

*Official Title Copy*

Application No. 18006  
2  
Date 12/23/58  
STATE WATER RIGHTS BOARD  
By Warren L. Gaines

STATE WATER RIGHTS BOARD

AGENDA AND DATA

FOR

PUBLIC HEARING

ON

December 23, 1958

FILE 18006  
FOLDER # 3  
DATE 12/23/58

EXHIBIT  
tabbles  
TC10-115

STATE WATER RIGHTS BOARD

AGENDA AND DATA

FOR

PUBLIC HEARING

ON

December 23, 1958

AGENDA

Item

December 23, 1958 - 10 a.m.

United States of America,  
Bureau of Reclamation

1

STATE OF CALIFORNIA - STATE WATER RIGHTS BOARD  
1401 - 21st Street  
P. O. Box 1592  
Sacramento 7, California

In the matter of Application 18006, )

NOTICE OF HEARING

UNITED STATES OF AMERICA,  
BUREAU OF RECLAMATION, )

Applicant )

CALIFORNIA-NEVADA INTERSTATE COMPACT  
COMMISSION OF THE STATE OF CALIFORNIA, )

Protestant )

Source: Prosser Creek

County: Nevada

NOTICE IS HEREBY GIVEN that a hearing of the above-entitled matter will be held on Tuesday, December 23, 1958, at 10:00 a.m., in the State Water Rights Board hearing room, 4th floor, Kaiser Building, 1401 - 21st Street, Sacramento, California.

This hearing is for the purpose of considering approval of said application and issuance of a permit subject to the terms and conditions set forth on pages 14 through 17 of the "Staff Report on Application 18006 by United States Bureau of Reclamation, Prosser Creek - Nevada County, California", dated November 7, 1958; with particular attention to condition 6 on page 16 of said report relating to retention of jurisdiction by the State Water Rights Board; and to receive the views and comments of the principals as to the adequacy and acceptance of said terms and conditions.

A copy of said Staff Report is attached.

Those desiring to be heard shall give the undersigned at least five days' notice of intended appearance at this hearing.

*L. K. Hill*  
L. K. Hill  
Executive Officer

Dated: Sacramento, California  
November 18, 1958

STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

STAFF REPORT  
ON  
APPLICATION 18006  
BY UNITED STATES BUREAU OF RECLAMATION  
PROSSER CREEK - NEVADA COUNTY, CALIFORNIA

Purpose and Scope of Report

This report presents factual data and information regarding Application 18006 by the United States Bureau of Reclamation to appropriate unappropriated water from Prosser Creek tributary to Truckee River in Nevada County. The application was filed pursuant to Division 2 of the Water Code of the State of California and notice thereof was given as required by law. Protests against approval of the application have either been withdrawn or conditions for the adjustment thereof are under consideration by the principals.

The data and information herein are obtained from the file of Application 18006, Decision No. D 913 of the State Water Rights Board in the matter of Applications 15672 and 15673 by the United States Bureau of Reclamation, and reports and documents of a public nature which are available in the Board's files. Its purpose is to familiarize the State Water Rights Board and interested parties with the essential elements of the application and the views and recommendations of closely connected public agencies and the Board's staff to the end that the recommended terms and conditions for approval of the

application set forth herein may be considered in open hearing before the Board and an appropriate order pursuant thereto can be issued by the Board.

Substance of the Application

Application 18006, filed February 18, 1958, is for a permit to appropriate 30,000 acre-feet per annum by storage to be collected year-round from Prosser Creek for irrigation, fish culture, flood control and recreational purposes. Diversion to storage is to be made by a dam to be located within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 30, T18N, R17E, MDB&M\*, and forming a reservoir having a gross capacity of 36,000 acre-feet. Statements in the application are to the effect that water appropriated for irrigation purposes is to be used in the Truckee Meadows area in the vicinity of Reno and on the Newlands Project in the vicinity of Fallon, Nevada; that water impounded in Prosser Creek Reservoir is to be dedicated to an exchange supply for the purpose of maintaining a minimum discharge from Lake Tahoe of 50 to 70 cubic feet per second to provide adequate flows to maintain fish life in a reach of about four miles of the Truckee River Channel below the lake outlet to points where the tributary inflows are sufficient to support these flows; that in addition the reservoir will provide flood control by means of 20,000

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\* Hereinafter lines of the public land survey are referenced to Mount Diablo Base and Meridian (MDB&M)

acre-feet of capacity allocated therefor; that a storage pool of 10,000 acre-feet is to be operated so as to replace evaporation losses incurred by reason of the evaporation surface exposed at the reservoir; that the pool in conjunction with the 20,000 acre-feet of flood control capacity will be utilized for recreational purposes; that the ultimate use of waters conserved in Prosser Creek Reservoir is for irrigation purposes; and that the United States will acquire prior to the start of construction the necessary access to the point of diversion.

A copy of the general project map filed as a part of the application is attached.

#### Protests and Answers

Protests against the approval of Application 18006 were received from Truckee-Carson Irrigation District and the California-Nevada Interstate Compact Commission of the State of California (herein referred to for convenience as "California Commission").

Truckee-Carson protested that approval of the application would deprive them of water used for irrigation, power, domestic and other purposes under the claims of rights to appropriate, having a priority of May 21, 1903. By letter dated September 20, 1958, Truckee-Carson withdrew its protest and authorized the Board to disregard any matter in connection therewith in taking action on the application.

The California Commission protested the application to protect the public interest of the State of California in the waters of Prosser Creek and the users thereof to their equitable share, basing its protest upon Government Code Sections 8130 through 8139 and Water Code Sections 1253, 1255 and 1256, which respectively provide in effect for the State of California through a compact commission to perfect a compact agreement with a similar commission formed for the State of Nevada to provide for the distribution and use of waters of Lake Tahoe and the Truckee, Carson and Walker River systems and to assure the conservation and utilization in the public interest of the waters sought to be appropriated.

In answer to the protest of the California Commission the United States alleges that there is unappropriated water in Prosser Creek available for the uses named in the application; that the application is made in furtherance of the Washoe Project which is authorized by the Congress of the United States pursuant to Public Law 858, 84th Congress; that prior rights to the use of the waters of Prosser Creek are recognized; and that the United States is cooperating with the California Commission to formulate permit terms and conditions agreeable to all concerned.

#### Description of Watershed

Prosser Creek is a tributary of the Truckee River and joins the Truckee from the north at a point about 25 miles



downstream from its outlet from Lake Tahoe which forms the main stream of the Truckee River. The drainage area comprising about 51 square miles is elongated in an east-west direction and drains the eastern slope of the Sierra-Nevada and the northern flank of Donner Ridge. The main stem of Prosser Creek is formed by the confluence of the north and south forks thereof within Section 30, T18N, R16E, both rising at elevations in excess of 8,000 feet. From the confluence of the two forks, Prosser Creek flows easterly about ten miles to the vicinity of Hobart Mills and thence turns abruptly southeasterly and flows about eight miles to the Truckee River. The principal tributary of Prosser Creek is Alder Creek draining the Donner Ridge and joining Prosser Creek just above the dam site. The Prosser Creek Dam and Reservoir site is located about  $1\frac{1}{2}$  miles upstream from the junction of Prosser Creek and the Truckee River.

#### The Prosser Creek Reservoir Development

##### Authorization

Public Law 858, 84th Congress, Chapter 809, 2nd Session, authorizing the Washoe Reclamation Project, provides in part that:

"Sec. 4. Facilities shall be provided for the development of the fish and wildlife resources of the project area including facilities to permit increased minimum water releases from Lake Tahoe and restoration of the Pyramid Lake fishery...."

Public Law 85-863, 85th Congress, H.R. 12858, September 2, 1958, and Public Law 85-706, 85th Congress, S 4009, August 21, 1958,

provide for the construction and operation of Prosser Creek Reservoir by increasing the authorized appropriations for the Washoe Project.

Purpose

The following is abstracted from a document on file with the Board and furnished by the United States Bureau of Reclamation entitled "Prosser Creek Reservoir Operation Study" dated January 14, 1958, and revised July 1, 1958.

The primary purpose of Prosser Creek Reservoir is to "improve fishery conditions in the project area as provided in the Washoe Project Authorizing Act and to provide equally important regulation of Prosser Creek flood flows".

"Under present operation of Lake Tahoe Reservoir, as well as with development of the Washoe Project, it becomes necessary to curtail releases from Lake Tahoe to practically nothing, or to very low flows during several months each year. As a result, a reach of the Truckee River about 4 miles in length immediately below the outlet of the lake is virtually dry during the period when water is not being released from the lake. This condition, of course, prevents the maintenance of a suitable fishery in this stretch of the stream."

The study further states in substance that to maintain flows ranging from 50 to 70 second-feet in the upper portion of the Truckee River during the time of year when normally the inflow to Lake Tahoe would be retained in storage, Prosser Creek Reservoir would be operated so as to accumulate in storage

a supply essentially equal to the release from Lake Tahoe for fishery purposes; that waters so stored in Prosser Creek Reservoir would be subsequently released to satisfy the downstream requirements of the "Floriston Rates"\* as would have been met by storage releases from Lake Tahoe; that 20,000 acre-feet of the capacity of Prosser Creek Reservoir would be operated for flood control in accordance with rules therefor prescribed by the United States Corps of Engineers and within the limits of these prescribed rules the 20,000 acre-feet would be jointly operated for purposes of the exchange and flood control; that during the rain-flood period, November through April 10 of each year, the reservoir would be evacuated to provide 20,000 acre-feet of inviolate space, and between April 10 and July 15 the flood control space would be encroached upon depending on expected runoff ascertained from forecasts based on snow surveys; that to replace losses to conservation water supplies by reason of the evaporation surface that would exist at Prosser Creek Reservoir approximately 7,000 acre-feet of storage would be required to develop sufficient water to replace evaporation that would be incurred throughout a 7-year

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\* The Floriston Rates, as defined in the Truckee River Decree for a point on the Truckee River at the California-Nevada line, are as follows: 500 cfs March 1 through September 30; 400 cfs, October 1 through February 29, except 350 cfs during ~~March 1 through September 30~~ <sup>November 1 through March 31</sup> whenever Lake Tahoe water storage drops below elevation 6,226 feet and 300 cfs when the lake surface drops below elevation 6,225.25 feet insofar as this can be accomplished by controlling releases from Lake Tahoe.

dry cycle similar to the historical period 1928 through 1935; that the average annual evaporation loss is estimated to be about 500 acre-feet over a 39-year period study; that this water would be replaced from surplus waters by salvaging waters which would otherwise be spilled at Derby Dam on the lower Truckee River in the State of Nevada; and that a minimum storage pool of 1,200 acre-feet would be maintained which together with the flood storage reservation would be operated to serve recreational purposes and maintain fish life in the reservoir.

#### Operation Criteria

The aforementioned "Prosser Creek Reservoir Operation Study" summarizes the criteria under which the foregoing objectives are to be accomplished. These criteria which are quoted in their essentials are as follows:

"1. Release outflows at Lake Tahoe resulting from the Washoe Project Feasibility Studies, report of September 1954, formed the basis for determining the increased releases necessary to maintain recommended minimum flows at the lake outlet. Other basic flow data used, such as the Truckee River flows maintained at Floriston and spills at Derby Dam, were those of the Washoe Project Feasibility Studies.

"2. Minimum continuous releases of 50 second-feet would be maintained at Lake Tahoe outlet from October 1 through March 31, and releases of 70 second-feet would be maintained from April 1 through September 30, except when certain physical limitations as described below would impose lesser amounts.

(a) When the level of Lake Tahoe drops below certain elevations it becomes physically impossible to release the amount of water

needed for fishery purposes. . . . Releases from the Lake would therefore be limited during low lake levels to those physically possible with the outlet gates wide open.

(b) During years of low streamflow, the increased release from Lake Tahoe for fishery purposes would normally be limited to the inflow to Prosser Creek Reservoir, less the 5 second-feet described under Item 8. . . .

(c) Releases from Lake Tahoe for fishery purposes would also be limited to the extent of capacity provided in Prosser Creek Reservoir to make the exchange. . . .

"3. Flows of Prosser Creek equal to the releases at Lake Tahoe made for fishery purposes would be impounded in Prosser Creek Reservoir at the same time releases were made at the lake with the following exceptions:

(a) When an amount of water in excess of that required for evaporation and fishery exchange purposes is in the reservoir, it would not be necessary in all cases to impound Prosser Creek flows equal to the Lake Tahoe release. The excess stored water could be used to make up a deficiency in Prosser Creek flows as explained in Item 2 (b). There may also be times when the reservoir would be completely full and no more water could be impounded. In this case, the required fishery releases could be maintained at Lake Tahoe and the excess water in storage in the reservoir would be used for exchange purposes.

(b) Reservoir space must be reserved for flood control purposes as set forth in Item 6. . . .

"4. During a year of unusually high runoff, it is likely that the capacity of Prosser Creek Reservoir at 30,000 acre-feet would not be large enough to store all exchange water on the 50-70 (cfs) release schedules heretofore explained. In such a year, the stream inflow below Lake Tahoe would be sufficient to meet the Floriston Rate for a period of several months without releasing water from Lake Tahoe. . . . The effect

of such a circumstance could be minimized through the aid of official stream flow forecasts by reducing the releases from Lake Tahoe for fisheries so that exchange capacity of Prosser Creek Reservoir would not be exceeded. . . . When this condition is confronted, fishery releases would be reduced so that the capacity remaining in the reservoir would allow a somewhat uniform exchange release for the estimated remaining period during which releases from Lake Tahoe would not be required to meet Floriston Rates. Releases would be continued at the reduced rate until the exchange storage cycle had been completed.

"5. Water impounded in Prosser Creek Reservoir for fishery exchange purposes would be released as soon as practicable and in such amounts as required to maintain required flows in the Truckee River at Floriston. Whenever releases at Lake Tahoe required to maintain the Floriston Rate exceed the minimum flow for fishery purposes (50 or 70 cfs), the lake releases would be held at the minimum flow and the remainder would be released from Prosser Creek Reservoir to meet the Floriston Rate. . . . Maximum average monthly releases (from Prosser Creek Reservoir) would not exceed 250 second-feet. Releases necessary to evacuate the reservoir for flood control purposes would be in addition to the fishery releases.

"6. The reservoir would be evacuated to provide 20,000 acre-feet of inviolate space for flood control during the rain-flood period November through April 10 each year. Between April 10 and July 15, varying amounts of flood control space would be held inviolate depending on snow surveys and runoff forecasts, as recommended by the Corps of Engineers.

"7. Whenever active storage space is available in the reservoir without encroaching on the inviolate flood space, excess flows of Prosser Creek which would normally cause or contribute to spills at Derby Dam would be stored in the reservoir in addition to exchange storage requirements. This excess stored water would be held and used to offset reservoir evaporation losses. It would also be used as an operational pool to offset deficient flows of Prosser Creek as explained in Item 2(b), and for exchange purposes as explained in Items 3(a) and 3(b). This excess stored water would be released in such amounts and at such times as desirable or necessary to provide flood control space or to meet exchange storage requirements.

"8. A minimum flow of 5 second-feet would be maintained in Prosser Creek below Prosser Creek Dam, except that only the natural flow of Prosser Creek at the dam would be maintained when the natural flow was less than 5 second-feet. This minimum release from the reservoir would have first priority on the use of Prosser Creek flows and would be maintained even though the flows were not sufficient to meet other operational demands.

"9. A minimum reservoir of 1,200 acre-feet would be maintained."

It should be noted that the foregoing criteria and operation study do not specifically indicate that provision has been made for reservation of unappropriated waters in favor of the future California users thereof as set forth in the Board's Decision No. D 913 in the matter of Applications 15672 and 15673 of the United States to appropriate unappropriated waters of the Little Truckee River and as further recommended by the Joint Commission.

#### Water Supply

United States Geological Survey Stream Gaging Station "Prosser Creek near Boca" has been in existence since June 1951 to date and measured all the runoff of moment from Prosser Creek drainage. Other records of the runoff of Prosser Creek are fragmentary and not of the same order of accuracy. House Document No. 181, 84th Congress, First Session, reporting on the Washoe Project, Nevada-California, states at page 38 thereof that the mean annual runoff of "Prosser Creek near Truckee River" for the period 1917 through 1950 averages 51,800

acre-feet which is substantially the flow that would be measured at "Prosser Creek near Boca".

Active storage in Lake Tahoe between sill elevation at outlet works of 6,223 feet and the high-water level of 6,229.1 feet is approximately 732,000 acre-feet according to the graph of "Lake Tahoe Fluctuations" opposite page 44 of said House Document.

#### Views of Public Agencies

##### The Joint California-Nevada Interstate Compact Commission

By resolution of the Joint Commission on September 19, 1958, it is recommended that a permit be issued on Application 18006 subject to certain terms and conditions included therein, and it is assumed that since the California-Nevada Interstate Compact Commission of the State of California is a part of the Joint Commission, acceptance of the resolution and the inclusion of its recommended terms in a permit issued on Application 18006 would remove the objections of the California Commission to the approval of said application. The recommendations provide for:

- (a) Operation of Prosser Creek Reservoir in coordination with releases of water from Lake Tahoe into the Truckee River in accordance with the reservoir operation criteria set forth in the aforesaid "Prosser Creek Reservoir Operation Study";
- (b) retention of jurisdiction by the Board for the purpose of considering and approving any modified operation schedule submitted by permittee; (c) the effective priority of rights



consummated pursuant to Application 18006 to be junior and subject to rights to appropriate unappropriated waters of the Little Truckee River as reserved to future California water users in the Board's Decision No. D 913 in the matter of Applications 15672 and 15673 of the United States; (d) the terms and conditions set forth in the permit not in conformity to an interstate compact covering the distribution and use of waters of the Truckee and Carson Rivers not to apply.

The Department of Water Resources

Bulletin No. 3 of the Department of Water Resources entitled "The California Water Plan" dated May 1957 points to the necessity of taking full cognizance of the interstate character of the Truckee River and Lake Tahoe Basins and sets forth the objectives of The California Water Plan to include principally the preservation and enhancement of fish and wildlife resources; utilization of opportunities for the generation of hydroelectric power; and preservation and enhancement of the recreational value of Lake Tahoe.

Agreements for Project Operation

By letter to the Board dated October 28, 1958, E. O. Larson, Regional Director, Region 4, Bureau of Reclamation, advises that before construction can proceed on Prosser Creek Dam, agreements are necessary with the Sierra-Pacific Power Company, the Truckee-Carson Irrigation District and others for the accomplishment of the Lake Tahoe exchange.

### Recommended Terms and Conditions

Recommended terms and conditions for a permit issued on Application 18006 include the approval of the application subject to vested rights, inclusion of the recommendations of the Joint Commission, conformity of the permit to certain of the terms in connection with permits issued on Applications 15672 and 15673 of the United States, and the usual terms and conditions attached to all permits issued on approval of applications before the Board. These terms are as follows:

1. The amount of water to be appropriated under permit issued pursuant to Application 18006 shall be limited to the amount which can be beneficially used and shall not exceed 30,000 acre-feet per annum by storage to be collected year-round.

2. In providing for fish culture pursuant to this permit, the permittee shall operate Prosser Creek Reservoir in coordination with releases of water from Lake Tahoe in the Truckee River in accordance with the operation schedule contained in U. S. Bureau of Reclamation, Prosser Creek Reservoir Operation Study, January 14, 1958, and amended July 1, 1958, on file with this Board, or in accordance with any modified operation schedule that may be submitted by the permittee, and approved by the State Water Rights Board after notice and opportunity to be heard has been given to all parties and other interested persons in this proceeding.

3. The appropriative rights consummated pursuant to Application 18006 shall have an effective priority junior and subject to those rights reserved to California water users to appropriate 30/156ths of the unappropriated waters of the Little Truckee River as set forth in Decision No. D 913 of the State Water Rights Board in the matter of Applications 15672 and 15673.

4. If and when an interstate compact covering the distribution and use of the waters of the Truckee and Carson Rivers is approved by the Legislatures of the States of California and Nevada and is consented to by Congress, the operation of Prosser Reservoir shall be in conformity with such compact and the terms and conditions set forth in this permit which are in conflict therewith shall not apply.

5. Insofar as the appropriation of water under this permit is concerned, Prosser Creek Reservoir shall not be operated by the permittee separately or in conjunction with other reservoirs of the Truckee River Basin so as to prevent in the future such consumptive beneficial uses of water as are presently being made in the California portion of said basin and such consumptive beneficial uses as are presently being made of water diverted from Little Truckee River to Sierra Valley, Echo Lake to the American River Basin, and Marlette Lake to Virginia City, Nevada; provided that the ~~following~~ <sup>foregoing</sup> is a condition imposed upon the operation of said reservoir under

this permit and is not to be construed as a definition of the legality of any water right.

6. The State Water Rights Board retains jurisdiction of this permit for the purposes of (a) considering and approving any modified operation schedule for Prosser Creek Reservoir and (b) amending this permit to conform to the terms of an interstate compact providing for the distribution and use of the waters of the Truckee and Carson Rivers.

7. Permittee shall keep adequate records of:

a. The respective amounts of water impounded in and released from Prosser Creek Reservoir solely for the purpose of exchanging water released from storage at Lake Tahoe for the maintenance of fish life.

b. The respective amount of waters impounded in and released from Prosser Creek Reservoir in addition to the foregoing.

c. Releases of stored waters from Lake Tahoe in fulfillment of the approved operation schedule in Condition 2 above.

Copies of these records shall be furnished annually to the Board together with the annual progress reports.

8. The maximum amount herein stated may be reduced in the license if investigation so warrants.

9. Actual construction work shall begin on or before December 1, 1959, and shall thereafter be prosecuted with

reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.

10. Said construction work shall be completed on or before December 1, 1964.

11. Complete application of the water to the proposed use shall be made on or before December 1, 1969.

12. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

13. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Sacramento, California  
November 7, 1958

