

July 21, 1943

Application 6131

Mr. Chas. W. Merrill
Attorney for Washoe County
Water Conservation District
Title Insurance Building
Reno, Nevada

Dear Mr. Merrill:

Your letter of July 20th is acknowledged. In order that you may be informed of the procedure of this office in acting upon applications your attention is directed to the forward in the enclosed Rules and Regulations beginning at page 3 thereof. Briefly, Application 6131 was filed by Truckee-Carson Irrigation District on December 5, 1928 to appropriate 15,000 acre-feet per annum from either or both Donner and Cold Creeks. Storage is to be made in Donner Lake with a maximum rate of diversion from Cold Creek to Donner Lake of 500 c.f.s. The diversion season given was throughout the entire year. The application was advertised, protested, and a hearing held on October 4, 1938. At the time of the hearing Mr. Robert M. Price, attorney and Mr. Thomas R. King represented Washoe County Water Conservation District, Mr. Justin M. Jacobs of the firm of Orwick, Balquist, Neff and Herrington, attorneys of San Francisco, represented the applicant, Mr. Geo. Devore represented the Sierra Pacific Power Company and Mr. A. I. Haight also represented Truckee-Carson Irrigation District. It was agreed by common consent at the hearing (1) that Applications 5169 and 6534 of Washoe County Water Conservation District should be approved; (2) that Application 5170 for power purposes should be considered subordinate in right to both Applications 5169 and 6534; (3) that action should be withheld on Application 6131 until completion of development is assured under Applications 5169 and 6534, at which time the application if approved would be considered subordinate in right to Application 6534 (inasmuch as it has a later priority than Application 5169 it would in any event be subordinate to that application).

There is enclosed a copy of the protest filed by Washoe County Water Conservation District and also a copy of Application 6131 with bill for services.

A copy of the proceedings of the hearing is on file in this office and consists of 34 pages, and if you desire a copy thereof it is probable that you can make arrangements with the Sacramento reporter, Mr. J. E. Pipher,

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EXHIBIT

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Mr. Chas. W. Merrill #2

Court House, Sacramento, to make a copy for your record if you do not already have one in the records of the Conservation District.

Inasmuch as Boca Reservoir is on the Little Truckee River, we do not see how the consummation of the appropriation sought under Application 6151 would be inimical to the interests of your District. It is believed that this answers the question raised in the third paragraph of your letter.

As to the interests of the other parties mentioned in the fourth paragraph of your letter, the application was advertised by newspaper publication in the Truckee Republican on December 8, 15, 22, 29, 1927, and January 5, 1928; and in addition to this, individual notices were sent to the landowners at Boca, Iceland, Reno and to fourteen firms and individuals. The required provisions as to advertising were thus fully complied with.

Inasmuch as the principal parties including Washoe County Water Conservation District appeared, were heard and reached a common understanding which in effect dismissed the protests the matter should be considered closed by all parties in the lower Truckee River and is so considered by the Division of Water Resources. The Division could not consider further objections.

If there is anything that is not entirely clear, we shall be pleased to respond to your further inquiries. It is believed that our recent letters to Mr. Franklin and Mr. Bevere and the Truckee-Carson Irrigation District concerning their future plans relative to this application are self-explanatory. Copies of these letters are on hand in the office of the Conservation District.

Very truly yours,

EDWARD HYATT, STATE ENGINEER

RECEIVED

BY JAMES CORNING

Deputy State Engineer