

EXHIBIT

TMWA 2-8

**October 11, 1991 Letter from
Bureau of Reclamation to Washoe
County Water Conservation District**



United States Department of the Interior
BUREAU OF RECLAMATION

LAHONTAN BASIN PROJECTS OFFICE
P. O. BOX 640
CARSON CITY, NEVADA 89702

IN REPLY
REFER TO:

OCT 11 1991

LO-700
WTR-4.00

Don Casazza, President
Washoe County Water Conservation District
275 Hill Street - Room 230
Reno, Nevada 89501

Subject: Washoe County Water Conservation District (District) Agreements to
Store Non-Project Water in Boca Reservoir
(Water Storage)

Dear Don:

A letter from the District dated May 10, 1990 requested our review of agreements the District had entered into with the Sierra Pacific Power Company (SPPC) for the storage of Independence Lake or Donner Lake water in Boca Reservoir. The Bureau of Reclamation (Reclamation) has completed a review of these agreements and has determined them to be in violation of public law, specifically, the Warren Act of February 21, 1911 (Warren Act).

The Warren Act allows the use of surplus capacity in Federal reservoirs for water that will be used for irrigation purposes. Independence Lake water was impounded under a license for municipal and power purposes and the water transferred to Boca Reservoir was still under the control of the SPPC. Therefore, at the time the agreements were signed, Reclamation could not approve or become a party to them.


We would also like to call to your attention the enclosed letter to the District dated June 25, 1958 wherein Reclamation notified the District that "title to Boca Dam and Reservoir is in the United States and the Sierra Pacific Power Company can obtain rights to use Boca Reservoir only if the United States is a party to agreements for such use."

Any privately owned water currently stored in Boca Reservoir should be removed unless it is water stored in accordance with the Truckee River Agreement.

Future agreements of this type may be possible under Public Law 101-618, recently enacted to "authorize modifications to the purposes and operation of certain Federal Reclamation project facilities to provide benefits to fish and wildlife, municipal, industrial, and irrigation users, and recreation" and also, to "provide for the equitable apportionment of the Truckee River, Carson River, and Lake Tahoe between the State of California and the State of Nevada". The substance of any agreement would have to be considered equitable by the signatories to the Truckee River Operating Agreement, and be negotiated through the same forum that is currently being undertaken to address changes being contemplated for project facilities.

If you wish to pursue this matter further, please feel free to call me at 882-3436.

Sincerely,



Edward J. Solbos, Jr.
Project Manager

Enclosure

cc: Philip G. Segas, Sierra Pacific Power Company
Garry Stone, Federal Water Master
Lyman McConnell, Truckee Carson Irrigation District