs doing], and the water users don't have it. And the Federal government or whoever wants that water, they should do it.

Seney: The look on your face is a very frustrated look.

de Braga: Well, if it was true, I can accept things that are true. But that is not true, what's being said, that we physically walked away from the meetings and take all this bad publicity.

### **Relations with Senator Harry Reid**

Seney: Was this the remark that Senator Reid was not happy about?

de Braga: No, I challenged him at the hearings and stuff, and he can accept that, I think. We don't agree on issues, but we was always able to sit down and talk about them. And at the hearing, he made the statement (sigh) at the Reno hearing, just between him and Senator Bradley, that he was considered the devil in Churchill County, he was the devil's advocate -- something to that effect. He made statements that we had walked from the meetings, and things like that. So we got on our panel, and I was part of the panel and I was able to make some -- I guess the way I phrased it -- some clarifications to some things that was being said, and kind of went through a very small portion, because Senator Bradley allowed me to speak, but you know, the timeframe was short. So I went through some of that. And so (big sigh) then I get out in the hallway, and a reporter from the local paper here, the question put to me was, "Do the people in Churchill County consider Senator Reid to be a devil?" or something. I said, "Well, some of them do, and some of them probably think of him as something worse." That was not my opinion, but he took it as me saying that, you know.

Seney: Assuming you personally had said that, yeah.

de Braga: Personally. And so that's how then he came back in a newspaper article and stuff and criticized me for that, and that he wouldn't spend his time with me any

more, and things. So I did write him a letter and explain that I'm the kind of guy, if I'm going to tell somebody that, I'll look them right in the eye and tell them, and I told him that.

Seney: It seems kind of sensitive of him.

de Braga: I think so. And I think he thought maybe that my people would rebel against me, but actually it just did the reverse.

END OF SIDE 2, TAPE 2. AUGUST 5, 1994.  
BEGIN SIDE 1, TAPE 3. AUGUST 11, 1994.

Seney: Today is August 11, 1994, my name is Donald Seney. I'm with Mr. Ted de Braga at the TCID headquarters in Fallon, Nevada. Good morning, Mr. de Braga.

de Braga: Good morning.

### **The Operation of TCID**

Seney: I want to start out by asking you to talk a little bit about the way in which the district works, the administration of the district. I know that you've been on the board for twenty-one years, but your knowledge goes back prior to that. You must have a sense of how the district has operated over the years. If you could just give me your view, and I'll follow up with some questions.

de Braga: Well, yes, I was born and raised in the Stillwater District, and my father and grandfather, of course, were farmers in that area. So I do have knowledge of the Project prior to coming on the board. I've been on the board, starting my twenty-first year, and things are, I would have to say, much more difficult now than they was when I first came on the board. A lot of issues now are handled

more on the Washington level, where they used to be handled like out of the Carson City office, or maybe the regional office. But I think a lot of that has been triggered by the environmental movement, and possibly more so, like the Endangered Species Act. And this created additional burden that we have to deal with on a day-to-day basis with the Federal government. The district is actually made up of seven board members, and then we have a project manager and executive secretary/treasurer that are what we consider part of the management team. The board sets actually the policy, and the management is more or less to carry it out. But they are also part of the decision-making, because we value their knowledge and expertise and rely on it. So each director, when you are elected, you have to file. And it actually goes to election if there's more than one [who] files from any district. And you're on a staggered four-year term. Every other year there'll be four directors have to run, and then the following two years it'd be like three run. So they are staggered.

### **The Election of TCID Board Members**

Seney: I know you've said that you've never had any opposition (de Braga: No, I have not.) even when you began. Is that typical? How typical is opposition to a director?

de Braga: Well, opposition depends on the issues that are outstanding at the time of election. I can recall one instance where there was a very controversial issue that the board was involved in, and the board was trying to resolve under the negotiations, trying to get out from under litigation, and propose some alternative to try to achieve that. And some of the water users, and at that time,

the project manager, did not agree and was in the process of being relieved by the board. The local paper picked up on the issue against the directors and at that election there was actually three directors ousted from office. And so over the years there has been [contested] elections actually had to be held for the incumbent and other people running, and so that can happen and has happened, but it's not the normal thing that happened. Normally, if the incumbent continues to want to sit in this position, why, generally that happens.

### **TCID Project Managers**

Seney: Do you recall how many project managers you've had in these twenty-one years?

de Braga: In the twenty years plus that I've been here, we have had actually three what we could call project managers, and then there was one that was kind of a temporary for a while, while we was kind of in limbo.

Seney: Now I know Mr. McConnell has been here ten years. (de Braga: Yes.) And that must be the longest-serving manager in recent years.

de Braga: In more recent years. Prior to that, there was an individual or two that actually served a longer period of time than that. So yeah, ten years is quite a long time with the issues that are outstanding.

Seney: It's a tough job, you think?

de Braga: Very tough job, I think. It's probably one of the toughest jobs in the area. I would consider it to be one of the toughest jobs for any individual.

Seney: What's the board looking for in a project manager?

de Braga: Well, we have to have somebody that is good in public relations. That is very

essential, because a lot of these issues are out front in the political arena. So you have to have somebody that can sit down and talk with people, and also be able to talk with the water users. You know, you get water users that don't understand the situation and come in quite upset, and so you got to be able to try to explain to them some type of rationale why things have happened the way they do. So you have to be a pretty good politician. And the project manager we have at this point is Lyman McConnell, and of course Lyman was a lawyer prior to coming to work for the district, and with all the litigation and agreements, et cetera, that the district is involved in and has to draw up, Lyman was actually probably the type of a person now that should probably fill that position. Years ago, there wasn't near the litigation -- very little litigation, if there was any litigation -- more on the local level. Ours is virtually on the national level now, and regional. So there is a difference there.

Seney: When you had to replace project managers, what were the issues that were involved? I mean, I appreciate you may not want to talk about individuals by name, but if you could sort of characterize the kind of controversies, and give me a sense of what's important in the district, and why someone would maybe not work out from the district board and the users' point of view.

de Braga: I think part of some of the issues was the board is supposed to set policy, and management, you know, to a certain extent, they carry that. If management does not agree with that, then they should sit down with the board and say, "This is the reason we don't agree."

Seney: You had a manager who didn't understand that?

de Braga: Yes -- [he] felt that he was the sole, pretty much, operator. In fact, a couple of them was kind of that way a little bit. They felt that the directors [didn't] really know what was going on. And we don't really have to know what's going on, on a day-to-day basis, but if there's something critical, then the directors should know about it.

Seney: Where did this fellow come from?

de Braga: Actually, both of them were local.

Seney: That seems strange to me. Let me tell you that my impression -- and I don't know how I've gotten this -- is that the board and you yourself pay pretty close attention to what's going on here, on a day-to-day basis.

de Braga: We try to.

Seney: And you feel that's the way you ought to handle it.

de Braga: We ought to know, kind of, what's going on, or be reported to at our meetings and stuff, which our current project manager does that. He keeps us very well informed on that. And if there's an issue that needs, like my attention, why, he gives me a call, because fifteen minutes from now, there may be an emergency or something that pops up that he himself is not comfortable with making that decision, so he asks for assistance or whatever, and that's the way it should be. But on your normal day-to-day basis, you know, stuff, we don't have to be involved. We kind of set the policy initially, and they follow that. It's a guide, and it's not locked in stone, you know -- and it shouldn't be that way. And we don't mandate it word-for-word. You know, they have these issues and they can work around them.



- Seney: Can you give me some examples or a sense of these previous project managers who didn't involve the board enough? Can you remember some of the specifics that maybe irritated the board and began to make you question whether these people should continue?
- de Braga: That's kind of a tough question, but you know there was issues or things that the board said was to be done. The manager, for whatever reason, didn't agree with that, and so he just would go off and do things his own way and never consult the board prior to doing that.
- Seney: Can you remember what some of those were?
- de Braga: Well, there were some ditch issues, some lining issues
- Seney: I want you to be very specific for me here
- de Braga: Oh, I know what you're looking for, Don, and that's a little difficult.
- Seney: Well, let me tell you why I want to do this. This will be around for a long time, long after you and I are gone, this will be a partial record of what TCID has done.
- de Braga: Yeah, but a lot of these people's families are still living here.
- Seney: Oh, I don't mean you to insult them, or in any way to mention them in a derogatory context, but just to give us a sense of what the issues are. I mean, if someone is reading this and you say, "Well, there were certain things the board didn't like," and if I don't ask you "What are those things?" they're going to say, "Why didn't he ask him what those things were?"? So I don't mean you to insult people, or feel like you have to denigrate anyone, but if you could be as specific as you could, I'd appreciate that.

de Braga: Well, there was contracts on some work being done on the Project on some of the canal linings and things like that, that the board took issue with, and did not want to see happen. And the project manager kind of signed off on some of them issues, without the board's consent, even though the board had indicated they did not agree with that.

Seney: Might this involve like who got the contracts?

de Braga: Well, that and kind of how the contracts were put together -- certain issues in the contract, specifications and things like that, was kind of relieved, not holding the contractors to some of the specifications.

Seney: You felt the work should be done differently than it was being done?

de Braga: Yes, that was a very tough issue. And then one of the project managers felt that he had to buy from -- and this was out of his reach a little bit, but buy one single bolt to the drag line. He felt that was his responsibility and he had to have complete control of that. You know, we have these other supervisors, foremen and stuff that they're out there doing their jobs and he felt that he had to more or less intermingle or interfere with their work on a day-to-day basis. And that made that very difficult for them. They'd have their crews out possibly working on a particular job, and the manager just came along and tell them that isn't where he wanted them that particular day, he wanted them somewhere else, and if it was an emergency that come up, that's one thing, but just to do that [on his own was not good]. It wasn't actually a day-to-day basis, but it happened way too often.

Seney: You must know all these [district] employees very well.

de Braga: I know most of them, and of course we do have some turnover here, but of fifty employees, I know the biggest percent of them on a day-to-day basis.

Seney: So the feeling of the board members would be that if a foreman or a superintendent -- whatever the terminology is -- is out doing a job in their particular area, they pretty much know what needs to be done, they're familiar with the problems, (de Braga: Yes.) and that the manager really oughtn't to come and interfere unless it's sort of extraordinary.

de Braga: That's true. And that was not happening with, actually, virtually two of them, that kind of done that, along with some of the other issues like I mentioned that they had done. And then when you get the papers or whatever that kind of supports that position.

Seney: The local newspaper, you mean?

de Braga: Yes. Newspapers can either really crucify you if they want to, because they can write anything they so desire, and they don't have to, I guess, justify it to a point. So that made a couple of issues there . . . .

Seney: You mean they would side with the project manager in this case?

de Braga: Yes. On the one issue there when the three board members were actually voted out of office, the paper sided [with the project manager]. At that particular point, the project manager's job was in jeopardy, and kind of come out against the board's position and stuff also. And the paper picked up on it, and then a lot of the water users wasn't getting the right information through the papers and stuff, and so they kind of rebelled, and now most of them feel that if them issues could have been resolved at that time, it would have been much better than the

position we're in today.

Seney: You mean you missed a chance to settle some of these matters at that point?

de Braga: That was our motive, or the reason we was doing it, was trying to settle it. At that point we did have kind of a "team" that was working on issues. And when them individuals was voted out of office, then pretty much everything was dropped right on my head, and at that point I pretty much done all the negotiations as an individual. It was very tough, very difficult. I tried to resolve issues and put, actually, water on the table and stuff. At meetings I would have, I would tell them [water users] what I was doing, and they agreed and kept encouraging and supporting and stuff, my efforts. So that made it much easier, and I spent roughly five years doing that.

Seney: This was subsequent to the election when all these board members were defeated.

de Braga: Well, this all started to come to the forefront before the negotiations even kind of got started -- the first six months, why, this all happened. And so at that point on, I continued trying to negotiate and talk to the people and got some of them that was convinced that the board was trying to give all their water away that was not the case, or the reason that we was proposing some of this. And so then a big percent of them did, once they knew the facts, turned around and was very supportive.

### **The District System at TCID**

Seney: Let me go back, if I could, to how the district works a little bit. You know, I don't know how familiar you are, say with a county like Los Angeles County,

but there the members of the board of supervisors in each one of their districts, they pretty much call the shots about what goes on in each one of the supervisory districts -- and the others all go along with it. And that's sometimes true in local government, that district representatives will be the strongest voice in their district. Is that true among the board members here? Out in the Stillwater area, are you the one who kind of knows what the condition of the canals is, and where the work ought to be done, and you'll come in and say to whoever it is that's responsible, "Gee, we need to get out here and get on" -- whatever the reference point is -- "and do something about this." Is that how the work is kind of parcelled out?

de Braga: It is, to a certain extent. Overall, the whole board oversees the whole Project. In my particular district, as you indicated, yeah, I have a better handle on who the users are and the canal system. But I have an overall view of the whole thing. I know people in all the districts, and most of the canals and things like that. Yeah, if there's a problem -- say one of the water users is having a problem with a ditch, say, that he feels needs some work done on it or stuff -- they will contact me. In most instances, then I will go to the particular person that should be involved. That creates a little problem sometimes, because they may tell me out on a ditchbank or something, and I may forget. (laughter) You know, my memory is [not what it used to be]. I generally remember after a period of time. So what we really like them to do is to report it to the office, and so that there is something in writing from that particular individual.

Seney: But are they more likely to come to you as a matter of fact?

de Braga: They, probably, you know, just they know me so well, and I'm a friend and stuff. "I'll just go tell Ted and he'll take care of it. He's president of the board," or whatever, "He's director" or whatever. That's kind of the concept. But like I say, some of that gets maybe sifted through the cracks. So what we prefer is that they actually call the office or call the O&M [operations and management] foreman and actually then they fill out a work order and have a date on it and what the problem is and stuff. And then if it's actually an emergency, a washout or stuff, the crews head right out there immediately. If it's something that may be put off until winter, during the nonirrigation season time [it can wait]. They kind of schedule that -- I don't schedule it. But then if this goes on for a period of time, and the problem isn't corrected, why then of course Ted de Braga starts getting more phone calls, so then I start getting a little more involved in it -- or any of the directors will, for their constituents. But I get calls from all over the whole Project. They're aware I am president and chairman of the board -- I get more calls than ~~one~~ of the other directors does. And that's only understandable, I guess, at that point.

Seney: As a board, do you kind of depend on each other to know what's the condition of the canals and the Project is in their particular district? Is that kind of the feeling: that each of the guys ought to have a grasp of what's going on?

de Braga: Well, yeah, to set on the board, you have to own water rights, be a water user. And so we are all that. And so everybody pretty much knows, you know, [have] been here so long I think. On the board right now, actually, what I would consider a new member on the board, or new to the area, has probably only been

here like about eight or ten years. But most of the ones that are serving are long-time, thirty, forty, fifty years of residents of the [valley].

Seney: Isn't that going to be more typical, that you're going to have really long-term residents, maybe people like yourself, whose fathers and grandfathers have been part of the Project?

de Braga: Well, I'm not sure. The new concept is -- and even the Bureau's concept now -- is to change the way Reclamation works, and agriculture is not first on the list now. I would have to say that it's probably maybe third or fourth on the list, down of priorities. So you're getting a new, I guess concept of how the districts should be operated, and probably may get some different ideas or new people with different philosophies on how the water should be distributed.

Seney: Let me ask you, if I'm a water user in your district and I come to you and I say, "Ted, we got a problem with a ditch here," you're not going to say, "Oh, call the office and tell them about it," to me, are you?

de Braga: No.

Seney: That wouldn't be acceptable to them?

de Braga: No, I talk to them about it. And like I say, if there is a problem with a ditch or something that needs some work done on it, then I suggest to go through the process. And then I try to follow up to see if that has happened. So I guess that's a concept we try to work under. And that's what I do. Like I say, as soon as I get to the office, or I may even make a phone call or something, too, to see how things are going, or if they are aware of the problem. Sometimes my constituents just assume I've [taken] care of it, and they do not do what I've

asked them to do, because they know that I probably [am] concerned and follow up on it.

### **Expansion of the Fallon Naval Air Station**

Seney: You know, in terms of what's going on in the area, how much difference is this expansion in the air base going to make to sort of the balance of forces: agricultural versus nonagricultural activity?

de Braga: Well, in fact I just heard on the TV last night that Top Gun has been talked about coming in here, but as I understood it now, last night, actually that is a sure thing, it is happening. So the numbers that do come in, how it actually affects the agriculture, I'm not really sure. There's got to be some more housing and stuff, and of course that probably will go on -- some possibly water-righted agriculture land is being taken out for subdivisions. So it will have some effect. And then of course the schools, the tax base and stuff. A lot of that overlaps onto the agriculture people -- assessments.

Seney: How do you feel about that, expanding the air base? If it was up to you, would you say, "Nah, leave it in San Diego, we don't want it here"?

de Braga: Well, no. That's a cop out, to say that. Really down deep inside, you know, number one, that's probably what everybody prefers, that they'd be somewhere else. But I'm the kind of guy that knows that isn't realistic. I've always made the statement that I'd rather it's our boys in them planes flying over our head, than somebody else's, some other country's in them planes flying over my head. So I can absorb the noise and the additional concessions or whatever that [we] may have to give up to achieve that. So I, for one, agree with it.



### Recent Growth in the Fallon Area

Seney: There's been a lot of growth in Fallon in the last decade.

de Braga: Yes. And the reason for that is, you know, it's a beautiful area. It's an atmosphere that's here. But the water and agriculture creates the atmosphere that people want to be here. And so here again, when they start talking about taking the water away and the agriculture out of here and stuff, I just can't see that. They want to move us into areas where they already have sewer and smog problems, put more additional people in there. It just doesn't make sense to me. Actually, they probably should be bringing the people to the water, you know. You don't really like to see that happen, but that makes more sense, I guess.

Seney: What do you mean "there"?

de Braga: Well, like the Reno area would be a good example. They have such a smog problem and a sewer problem there. So a big portion of these people are living on these smaller places around here now and stuff. They're working in Reno. This is where they live, and they work in Reno or someplace. So they take their lifestyle away from here, and they're not going to want to live here in the desert, so where are they going to go? If they're working in Reno, they're going to have to move into Reno, so it compounds the problem. So, like I say, instead of keeping putting the people up there, moving them that way, maybe start bringing the people down here to the area. But leave the water and stuff here, and leave some viable agriculture base. And that's what I think. In our previous interview I talked about the balance. Kind of keep a balance.

### The Naval Air Station and the TCID Board

Seney: Do you have, as board president, or does the board have much dealings with the naval base?

de Braga: Yes, they own agriculture water rights, and a lot of our ditches, easements and stuff, are on the base out there, and so any time that they want to do some additional work out there that involves anything -- easements or canals or anything like that -- why, yes, we do have a very close working relationship with the people that are involved. And a lot of it has to go to San Bruno. (Seney: San Bruno being?) Kind of the focus point for things that happen out here at the base. But then they have their local people who are involved with the agriculture part of it that work with us. And then it ends up, like I say, in San Bruno for possibly a final decision. And then of course as the new captains and commanders or whatever come in and take over the base, why, pretty near within the first week or two, or month, why, we have connections with them, or them with the irrigation district, because they know that we're all tied-in together. So it's worked good.

Seney: What kind of specific things come up out there that you deal with?

de Braga: Oh, as they do their expansion why then, of course, it may affect, like I say, some of our easements.

Seney: Your easements being where your canals are placed?

de Braga: The canals and stuff that supply water to the certain area. In fact, there was some canals that went through part of the naval holdings, that went on to users on downstream that are outside the holdings of the navy base. And then some of our drain ditches that end up into the marsh or the wetlands go right through the

naval base there.

Seney: Have you had to move some canals for them?

de Braga: Some of them have been moved, or they've actually put some in pipe and covered them so that they could utilize the area.

Seney: Who pays for that, if it has to be put in pipes?

de Braga: All that type of stuff, actually, they pay for. And they do it according to our specifications. In other words, we say that we need "X" amount of flow through that ditch ~~to satisfy~~, so then the pipe sizing and all that stuff has to be [right]. You know, we're all involved in all that kind of stuff [things together].

Seney: They pretty much take your word for it? They don't quarrel about your saying you need a certain size pipe? They say, "No problem, we'll do that"?

de Braga: There hasn't been any of that kind of stuff. In my estimation, the Navy has been very easy to work with, and wants to work with us. You know, we're all part of the community. They have their so-called "spills" out there, and that is kind of crucial, if that happens to get into the drainage or the irrigation.

Seney: Has that happened? Have you had, jet fuel, I guess, and other kinds of solvents and so forth?

de Braga: There has been some, I guess, to a certain extent. Or it gets into the groundwater and it seeps out into the drainage systems. So there's been some kind of concern about that happening, and it has happened. There's been some clean-up efforts out there in the past.

Seney: Has it been a big problem up to this point? Why are you smiling like that, when you say that?

- de Braga: Well, I guess it depends on who you're talking to, what really is a serious situation. You can take, in my estimation, some of the things that have been considered very serious I don't feel is a very serious problem.
- Seney: Who would consider them to be serious?
- de Braga: Probably some of the environmentalists or political people, if it was to their benefit or gain.
- Seney: So you tend to take a little more broad view of these problems.
- de Braga: Yeah, is it really serious. That's the way I look at it. If they dump several thousand gallons of fuel all at once, it got right into the system in a big surge, why, you know, maybe that would hurt something or contaminate something. But twenty gallons or something like that, I don't think is much of a serious problem, but some people think it's as big a problem as several thousand gallons. I guess that's the difference. (chuckles)
- Seney: On some of these military bases that are of course being abandoned since we don't need them any more -- I guess that's fortunate -- they're finding a great deal of pollution and fuels, solvents have been dumped. (de Braga: Yes.) Before, I think the military probably appreciated what they were doing. Have they been more careful out here, do you think, because they've had these canals running through?
- de Braga: Well, that I can't say, Don, because I'm not actually out on the base. I've been on it, like they have the air show this weekend. I'll probably be out there on the base, or intend to be, or hope to be anyway. That's about the extent. Like I say, if there's issues that come up, why we have physically went right out on the base

and looked at some of the canals or stuff. More recently, I have set up committees -- that's the way I kind of operate the district -- because the whole board just can't [be there]. We have to operate under the open meeting law, if there's more than a majority of us together, and so most of these issues I have just committees do.

Seney: Let me turn the tape over.

END OF SIDE 1, TAPE 3. AUGUST 11, 1994.  
BEGIN SIDE 2, TAPE 3. AUGUST 11, 1994.

### **The Use of Committees on the TCID Board and the Open Meeting Law**

de Braga: A lot of these things that are done through the district now I set up through committees: like I have a drainage committee, and I have easement committees, and I have water committees, electrical committees, and pasture committees, and all these type of things. And so them groups -- individuals, more or less -- go. In other words, say that the Navy calls in today and wants to do something with one of our easements. So the easement committee will probably go out and take a look. They may report back to the board with their recommendation. If they still are concerned, or don't want to make a recommendation, then the whole board may get involved. But on most issues, the committees pretty much are able [to decide issues] -- and most of the committees have three individuals from the board.

Seney: I was going to ask you about that, because then under the open meeting law, it doesn't need to be announced and a public meeting and whatnot. (de Braga: Right.) You have less than a majority.

de Braga: Well, that's kind of "iffy" too, you know. The public meeting law can overlap even into some of that. If the committee is given, actually, authority to make a decision, then that kind of reflects back. Then maybe it should be done. But when they just come back with a recommendation to the board, at an open meeting . . . . That's the way I operate. Somebody probably could challenge that if they want to. If they do, we'll address it at that time.

Seney: When you decide on how many members are going to be on the committee, do you have the open meeting law in mind?

de Braga: Yes.

Seney: I mean, I can appreciate it from your point of view. You want to be able to do things expeditiously, and clearly if it's an important decision, it will be made under the public meeting law, but the preliminaries, maybe you would think don't need to be handled that way.

de Braga: That's what I say. With this board, you know, it's difficult, it takes so much time for all seven of us to go. Whatever group does go, why, the head of that department -- if it's something to do with engineering, like Joann from the engineering office will go with the guys. If it's something to do with kind of a water issue, like Willis or Bob Hettinger or someone will try to go with the guys. And Lyman tries to get to all of them that he can, which is kind of impossible, to a certain extent, with all his other workload, but that's the way we kind of work it, and it works out real well.

### **Mr. De Braga's Role on the TCID Board**

Seney: When you say -- and I'm going to have trouble asking you this question, I know,

before I ask it -- would you say this is the way you like to run the board? I would think as many years as you've been on the board, and as many years as you've been president of the board, that you must have a pretty strong voice -- would you say -- in the way the board operates? (de Braga: Well . . . .) I know you're a modest man.

de Braga: (chuckles) Stronger than I really want. I don't dictate, or I don't want to exert power. In fact, there's times, you know, when [on] the board -- I'm the last one that'll vote one way. I may vote against an issue, I tell the guys why, and they will vote. But I've never been one to criticize or question their judgement. They're all, as far as I'm concerned, are entitled to their opinion -- whether I agree with them or not. I do not dictate or mandate, and that came out very strong here a year ago when a decision was made by the board, and three days later a majority of the board turned around and reversed their decision. So the newspaper and the TV started beating my door down and was wanting some real strong criticism of the board and why they did what they did. My answer to them was that they are all entitled to their opinion and they reassessed their position and I honored that. And that's the way I operate, and I hope I do not ever change from that.

Seney: Let me tell you that when I was collecting names of people I should talk to, your name was mentioned by numerous people. "You have to talk to Ted de Braga. He's been on the board, he's the president, he knows . . . ." And you know, no one mentioned any other board members to me. Now, I know you don't want to make too much out of that, but that impresses me in the sense that it gives me a

sense of the role you play here and the leadership that you exert. Are you surprised that that information that came to me?

de Braga: Hm. Well . . . . (Seney: Now don't be too modest on me now.) Well, I don't know. It makes me feel good that people think that of me. And I kind of get that sense. When I'm around, I'm able to talk to people, and people seem like they want to come and talk to me -- or it seems like they do. And I've had numerous calls relayed to me, or directly face-to-face. And so that makes you feel good. I've made mistakes on the board, and will continue to make mistakes, but I'm the kind of guy that if in my own mind I've made a mistake, then I will try to correct that mistake. I'm not going to bully my way through and say that, by golly, that was my decision and it's going to remain that way. And so that's the way I operate. I think that's the way my dad [operated]. And I didn't know my grandfather real well, because he passed away when I was just four, but I know my dad was that same type of individual: very highly talked about or respected in the community. And I hope that people remember me that way.

### **District Employees**

Seney: Let me get back to one other aspect of how the district operates, and that's the question of personnel. The district has some sort of civil service system, does it?

de Braga: I'm not sure what you're asking.

Seney: Well, I guess that means if you find out someone who's worked for you ten years is not doing a good job any more, can you fire him pretty easy? Or do you have to go through procedures?



de Braga: Well, you know, with equal rights and all the rights that some of the people have now with the new laws and whatever, it can be kind of difficult. If a person wants to really hassle or fight a dismissal.

Seney: So there are procedures they can use?

de Braga: Yes. And the employees do have an employees' association formed, that gives them certain rights. When they come bargaining for cost of living and wages and benefits.

Seney: So you do bargain with the employees' association?

de Braga: Yes, we do.

Seney: How long has that employees' association been in existence?

de Braga: Probably, I would say upwards of ten years.

Seney: What brought it into existence?

de Braga: I would have to say that probably some individuals that came to work for the district had left other jobs in other parts of the area -- not necessarily in Nevada, but out of California, I think, some of those -- heavily involved in setting up some of these things. And so I think that's how it all was initiated and started. And that's not bad, you know.

Seney: What was your first reaction when you learned [that the employees were organizing]? Because by this time, ten years, you would have been board president then.

de Braga: Yes. Well, I think, you know, we felt that we tried to treat the individuals fairly. [In] my own conscience, I felt that we was treating them fairly. So they come in and kind of start mandating things that you are going to do, or have to do, why

that was a little different than what we was used to. So, like I say, it's been in progress for a number of years. And so far we're always able to sit down and talk and come up with something mutually that everybody can agree with. So it's good that way.

Seney: You've learned to live with it?

de Braga: Yeah, and like I say, I think it's good. You know, I don't have a problem with it, I work with it, and have worked with it, so hopefully it continues.

Seney: (laughs) You're smiling, and I want to ask you why you're smiling. Are you going to tell me?

de Braga: Well, it depends on who is in as president or chairman of their group too, how well it really goes, Don, I guess, is why I was kind of smiling. And you probably can read between the lines what that means. You get kind of a radical individual or two, you know, and it may not necessarily be the employee association's actual position, but they exert it more as their own personal thing, and that's happened on a couple of occasions, so I guess maybe that's why I was smiling.

Seney: What do they normally want to talk to you about? Certainly wages.

de Braga: Wages and cost of living. And insurance is a big issue here.

Seney: Medical insurance and that kind of thing?

de Braga: Yes. The district has picked up employee and dependent insurance for a good number of years. And most of the local area, like your county school district and things like that, they only pay for the employee. We was doing it prior to even the association coming into effect. And so you know when we start talking

wages we get printouts and kind of what like the county is paying their truck drivers, and we kind of compare. We hear that they're making more money than what we're paying, and so then you come back and say, "Well, the additional benefits we pay more than offset that," and things like that. So that's kind of how the negotiations go. And then the CPI, where that really comes from.

Seney: The CPI?

de Braga: That's that index, Consumer Price Index. You know, whether that's based in California or Missouri or someplace. And then when we have the real drought years, you know, the water user's [are] financially strapped, and to keep increasing a percentage on the cost of living, and the insurance has went up -- probably in the last five years the insurance has more than doubled on us. And yet, go out and ding the water users when they're in a forty-four or twenty-eight percent water year, fifty-seven percent this year, you know, and to keep increasing the assessment rates to keep up with [employee benefit costs]. That's what's difficult, and we have to justify that to our water users.

### **The District's Operation and Maintenance Rates**

Seney: These are your O&M rates? (de Braga: Yes, O&M rates.) Your operation and maintenance rates.

de Braga: Right. And all them rates are set to cover the costs of the total operation.

Seney: What does someone pay now in terms of O&M rates? And how do you charge them?

de Braga: Well, you know, we know what our budget is.

Seney: What is the budget this year?

- de Braga: It'll probably be around a \$3 1/2 million budget. And each supervisor comes in with their requests or priorities and stuff. And so we kind of have to look at that, and then we have to look at the number of employees that we have, and probably a cost of living for them and what the insurance possibly can do to us. The toughest one is the litigation.
- Seney: That can be kind of open-ended, can't it?
- de Braga: Oh, gosh, it can vary from maybe \$100,000 to \$300,000-\$400,000 in a year's time. It just depends on how many issues that somebody decides they're going to throw at us.
- Seney: Let me stop here and say that as I look at all this, this litigation is just a constant. I mean, you know that, I know that. (de Braga: Yes.) And it looks to me like you're one of the few people that it comes out of your own pockets. (de Braga: It does.) I mean, the Bureau of Indian Affairs pays for the Indian attorneys; the government has their attorneys to represent their interests.
- de Braga: Even the government pays for the BIA attorneys.
- Seney: Exactly. It's one hand or the other.
- de Braga: And me, as a taxpayer, paying them. So that's what I've always indicated, that I'm paying for the attorneys to fight myself. In essence, you are. And as a taxpayer, you're paying too!
- Seney: And Sierra Pacific Power has the ratepayers, and staff attorneys, I assume they use to handle their problems. (de Braga: Yes, right.) So it hits you guys the hardest out here.
- de Braga: Yes, and what we're fighting for, you know, is the water. And we're going to

talk about this a little later, the environmental issue -- the environmental alliance, in other words. I've felt all the time that these people always had to be involved, because the water affects everybody. As I said initially, it's the reason people live here. And the individual water users have been carrying the whole load, trying to protect the water that everybody else is benefitting from. And so, hopefully we can get that issue resolved. In fact, it has been, and so we can talk about that anytime that you want to.

Seney: Sure. I'd like to have you give me some details, though, on how the O&M costs are parcelled out. Let's say you've got your budget, and now you know how much money you have to raise.

de Braga: Well, we know how many acres of water rights we have. And at this point, still, the irrigation district, anybody that owns water rights is being assessed. We have a minimum. In other words, if you have the four-and-a-half acre foot allocation, which is the benchland, has a certain number. And that this year is, I think, \$27.50 per acre. The bottomland is the three-and-a-half [acre foot allocation]. It is \$25.90. And then we have this so-called "pasture right," and it's a third of the rate of the bottomland. And so you've got your budget, how much money you need.

Seney: Say I've got a hundred acres of bottomland, then I'm going to pay \$2,500 and change?

de Braga: If it's all water righted. It has to be water right land. Previously, the irrigation district used to charge what we called the district general. If you was within the boundaries of the district and did not own water rights, there was a \$1.50

assessment charge, and then there was actually a drainage charge that went along with that, because that property was benefitting. In my estimation, with the people that fought us on it, and made the state Legislature change, said they was getting no benefit -- taxation without representation, because they wasn't a water right owner, they couldn't set on this board and make the rules and regulations.

Seney: But everybody prior to that, the period you're talking about now, who was in the Project area, paid something-or-other toward the O&M?

de Braga: Yes. And the reason that we felt, because they have their domestic water wells that is supplied from off of the Project. And the drainage ditches was keeping the underground surface water from coming up and affecting their property. Most of them have, for their yards or their gardens, had their pump right in either the canal or the drain ditch, pumping water onto their property! So to say they wasn't getting no benefit [isn't right]. And the atmosphere the water created, that's why they was living here! And for \$1.50 an acre, or whatever, it was ridiculous. But it was just the whole concept[of] they're going to show you that, by golly, what you're doing is improper. And I've set at this meeting and talked to some of them until you was blue in the face that they was getting benefits. In their own mind, they know they was -- it's just the idea that they're going to show somebody.

Seney: So if I'm in the Project at this time, and I don't have water rights, and I've got five acres, I'm going to be paying \$1.50 an acre?

de Braga: Not now you don't.

- Seney: I mean, I would have been?
- de Braga: You would have been.
- Seney: So that would have been \$7.50 per year?
- de Braga: Yeah. And then like certain areas of the Project, there was a drainage charge, and that wasn't necessarily where you possibly would have been living. But if you was inside the boundaries, then you would have paid the \$1.50. But whether you was paying drainage, certain parts of the Project paid certain drainage. You may have fit that category.
- Seney: How much would the drainage [charge] have been?
- de Braga: (sigh) I think it was maybe like a couple of dollars an acre too.
- Seney: That doesn't seem like an exorbitant charge.
- de Braga: It wasn't, Don. Just, like I say, the philosophy, somebody is going to exert their authority.
- Seney: Who got organized?
- de Braga: Well, there was just a couple of individuals that really organized it, and he's run for virtually every position in the county, has never been elected. Actually, he's the kind of guy that I can talk to. I can talk to most people. I have people come in here to this board that a lot of people just don't understand how I can handle them. But I have a way -- or hopefully I do -- of talking to people. And I can kind of kid them. I can kind of kid them a little bit and come a different way, and kind of take the rough edges off. So this particular individual, like I say, he's run for everything: He's run for this board, he's run for commissioner, he's run for the Legislature. I told him, if there was ever a dog catcher position

(laughs) he'd get my vote. And I can talk to him like that, and he grins and laughs and thinks it's funny. But he kind of got upset, I think initially, because he was wanting to put in some land development, and the district kind of fought him on not letting him use our easements. We don't have the right for public access on a lot of our easements. People use them, but to come right out and physically give it, we don't have that authority. Actually, the Federal government still owns the distribution system and the easements and stuff.

Seney: So he wanted to cross one of your easements to develop some property?

de Braga: Yes, and things like that. Or use, actually, the canal bank for his roadway, getting into it. The county ordinance says you can't do that, that you have to have a legal easement. Well, this isn't a legal easement. So he got quite upset and stuff, and so then he started looking at other alternatives and saying that the rules that we was making -- because he was a non-water-righted owner, didn't own water rights -- then we was making decisions to affect him, and that he should set on this board. And so then I took it to the water users at meetings. I said, "We have some options. Do the water users want to open the board up to non-water-righted owners to make the decisions? Or do we want to drop the assessment rates and not have them serve on the board and continue the way we are?" Well, the majority of the people indicated that they would rather drop the assessments and keep the water right owners on the board.

### **The Nevada State Legislature and TCID**

Seney: So did you go to the Legislature then and say to them, "Listen . . ."

de Braga: Yes, we did, and we participated in the legislation. This other group had their



people there, and we [did too].

Seney: But you were agreeable to it.

de Braga: We was, because the water users more or less indicated that that's what they wanted.

Seney: I see. Because the choice would have been to keep the assessments. You probably would have been faced with the reality of having non-water-righted people on your board.

de Braga: Yes, that was a possibility. They would have had to have been voted on, you know. They could have ran for the board, but that isn't necessarily saying that they would have come in as a non-water-right. But they even went as far as wanting to make sure that there was at least one or two non-water-righted people serving on the board.

Seney: How long ago did this happen?

de Braga: I would say, oh, probably six or eight years ago, probably. See, the Nevada Legislature meets every other year. So I would say it was probably like three or four sessions ago.

Seney: So when the bill came up, you went down and said, "This is okay with us, we don't mind."

de Braga: Yeah, we agreed, you know. And initially too, we reduced the acreage. It was that you had to own five acres of water rights to be able to serve on the board or vote, and we changed that down to if you just owned any water rights, and we supported that. In fact, at one time, they increased up to, I believe, forty acres for a short period of time. But that drew a lot of criticism, and I didn't think that

was right. But there's actually three irrigation districts in the State of Nevada. They was wanting to hold the line pretty high on the acreage, so they was able to accomplish that. But it got turned around and back to the five. It was five, got up to the forty, then it was back to five, and now it's just if you own some water rights.

Seney: All three of these districts are governed by the same legislation?

de Braga: Yes, the state.

Seney: If the three of you go down, if you agree on something, a change that you want made, does the Legislature pretty much go along with you?

de Braga: I think they'd probably pretty near have to. You know, if everybody agrees, why should somebody else fight it? It's very seldom you can get everybody to agree on something.

Seney: Do you need to change the basic irrigation law, district law, much?

### **Expanding the TCID Board of Directors**

de Braga: It's been changed a few times. In fact, last session -- no, the session before -- we went in support of expanding this board, to bring other interests on. In fact, that is law now, that this board can be expanded. Of course Senator Reid and Senator Bradley more recently, you know, come out and said that this board had to be expanded. Well, we already done that two years ago -- supported it and actually pretty much initiated that happening: wildlife groups or environmental groups or something like that. And like the Fallon Indian Tribe, or whatever, to come sit on this board. It was kind of proposed ~~back~~ [earlier], and we supported it on the national level, and I guess, a little facetious, but I think anything that

we agreed to or kind of wanted to do, some of them felt there must be something wrong with that, so they just shoved it in the background, and we went ahead and proceeded with it and got it enacted on the state level. Now we put out feelers to these individuals and certain groups, and none of them actually wanted to come forward and set here. You know, this is a tough job!

Seney: Now, there's seven members on the board. (de Braga: Yes.) Can you, at your initiative, now, expand it to more members? Do you have that authority under the new law?

de Braga: We have that authority. It'd have to go to a vote of the water users.

Seney: So you could propose to the water users, "Let's make it nine, let's make it eleven." (de Braga: Right.) Thirteen? How large can you make it?

de Braga: As big as they want, I guess. I told them, you know, that we're setting here for twelve, fifteen hours now with seven of us. If we get twelve or fourteen, why, we'll probably set here for twenty-four hours at one of the meetings. But I can handle that, just bring them on!

Seney: Will these be voting members?

de Braga: Yes, that would be the concept.

Seney: And how would they be elected?

de Braga: They could be appointed, or they could be elected. That is an option open.

Seney: The whole board, in other words, could appoint them?

de Braga: Well, no, like your county commissioners may appoint somebody from the county. And possibly somebody from the wildlife area may be appointed by the governor or somebody like that. Or environmentalists, maybe three or four

groups would get together and say, "This the individual that we want to serve on that board, representing the environmental issues and stuff." So we left the door virtually pretty much open of how or who. But they, like I say, when we sent out feelers and requested that they come start to participate, why we got some enthusiasm, but not a whole lot. And then of course Senator Reid and then, their mandate was that they was going to actually serve on this board or do away with this board and have a board like that take over. And so we've pursue that more vigorously, real vigorously, and still don't get a very warm reception. It is a tough job, and they just don't want to come and take the abuse and stuff that this board has taken over the years on certain issues.

Seney: Do you think life might be a little easier for the district and the board if you got some of these other people on to understand the problems?

de Braga: That would be fine with me. Like I say, in the negotiations, I specifically fought very hard for the wetlands. The Federal government and political people was telling us that that was a dead issue, that all the water was going to, in essence, go to Reno-Sparks/Pyramid Lake. And I never would allow that. And I had protection in there for all them years. Recreation use and the wetlands are very important here. So I recognized that, and the board supported me on them issues. And so we fought for it and had that in the '85 bill. And so then Senator Reid comes out, he's going to settle eighty years of water wars -- well, the wetlands and ~~that~~ [recreation] was [not] going to be part of the negotiations, [it was] going to be a complete separate issue, and I refused to let that happen. And kind of just overnight, their position changed. They could see the political

atmosphere, because with a few contacts that I was able to make or knew, you know, with certain people, why [that was changed]. You had kind of like your local environmental group. Pretty quick it was regional. Before I got done with some of this stuff, we had some of the national officers setting around some of these sessions that I was at, ~~and~~ getting beat over the head on some of these issues.

### **Working with Environmental Groups**

Seney: You know, I'm going to have to ask you: What did you do here? Who did you contact? I mean, obviously, you're trying to put together some support for your side.

de Braga: Well, some environmental group, like your Nature Conservancy group. Even the Sierra Club type group. Audubon. National Federation of Wildlife people. You know, I'm exposed to all them people in my job, or especially where our issue gets clear to the national level. I've been involved on the national level. A lot of them people know me, I know a lot of them.

Seney: So you call them and say, "This is Ted de Braga and you know this time we can work together on something"?

de Braga: Well, I just tell them kind of what's happening and to the issues, and leave it. That don't mandate that they do it, but I lay the issues out and tell them what I think the long-term consequences of that will be. Like the OCAP, as I indicated, when they put this high efficiency on and restrict the water down -- I tell them that's going to kill the wetlands, because there's going to be less. And that's exactly what happens. And to this day, some of the people still won't recognize

that, or refuse to.

END OF SIDE 2, TAPE 3. AUGUST 11, 1994  
BEGIN SIDE 1, TAPE 4. AUGUST 11, 1994.

Seney: Today is August 11, 1994, I'm Donald Seney, and I'm talking with Mr. Ted de Braga at the TCID offices in Fallon, Nevada. Go ahead. You were talking about getting some friends to help.

de Braga: Well, like I say, examples I've explained, like the efficiency and OCAP mandates. As you start restricting the water down and the elevations like in Lahontan Dam that OCAP mandates can't be above a certain elevation on certain times -- that all affects water that gets to this Project, that ends up getting into the marsh and stuff. The marsh was drying up, and it was all supposedly the farmers' fault. Well, it was not, it was due to litigation and legislation, and like these OCAPs that's creating a big part of it. Less quantity, the poorer the quality. They can't seem to understand that.

Seney: So you have water quality problems when you cut down the flows?

de Braga: Sure! Less water, less quantity, the poorer the quality gets. It gets thicker and thicker. (laughter) And so you start having to tread the water to get the stuff off the top of it. (laughter) Then they want to maintain the wetlands and so then they have to come in and take more agricultural land out to do that. The regulatory reservoir, that the district has used for years, too, [that were] a vital part of the operation of this Project; they made us reduce the size of them reservoirs that cut out some of the best wetlands that they've had on the Project. They want to maintain 25,000 acres. And like I say, they take them acreage out, and then they have to turn around and buy additional farmland to make up

additional losses. And they say that they don't have control of the reservoirs, that they have to be maintained at a certain level to get the wildlife benefits. Well, that's not true. Wildlife benefits have been there for years and years, and would continue to be there with the operation the way it was. We've even offered to look at maybe some different type of management. If that is a real problem for certain months or something like that, we can take a look at that kind of stuff. I think I've hopefully got some people's attention on that, [and they're saying] (sigh) "Maybe that old boy isn't so dumb after all." Hopefully! (laughter)

Seney: Well, I guess it is all a matter of making sure that people who agree with you are there when you need their support, and that's what you're talking about here, (de Braga: Yes.) is making sure people understand how this is going to have an impact on them.

### **Dealing with People about the Problems of the Project**

de Braga: Well, I think the first part of our interview here, I made reference to that, that being here this long, [I've] been through so many Secretaries of Interior, and undersecretaries, and congressional people, and regional directors, and like that -- the Commissioners of Reclamation. You know, when they first come on-line, why, you know, they've heard about the irrigation district and what bad guys we are. Well, you know, just like me setting here talking to you and like I mentioned earlier, I think I can talk to most anybody. After a period of time, you know, they get to seeing [things differently]. And I'm the kind of guy, you know, that tries. I don't want to blow anything out of proportion -- tell it like it

is. There's things that we do, and we do it for a reason. It may not be according to the book, but you do it because you have to. Just because you've got a placque on the wall says you're an expert, you know, you're an expert to a point, but, you know, experience, a lot of times is a better teacher than that. And that's a concept that I use, and try to explain to them. And so, like I say, when a lot of the individuals, as they've come and gone, before their tenure is out, a lot of them, most of the time, kind of see where we're coming from and start thinking, maybe, you know, that there is a real need for what we're doing, and I would have to say this has been a time or two that some of them probably got actually moved.

### **Water Cut off on the Truckee Division**

Seney: You know, let me say that it's been a week and a day since we've talked, and today when you came in, you seemed very frustrated to me. You seemed like you had a lot on your mind. (de Braga: Yes.) And again, you're very frustrated. (de Braga: Yes.) Tell me what's happened since I saw you last that's frustrated you so.

de Braga: Well, I guess -- and this reflects right on the Bureau -- on the Truckee Division of this Project, the Newlands Project, them people have been out of water since June. Some of them haven't been able to irrigate.

Seney: This is Fernley?

de Braga: Yes, the Fernley-Swingle Bench area. This office tried, Lyman tried, I tried, to get water. [We ]met with the Bureau, indicated that we wanted up to about 5,000 acre feet of water out of Stampede Reservoir to be released to benefit



them people up there, and the next year we would pay that water back, we would not divert that amount of water to this Project, under OCAP or whatever entitlement that we would be entitled to. We would store that back in Stampede Reservoir for the fish. We have not been successful in achieving that. The Pyramid Tribe said no, they wouldn't give it to us because the irrigation district, they say, over the years, since 1988 there was water taken away from this Project, stored in Stampede Reservoir, that we felt was ours, but it was stored as a credit if we need it. Well, that year was a seventy percent year, we figured we needed the water, we called for it, the Federal watermaster started to release the water, the tribe filed an injunction immediately and stopped it. [It] ended up back and forth for a period of two or three weeks there. (Seney: This was in 1988?) Yes. And finally the Ninth Circuit, the Federal court in Reno said that the Federal watermaster would release the water to us again. He started releasing it just under his authority, and so the tribe filed an injunction, the Federal court in Reno overruled them, then told the Federal watermaster to start the water again, and he no sooner opened the gate than they filed an emergency injunction in the Ninth Circuit. The Ninth Circuit, everybody was on a phone conference, and finally came down that they would release the water and a hearing would be held sometime later. And we had to agree that if they determined that we wasn't entitled to water that we did have to pay it back.

Seney: How many acre feet was this?

de Braga: Twenty-one thousand four hundred thirty five [21,435], or something.

Seney: "Approximately," huh?

- de Braga: Yeah. (laughter) Exactly. (laughter) So the water was released, and then there was a hearing held and the determination was made by that court that yes, we did have to pay the water back. So [the] (sigh) drought years hit us.
- Seney: It's been worse since then?
- de Braga: Well, in '88, we had several years of drought up to '93. And so we was supposed to tell how ~~it was~~ [we were] going to pay the water back. And so the district made a proposal, that when the fish was going to have a run, that's the year that we would pay it back. Well, if they don't have what they consider enough water, virtually a hundred percent year, then they're not going to release the water, because they figure that it would be more harmful to the fish. So they get them all attracted there and stuff, and then you don't have enough water to continue the cycle. It's more detrimental. So for three or four years, they didn't elect to have a fish run. But then in '93, that was a hundred percent year, and they was going to go ahead and have a fish run, so the board came back and said that in fact we was still able to divert water to Lahontan dam. We said, "We'll release that water to them now." ~~Well, they're not diverted through the river system to Lahontan.~~ They come back that, [and said] they didn't want the water, they didn't need the water at that time. And the Federal watermaster says that we paid that back, in our mind we paid it back, the Federal government says that we paid it back. Certain people in the Federal government say that.
- Seney: Let me ask you here, even though you didn't really pay it back, the fact that you said "you can have it," and they didn't take it, is equivalent to paying it back? Or you did pay it back?

- de Braga: Well, we felt that we released it. It was water that we could have brought to Lahontan Dam that ended up in Pyramid Lake.
- Seney: Okay, so as far as you're concerned, they got that 23,000 plus acre feet.
- de Braga: Twenty-one thousand four hundred thirty five [21,435].
- Seney: Twenty-one thousand four hundred thirty five [21,435], okay.
- de Braga: Right. But then the government at one point came back and said that we'd only paid back 4,000. But now I understand that certain ones in there say we paid back, certain ones say we don't.
- Seney: Who's saying "yes," and who's saying "no"?
- de Braga: Certain ones within the same department are saying yes and no, and I'm not going to name names.
- Seney: Would it be Fish and Wildlife has one view, and Reclamation has another?
- de Braga: And the BIA. But even people within the same department of the Bureau of Reclamation and stuff is telling me one thing, and some another.
- Seney: Some in the Bureau of Reclamation say, "Yeah, they've paid it back," and some were saying "they're not." Okay. Do you get caught like that much between these agencies?

### **Imposition of the OCAPs**

- de Braga: Yes. Yes, I do, to a point. So that was one issue. Now the tribe's saying we didn't pay that back, so they won't release us the 5,000. See, the final OCAP came out in 1988, so from 1973 to 1987, there was a, quote, "the Judge Gessel '73 OCAP that said this Project was only entitled to 288,000 acre feet: the first year 350,000, and [the] years after that, 288,000 acre feet of water," [unquote]. I

wasn't on the board at that time. We weren't a party to the decision in Washington, and so [the board] felt that they didn't have ~~through their~~ [to comply, the] legal counsel for the district at that time, said that we wasn't bound or obligated by that, and the district took that position. And the Federal government must have, because they didn't mandate that 288,000, they started issuing interim OCAPs, that said the amount of water we was entitled to in each one of them years.

Seney: And it was more than 288,000 in each one of those years?

de Braga: Yes! Up as high as 360,000-370,000 acre feet of water.

Seney: And the Project had been used to taking a little over 400,000 acre feet.

### **Problem of Recoupment**

de Braga: Over 400,000. In 1968, the Nine-Point Program I [referred to] earlier in the interview was to cut back to 406,000 acre feet and cut the acreage back, and the other concessions. It's all in there already. But anyway, so we operated under the interim OCAPs. In fact, as I indicated earlier, there was one day that I received two OCAPs in one day, changing numbers. And was receiving them monthly, and a couple a year or yearly. And so now, even the government has changed their position, coming back and saying that we owe this 1,058,000 acre feet because we overdiverted from 1973 to 1987.

Seney: Were those the years when the TCID said, "Listen, you can't do this to us. We're going to take what we've been taking"?

de Braga: That was part of it initially.

Seney: Because that was sort of the district's view to begin with, wasn't it? That you

had a right to that 400,000 plus acre feet, and that's what you were going to continue to divert.

de Braga: That was pretty much the district's position. And like I say, the Federal government come in and honored that. They didn't honor it the size of 406,000 acre feet, but they honored something considerable higher than 288,000, that they're now saying that they support the tribe's position that we do owe that.

Seney: But it was those, now what are thought to be overdrafts, during those years (de Braga: Yes.) that add up to this 1.3 million acre feet.

de Braga: One point fifty-eight thousand, yes.

Seney: That it's alleged you owe the tribe.

de Braga: Yes. And there again, there are Department people that says that number is erroneous. I've heard as low as 300,000 acre feet, in that neighborhood, that they say that we owe. And the tribe says we owe 1,058,000.

Seney: How do you pay that back? If you do indeed owe something, how would it be paid back?

de Braga: They'd start restricting this Project, start taking "X" amount of acre feet of water that this Project should be entitled to. In other words, under the MAD, that's the maximum allowable diversion, that the Bureau says we're entitled to on any given year, and that's based on acreage being irrigated, times the 3 1/2 and the 4 1/2, times efficiency, and you can come up with say 310,000 acre feet of water, and they say, "Alright, starting now, the Project is going to have to pay back, say, 40,000 acre feet every year." Well, the 40,000 would come off the 310,000.

Seney: So you're down to 270,000.

de Braga: That'd drop you to 270,000 immediately. And so 40,000 acre feet -- and that's just a number I'm throwing out -- it may be something more, that might be something less once the negotiations or the courts may determine that, you know, of how many years it takes to pay back the million. And my position is, who benefitted from that? You know, they're saying they're not going to make the Fallon Tribe pay any of it back. The wetlands, the water that they bought, they're not going to make them pay it back, [or] the Navy base. It's just going to fall strictly on the individual water users. And twenty years ago, a lot of this property changed hands. Say you come in today and bought a piece of property. Are you going to be obligated to pay back something you never benefitted from twenty years ago? How are they going to do that? You know, and everything. And then to say that like the Fallon Tribe or the wetlands, they got benefit of it, and that they're not going to be obligated [to pay any of it back]. You know, it's not fair. And so that's kind of the things that have happened in the last two or three days when you said I seemed kind of concerned -- because I was not able to get these issues resolved.

### **Fallon Tribe's Demand for Late Season Water**

But now the Bureau, the Fallon Tribe, and the Fish and Wildlife Service has just come out at the last board meeting two or three days ago, requesting or demanding that they get water stored in our reservoirs and that they're going to get special privileges when everybody else's water is in essence turned off, that

they're going to be able to continue to irrigate.

Seney: This is the Fallon Tribe?

de Braga: Yes. And they've went up the ladder awful high already, and so I guess I got to make a few phone calls, and just explain. The board, we've done, we've held late water before, but we do it early in the season. And there was some requests come in to the board early on to, quote, "guarantee," [unquote] late water this year so that they can put in some of the fall seedings and like the new hays or whatever. In fact, I'm one of them. I would have thoroughly enjoyed to have that -- I'd like to put in 120 acres of new alfalfa this fall.

Seney: Because you've got to flood that when you plant it and you seed it?

de Braga: You have to irrigate it, and then you have to have the late water to make sure you carry through the season. But the board, we talked about it, like I say, and I voted this way, too, on a year like this, when it's been very difficult for us, that we take Lahontan Dam down to the 4,000 acre feet [level], and when that reaches that, we're going to shut Lahontan Dam off. And some people aren't going to get their water. I'm sure some of them probably aren't going to.

Seney: The last time we talked, you said that would be sometime in early September.

de Braga: That's still our schedule, looking at right now probably first part, week or ten days, to the middle of September. And we don't control how people order their water. You know, we don't tell them, "You're going to order today, and you can't order tomorrow."

Seney: Why don't you do that? Because they know best?

de Braga: Sure. We're not dictating to them how to run their operation. They supposedly

know when the crop needs it.

Seney: In fact, isn't this one of the complaints you raised last time, (de Braga: Yes, it was.) about the OCAP people, because they want to do that to you.

de Braga: They want to put you on rotation, "You're going to irrigate every fourteen days, or not at all, until fourteen days come around again." And so I guess that's an issue that's been really on my mind the last two or three days.

Seney: This is with the Fallon Indian Tribe? I'm not sure I quite understand. Can you explain a little more in detail what's going on?

de Braga: Well, the Fallon Tribe, they're not within the boundaries of the district, but they are part of the Newlands Project. They get their water rights through the system, and we deliver the water through the irrigation district to them, and they pay their assessment charge to the irrigation district.

Seney: They pay their O&M and all that?

de Braga: Yes. Sometimes they do. That got to be an issue where the Federal government now doesn't feel that we're the operator of the Project, there are certain ones feel, and so they withheld the assessment charges for quite a while on us. We have the option of turning their water off, and so when the board starts saying that we have that authority to make that decision, then they can start coming back and tell us that we don't have. And so I guess at this point, who's operating it? Physically, today, we're operating it. Maybe an hour from now, they might be operating it. And I've told them so: if they want to operate [the project] that bad, they can come do it.

Seney: The whole system, you mean?



de Braga: Sure.

### **Bureau of Reclamation's Threats to Take over the Project**

Seney: Yeah. I'm not sure if I asked this last time, but do you regard the Bureau's threat to take over the district as a credible threat? Do you believe them?

de Braga: Certain people in the Bureau don't want to see that happen. They're getting marching orders from maybe Justice Department, the BIA, et cetera, to do that. I don't think too many actually right in the Bureau itself are all that adamant about coming and running it. I think the contract we're under now is actually a forty-five day termination clause.

Seney: So they could send you a letter today saying, "Forty-five days from today (de Braga: Yes.) you're out of business, we'll take over."

de Braga: Right. Or in essence I guess I could call them tonight and tell them midnight tonight, it's yours. And then see what would happen.

Seney: There must be some days when that thought crosses your mind? (laughs)

de Braga: Right. But see, if they can come run it any better. But when they get down on the ground and get the dirt under their fingernails -- and a lot of them recognize this -- that they can't run it any better or different than we are. They say a lot of this mandate stuff, that we're allowing people to irrigate non-water-right [land]. Well, the people have tried these transfers, and everything that the government has mandated to correct all that. We can't open and close our own headgate, that the ditch rider physically has to do that. And to keep the costs down, we have about ten districts set up, that the ditch riders cover. And my particular district covers, the way the crow flies, probably is like about probably a good ten or

eleven miles from the top of that district to the bottom one way, and probably about five miles wide the other way. And numerous water users within that. So alright, here I'm at the top of the Project, and a guy at the bottom of the Project, I call that ditch rider and tell him, alright, my water, I want it turned off at ten o'clock, but I can't wait until ten o'clock to call him, I have to call him probably at, say, seven or eight o'clock this morning so that he kind of knows. But I'm not sure, I may be able to turn that water off at 9:30. Maybe that particular run is done at 9:30. So I turn it off at 9:30. If I've told him to turn it off at ten o'clock, well then I get a lake in the bottom of my field, additional water is running in there before he comes and turns it off. Or maybe I misgauged it just a little bit, and I may need another fifteen minutes to a half-hour to make sure that run gets through. But if he turns that off at ten o'clock, then my run is limited. But say that I call him and tell him at ten o'clock, and this guy down here calls him that he wants to be done [at 10 o'clock also]. Because each one of them, you know, there's several, maybe twelve, fifteen heads of water running in each one of these districts. And maybe I'm just moving it from this takeout, or this ranch, or this field, to this one over here, and that'd still be within my jurisdiction, that water, but yet he's physically got to open and close that headgate. And so it's a matter of not just the water order, but it's from field to field, and from take-out to take-out. So how in the . . . .

Seney: You mean if your fields are linked together by headgates, he's got to open that one on your property?

de Braga: That's what they're saying. Me, as Ted de Braga, isn't going to be able to

physically go out there and open that headgate, or move that water, even though the ditch rider gave me authority to do that. I don't go out, I have to have the water order in, and the ditch rider comes and tells me when to take that water, or else he says, "Ted, your neighbor down the road will be calling you, but he's going to be done around ten o'clock tomorrow morning, he will be getting done, and he'll either get ahold of you or I will and tell you exactly for sure when.

Seney: So this is kind of an informal system? You all know each other, and work together.

de Braga: Yes, and it works that way. In the small subdivisions, and some of the areas right around Fallon, the ditch rider physically has to open them, because you're dealing with a lot of people within -- in a ten-acre parcel you might be dealing with ten or twelve people. And the ditch rider does open and close them headgates. But once it gets within the boundaries of that subdivision, then they've got their own little water district.

Seney: What you're saying here is if the Bureau took it over they'd have to handle it in a completely different way?

de Braga: That's what they're saying. They're going to not allow any water user to open his headgate. It's going to be strictly Bureau people or whoever. So how many ditch riders are they going to have hired? And our ditch rider is on call twenty-four hours a day, and there isn't a Federal employee that's going to work twenty-four hour days. You're going to have to have probably three shifts in a day's time, and how many ditch riders? And so then where are the costs going to go? You know, we try to tell them, when we talk about our budget and how we set it

and stuff, we try to keep it as low as we can, to keep the water users in business. And then all these other issues hit us, you know. And then they criticize us because we're not out doing a lot of this conservation practices, linings and a lot of that stuff. Well, we just don't have the funds to do that, because funds that should be doing that is going to pay litigation costs. And so you kind of see the picture I'm trying to paint of what is happening or has happened.

### **Late Season Water for the Stillwater Tribe**

Seney: If I could get back to the Stillwater Indians for a minute: I take it they want to have water late in the season after you're going to be shut down, do you think?

de Braga: That's what their request is right now.

Seney: How do you do that? I mean, is there any way to get the water that late in the season?

de Braga: What their request is, is that we release their water out of Lahontan Dam, store it in one of the reservoirs, and then after everybody else is done, and that is a possibility. They're in a situation where that could be achieved. But is that fair to give them a hundred percent of their fifty-seven percent, and treat them differently than any other water user on the Project? As I indicated, there was other requests come in, and the board made the decision back earlier that we wouldn't be able to honor that this year.

Seney: That is, other people asking [for later season water].

de Braga: For late water, to hold water late for them so they could irrigate late and get in their new seedings. It would have hit me, it would have been perfect. I would have enjoyed it, but you know, when you look at the overall picture, which you

have to do when you're setting here, What's best for everybody? So we made that determination. And then when we set the allocation at the start of the season, the Bureau of Reclamation said we was going to have a hundred percent water year.

Seney: This was way back in January or something?

de Braga: Well, yes, and as late as March, there was a letter come out from the Bureau saying it was going to be a hundred percent water year, and we started telling them back in January it wasn't going to be a hundred percent water [year]. So based upon the snow surveys and stuff, we set the allocation at seventy percent at the start of the season, in March. We set the allocation at seventy percent. Well, immediately, in a month's time or so, we see that that wasn't achievable, so we came back and set the allocation at fifty-seven percent. ~~And I've said on that, "Well,~~ They're saying that we just reduced the allocation a month or so ago. Well, that's not true. We set it back, everybody's aware of it, make sure the papers and the radio [know]. We sent out on the water card -- everybody gets a water card -- we're sending out newsletters, [we] do everything in the world to keep our people [informed]. In fact, decisions [that] are made here at this board meeting is pretty much spread around this whole irrigation district within twenty-four hours, because, you know, things that affect the water users or water issues, the coffee shop talk downtown, (laughter) and you know what I mean. This thing just spreads like wildfire. So everybody knows that. To say that we didn't notify them or done these things too late, that bothers me. And I got in quite a confrontation, and so now to come back and treat them entities different

than my other water users, I have a real problem.

Seney: In other words, if you stored that water down in that reservoir and then shipped it out to the Stillwater Indians, they still wouldn't exceed their fifty-seven percent allotment?

de Braga: No, they wouldn't exceed their fifty-seven, but they want to be sure, guaranteed, that they're going to get their fifty-seven percent. But what they're saying, you know, they're not going to have time to utilize their water. Well, they could have called in a water order at any time.

Seney: They could have it now, in other words?

de Braga: ~~No,~~ or [T]hey could have called since the water season started up to this point or until the water runs out. They can still call for this water.

Seney: But they want it later than September 10 or 12, whenever it's down in Lahontan.

de Braga: What they were saying, between now and the first of September, that they feel they're not going to utilize all their water, that they'll have approximately "X" number of acre feet of water left at that point, and they want us to put it in the reservoir so that they can utilize it later in the season.

Seney: I must say, does that seem unreasonable? Or have you just said it to others, that they can't do it? So you feel you have to be consistent?

de Braga: The consistency here, because we've had requests from other water users to do the same thing, and as I indicated, we said no. As recently as a month ago, we had a request again, and the board said no, our prior decision will still hold, because people was operating under that assumption and so have utilized their water. And then to come back and change in midstream, or this late in the

season, is not right. If they had made that request initially, you know, a group like that, why then we could have considered it and may have allowed it. And like I say, other years, we have allowed that.

Seney: I don't know quite how to ask this question, but do you think that the fact that this is the Stillwater Indians out there, that that makes it a little more sensitive? I mean, on both sides. (de Braga: Yes.) I'm thinking now on the part of the water users. They're going to say, "Those G.D. Indians are getting another break that we're not getting," and the Indians are going to have another view of it. I mean, are there sensitivities on both sides?

de Braga: Well, there is. I guess they feel their trust responsibilities, and of course, yeah, there'll be some criticism if that does happen. But ironically, that request came in two years ago, and 1992 was a percentage year. They came in late, requesting -- or the council did, and that's where this came from.

Seney: This is the same situation, in other words?

de Braga: Right. But they have kind of different factions out there. They have kind of what they call agriculture group association, and then the tribal council itself. And the council is the one that proposed it before, and the council is the one that's proposing it now, but the water users themselves come in and said, no, they did not want that, that they wanted to be treated no different than the other water users on this Project. And since the meeting a couple of days ago, I've already had one call from one of the larger water right owners on there saying, "No, we do not want to be treated different again this year." And so we'll see.

Seney: They're not of the same mind, you think, out there themselves?

de Braga: Well, and who owns the water? The government says they own the water, the individuals say they own the water because they gave up the land for the water, back initially, the individual people did. So now who owns the water? We've asked that question numerous times, because there's requests come in that affect the individual water right user's water out there, and they want to make me or somebody here the judge, or this board, you know, of saying, "Yeah, you're going to take the water away from the individual for the tribe use, and the individuals say that they own it, and the council or whatever says that the council or the tribe [owns it]." So who owns the water?

Seney: You look very frustrated, Mr. de Braga.

de Braga: Well, I get kind of frustrated on issues like that.

Seney: Are you going to have to do this? Or is the board decision final?

de Braga: Well, just before I come in here, fifteen minutes before I walked in this door, I had a phone call that says there's probably going to be a mandate [to make me do it?].

Seney: What does that mean, a mandate?

de Braga: That we are going to put that water in there, and that we are going to release it to them later.

Seney: That will come from . . . ?

END OF SIDE 1, TAPE 4. AUGUST 11, 1994.  
BEGIN SIDE 2, TAPE 4. AUGUST 11, 1994.

Seney: So what you're saying is, when you say "a mandate," that will come from the Bureau to tell you you have to do what the Indians have requested?

de Braga: That's where the mandate will come, I'm sure, is through the Bureau. Whether



the Bureau actually agrees with that [I don't know]. There are certain people in the Bureau, I don't know, but that's where the mandate will come.

Seney: You haven't finished with this, in other words, in your mind.

de Braga: That's right, I have not.

Seney: If the mandate comes, where will it come from?

de Braga: I'm sure it'll come through probably the Carson City office of the Bureau of Reclamation, I would assume. But it might be signed by possibly some undersecretary-type people.

Seney: So it'll go up that high, in other words.

de Braga: I think it's already at that level.

Seney: And if it does, have you any appeal? Or do you just have to go along with it then?

de Braga: Other than just trying to explain, you know, why. Before that decision is made, they should find out the facts of why, you know. Because them people are our friends, you know, and they're part of the district. We're not singling none of them out. What's going to happen, they are going to be singled out, the other water users, because some of them should have the same opportunity, and they're not going to. And I think as I mentioned a little earlier, the Fernley situation: We went to the Bureau, we went to everybody, trying to get the water, and them people are actually physically burning up -- have been -- and we've been denied. And now these people still have water, and are still able to irrigate until the end of the water season, whatever time that is, and can call and order that water and utilize it now if they want to. And these people up here,

they have no alternative. And it's been completely denied by the [Pyramid]tribe and the Bureau at this point.

Seney: Well, I know, as we discussed before we talked on tape today, that next week Assistant Secretary of the Interior [Elizabeth] Betsy Reike is going to be in town, and you're smiling when I say this. And you've already told me you're going to have an appointment with her on Tuesday. (de Braga: Yes.) Will you talk to her about this matter?

de Braga: Yes. In fact, I'll probably make a phone call when I get out of here, if I can catch her.

Seney: I can understand why you're interested in this. I mean, to you, obviously, you see this as an equity issue with your other water users whom you said "no" to, and this sort of smacks of maybe favoritism (de Braga: Yes.) and I suppose there's some irritation that the board can't have the final say in this, that you're going to be told to do what the tribe wants you to do, (de Braga: Yes.) and you don't want to do. And I can understand why you'd raise that with her, but what other questions are you going to talk with her about?, if you can tell me -- just even by category, if you don't mind.

### **Discussing the OCAP with the Assistant Secretary of the Interior**

de Braga: Like you know, OCAP.

Seney: This is the most recent OCAP?

de Braga: Well, yeah. See, the OCAP that was in place -- and I get a little facetious when I talk about this, but it's true. When that OCAP was being developed, the final one, actually was put in place in '88, but we tried to work on that before it was

implemented. And we had concerns about the OCAP, provisions of it, and tried to get our concerns interjected. Well, they listened to us to a point, and then it just got to the point where it wasn't getting achieved what they wanted to achieve, so they just more or less excluded us, and these experts wrote the OCAP and they presented it to us and told us that was the final OCAP, we had to operate under that. Now, they find out that the efficiencies that that mandates and stuff, as I think I indicated, there was a menu of twenty-two items in there, we was supposed to only do the first seven and that would achieve these efficiencies and all that -- well, we did the first seven, it didn't do it. We've done all twenty-two, plus other things, and still can't achieve it. And there's other problems with the OCAP. So now, quote, they're "looking at OCAP and revising it," [unquote]. I asked specifically that we had to be part of that again, was denied by the individuals that was putting it together. So I talked with Miss Reike and she indicated that we would have a final say before it got to her level.

Seney: So she's willing to give you a hearing on this?

de Braga: Well, now, I was promised that OCAP the first of July. The first of July come, the individual that was putting it together -- and here's the problem, he's using some of the same experts that put the '88 OCAP together! (laughs)

Seney: Does this come out of the Carson City office? Or is it higher up?

de Braga: Oh, it comes higher than that. Pretty near everything that's done on this Project is done on the Washington level any more. But anyway, so we was supposed to be involved in it. The individual that was putting it together, I took him on tours. And he's the kind of guy, at least I respect him, because he just flat tells

me what he was going to do. I didn't agree with him, and I told him what I thought the problems was. But he didn't sideswipe me or stab me in the back -- he just flat told me what he was going to do, and I didn't agree with him, and he goes ahead, and I'm sure he has done it anyway -- but I haven't seen the OCAP because it hasn't been presented to me yet. Betsy called me ten days or so ago. She has it, but she's not going to let me see it until we see what the negotiations do now.

Seney: The upcoming [Settlement II] negotiations?

de Braga: Yes, if they proceed or it looks like movement made, we won't see the OCAP. If the negotiations fall apart, I'm sure they're going to present. But it's already at Betsy's level, and I have not had a chance to see it. And when I say "me," the irrigation district and whatever.

Seney: What's she like to work with?

de Braga: I've worked with numerous Assistant Secretaries and Commissioners of Reclamation. I think in all of them -- and I've told her this personally -- I think that she is different than the other ones from the standpoint that she has a hell of a tough job. There's all these water issues, everybody's wanting water. I think out of all them, she wants to try to be as fair as she can with everybody. And I don't know how she's going to do that. I've told her that. And she doesn't know how she's going to do it.

Seney: That's a very tough situation, isn't it?

de Braga: Yes, but I have a lot of respect for Betsy at this point.

Seney: So she's got some credibility with you, in other words. (de Braga: Yes.) And

when she makes a decision, you feel like she's taking your views into consideration.

de Braga: I think she'll make the decision, and we're probably not going to like everything that she does, and we've talked about that. I think she'll be as fair as she can with all parties -- and that's all you can ask from anybody.

### **Trying to Meet with the Commissioner of Reclamation**

Seney: Sure. How about Mr. [Dan] Beard, the new Commissioner of Reclamation. Have you had many dealings with him? Your face is frowning now -- if the tape could see these things.

de Braga: We've asked for meetings with him, and been denied.

Seney: Why do you think that's so? Do you have any sense of why he might do that?

de Braga: Well, because this Project, again, is a very controversial Project, and we're the bad guys, we're the water thieves, the rapists of the land, and that's how we're portrayed on the Washington level. And that's very hard to overcome that. Like I say, I think if I could sit down and physically talk to Mr. Beard, or Mr.[Secretary of the Interior Bruce] Babbitt, I'd like to think that maybe I could change that perspective just a little bit. But when they refuse to do it.

Seney: It's interesting to me that the assistant secretary is the superior of the commissioner -- am I right? (de Braga: Yes.) And you call her Betsy. I take it you're on a first-name basis. (de Braga: First-name basis.) And you've talked to her frequently and will be seeing her. (de Braga: Yes, talk to her frequently.) And yet the commissioner won't see you. Has she said, do you think, to Beard, "Listen, I'm going to make these decisions, just stay out of this"? Or has he said,

do you think, to her, "Oh, you know, if you're talking to TCID, that's okay, I've got other things to worry about"? Do you have any sense of that?

de Braga: I'm not sure what the relationship is between her and him. When I say we requested a meeting with [him] -- we was at a water conference, in San Diego and requested a meeting with him, and he was supposed to meet with us. Well, it was kind of a round-about way. We were supposed to be able to meet him in the hall or whatever.

Seney: Just a kind of informal "bump into you" sort of?

de Braga: Well, he conveniently didn't get to the conference until time for his speech. As soon as his speech was over, he was out of there! There were a lot of very unhappy people. There were eighteen western states -- all the state Reclamation was involved with was in that conference.

Seney: So he not only stiffed you, he stiffed others.

de Braga: I think he did. But our issue, he was aware of it, and all the years that I've been involved with this, we've always had access to the commissioner, the secretaries, and stuff like that -- the regional directors. Because ours is kind of unique. A lot of the Projects probably don't have -- well, they probably do, but this one is kind of unique. So we've always had a place at the table to talk to them kind of people and stuff. And we was invited to meet with him as soon as that session was over. We get there, well, he was gone.

Seney: Huh. Are you optimistic when you meet with Assistant Secretary Reike that you're going to be able to influence her at all, do you think?

de Braga: I don't know. I think Betsy will listen to what I'm saying, and she'll evaluate it.

If she figures that she knows she can help us without really affecting somebody else, that she probably will try to help us. And I think, when I talked about the water in Stampede, the 5,000 acre feet, that issue would not hurt anybody.

Seney: Will you discuss that with her?

de Braga: Yes. The tribe, there's 72,500 acre feet of water setting in Stampede Reservoir right now, the fish run is over, that water may be called upon next spring, but it may not. If there's not enough water in the system, that they feel they can't have a fish run, they won't release any of that water. In the meantime, it's going to set there and evaporate. You know, what amount, I don't know. But you take 5,000 today, there isn't going to be 5,000 there next spring or whatever. But if we took 5,000 out of there, we would pay them back the 5,000 next spring when they want the water, so in essence they'd have a full 5,000 acre foot of water. But they're saying they don't want to, because we haven't paid back the 21,000 and the million. And we protested. They're going to unappropriate a water application, and things like that.

### **The Political Position of the TCID**

Seney: Do you feel -- I mean, I know you're a realist -- do you feel that given the political climate of the moment, that you guys are kind of on the bottom here?

de Braga: We are on the bottom.

Seney: Just kind of reaching up to touch the short end of the stick?

de Braga: Well, yeah, because just like now, you know, here the request for this water for the tribe has only come in -- Monday was the board meeting, it's already at that level. The mandate apparently is coming down from that level that we're going

to give it to them.

Seney: From the assistant secretary level?

de Braga: Yeah. Well, I don't know whether Betsy's level. I know it's at virtually that level right now, because there was a name mentioned that has been in contact, and Betsy may be aware of. That's why hopefully I can talk to her.

Seney: I thought you said it was at the secretary level. But it's not?

de Braga: I think it is. The individual -- well, it's . . . .

Seney: Would be below Betsy Reike?

de Braga: Well, yes. An individual by the name of Bill Bettenburg.

Seney: He's a kind of a coordinator in Interior for this, isn't he?

de Braga: Yes, for the Public Law 101-618, he was put in charge of implementing it. So he normally runs with Betsy on most of the sessions.

Seney: He'll be out too?

de Braga: He will be out, but supposedly it's a one-on-one.

Seney: That's what you've requested?

de Braga: Well, no. That's what I'd like, and that's the way this one is supposed to be.

Seney: How much time is she going to give you?

de Braga: An hour, maybe. At least an hour.

Seney: Maybe longer, you hope?

de Braga: That'd be nice.

### **TCID Position in the Settlement II Negotiations**

Seney: Are you going to talk to her about the upcoming negotiations?

de Braga: Yes, to a certain point. I can't reveal, because I can't expose [our position].



Seney: Sure. Tell me what you can.

de Braga: Well, there are certain issues, you know, we definitely hope to be able to talk about: OCAP, recoupments and the numbers and all that kind of stuff, where we're able. But that's a public forum. And Senator Reid, of course, said some of those issues are already settled in Public Law 101-618, and are not going to be negotiable. But that doesn't leave the district much to negotiate, if everything in his bill benefitted a lot of other people, and was detrimental to the district. So if we're actually tied-into that, and he has not made the decision whether he's going to allow the negotiations to go ahead yet either. But like I mentioned, the Truckee Division water, we started working on that six weeks or so ago, through the Bureau, and everything, and it just kind of gets logjammed and stuff. But in three days' time now, this whole process is done, and we're going to make the water available.

Seney: You mean for the Stillwater Indians?

de Braga: Yes. Or I assume that's the way it's going to come down.

Seney: Is there a point at which the question is moot for the Truckee Division? That is, whether it's done its work?

de Braga: It is right now, unless we can get some additional water.

Seney: At what point do you say, "Oh, hell, it's too late. Five thousand acre feet won't do them any good"?

de Braga: Well, I think it's getting kind of late for some of the crops. But their domestic wells and the stock water line that they water their cattle and stuff out of, are still all there, that could benefit.

Seney: So that's what you're thinking about, too, in terms of this 5,000 acre feet?

de Braga: Sure.

### **Lahontan Valley Environmental Alliance**

Seney: Tell me a little bit about the Lahontan Valley Environmental Alliance, from your point of view. They're going to be one of the players in these upcoming negotiations. (de Braga: Yes.) Are you going to take part in these negotiations on this new settlement?

de Braga: Well, yeah, to a point. In fact, I'm part of the working group. And as I indicated before, I was the one that carried the ball for the whole valley, the whole Project, and for all them years. And I tried very hard to get like the [Churchill] county, the city [of Fallon], and the Fallon Tribe and these people to help me. "Oh, you're doing a good job, Ted. You just keep a-doing it." So I was farming probably one of the largest farming operations on the Project -- just my son and myself doing that. Some of the same size operations have several people hired. Well I hire part-time, one or two, to help me with the haying, because we run three or four pieces of haying equipment at the same time, and just the two of us can't get around them. So here I'm out there doing all that, and trying to cover all these bases, you know, and I was doing it! I needed help, and I knew that I needed help, or wanted help. And I was doing the best I could, and hopefully, my own conscience I did the best I could, and made some headway. But in the final trenches, ~~why, we're just~~ politically, stuff [we] got shot down. So here now when last summer again, when all this started to come to the front, I called two special meetings on the same day. I called one in Fallon for an afternoon

meeting, and I had all the people that we felt should be there, like your commissioners and city councils and mayors and stuff of both counties and cities, and the environmental people like Fish and Wildlife, and just on and on. [We] had all of them -- there was probably forty or fifty at that afternoon session. [We] laid it all out, what has happening and I needed help, needed help bad. And so a spring off of that meeting is the alliance started being formed. That night I went to the convention center with the water users. There was probably, I don't know, 300-400 water users there. When you get critical issues, why, people show up. We packed the place. If it isn't a too-critical issue, you might get 40-50 or 100. [We] laid out the same concept that we need help, we need help.

Seney: You got to broaden the base.

de Braga: Right. Out of that group then comes the Newlands Water Protective Association -- just the water users. So the alliance now is the county of both Lyon and Churchill, the City of Fallon, the City of Fernley, Truckee-Carson Irrigation District, one of the conservation districts. The Fish and Wildlife interests served on part of that, but they wasn't signatories to it. We asked the Fallon Tribe to be a signatory, they refused on account of the sovereignty issues.

Seney: They feel they're a sovereign nation.

de Braga: Yes. And that their issues are different, so they refused, actually, to be a signatory. They participated in some of the meetings. So anyway, out of the (sigh) Lahontan Valley Environmental Association now, is the one that the negotiations are going under -- the Lahontan Valley Environmental, instead of

TCID, the County of Churchill. But we're all part of that group.

Seney: Were you part of the decision to approach it in this way, obviously? To say, "Let's try to put this on a different footing here"?

de Braga: Well, I felt that was necessary, because like I say, the irrigation district always got the put-down, the black eye that we walked from the meetings and all this kind of stuff, and that's not true, and they forced us out. And I related that earlier in our stuff, so it's in there. And that we uncovered all the interests, but I think pretty much all the interests should be covered under this. We could have had TCID setting there -- I guess we could have requested it -- and both counties and the cities, be several of us setting there representing this area. We feel that that wasn't proper, that we should come in as a whole group, as one, speak as one.

Seney: Now the Alliance has hired a negotiator for this?

de Braga: Yes, right. He was actually working for the irrigation district prior to that, now he's actually going to be the one that physically does most of the talking. There will be two individuals setting at the table with him, and then there'll be a group.

Seney: Who's going to be at the table with him?

de Braga: One individual has been named, and that will be Ernie Shank from the Newlands Water Protective Association -- very good choice, I think.

Seney: Is he a farmer?

de Braga: Yes. He has served on this board previously. In fact, he was one that actually got voted out of office at that time. A very big loss to the irrigation district and to the water users when that happened. But anyway, he will be setting there.

The Alliance is naming their person tonight, of who the individual will be.

Seney: So Mr. Shank is essentially the TCID person?

de Braga: Well, no, he's representing the water users and is a spokesman for the whole group, in essence. He has wildlife interests at heart.

Seney: Are you going to be there? Are you going to be taking part?

de Braga: I'm probably not going to be one that's going to be physically setting at the table. There's going to be eight different entities setting at this table, and each one is supposedly going to have one lead person with a couple maybe setting next to them. And then each group is supposedly going to have maybe six to eight setting back that if there's an issue that's arising, why, quote, "time out," [unquote], and we can confer if that's needed. At this point, I'm designated to be one of them.

Seney: Let me ask you -- in the past you've played a lead role in these negotiations . . . .

de Braga: I was the lead role. And then after Lyman came on, then Lyman and I did it all, actually. And at certain times, certain board members may attend a session or something, but Lyman and I attended every one, and we was the spokesmen.

Seney: Are you pulling back a little because you think it'll be helpful?

de Braga: Yes, and I requested that of people from the Federal government and also the Pyramid Tribe and Sierra Pacific. I felt that we was all in there and maybe it would be good for some new faces.

Seney: You mean, you said to the Pyramid Lake Indians, "Can you get somebody New?"

de Braga: Well, that was my request. And I told Bob Pelcyger -- [he] and I are actually

friends, a lot of respect there. Frustration? Yes, I have a lot of frustration at things that Bob does, but respect, I have a lot of respect for him.

Seney: So it would be your druthers that he would also pull back and someone new represent the tribe. The same with Sierra Pacific.

de Braga: Sierra Pacific and the Federal government.

Seney: Is Ms. [Susan] Oldham a representative of the Sierra Pacific?

de Braga: Yes. But see, we also requested that the upstream interests in the Truckee Meadows be represented as one. You know, you got the Sierra Pacific and Washoe County, and the city, and our preference [was] that they come speak as one. Well, they don't want to do that. And they're not going to do that at this point. And the Pyramid Tribe has not named their individual yet, and this is the way that they operate. But I can very well bet who's going to be setting at the table.

Seney: Mr. Pelcyger again?

de Braga: Yes, Bob will be there. And I assume the new tribal chairman whose been there a year or plus now, will be, I'm sure. And probably their hydrologist.

### **The Objectives of the Settlement II Negotiations**

Seney: What is the objective of these negotiations?

de Braga: Well, to try to resolve the issues that we wasn't able to resolve back in '88. But at that point, like I say, I think these other entities all received a lot out of that bill. They're not going to concede any of that.

Seney: This is Public Law 101-618?

de Braga: Yes, and that they're going to want something in addition. And the issues that

really affected the irrigation district [are] now supposedly not negotiable in that, so it's going to be very difficult for this area or this district. When I say "this area," that would be the alliance to come up with a settlement.

Seney: Let me say that as I talk to people -- and I don't quote one to the other. I mean, I'm not going to say to someone what you've said by name, but I may indicate I know something, and they won't necessarily know where it's come from -- but what I've been given to understand is that the district has been at a real disadvantage in these negotiations. That is, you will negotiate, then one set of negotiations you'll say, "Well, we'll take 360,000 acre feet of water." Those negotiations break down. New negotiations open, and rather than going back to 400 plus acre feet, they'll say, "Well, you said 360 last time, so that's where you start, is at 360." Is that your experience too? That you've been at kind of a disadvantage in these negotiations?

de Braga: That is true, to a point, I guess, and some of that will happen in like these negotiations. There's going to be some issues that may be easily resolved, but the tough ones that really affect you, they're the ones that [will be hard to resolve].

Seney: Which ones are going to be easily resolved, do you think?

de Braga: Oh, there may not really be any that's really that easy, but there will be some that are easier. The tough ones are going to be the OCAP and recoupment. And the wetlands, now it's ~~our~~ [their] mandate of 25,000 acres. Hopefully we can get people to recognize reservoirs, some of the canal systems, drainage ditches, and things like that that are important and can be considered part of that. And they

may be a little easier.

Seney: What's going to be hard about the OCAP?

de Braga: The OCAP affects the amount of water that's coming to this Project. If you're allowed more water here, it'll be more water that the wetlands will get, and it's less water that will get to Pyramid Lake and the fish recovery and to the Reno-Sparks area. So that's going to be a tough issue. And then the recoupment, of course, if they still mandate the 1,058,000 and the 21,000 [Acre fee].

Seney: That's what you mean when you say "recoupment," is what you allegedly owe.

de Braga: What they allege we owe -- we don't agree with it.

Seney: Right. And that'll be the tough one, resolving whether or not you owe that in fact. And then if you do, how it'll be paid back and all that kind of thing.

(de Braga: Right.) And this again is water that you've diverted at Derby Dam that should have gone the other direction to Pyramid Lake, as far as the Pyramid Paiutes are concerned.

de Braga: And to achieve this we're going to have to probably agree to some number for agriculture here, less than [we have now]. You know, there's 73,000 plus acres of certificates sold. We feel that we're irrigating around 60,000, the irrigation district. The Bureau says we're irrigating 55,000 or in that neighborhood.

Seney: You're going to be smaller after these negotiations, aren't you?

de Braga: Well, that's what they say, and we recognize, but that number, you know, we're going to have to say, "Alright, we're agreeable to give up maybe down to -- just use a number -- say, 40,000-42,000 acres left in agriculture, and the other has to come out to supply water for the wetlands or for drought supply or the fish



needs or something like that." But their demand that they want right now, is going to leave less than ten percent of this Project in agriculture.

Seney: If you can end up with 288,000 acre feet out of Lahontan, can you have 42,000 acres of irrigated farmland, and can you meet the needs of the wetlands and all those other things? Can you redistribute that 288,000, in other words, reducing the Project some and meet the wetlands needs?

de Braga: The 288,000 probably with the 42,000 acres or whatever, would probably fit. Two hundred eighty-eight thousand [288,000] at 60,000 doesn't fit. It takes more like 340,000 or with efficiencies we're able to obtain, Don, and so that's the difference.

Seney: And as you've said to me before, there are limits on the efficiencies, because you've got to recharge the local wells. I mean, to concrete-line the system would say, "Alright, now we've got to have a municipal water system to plug into it."

de Braga: Well, that probably will be a negotiable item too. In fact, for the Fernley area, that's a proven fact, actually, for this valley. It's a very crucial item that will be discussed, I'm sure.

Seney: Is there going to be a settlement, this time, you think? What's your gut feeling? No? You shook your head "no."

de Braga: Well, I hope there is.

Seney: Are people going to move, finally, for settlement? Is the momentum there for a settlement?

de Braga: Well, we was -- and that's where we get criticized -- ~~we~~ [they] wasn't. We

initiated the negotiations, initially. You know, other people want to take credit for it, but that's not true. We initiated the negotiations in '80, and even prior to that, to a certain extent. But they wasn't really going [anywhere]. But in '80 we really put a lot of effort and money and time, and like I say, I spent five years on that one. And then when [we] wasn't able ~~there, then~~ [to reach a settlement] Senator Reid comes out and we said, "Sure, we want to get this thing [settled]." And the main thrust was to get out from under all this litigation and all this mandates and stuff. We wasn't able to achieve that! In the Reid negotiations, the tribe was only able to give up part of the litigation that was going at that time, and they got a drawerful of other ones there that they're just setting there waiting to pull out and file against us, and have filed since that time. And the government ain't going to spend one red cent to help us achieve efficiencies that could make water available -- they wanted us, the water users, to do it. [They] won't mandate water meters in Reno. And so them was the issues, you know, that they just wanted to cut us to 288,000-300,000 acre feet of water maximum. So it was tough. We backed off on numbers and trying to achieve, and we just didn't get much support.

Seney: Well, I really appreciate your taking the time to talk to me about this. And on behalf of the Bureau and the Bureau's history project, I really appreciate this -- especially this morning, because I can tell how distracted and frustrated you are, and you're anxious, I'm sure, to get on the phone and start trying to address these immediate and long-term problems. So thanks a lot, Mr. de Braga, I really appreciate it.

de Braga: Thank you.

END OF SIDE 2, TAPE 4.