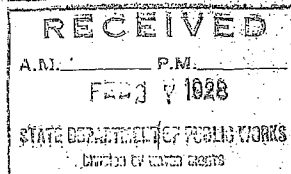


STATE OF CALIFORNIA.  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RIGHTS.



In the Matter of the Protests of  
~~TRUCKEE-CARSON IRRIGATION DIS-~~  
TRICT and of A. W. WALKER, Super-  
intendent, on behalf of the Bureau  
of Reclamation, Department of the  
Interior, against Applications of  
L. H. Taylor to Appropriate Waters  
of the Little Truckee and Truckee  
Rivers.

APPLICATIONS  
NOS. 5169-5170.

ANSWER TO PROTEST.

1. In the month of May, 1903, on behalf of the United States, I posted notices, copies of which are attached to the protest of A. W. Walker, claiming the right to divert 1500 second-feet of water from Truckee River at a point now the site of what is called the "Derby Dam," being specifically instructed so to do by the Secretary of the Interior because "the Reclamation Act required the United States to proceed under and comply with State laws controlling appropriation of water."

During the same month, under the same authority, I posted a similar notice on the Carson River, claiming waters of that stream to be impounded in what is now called "Lahonton Reservoir" and used for irrigation of parts of the same land as was designed to be watered from the Truckee River.

A copy of this notice is hereto attached.

2. As Supervising Engineer for the U. S. Reclamation Service, I designed and built the "Truckee Canal" from the "Derby Dam" to the site of the "Lahonton Reservoir." As built the calculated capacity of this canal for the first six miles of its course, in the canyon above all but a very small

**EXHIBIT**

**Tc1D-13**

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area of irrigated or irrigable land, was 1400 second-feet, thence the canal to Lahonton Reservoir, some 25 miles, was designed and built with a capacity of but 1200 second-feet, to furnish direct irrigation to lands above the reservoir, and to enable part of the flood waters to be impounded in that reservoir to supplement the supply from Carson River for irrigation of the lands below it.

3. Originally it was planned to construct a branch from the Truckee Canal at the end of the 1400 second-foot section to irrigate some 20,000 acres of land to the northward toward Pyramid Lake, but to the best of my information and belief, this project, together with what is known as the "Spanish Springs Reservoir" project, has been abandoned.

4. Formerly the Newlands irrigation project contemplated the irrigation of some 232,800 acres of land, but to the best of my information and belief, the area has now been reduced to 87,500 acres, of which about 47,000 acres are now under irrigation, after 25 years since its initiation. Of the 87,500 acres, I estimate that 85 percent or more lie below the Lahonton Reservoir, as does a somewhat larger proportion of the land now irrigated.

5. The Decree of the United States District Court, dated April 26, 1926, in the suit entitled "The United States of America, Plaintiff, vs. Orr Water Ditch Company, et al., Defendants," referred to by protestants, is but a recommended decree by a Special Master in Chancery and has not been confirmed by the Court. However, it proposes to fix the net duty of water on the Newlands Project lands - at 3.5 acre-feet per acre for the low lands and 4.5 acre-feet per acre for bench lands, comprising, I estimate, approximately 80 percent and 20 percent, respectively of the total area of 87,500 acres. Assuming a transit loss of 30 percent the total volume of water to be diverted

for these lands would be approximately 462,500 acre-feet.

To this should be added 12,152 acre-feet, allowed by the recommended decree, for ~~lands on~~ <sup>land on</sup> 3,130 acres of Pyramid Lake Indian Reservation, making a total of about 477,652 acre-feet as the greatest probable ultimate requirement of the United States and the Truckee-Carson Irrigation District. Less than 60 percent of these lands are now under irrigation, though 25 years have elapsed since initiation of the Newlands Project and, over 22 years since its irrigation works were ready to deliver water.

Sometime in the remote future the United States and the Truckee-Carson Irrigation District may need the above volume of water from the Truckee and Carson Rivers combined for the development of their projects as now outlined, but whether they will, and if so when, are extremely problematical.

6. Attached hereto are two tables showing the monthly discharge in acre-feet of Carson River at Clifton, near Ft. Churchill above the Lahonton Reservoir, and of Truckee River at Vista, Clarks, and Derby Dam, for 24 and 26 years respectively. These show that with the exception of two years, up to 1925, the water supply exceeded the total given in paragraph 5 above, and that for the years preceding each of these two the supply exceeded this total approximately by 400,000 acre-feet for one and 300,000 acre-feet for the other.

Two additional tables attached show diversions from Truckee River at Derby Dam for the Newlands Project and Truckee Carson Irrigation District, and the river by-pass at Derby Dam. The latter shows a minimum passing the Derby Dam during 1924, the driest year since records have been kept, and believed the driest since the region's occupancy by the whites, of 54,568 acre-feet, or nearly 14,000 acre-feet in excess of the storage proposed in Application No. 5169, which seeks to appropriate

only surplus waters now going to waste. The year 1926 was also very dry but I was unable to obtain records for that year.

7. My Application No. 5170 contemplates use of waters of the Truckee and Little Truckee Rivers for power development, and the return of such water to the river above Floriston, California. This use cannot possibly interfere in any way with the use or the claimed rights of the United States, the Truckee-Carson Irrigation District or any other water user.

8. In view of all the foregoing, and since the Division of Water Rights grants no permit except with the express reservation that it is subject to all vested rights, and since further, it is well known that there is surplus water in Truckee River over and above all existing rights, applicant respectfully asks that the protests of the Bureau of Reclamation of the United States, Department of the Interior, and of the Truckee-Carson Irrigation District, be dismissed.

L. H. Taylor  
Applicant.

True copies of this answer have been served on protestants.

by registered mail.

Date: Feb. 25th, 1928.