

ORAL HISTORY INTERVIEW

SUSAN B. LYNN



STATUS OF INTERVIEW:  
OPEN FOR RESEARCH



Interview Conducted and Edited by:  
Donald B. Seney in 1998  
California State University-Sacramento  
For the Bureau of Reclamation's  
Newlands Project Oral History Series



Interview desktop published–2017  
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Oral History Program  
Bureau of Reclamation  
Denver, Colorado

SUGGESTED CITATION:

**LYNN, SUSAN B.** ORAL HISTORY INTERVIEW.  
Transcript of tape-recorded Bureau of Reclamation Oral  
History Interview conducted by Donald B. Seney. Edited by  
Donald B. Seney and desktop published by Brit Allan  
Storey, senior historian, Bureau of Reclamation. Repository  
for the record copy of the interview transcript is the  
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## Table of Contents

Table of Contents.....	i
Statement of Donation.....	iii
Editorial Convention.....	v
Introduction.....	vii
Oral History Interview.....	1
Cheerful Women's Breakfast Club.....	1
Corps Flood Control Study.....	2
1997 Flood.....	3
Channeling the River.....	5
River Management.....	6
Water Treatment Plant.....	10
Water Planning Commission.....	12
Water Quality Agreement.....	14
Water Quality Settlement Solved Numerous Problems.....	17
Bill Bettenberg.....	18
California Element in Truckee River Issues.....	21
Upper Truckee River Watershed.....	23
Wildlife Issues.....	25
Water Quality.....	26
Community Impacts on the River.....	28
Raising Public Consciousness.....	28
Gaming Industry Support.....	31
The Political Process.....	32
Truckee River Operating Agreement (TROA).....	36
Problems with Community Conservation Efforts .....	39
Honey Lake Project.....	41

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Water Meter Issues.....	42
Finding Water for New Development.....	44
Points of Contention with TROA.....	45
Managing Truckee River Diversions.....	47
Head Cutting.....	49
Federal Water Master.....	51
The New TROA.....	52
Importance of the Wetlands for Migrating Birds..	55
Conflict between Pyramid Lake and Fallon Communities.....	56
Shifting Water from One Beneficial Use to Another .....	58
Water Market Prices.....	59
Western Water Advisory Commission Report..	61
Unappropriated Flows.....	62
Political Urgency in Signing Off on TROA.....	63
Consensus with the State to Uphold the Negotiated Settlement.....	66
Truckee-Carson Irrigation District (TCID).....	67
Taking Agricultural Land Out of Production.....	68
Federal Relationship to the River.....	71
Coordination Office.....	74
Perceptions of Federal Agencies.....	76
"It's a Huge Process".....	77
Tribe's Participation.....	79
Nevada's Role.....	81
Truckee River Yacht Club.....	84
Looking at the Truckee River as a Whole.....	84

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INTERVIEWER: DONALD B. SENBY

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### Editorial Convention

A note on editorial conventions. In the text of these interviews, 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.

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.

While we attempt to conform to most standard academic rules of usage (see *The Chicago Manual of Style*), we do not conform to those standards in this interview for individual's titles which then would only be capitalized in the text when they are specifically used as a title connected to a name, e.g., "Secretary of the Interior Gale Norton" as opposed to "Gale Norton, the secretary of the interior;" or "Commissioner John Keys" as opposed to "the commissioner, who was John Keys at the time." The convention in the Federal government is to capitalize titles always. Likewise formal titles of acts and offices are capitalized but abbreviated usages are not, e.g., Division of Planning as opposed to "planning;" the Reclamation Projects Authorization and Adjustment Act of 1992, as opposed to "the 1992 act."

The convention with acronyms is that if they are pronounced as a word then they are treated as if they are a word. If they are spelled out by the speaker then they have a hyphen between each letter. An example is the Agency for International Development's acronym: said as a word, it appears as AID but spelled out it appears as A-I-D; another example is the acronym for State Historic Preservation Officer: SHPO when said as a word, but S-H-P-O when spelled out.



## Introduction

In 1988, Reclamation began to create a history program. While headquartered in Denver, the history program was developed as a bureau-wide program.

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); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University - Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation: water transportation over great distances; three Native American groups with sometimes conflicting interests; private entities with competitive and sometimes misunderstood water rights; many local governments with growing water needs; Fish and Wildlife Service programs competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada; and Reclamation's original

water user, the Truckee-Carson Irrigation District, having to deal with modern competition for some of the water supply that originally flowed to farms and ranches in its community.

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For additional information about Reclamation's history program see:  
[www.usbr.gov/history](http://www.usbr.gov/history)

**Oral History Interview  
Susan B. Lynn**

Seney: My name is Donald Seney. I'm with Susan B. Lynn, in her office in Reno, Nevada. Today is July 21, 1998, and this is our first session and our first tape.

Good afternoon.

Lynn: Good afternoon.

Seney: Why don't you tell me, first of all, how you got involved in matters dealing with the Truckee River, what your personal interest is?

**Cheerful Women's Breakfast Club**

Lynn: Well, my personal is that I live close to the river, and so I see it every day after work, on my walks. But I think I got interested in the river before I ever lived close to the river inasmuch as I have a sister-in-law, or former sister-in-law, who was very involved with flood projects. And she brought to our attention the fact that the Corps of Engineers was coming in to do a flood control project, which included raising the flood walls, raising the levees higher, essentially blocking off the views of the river and turning it into a channel. She said, "I don't think that's appropriate," and I didn't, either. So a bunch of us women, we call it the Cheerful Women's Breakfast Club, were out having drinks one evening—

Seney: Not for breakfast.

Lynn: No, not for breakfast. We were sitting around saying, "Gee, we all enjoy the river and we like walking down there." As a result, somebody said, "Why don't we start a club? Would you buy a T-shirt for \$20," and we all said, yes, we would.

So then another woman [Rose Strickland], who was not involved with the Cheerful Women, said, "Why don't you go back to the roots of Nevada, like Mark Twain. Remember the Reese River Steamship Company that he wrote up and *Roughing It?*"

We said, "Oh, yes."

So we started running off on that, and that's how we came by the Truckee River Yacht Club, is that we started doing the Reece River Steamship Company. The Truckee River Steamship Company? Well, maybe. But anyway, we ended up with the Truckee River Yacht Club, and we have since been approached by a company to buy our name, who wanted to do a restaurant on the river, and we said, "No, thank you."

Seney: Oh, really? Good for you. What was your sister-in-law's interest? What got her drawn in?

### **Corps Flood Control Study**

Lynn: She works professionally as a civil engineer on flood issues.

Seney: For one of the public agencies?

Lynn: No. She has her own private consulting firm.

Seney: I see. So she was aware that the Army Corps was

putting out bids and maybe studies.

Lynn: Well, doing a reconnaissance study. And so that's how we initially got involved.

Seney: You get in early enough with that, and that way maybe they'll do something about it before they've actually got the lands.

Lynn: Exactly. That program is back again, incidentally. It didn't get built because of the cost/benefit ratio.

Seney: Well, at least they seem to come back, do they not?

Lynn: They do. They come back over and over and over again.

### **1997 Flood**

Seney: Is this back because of last year's flooding?

Lynn: Yes, it is. Actually, they had restarted the program on re-looking at the benefits of flood values a year before this last flood. So it was one of those things that kind of was in progress at the time. And now they're getting really serious about it, because of the approximate \$680 million worth of damage that the river did right in this particular community.

Seney: And when we say last year's flood, we mean January 1997.

Lynn: That's correct.

Seney: So it did, again, how much damage?

Lynn: I've heard figures anywhere between 500 and 680 million dollars.

Seney: Did it affect you where you are, since you live close to the river?

Lynn: No, it actually didn't, but it did flood right outside this building. The whole airport was flooded, so the airport was closed down for three days. They had just laid a brand-new runway. Water got into the under layer of build-up. Then we had a freeze, and it popped the new runway and caused a lot of damage at the airport across the street.

Seney: Which is regarded as a very vital economic—

Lynn: It is. It's very necessary to keep the gaming going, and since all the highways were closed, the air traffic was about the only way out of this community. And so we were essentially an island for a long time, because [Interstate] 80 was closed, [Highway] 50 was closed. Eighty was closed eastbound. The trains were all closed. So there was no commerce going on for literally three to four days, which is a serious problem in this community.

Seney: Politically, of course, because of the gaming interests, who are well organized.

Lynn: Yes, they are.

Seney: And effective at expressing their interests.

Lynn: Yes.

Seney: So this solution of channeling the river is back on the table again.

### **Channeling the River**

Lynn: Yes, it is, although I will say that there is a new group called the Truckee River Water Management Council. That is a group of the major business owners on the east side of town who have met and decided they want the flood protection out there. But they're also willing to look at some other alternatives for flood management. We're past flood control now and into flood management.

Seney: What is the difference between those terms?

Lynn: Well, flood control implies that you're going to have absolute control over that river. Management means you're going to manage the water better so that you may have flooding occasionally. But you're going to also have a higher degree of protection and a lower degree of risk by virtue of possibly acquiring lands that are flood prone, pulling the levees back so that they're lower and spread farther apart so that the river has more room to spread out and to slow down. Because when you have a very focused channel, you speed up the velocity of the water, and then it becomes very erosive and very damaging. So that's what happened to this river as a result of previous Corps projects.

Seney: There is a general recognition now, isn't there, that those Corps projects—on the Mississippi, too—have been dysfunctional for large floods and made them

worse.

Lynn: Yes. And when they break, they're more catastrophic than if you allow the river some room. When a levee breaks, you have that expectation that they won't break, and when they do, because you have a degree of commerce or development or expensive development behind that levee. [If] that breaks, you have higher losses than you would otherwise.

So that's some of the new thinking, and I think the federal government is getting tired of bailing communities out as a result of poor planning and allowing development in flood plains. So I think they're really starting to take a look at the longer term rather than—another thing that happened after the flood is that, in rivers you have movement of sediment, and that sediment drops in certain areas and it scours in certain areas. Where you have the buildup, people tend to want to remove it because it has reduced the flood capacity, and we've had a lot of that, a lot of dredging this past year.

Seney: What is your view on that? Is that good, bad, to dredge that out?

### **River Management**

Lynn: We don't like the dredging. We're in the process of trying to restore this river for two endangered species, or one threatened species and one endangered species. The threatened species happens to be the Lahontan cutthroat trout, and we're trying to restore that fishery to this river. If you look at historical documents like newspaper articles and fish records and wildlife records and all that sort of thing, this river was enormously productive. We



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shipped over 400 million [200.000] pounds of fish to San Francisco every year out of this river for about three or four years [from 1969 to 1901, when commercial fishing was outlawed by the state], until the population started dying out.

Seney: They overfished it, in other words.

Lynn: They overfished it, and then we started putting in the diversions, such as the Newlands Project, the Derby Dam, and a few other diversion structures for irrigation of the Truckee Meadows. And also logging. This river was flooded with sawdust at one time, and the fish couldn't live in the sawdust. I mean, they talked about it like it was oatmeal.

Seney: Because they need a rocky bottom to lay their eggs.

Lynn: Well, they need a rocky bottom, but they also need the oxygen in the water, and when you put so much sawdust into it, then it becomes like oatmeal. There's no oxygen and their gills get coated, so they can't survive. So there were probably three major things that happened. Those are the three major things that happened to the river around the turn of the [19<sup>th</sup>] century.

Seney: By that you mean, overfishing, the logging, and the diversions?

Lynn: Yes, that affected the fisheries. So now we're beginning to look at making the river a little more whole. We've also developed a water quality agreement with the Pyramid Lake tribe about

cleaning up our sewage water and a number of other things.

Seney: Did you take part in that at all?

Lynn: Yes, I did.

Seney: On what basis were you involved?

Lynn: Well, I was more of an advocate. Actually, I don't like to take credit for it, but there was a time when we were looking at the Negotiated Settlement as not having any water in the river at certain times of the year because of drought and because of consumption. And we said, "Hey, wait a minute. You can't completely de-water a river. We've had that during the drought, and we don't want that to happen again."

Seney: Let me stop you and ask you to be a little more specific about the elements of—this is Public Law 101-618.<sup>1</sup>

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1. Public Law 101-618 became law on November 16, 1990. The law contains two acts: The Fallon Paiute-Shoshone Tribal Settlement Act and the Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The main topics of the legislation are:

- Fallon Paiute-Shoshone Tribal Settlement Act
- Interstate allocation of waters of the Truckee and Carson rivers.
- Negotiation of a new Truckee River Operating Agreement (TROA)
- Water rights purchase program is authorized for the Lahontan Valley wetlands, with the intent of sustaining an average of about 25,000 acres of wetlands.
- Recovery program is to be developed for the Pyramid Lake cui-ui and Lahontan cutthroat trout
- The Newlands Project is re-authorized to serve additional purposes, including recreation, fish and wildlife, and municipal water supply for Churchill and Lyon Counties. A  
(continued...)

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Lynn: That's correct.

Seney: A little more specific about the elements that would have de-watered the river.

Lynn: Well, during the drought year, if you take the 119,000 acre feet of water that Sierra Pacific is entitled to under the Negotiated Settlement and you divert it all, then there's no water left in this river in drought years. And we didn't think that was a good thing to have happen to the environment, to the fish, to the vegetation along the river, or anything.

Seney: Practically speaking, that would have meant running it through the water system.

Lynn: That's right.

Seney: Treating it and then running that back out into the river.

Lynn: It would. And so essentially between what is now known as Chalk Bluff, where the major diversion of water is for the Reno-Sparks area, and the return of half the water, essentially, at the Reno-Sparks Treatment Plant on the lower end of the valley, you've de-watered the river for almost a ten-mile

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1. (...continued)  
project efficiency study is required
  - Contingencies are placed on the effective date of the legislation and various parties to the settlement are required to dismiss specified litigation.

Source is: [http://www.usbr.gov/mp/lbao/public\\_law\\_101-618.html](http://www.usbr.gov/mp/lbao/public_law_101-618.html)  
accessed on December 7, 2011, at about 2:00 in the afternoon.

stretch.

Seney: And what you've put back in is not so good, either.

### **Water Treatment Plant**

Lynn: Well, that's debatable. At this stage of the game, we are not, in most instances, meeting our water quality standards, mainly because we have a snail infestation at the treatment plant. The snails eat all the bacteria that digest the sewage, and so we have to close down one of our towers to scour out the snails every so often.

Since I sit on the Water Planning Commission, this has been a major problem for us. So we finally have directed, or advised, the county and the cities of Reno and Sparks to build one or two more towers so that we can always have one out of commission and still have the other three operational. Right now we have one out of commission and one operational. So that should help take care of the water quality problems. We have, technologically, one of the best sewage treatment plants in the country, but it can't perform as it was designed to do because of the snails.

Seney: It has two towers now?

Lynn: It has two towers now.

Seney: So one would be out of commission, and the other one is not sufficient to treat it properly?

Lynn: No. You need two, at least full time, and with the rapid growth in the area, you're probably going to need three.

Seney: So you've created an ideal environment for these snails, I take it, with the sewage treatment plant.

Lynn: Well, they're an infestation that may—who knows where they came from. I mean, they could have come from somebody's aquarium through the sewer pipes or they could have come—

Seney: So you have no idea?

Lynn: No. But we do know that they cause problems.

Seney: What numbers will accumulate in one of these towers by the time you need to clean it?

Lynn: A bunch. I don't know.

Seney: Hundreds of thousands, I suppose.

Lynn: Yes, exactly. And we've tried chemical treatment, and that ends up killing other aquatic life in the river. There's all sorts of things we've been trying, and it turns out that you just have to disinfect about once every six months.

Seney: What is going to be the cost of these two new towers?

Lynn: Probably about \$20 million.

Seney: Is that a lot of money in the context of the sewer treatment plant and revenues?

Lynn: Well, for the next twenty-year period, we were

looking at about a 480 to 680 million dollar infrastructure cost for pipelines, sewage treatment, water treatment, that sort of thing. So in the scheme of things, 20 million doesn't sound like much, up against even 400 million. So, no, it's not, and it's one of the least-cost, most-effective ways to deal with our water quality issue.

Seney: Does that look like that's going to go forward?

Lynn: Yes. In fact, the design plans are being drawn up now.

Seney: How will the financing of that work? Will you need to go to the voters for that?

Lynn: No.

Seney: Or can you manipulate sewer rates to generate that kind of—

Lynn: Manipulate sewer rates, yes.

Seney: And I take it you're on that commission that will set those rates?

### **Water Planning Commission**

Lynn: I'm on the Water Planning Commission. We do not have regulatory authority. We are only advisory. But it is a regional water commission, so that Reno, Sparks, and Washoe County, the governing bodies, each appoint people to this Water Planning Commission.

Seney: Who appointed you?

Lynn: The city of Reno.

Seney: What's the size, and how many does each have?

Lynn: There are nine voting members on the Water Planning Commission, then there are nine voting alternates, and then there are something like thirteen non-voting, usually government agency types, like the Public Service Commission, now known as the Public Utilities Commission, the State Water Engineer's Office, the State Water Planner's Office, the Public Health Department, people who need to be included. We also have a member of the tribe on our Water Planning Commission, a voting member, which is pretty unusual.

Seney: That's new isn't it?

Lynn: It is new. Everybody recognized that the tribe needed to be involved in water planning decisions.

Seney: Who is that that's on there?

Lynn: John—oh. John, John [Jackson]—he's the water resources person down at the tribe.

Seney: We can fill it in when we edit the manuscript.

Lynn: Paul Wagner, who used to be the fisheries biologist, or the head of Fisheries, was the voting member for the tribe. And then when Paul left, John came on to replace him. They do not have an alternate, so I don't know—they haven't appointed one, to my knowledge. John comes when there are issues. We

wish he'd come all the time. But he's very helpful in giving us the tribe's perspective on things, and there are a lot of water decisions that do affect them and their decisions affect us. So we think that's been a healthy exchange.

Seney: So there's a spirit of cooperation between the tribe and the upstream users.

Lynn: Very much so, yes. Well, there's starting to be. It hasn't always been that way. It's been very contentious. The tribe filed a lawsuit against Reno, Sparks, and Washoe County for failure to clean up its sewage, and there have been a lot of other use issues.

Seney: Well, that was the impetus for the Water Quality Agreement, wasn't it?

Lynn: Absolutely.

Seney: The dismissal of that suit.

Lynn: Yes.

Seney: Why don't you talk a little bit about the Water Quality Agreement. You started to say something, and then I diverted you with some questions.

### **Water Quality Agreement**

Lynn: The Water Quality Settlement was, again, because of what we refer to as an in-stream flow issue, meaning water in the river, and the in-stream flow issue became so paramount at the thought the de-watering the river. And we said, "Look, we've got to find a way to keep water in the river."



After a lot of pondering and realizing that there was a water quality issue and part of the solution to the problem was dilution. And so if we could afford to acquire some water to send down the river in the months where we didn't meet our water quality standards, predominantly July, August, and September, when the temperatures are warmer and the river can assimilate less nutrients, then we felt that that water for dilution could stay in the river and become in-stream flow. So we now have this Water Quality Agreement in place between the tribe, between Reno, Sparks, Washoe County, and the state of Nevada and the U.S. Government, and all five parties signed that. I think Justice signed it, too, and I don't remember. It seemed like everybody was up there on the stage signing it. But anyway, it was our original concept that ultimately led—

Seney: "Our" meaning your advisory commission's?

Lynn: No, meaning the Yacht Club's. Back to the Yacht Club again. One of the members and I had—if you haven't interviewed Rose Strickland, you need to talk to Rose.

Seney: Well, I've been trying to reach her.

Lynn: She's very difficult to get a hold of. But anyway, Rose is one of our members, and she and I brainstormed and brainstormed and finally put out a white paper on this issue of, okay, here we can solve two problems if we do it this way, and here's how much you need, and we need to acquire this amount of water and we need to do this and we need to do

that. Well, lo and behold, it ended up in the negotiations and ultimately as part of the agreement. So we felt pretty good about that now as a real score.

Seney: Well, good. Well, you should. Let me say that there must have been a judgment on the part of Reno, Sparks, Washoe County that the tribe had a good case and might prevail.

Lynn: They did. Oh, yes. Well, the tribe has regularly been prevailing.

Seney: Yes, I know that.

Lynn: And so there was every reason to suspect that they might prevail again, in which case it was going to be very expensive, and this seemed like a solution that would take care of, as I say, several problems. And also, downtown Reno is undergoing a riverfront redevelopment, and during the drought, we had three or four years where we had less than 20 c-f-s [cubic feet per second]. going down the river through downtown, and it was an aesthetic nightmare.

Seney: That's mostly brackish pools, isn't it?

Lynn: Yes, mostly brackish pools, if that. As a result, they started looking at the fact that they wanted water in that river if they were going to spend all this money redeveloping the riverfront. So they kind of jumped in and said, "Hey, we want some water in the river, too." So it just started snowballing, and we started find numerous reasons why this Water Quality Settlement would solve a number of problems.

Seney: Forgive me for asking this, but when you say "numerous reasons," I'd like to know what the other

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ones are, as well as the lower cost, because in this agreement, the feds actually are chipping in, I think, \$12 million, and the local are 12 million.

### **Water Quality Settlement Solved Numerous Problems**

Lynn: Yes, \$12 million, that is correct, and the locals are 12 million.

Seney: That's pretty cheap, then, for the locals to resolve this.

Lynn: It is very cheap, and when that was put out on the table, the local government said, "We're crazy if we don't try and do this to solve our problems." One, the water quality problem, because they were going to end up back in court with the tribe again if they didn't do it. And also the fisheries people were saying, "Excuse us, but we have a restoration program going on here. We'd like to have you—"

Seney: Fish and Wildlife, U.S. Fish and Wildlife?

Lynn: Yes, and the Division of Wildlife for the state. We have what we call an L-C-T, or a Lahontan Cutthroat Recovery Plan, and that plan includes restoring fish to the entire length of the Truckee River.

So anyway, from that point of view, it was exciting to see this come together, plus the downtown and the casino owners and the city government decided that indeed this would help their aesthetics.

One of our problems with water quality is also

temperature, and if we exceed 80 degrees of water temperature, the trout croak. So not only was it chemical nutrients and that sort of thing, but it was also shade. By not having water in the river, we also killed off all the trees, and that's a critical element of this settlement, too, is to have water to keep the trees alive. Anyway, it all seemed to kind of work together, and, lo and behold, they came up with an agreement, and we were very excited about that.

Seney: I've spoken to Bill Bettenberg,<sup>2</sup> whom I've interviewed, and I talk to him from time to time. He was, I think, rather excited about this agreement and very happy with it, and I take it you are, too.

#### **Bill Bettenberg**

Lynn: Yes, right. Rose and I spent a lot of time talking to Bill about this possibility, and he was, quite frankly, we were told to get in touch with him. We jammed our way into a meeting one day, and he looked at us and he said, "Why are you here?"

We said, "Well, we wanted to talk to you about this proposition."

He very graciously agreed to listen to what we had to say, even though it was interrupting the rest of the meeting. To Bill's credit, he has been very inclusive of many, many people and many, many ideas to make all of this come together. And I don't

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2. Mr. Bettenberg participated in Reclamation's oral history program. See, William, Bettenberg, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2009, [www.usbr.gov/history/oralhist.html](http://www.usbr.gov/history/oralhist.html).

think too many people could have done what Bill's tried to do over these last four or five years. I mean, it's just been incredible. I have nothing but good to say about him, and the nice part is that he does stay in touch with virtually every constituency, that I can think of, related to this river and this Negotiated Settlement. I mean, he spent hours in Truckee and he spent hours in Fallon and he spent hours with the tribe and he spent hours with the environmentalists and hours with local governments. He really has gone out of his way to be inclusive. And then when he brought Jeff Zipin [phonetic] in, Jeff was equally inclusive. And both of them have to be exceedingly bright men to pull off and maintain the detail that they have had to deal with in this project. So I have nothing but high commendations for both of them.

Seney: Would you say that Bill Bettenberg was responsible, in part, for the 12 million from the feds?

Lynn: Oh, yes. I definitely would. He's obviously worked with the congressional delegation to make sure that is included in budget. And we're lucky enough to have budget people in our delegation. It's been very helpful.

Seney: Senator Reid<sup>3</sup> is on the Appropriations Committee, isn't he?

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3. Senator Harry Reid was U.S. Senator for the state of Nevada from 1987 to 2017 and participated in Reclamation's oral history program. See, Harry Reid, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation., 2013, [www.usbr.gov/history/oralhist.html](http://www.usbr.gov/history/oralhist.html).

Lynn: Yes, he is.

Seney: Was he help pulling this?

Lynn: Yes.

Seney: Could you describe what his role would have been?

Lynn: Well, I'm sure that he—he must have had a role, but we were not terribly aware of it, except to make sure that the money was included in the budget. And I will tell you also that Bill Bettenberg knows where there's money in various programs to be kind of—

Seney: He's a very wily bureaucrat. I don't mean that in a negative sense, but he knows the system, doesn't he?

Lynn: He knows the system very well, and he knows how to use money from various pots, to mix them together to achieve an end result. And I don't think I've ever come across anybody who knows where there's ten dollars here and a thousand dollars here and a million dollars there. He is extremely skilled at that, and it comes from his years of government experience. But I—

Seney: What are you thinking? That you—

Lynn: Well, I'm amazed that one person can obtain or hold onto that much information. Bill doesn't forget anything, either.

Seney: That's my impression of him, as well.

Lynn: He remembers all sorts of things that, you know, I remember one month, and three months, I mean, that's too far in the past. I don't remember anymore.

Seney: Well, it's a very complex project, the river, isn't it.

Lynn: It is very extraordinarily complex. And then you have the California element to deal with, and they, I think, are feeling like they got sort of short-changed in this whole thing.

### **California Element in Truckee River Issues**

Seney: Talk about that. Talk about the California side, in as much detail as you can.

Lynn: I've only been involved in listening to Kathleen Eagan<sup>4</sup> and a few of the other people in discussing their concerns, and the upstream fisherman and so on and so forth. I think they sincerely feel like 10 percent of the water is not adequate for their area.

Seney: Yes, and that's the interstate allocation.

Lynn: That is correct, and that is one of the elements of the Negotiated Settlement. I think if we are to have to go back to Congress, we'll never get that kind of division again, because California will ultimately end up with more, much to the detriment of the Reno-Sparks area and much to the detriment of the agriculture and much to the detriment of Pyramid Lake. I think it was one of those things that happened before everybody really kind of said, "Whoops, what

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4. Ms. Eagan participated in Reclamation's oral history program. See, Kathleen Eagan, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation oral history interview conducted by Donald B. Seney. Edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2011, [www.usbr.gov/history/oralhist.html](http://www.usbr.gov/history/oralhist.html).

have we done here?"

Seney: That was a long-standing division that had achieved by state negotiations and was part of the Interstate Compact.

Lynn: That is correct, but it was approved by both states.

Seney: Yes, it was.

Lynn: Both state legislatures.

Seney: And they had to adhere to it.

Lynn: Yes.

Seney: Even though it was not in the law.

Lynn: There has been an agreement, and I believe that agreement came between Paul Laxalt, then-Governor of Nevada, and Ronald Reagan, when he was Governor of California.<sup>5</sup> They just had that tacit agreement, since both legislatures had passed it, they would manage the systems, both the Walker [River] or the Carson and the Truckee [rivers], according to their bi-state allocations. The Truckee-Carson has been formalized through the Negotiated Settlement, but the Walker still remains undone, although both states still recognize the bi-state compact.

Seney: You know, the 90-10 allocation is only part of it,

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5. For more information on the history of the California-Nevada Compact, see Donald J. Pisani, "The Strange Death of the California-Nevada Compact: A Study in Interstate Water Negotiations," *Pacific Historical Review* 47:4 (November 1978): 637-58; Leah J. Wilds, *Water Politics in Nevada: A Century of Struggle* (Reno: University of Nevada Press, 2010).



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because that only deals with the Truckee River. When you talk about Lake Tahoe, then the state of California gets two-thirds and the state of Nevada one-third, and I think it's, what, 22,000 acre feet of surface rights on California side, 11,000 on Nevada. Do you suppose that's what they focused on more than the upper Truckee [River]?

### **Upper Truckee River Watershed**

Lynn: I think they probably did, yes. I think everybody thought that the upper Truckee River—

Seney: Let me turn this over.

END SIDE 1, TAPE 1. JULY 21, 1998.  
BEGIN SIDE 2, TAPE 1. JULY 21, 1998.

Lynn: The upstream diversions, such as Prosser, Boca, Stampede [reservoirs],<sup>6</sup> and Independence Lake, I think everybody thought those were done deals just the way they were. And nobody was going to change that, because the U.S. courts had decided in favor of the tribe on the Stampede water. And Prosser and Boca had kind of been allocated to use here in the Truckee Meadows, and, frankly, we paid the bill on them, for many reasons, through the Carson-Truckee Water Conservancy District, and we also paid for the Morris Creek Dam.

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6. Stampede and Prosser Creek dams are features of the Washoe Project to improve the regulation and runoff from the Truckee and lower Carson rivers system. Boca Dam is the major feature of the Truckee Storage Project to provide supplemental irrigation water to approximately 29,000 acres in the Truckee Meadows.

Seney: Which is not a very functional dam, is it? Isn't that the one that leaks?

Lynn: Yes, it's the one that leaks very badly. It's a good flood detention basin. It's not a good reservoir for water storage. Although I will say that is a spreading ground. It does help provide Truckee, I believe, with its groundwater pumps and services a great part of the Truckee.

Seney: The aquifer?

Lynn: Yes. So from that point of view, it does serve kind of as a water recharge basin, too, for purposes of Truckee drinking water. I don't know that it's used for recreation at all. I think they tried to do some shoring up at that dam in some way, shape, or form. Now, I don't know whether that included plugging it with barite or something like that that kind of forms a concrete or a hard, not a hard surface, but a-

Seney: Less permeable one.

Lynn: Yes, less permeable one. The Corps was supposed to have done some work on that dam, but I don't know whether it ever happened.

But the folks in Truckee are very concerned about their growth. They're mostly concerned about their recreation opportunities for tourism. And they wanted to make sure that those lakes stayed as full as possible for the longest time possible so that they could have boating and fishing and water skiing and jet skiing and all that sort of stuff that attracts people to spend their money in the Truckee area.

I think they got a pretty good deal. I mean, their

water and the functioning of the reservoirs and the release of the water to meet their fish standards, their in-stream flow standards, and still maintain some flood capacity in the winter, and yet have reservoir water for recreation in the summer, seems to be a fairly good operation. I think they've given that a lot of consideration in these discussions.

Seney: Do you deal much with them? Are they part of the Yacht Club? Does it go up that far?

#### **Wildlife Issues**

Lynn: Well, it has in the past. Our members come and go. We've had people from Squaw Valley. They have a very active group up there called the Truckee River [Habitat] Restoration Committee. And there's a woman by the name of Sarah Trebilcock, and she and Kathleen Eagan are very good friends. They are into restoration projects, and they have what is called a Coordinated Resource Management Group that works on Truckee River restoration effort. Although I have heard that the wildlife people are not participating in that, and that is a major problem for the group, because wildlife is obviously an issue on the Truckee River and in the reservoirs and in the lakes.

Seney: You mean fish when you say wildlife.

Lynn: Fish, yes.

Seney: Why would they not be participating?

Lynn: I don't know. I haven't explored that with either Sarah or Kathleen. I don't know why. But I know they consider it a major failure of their group to be unable to include that group.

Seney: Would this be the U.S. Fish and Wildlife? Nevada Division?

Lynn: And Cal Fish and Game [California Department of Fish and Games].

Seney: All three?

Lynn: Not so much Nevada, because we start at the state line. This was in Reno. But Cal Fish and Game. And then they have the Lahontan Regional Water Quality Board, too, that also talks water quality issues. And they are still very concerned about that up there as we are down here, because we get their water.

Seney: How is it by the time you get it? It should be pretty good.

### **Water Quality**

Lynn: Actually, it's pretty good as it crosses the state line, and it continues, because of our storm drain system here at times, it can get kind of nasty after a thunderstorm in the summer because it tends to collect all the road oil and grease.

Seney: And you don't treat the storm drain?

Lynn: We don't treat storm drains here, no. We have what we call a storm drain stenciling project, which the Yacht Club and Nevada Cooperative Extension have

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### **Bureau of Reclamation History Program**

worked jointly on. We have stencils, which I think a lot of people have seen, that says, "No Dumping. Drains to River. Drains to Lake." Or Drains to the Ocean or the Bay or whatever.

Seney: Has that been helpful, those reminders?

Lynn: It has been. It's been a good public education process. The city of Sparks has recently picked up on it, and they are doing it as part of a city effort to prevent a lot of trash and buildup in the storm drains, because they're very expensive to clean all the time. Reno hasn't gotten in the picture yet, but it may one of these days.

Those storm drains probably only get cleaned once a year. And if you can imagine, the sand from the winter sanding of the streets, trash, and leaves from the fall, and then the summer, people just tossing their cups out the window and that sort of thing. They all end up in the storm drains. And then the storm drains go right to the river, and so you've got cumulative problem. As you go downstream, it gets progressively worse. And you have a lot of construction debris because of all the construction here. You get a lot of plastic. Oh, God, there's zillions of stuff.

The other thing we've been trying to do is work with the local garbage company to encourage them to give incentives to people who bring their trash to the transfer station, which happens to be right on the river, encourage them to give a rebate or a discount to people who bring in trash that's covered versus the

people who just bring it in on the back of a pickup truck and then it kind of flies here, there, and everywhere on the way. So they're talking about it. We'll see what happens with that. I don't know. I'm hopeful.

Seney: I suppose you can conceptualize Reno as this major entity, and Sparks too, that sits astride the river and degrades it relentlessly, almost.

### **Community Impacts on the River**

Lynn: It does, in a way, and yet there are other things going on. We also have what we call the "Champions of the Truckee." John Champion, who was the CalTrout [California Trout] stream keeper and kind of a river visionary, died last fall, and so the newspaper, gratefully, has picked up the cause on behalf of John. And we have had a year-long program to—we have over 500 companies and individuals volunteering to do cleanups, to plant trees, to paint park benches and spiff up the place. So we've had a real renaissance in getting people back down to the river as a result. And they've done special sections in the newspaper about the river and the history. The television channels have picked up on it, and they do nightly stories, a little blurb on something about the river, whether it's just the flow today or kids playing or an activity or whatever. So it's been a real community effort.

Seney: And that's helping on consciousness-raising, isn't it?

### **Raising Public Consciousness**

Lynn: Absolutely. Absolutely. More and more people are starting to come back down to the river, and as a

result of the cleanups, they also have an ownership in keeping it clean, because they've been down there picking up trash. So from that point of view, the river is starting to be a tidier place. The Sheriff's Office, Dick Kirkland, the Sheriff, was an old high school buddy of John Champion's, so he jumped in and said, "Okay, we are not going to allow people to camp along the river. There is no reason to use the river for a bathroom or a washing machine." So they went though in January, the end of January, and cleared out all of the camps.

Seney: These would be the homeless camps?

Lynn: The homeless camps, under the supervision of the A-C-L-U. [Laughter]

Seney: Would that be Sheriff Kirkland's idea?

Lynn: Yes, it was.

Seney: Because he strikes me, we get Reno television where we are and we see him frequently. Of course, the was the city police chief for a long time, and he seems to be a very politic and politically sensitive kind of guy.

Lynn: Oh, yes. The city was glad when he went to the county, because he is a very costly sheriff. I mean, he eats up a huge amount of the budget.

Seney: Oh, does he?

Lynn: Yes. I know several of the county commissioners

who say, "God, if he doesn't quit coming in, we're going to be bankrupt."

Seney: It's hard to say no to the sheriff.

Lynn: It is, especially, where public safety is involved. And he is a very charismatic man. When you listen to him, you want to say, "Oh, yes, how obvious." But he has been very, very good and diligent about making sure that the homeless camps are kept off the river and that they're constantly cleaned up and patrolled and that they don't come back. He has also worked very hard to make sure that there are alternatives or places for them to go. I mean, they can get a ticket to their nearest relative. They can go to the mental health institute. They can go to Project Restart or the Center Street Gospel Mission or the Salvation Army and get help. There's a job training program. They can go do that. They can go to jail if they don't want to do any of that, and they can go in a work program. There's all sorts of alternatives, and he wanted to make sure all of those were in place before he went about saying, "Out."

There's great concern among the gaming people. I happened to be at John Ascuaga's Nuggett one day for lunch, and I happened to run into John himself and a friend of mine. I was all excited about this process, that we were finally going to clear the river of people. I mean, when you see them it intimidates you, and you don't want to be down there with those people. Anyway, I was bubbling, and John looked at me and he said, "Now they're all going to be in my casino."

I said, "God, I hope not." [Laughter]



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Seney: You must know him. Do you know John Ascuaga?

Lynn: Not well, no. I've only met him twice in my life.

Seney: Because he seems to me to be a visible person, too.

Lynn: Oh, he is. He's a very visible person, partly because of his advertising campaign, but partly because he really is involved in the community, and he's a self-made man. I mean, he started out with a little coffee shop, and look at him now. He's a rough-and-tumble Nevada kind of guy, and he has this persona that fits in with—

Seney: Yes, he's very much a Nevadan, isn't he?

Lynn: Exactly, very definitely. And he's one of the few entities left. It's a family-owned corporation. It's not a public corporation.

Seney: Most of the rest of the casinos are public corporations, aren't they?

Lynn: That is correct.

Seney: You mentioned one of the things that you said on the Water Quality Agreement and keeping flow in the river was that the casinos are interested in that, the downtown interests. How do you deal with them? How do you meet with them and how do you pull them in and get their support?

### **Gaming Industry Support**

Lynn: Actually, we don't. We do have a few contacts in the gaming industry. We do talk to them occasionally just to get readings from them about whether we're just dead wrong or whether we have some potential. And I don't know whether it's through those folks. I don't want to reveal their names because—

Seney: No, no, I'm not going to ask you that, although I would, but you'd say no, so what good would it do me? But I'm wondering if you feel that that's necessary to kind of see if you're on the right track because of their political influence in the community?

Lynn: Yes, and you don't get anything done without their support. It's very difficult to get anything done without their support. So you really need to nurse those rather informal ties along.

Seney: Can you talk a little bit more about that? I don't want you—or expect you. I know you wouldn't reveal confidences. But how does that part of the political process work?

### **The Political Process**

Lynn: Well, there are people who have lived here for a long time, and again, people who have been involved in gaming for many, many years, and still care about this community and remember downtown Reno when it was very small, but vibrant. The Mapes was open, the Riverside was open, the theaters were open. Everybody went downtown, because that was your commercial center. Now it is an entertainment center, and all of our commercial, our retail, have gone elsewhere. So there's very little retail left downtown, and you have your banking institutions

down there.

There are those folks who really want to regenerate that kind of commercial center downtown again, and that's part of a redevelopment agency's mission, I think, and having served as chairman of the Downtown River Corridor Committee that the city of Reno set up. We set up a revitalization—

Seney: You have served on this?

Lynn: Yes. We set up a revitalization strategy to hopefully leverage, using small amounts of money, leverage larger dollars into refurbishing the downtown riverfront.

Seney: Hopefully, from the casinos, I would think.

Lynn: Well, the redevelopment money comes from a tax increment district. Another in my past is that I was the lobbyist during the year for the city of Reno, a lobbyist during the year that we—it was scheduled at sunset, and we got it extended for another twenty years.

Seney: So you were a paid lobbyist by the city of Reno and working at the state capitol?

Lynn: Yes, exactly. And so we got our tax increment district expanded and lengthened in duration, and as a result—

Seney: What's the source of that revenue, by the way? Is that a room tax?

Lynn: No. Room tax is completely separate. Room tax goes to fund the Reno-Sparks Visitors and Convention Authority. The tax increment comes from the difference between the base year that we started out, which was 1983, and the tax increment growth between 1983 and now, and that property tax increment then goes to finance the redevelopment agency. The schools aren't too happy about that, but the gaming industry wanted it and felt that it would go to enliven the downtown, hopefully to keep the locals present, but to bring in more tourism. And to stimulate redevelopment and to liven up the downtown so more people would want to come. That hasn't happened. We spent a lot of money on our riverfront, with the expectation that the building owners would jazz up their buildings, and they didn't do it.

The Riverside is the perfect example. We built this beautiful, what we call the Pappy Smith Riverwalk, for one block in front of the Riverside, and the building has sat vacant for twelve years now, I think. We did not extract a promise out of the property owner to revitalize his building. The same was true of the Mapes. The person who bought the Mapes sold off all the water rights, sold off all the interior furnishings, literally stripped the building, and then it was condemned by the city. And now the city holds it, but has turned it over to Oliver-McMillan and Company out of San Diego to either tear down or restore.

Seney: Is it on the National Register now, the Mapes?

Lynn: It is on the National Register.

Seney: People are trying to save it, are they not?

Lynn: Yes. There is a group. I can't remember what they're called. The Reno Historic [Heritage] Trust, something like that. But anyway, yes, they are trying to save it.

Seney: What kind of water rights would something like the Mapes own, do you know?

Lynn: As I recall, there were about 3,000 [300] acre feet to service the Mapes.

Seney: That's a lot of water in this area.

Lynn: It's a lot of water. What he did is sell it off to a developer who needed to bring water rights to the city or to Sierra Pacific for will-serve water for his development. And the same is true of the Riverside.

Seney: They also sold their water rights. So even if they're reopened—

Lynn: They will have to bring water rights to the new development. They'll have to go out and find some other water rights. And how the city let that happen, I will never know.

Seney: Could the city have stopped that?

Lynn: I think they could have. They knew the water rights were for sale. They could have just purchased them, and there were a heck of a lot cheaper then than they are now.

Seney: How much were they, do you remember?

Lynn: I don't. I think they were about—I don't remember. Probably about \$1,500 to \$1,800 at the time.

Seney: That's not very much, is it?

Lynn: No.

Seney: They're running nearly four thousand now?

Lynn: Uh-huh. So anyway, that's hindsight. So as a result, there have been all sorts of things that have gone on. In retrospect, you probably would have made a different decision, but at the time it may have seemed okay. And that's what makes me real leery about certain agreements now. How do you go back and change them after they're cast in concrete?

Seney: Which agreements are you leery about?

### **Truckee River Operating Agreement (TROA)**

Lynn: Well, I'm not really leery about any of them, but I look at the TROA [Truckee River Operating Agreement]<sup>7</sup> and I think, "You know, I wonder if this

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7. "More than 27 years in the making, the Truckee River Operating Agreement (TROA) now guides use of the river that winds nearly 120 miles from the mountains of Lake Tahoe to Pyramid Lake and is the primary water source for Reno and Sparks. The long-pursued plan brings the Truckee River's management into modern times, protects the area from protracted droughts and offers a promising future for the region as a whole....

"The agreement brings an end to historic uncertainty between Nevada and California over distribution of the river's water, allocating 90 percent to Nevada. Beyond enhanced drought storage for the Truckee Meadows community, it modifies the operation of federal and selected non-federal reservoirs in the river system to protect and improve water quality and enhances conditions for the endangered

(continued...)

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isn't the perfect document, what is the procedure? Do we go back and do a whole other Negotiated Settlement and a whole other TROA negotiations?" That's been an extremely painful and long process.

Seney: Have you been involved in that?

Lynn: Only in fits and starts. Only when there have been issues that I particularly cared about, such as recreation and use of the river and water quality and that sort of thing.

Seney: Explain TROA to us and give me your perspective. How would you explain it to people? Remember, we hope these documents will survive for a long time. They're going to be printed on acid-free paper. So they'll be maybe among the few records on the Truckee River. In the future, what do you want people to know about the TROA, how it works and how it was negotiated and what the advantages and problems, how it differs from the operating agreement that's in place now?

Lynn: Under the new TROA, or the proposed TROA, there is a recapturing of water from the Newlands Project<sup>8</sup>

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7. (...continued)

Pyramid Lake cui-ui and the threatened Lahontan cutthroat trout. By retaining more water in upstream reservoirs, TROA also expands the range of recreational opportunities, including boating and fishing." See, Truckee Meadows Water Authority, "Truckee River Operating Agreement," [https://tmwa.com/water\\_system/settlement/](https://tmwa.com/water_system/settlement/) (Accessed 2/2016)

8. Originally referred to as the Truckee-Carson Project, the Newlands Project was one of the first projects constructed by the  
(continued...)

to send to the lake [Pyramid Lake], and that is an extremely painful process of reducing the amount of water that goes to the Lahontan Valley versus the amount of water that goes to the lake.

Seney: Pyramid Lake.

Lynn: Pyramid Lake. In terms of how it affects the Reno-Sparks area, how it affects upstream, I'm not sure that there's that significant a difference, except that it does allow for drought storage for our municipal and industrial water, what we refer to as M&I water. And in that, it has not been growth-inducing, but it has allowed growth to continue in the Reno-Sparks area.

At the rate we are consuming water now versus what we had projected, we may run out of that drought water sooner than expected, because we are not having very good luck with water conservation in this area.

Seney: The usage was, it seemed to me, when the Negotiated Settlement was being finalized in 1990, was about 60,000 acre feet for Reno and Sparks, and the cap is, I think, the one you mentioned before, 119,000 acre feet.

Lynn: That's correct, yes. And so once we reach that, then we're going to have to start looking elsewhere for water, and looking elsewhere for water is an extremely, extremely expensive alternative.

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8. (...continued)

Bureau of Reclamation. For more information, see Wm. Joe Simonds, "The Newlands Project," Denver: Bureau of Reclamation History Program, 1996, [www.usbr.gov/history/projhist.html](http://www.usbr.gov/history/projhist.html).



Seney: Let me stop you to ask you, what's going wrong with the conservation program?

**Problems with Community Conservation Efforts**

Lynn: One, I don't think there's enough public education. Two, Sierra Pacific is doing it. They're automatically under suspicion by the general population.

Seney: Does that include you?

Lynn: Again, I have to confess, I worked for Sierra Pacific as an intern one summer during my graduate school.

Seney: So you've been co-opted?

Lynn: Yes, I've been co-opted.

Seney: What you did, probably, was come to appreciate their point of view, I suppose.

Lynn: Well, to a degree, yes. We still have our disagreements, but we also still, and there are some places where we agree. And they have been very good about sharing information. Their negotiators have been extremely good about keeping us posted, along with Bill Bettenberg and so on and so forth.

But back to TROA, it does provide us with drinking water for what we had thought was a twenty-year future.

Seney: What does it look like now?

Lynn: We're probably looking narrowing that down to maybe fifteen years, maybe even twelve.

Seney: So 2002, 2015?

Lynn: Yes, somewhere in there. No—

Seney: I'm wrong.

Lynn: It would be 2010.

Seney: Or 15.

Lynn: Yes, exactly. From that point of view, we keep taking water farther and father away from the river, and as a result, that water, as sewage, doesn't come back to the Truckee River. It goes out to outlying areas, because we don't have the capacity to ship it back in.

Seney: Now, let me just say, when it's being diverted for a use by WesPac, the development is further—

Lynn: WesPac is an outdated term.

Seney: Oh, is it?

Lynn: WesPac doesn't exist anymore. It's Sierra Pacific.

Seney: They put it together with them?

Lynn: Right.

Seney: Thank you. But now the developments are further and further away from the Truckee River, so what returns is less to the Truckee?

Lynn: Well, the ones that go out to the north valleys are less, because the water stays there because it's mixed with other water, and it has a higher T-D-S [Total Dissolved Solids] than is allowed back through the sewage treatment plant [to the river], so it stays out there and goes into marshes and wetlands.

Seney: Is it mixed with groundwater, in other words?

Lynn: No, it isn't. It's just left out to evaporate and become—

Seney: When it comes out and you say it's mixed with other water, the Truckee River water, that other water is groundwater, partially?

Lynn: Well, yes. Yes, exactly. And we're overpumping our basins in the north valley, so that's the reason we're taking more and more Truckee River water out that way, because it's the cheapest water.

### **Honey Lake Project**

We have another project on the board. It's called the Honey Lake Project. The Honey Lake Project was water from just south of Honey Lake.

Seney: Which is north of Reno?

Lynn: North of Reno about sixty miles. That water was going to be piped in by an entrepreneurial guy, and the problem was, if we brought it into the Truckee Meadows, the T-D-S was so high again, we couldn't put it through—

Seney: That's total dissolved solids.

Lynn: Total dissolved solids. We could not put it through the sewage treatment plant and into the river. So by virtue of that fact, it meant that we had to build a whole new sewage treatment plant out in the north valleys to deal with that water alone, and that set up a huge cost. I mean, we were talking a lot of money, plus the pipeline and all that sort of thing.

As we start looking elsewhere for water, in much the same way Los Angeles did, we're beginning to look farther and farther afield and we're not learning to live with the conservation. By using conservation in this system, we save ourself a lot in terms of facility and infrastructure costs, and so we're trying to convince people, and we haven't done a good job yet, that conservation is indeed important. Even if you don't like growth, it's still important. A lot of people purposely consume water because they don't like growth. They say, "I got here first. I'm going to use all the water I want to." Also, Reno and Sparks are not metered, predominantly.

Seney: But the new construction is metered.

#### **Water Meter Issues**

Lynn: All new construction since 1988 has been metered. But before that, we were prohibited from installing water meters. The state legislature said, "No, we're not going to do that. It makes people unhappy." Well, now they've allowed metering on new things.

We also have a [meter] retrofit program, but the retrofit program is proving to be very—it's effective, but it's very cost ineffective, because we're doing it

on a willing participant only rather than in block by block. So you get one here and one there and one there, and they're spread out. And so you don't have an efficiency factor in installing them, and that gets to be very expensive. So the money that—we set up this program where—

Seney: Let me say, if I were a Reno water user and I said, "Okay, I want one of these meters," how does that work then?"

Lynn: You call the power company. The power company takes your name, and you have to sign a release form and agree that you'll, until 90 percent of the people are on meters, you have the choice of paying the metered rate or you have the choice of paying the flat rate. And most people who get that choice within a year are on the metered rate, because right now it's lower, considerably lower.

Seney: Who's going to pay for having it installed?

Lynn: Well, that's the hitch. New growth. There is a fee that new housing, developers of new housing, pay into the retrofit fund, and the Builders Association agreed to that. They were the ones who initiated it, recognizing that they wanted to have the water. We also have what we call a conversion rate of agricultural water converted to municipal and industrial water. We had a conversion rate of 1.72 acre feet [of ag water] to one acre foot for M&I.

Seney: That means that for every acre foot of M&I, you have to bring 1.72 acre feet.

Lynn: Yes. And the theory behind that was that agriculture only used water half of the year. M&I uses it all year. We're now down to a one-to-one ratio because of irrigation practices. And irrigation is the primary consumer of water, and we only do that half a year and then the domestic water. So anyway, the conversion rate also figured into the whole scheme of things. And I forgot where I was going with this.

Seney: It was how much can be saved and whether people are willing to and don't want growth, do want growth.

### **Finding Water for New Development**

Lynn: Exactly. And the growth issue has always been a really hot issue in Reno. The older folks who have lived here forever hate to see the new people coming in, and the new people come and want to slam the door and say, "I don't want any. I left California for this reason. I don't want to see any more people come." We're caught in that betwixt and between, and we have a very pro-growth City Council and a pretty pro-growth County Commission, and Sparks is pretty pro-growth, too.

This is an era of extreme growth for this area, but I fear that someday it will be limited by water. I also used to work for the Economic Development Authority at one time. I've worn a lot of these hats.

Seney: So you like growth, too.

Lynn: Well, to a degree.

Seney: It's a question of vitality in a community, isn't it?

Lynn: Absolutely, it is, an amenity. Lot of amenities come into a community with growth, and we happen to have some wonderful ones with the arts and music and so on and so forth. Those are nice things. And you get movie theaters and more parks.

Seney: Different restaurants.

Lynn: Right, exactly, all those things. So it all adds up to being livable, or quality of life or whatever you want to call it, the current buzzword.

Seney: But you were saying the TROA doesn't so much at this point, you think, affect these problems you're talking about as it does the balance of water between Pyramid Lake and the Newlands [Project].

END SIDE 2, TAPE 1. JULY 21, 1998.

BEGIN SIDE 1, TAPE 2. JULY 21, 1998.

Seney: My name is Donald Seney. I'm with Susan B. Lynn, in her office in Reno, Nevada. Today is July 21, 1998. This is our first session and our second tape.

Go ahead. We were talking about TROA.

### **Points of Contention with TROA**

Lynn: We were talking about TROA, and I think the biggest points of contention still lie between the tribe and the Fallon farmers. I'm not sure that's ever going to be a happy solution, but it seemed to me there were a number of things out on the table that Fallon turned down on behalf of its farmers. In other words, it

hung out with the farmers, and in reality, as a community it probably should have taken the things that were out on the table, such as a water treatment plant, a wastewater–

Seney: This was offered during 101-618 negotiations.

Lynn: Yes, exactly, and to be included. But still, you're into the usage of water. There's an historic use, and I think there was an historic expectation that if they [the feds] brought water, that they would continue to supply the amount of water that they had intended for the X number of acres. The Newlands Project was intended to be much, much larger, probably twice or three times the size, than what it ultimately developed into, thank God, or we'd have a bigger problem.

Seney: Yes, can you imagine it at 200,000 acres?

Lynn: Yes, exactly. And then the wetlands, the Stillwater wetlands,<sup>9</sup> come into that, and the Carson Pasture and the tail water from those in the basin. Fallon has growing needs, too, in terms of converting their agricultural water to M&I. It's becoming a community, not an ag [agricultural] community anymore, but more of a military-oriented retirement community, and so their water needs are really changing from more rural to more urban. And what they were being talked to about was a water treatment plant and a wastewater treatment plant, along with an adequate supply of water to supply their M&I needs rather than their ag needs.

I think they turned that down, and I think that was

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9. Stillwater National Wildlife Refuge



one of their big mistakes. They also have the reputation of walking out on discussions right when they reach the critical point, and that's been very troublesome. I think that if they had stayed at the table, they might have gotten some concessions, but they felt there was no hope, so they walked away. And that's not for or against them. That's just kind of a statement of observation from my point of view.

That issue still needs to be addressed. I don't think it should be addressed in this TROA agreement, except for the ag water and the diversions. I think there needs to be—

Seney: We're talking about managing the river and how much will go from the Truckee to the Carson basin.

### **Managing Truckee River Diversions**

Lynn: Uh-huh. As a person, as a river advocate, I have a real problem with transferring water around between basins. Scientifically it can be done, technically it can be done, but for all practicality, I don't think it should be done. I think it's expensive. I think you upset systems all over the place. And that's the reason why I'm having a real problem with the Reno-Sparks area and this Honey Lake Project, because you're bringing water out of one system into another system.

Seney: Is that dead, the Honey Lake business?

Lynn: No, no.

Seney: Nothing ever dies quite, does it?

Lynn: No, it doesn't. No, I think he's just biding his time out there, waiting for the time to be right. It wasn't right before, but I think there will be a day when it may be right. So we'll see. I won't be on the Water Planning Commission then. I won't have to worry about it, and I hope I won't have to pay for it.

Anyway, there have been some very interesting things, and I really would like to see the survival of Pyramid Lake. I think it is one of the five or six freshwater lakes still existing in the world today, a terminal lake. One of our projects here at Public Resource Associates is Walker Lake, and we're up against the same things, except we don't have an endangered species and we don't have the government dams to control water. We have private dams.

In view of the Truckee versus the Carson and the transfer of water out of Truckee basin into the Carson basin, to me, leaves that section of the river below the diversion not whole, although I have to say that portion of the river looks a hell of a lot better than our portion of the river up here.

Seney: There have been some improvements in recent years.

Lynn: There have been. It's interesting that at one time—I was told this by a fellow—what's his name? He used to be with the Division of Wildlife for the state of Nevada. Kaye Johnson. Kaye has a wonderful historic memory of the first time that the Corps came in and straightened the Truckee River down on the reservation. There was also a logging, a cottonwood logging operation, where they were cutting all the

cottonwoods down there for firewood to sell to people who needed wood to burn in their fireplaces here in the more urban area. And so in the 1960s, they cut virtually every tree down there, and they straightened the channel and the water was supposed to go whizzing through. Well, then the delta built up at the lake, and then the fish couldn't get over the delta.

We also had, as the lake dropped, enormous head cutting back upstream, and the Marble Bluff Dam<sup>10</sup> and the Numana Dam were put in to stop that head cutting. And now they're talking about taking them out again, and I'm going, "Whoa!"

Seney: What's the impact of head cutting?

### **Head Cutting**

Lynn: The impact of head cutting, one of the examples—I'm not quite sure how to explain it, except that it erodes the riverbed deeper and deeper and deeper, because the lake is lower and you cut it farther and farther upstream, so that you have a deeper channel.

Seney: And an incline.

Lynn: Yes. And you also, as the river drops, so drops the water table on the surrounding land. So you disrupt the water table, you disrupt the vegetation, and you disrupt a lot of things.

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10. Located on the Truckee River Delta just above Pyramid Lake, Marble Bluff Dam is a feature of the Washoe Project.

We also had a problem where the Truckee Meadows was flooding frequently because we had an area east of town called the Vista Reefs, and the Vista Reefs provided the natural rock formation that blocked the rapid passage of water out of the Truckee Meadows. So the Corps came in, I think in '61, and blew up the reefs, and then that caused more flood problems downstream. So everything has its cause and effect.

But as a result, we've had head cutting up the Truckee River and up Steamboat Creek, and the erosion that takes place creates problems. The water table is dropped. You lose lots of vegetation. The water quality has gotten worse because it's cutting into new soil that has arsenic, boron, those kinds of natural things in the soil that cause water quality problems. Anyway, it's been a problem in this area, and their usual solution is to put in a dam. Well, that blocks the passage of fish, so now we're trying to go back and reconstruct ways to move the fish without removing the dams and having the head cutting. So I don't know what—

Seney: There is a new fish conveyance in this year, is there not?

Lynn: At Numana, yes.

Seney: Is that working well?

Lynn: I don't know. I haven't heard. There's a meeting, when? Tomorrow? Yes, tomorrow, where they're going to talk about that. I'm not going to make that meeting.

Seney: Who's meeting?

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### Federal Water Master

Lynn: It's called the Truckee River Operations Forum that is put on by the Federal Water Master's Office and also the Department of Interior. They have monthly meetings to discuss the flows for cottonwood and fish and floods and all that sort of thing and how the river is actually managed by the Federal Water Master. And why he's cutting back and why he's ramping water up and why he's emptying this reservoir and why we're lowering Tahoe and why we're storing water in Tahoe and all that sort of thing. It really gives him a forum to be heard. However, he has grown to detest these meetings so much that he removes himself and leaves it to his underlings.

Seney: Oh, does he?

Lynn: Yes.

Seney: I've interviewed Garry Stone.<sup>11</sup>

Lynn: Gary is a delightful guy.

Seney: Yes.

Lynn: He really is. And he's got one of the world's toughest jobs.

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11. Mr. Stone participated in Reclamation's oral history program. See Garry Stone, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, Bureau of Reclamation, August 15, 1994, in Reno, Nevada, edited by Donald B. Seney, [www.usbr.gov/history/oralhist.html](http://www.usbr.gov/history/oralhist.html).

Seney: Oh, I can't imagine.

Lynn: There's another Water Master on the Walker River, Roger Bezayiff. I mean, those guys have thankless jobs.

Seney: Say his name a little slower.

Lynn: Roger Bezayiff. He's the Federal Water Master on the Walker River. Anyway, he's a great guy, too, and they have infinite information on how the river operates, and if you shut down the river from Boca, what happens, at Stampede and what happens, and everywhere else. It takes a lifetime of education to know how to operate these rivers.

Seney: I know Garry Stone worked for Claude Dukes [phonetic] and has been involved in it for years and years and years.

Lynn: Right. Well, and Chad Blanchard and Jeff Boyer have been working for Gary for a number of years, and they're the heir apparents. I don't know who will do that. Apparently—is it Jeff? Yes, I think it's Jeff. Or is it Chad? I can't remember who's going to be doing the TROA plan for the management of the rivers and actually talking about, "Okay, if we need this, then we do this. If we need this, we do this." He's going to be the planner for the next eighteen months to outline that process.

Seney: How things are actually going to operate under the new TROA.

### **The New TROA**

Lynn: Yes the new TROA. Now I also understand there's a

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**Bureau of Reclamation History Program**

move afoot on the part of Fallon to file a lawsuit against the new TROA. Their desire is to go back to the old TROA. It largely deals with the delivery of water to the Lahontan Valley. They acknowledge that they will go through recoupment, and that's recoupment of the excess water that they used in the fifties and sixties, before they were seriously monitored about the use of water.

They seem willing to accept that, but what they're not willing to accept is additional cutbacks. I don't know how I feel about that. There was a certain promise that we're not keeping, and it really irritates me to see those things happen. But on the other hand, again, they've walked away from some of these discussions. It's a troublesome situation, and I really feel that that issue needs to be solved in this TROA negotiation.

Seney: That is, the amount of storage, how much storage carryover there will be in Lahontan Reservoir.<sup>12</sup>

Lynn: Yes.

Seney: Is that the major question here that they're concerned about is the target storage levels?

Lynn: Yes, I think that's correct. Frankly, they overfill Lahontan every year they get the chance, and then the rains come and they have flooding downstream of Lahontan.

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12. Located on the Carson River in northwestern Nevada, Lahontan Dam is the primary storage facility for the Newlands Project. The dam was constructed in 1915.

Seney: And they spill it and spread it.

Lynn: Yes, they spill it. See how much he knows as a result of all these interviews.

Seney: Oh, believe me. I knew nothing to begin with, and I'm not sure I know much now.

Lynn: Well anyway, it's amazing, and it seems rather self-serving to overstore a reservoir and then to spill it when you really don't need it. I mean, water is very precious in the West.

Seney: I think this year they spilled 70,000 acre feet, did they not, something in there, maybe even a little more than that. I was out at Fallon on Friday, and I think it's about an inch and a half below the flashboards, on top of the flashboards, at this point, and there's been some irrigation.

Lynn: Yes, there has.

Seney: There should be a huge carryover this year, I would think.

Lynn: I would think so, too. In fairness, some of that 70,000 did end up at the wetlands, and that has been a key element of this whole thing, is to get water to the wetlands. That was under 101-618, too, is that the 25,000 acres of wetlands would be kind of the goal, and I think they reached that this year.

Seney: Is that something you take an interest in or are you really more concerned with the Truckee itself?

Lynn: I have been more concerned with the Truckee and the wholeness of the Truckee. I really strongly feel that



a lot of that water should go to the lake in order to maintain the whole system, the Truckee River system.

### **Importance of the Wetlands for Migrating Birds**

However, being what they are, I mean, this is a critical wetlands. They're very important to this flyway, and without those wetlands, we lose huge numbers of birds. They come here to refuel, so to speak, to nest and breed and that sort of thing, whatever they do. I'm just not as attached to the wetlands, I suppose, as I am the river, although it's a wonderful place to go in the fall and the spring to see the zillions of birds that come in and live there for a short while and then go on their way.

We've also been involved with Walker Lake too And they've discovered a loon population and a Western grebe population that come in and feed there for only two or three weeks out of the year, both in the fall and the spring. Just this year, they have implanted a radio in three loons to find out where the loons are coming from and going to. One of the transmitters went out, so we don't know where one of the birds is, but one of them ended up in Saskatchewan and the other one ended up in Minnesota. Now, if they'll just fly back the other way, we'll know where they go. We think Baja, but we don't know that for sure.

Seney: Isn't that fascinating how far they range?

Lynn: Yes. The amazing part about loons is, they fly up to

seventy-six miles an hour. They've been clocked flying at that speed. And they cover a lot of territory in a twenty-four hour period. We had one loon leave the lake, and he was up in Montana within forty-eight hours. I mean, shoot.

Seney: You couldn't drive that.

Lynn: I know, you can't.

Seney: As the crow flies, right. They have an advantage.

Lynn: Exactly. So anyway, *National Geographic* has funded a study on loons, and some of the, I can't remember. Graham Chisholm<sup>13</sup> would know her name. She's the leading loon authority in the world. Anyway, she got this grant from *National Geographic* to study loons at Walker Lake. So just like the pelicans have been studied at Pyramid, we're now beginning to get other, finding out about the rest of our natural world through some of these studies that are going on.

Seney: What's your feeling on the conflict between Pyramid Lake and the Fallon community?

### **Conflict between Pyramid Lake and Fallon Communities**

Lynn: Well, I think it's an honest conflict. There are strong differences in values. There are strong differences in culture. There are strong differences in

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13. Graham Chisholm participated in Reclamation's oral history program. See Graham Chisholm, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2011, [www.usbr.gov/history/oralhist.html](http://www.usbr.gov/history/oralhist.html).

expectations that the federal government made to each group. And I don't think it's unsolvable, but I think it is a very, very strongly entrenched disagreement. And it takes a long time to overcome those serious differences between culture, values, and community expectations.

I don't know, I guess I'd have to say I have real mixed emotions about it. But if I'm looking at it strictly from a river point of view, I would have to go with the river and the tribe, because that is part of the natural system. And I think that the Carson River needs to learn to deal with its basin issues in terms of the availability of water, how they control water. There are really no dams on that river until you get down to Lahontan, and as a result, the distribution of water is much more difficult on the Carson River, and the storage of water is much more difficult, than it is on the Truckee.

Seney: The Alpine Ditch Decree<sup>14</sup> makes it more difficult, doesn't it, do you think, by segmenting the river into

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14. The Federal Court adjudication of the relative water rights on the Carson River which is the primary regulatory control of Carson River operations today. The decree is administered in the field by a watermaster appointed by the federal district court. The decree, initiated by the U.S. Department of the Interior on May 1, 1925 through U.S. v. Alpine Land and Reservoir Company, et al., to adjudicate water rights along the Carson River. The decree was finally entered 55 years later on October 28, 1980, making it the longest lawsuit undertaken by the federal government against private parties over water rights. The decree established the respective water rights (to surface water only) of the parties to the original lawsuit, both in California and Nevada to Carson River water. The decree did not make an interstate allocation of the Carson River between California and Nevada; it only quantified individual water rights.

the seven segments?

Lynn: Yes.

Seney: It's hard to buy rights upstream for downstream. They would never get there.

Lynn: Yes. It's much less flexible. From that point of view, I'm not sure the Carson River is soluble. The Truckee, I think, is. But when you're mixing the two, because the Carson has the restrictions on it that it does, it's going to be a much harder problem to deal with in the end than the Truckee.

Seney: One thing I meant to ask you about in the Water Quality Agreement was, if this is soluble, that is because you can shift water rights around and you can move them from one beneficial use to another.

#### **Shifting Water from One Beneficial Use to Another**

Lynn: You can buy Truckee River water off the Fernley Bench and transfer it back upstream.

Seney: Right.

Lynn: And store it upstream.

Seney: Right.

Lynn: But you can't do that on the Carson. There's no place to store it.

Seney: I guess what I'm getting at, I guess the Water Quality Agreement, if you could get your hands on them, you could buy some of those Fernley Bench water rights.

Lynn: Oh, they are.

Seney: They are?

Lynn: Oh, yes. There is a group called, Graham Chisholm, again, is with this group called Great Basin Land and Water, and they have been contracted by both the tribe and the U.S. and local governments to acquire water rights off the Fernley Bench to be stored and used for water quality.

Seney: Now, my understanding is, about \$24 million that we talked about, the 12 local, 12 federal. They want 24,000 acre feet.

Lynn: About, yes.

Seney: About, and that's about \$1,000 an acre-foot.

Lynn: That's correct.

Seney: That doesn't seem like—

Lynn: Well, water has different values in different basins and in different stretches of the river. Water is very valuable up here for M&I, but on the Fernley Bench, it doesn't have the same value. And we get into the water marketing aspects—

Seney: That's what I was going to raise.

### **Water Market Prices**

Lynn: You know, what's a person willing to pay for water?

I don't know. I mean, it varies. You go to Fallon, and it's a different price.

Seney: Well, I do know that the federal government and the local government people, obviously through Graham Chisholm's organization, have appointed a single purchaser. If I were a seller, I wouldn't like that. I would much rather—

Lynn: Oh, but as a purchaser, you like it real well.

Seney: Yes, absolutely. And if I was a purchaser, that would certainly be my strategy. But there are claims, as you well know, by people down on the Truckee Division, which is what we're talking about, the Newlands Project, and of the Carson Division, that the water market is kind of fixed for their water rights. It's a different market than the market up here in the Truckee Meadows. Would you think they had a legitimate gripe there?

Lynn: Well, I think it's an accurate portrayal of things, and I think water for agriculture has different values. It may not produce the ripple effect through the community, although it does in this particular community, that the water in an urban area produces through that community. If you look at the dollar value attached through the economic progression in a community, water has much more value up here than it does downstream. Yes, it's probably accurate to say that it's not fair, but that's where the market is.

And they don't have to sell. I mean, they can hold on to their water. They don't have to sell that water, and they're not being forced to. They think they're being forced to, but they're not. And so they can hold on to it, and if they don't like the price, they can wait

until it goes up. And it will. I mean, there's no two ways about it.

Seney: But the water marketing mechanism really varies on the river as you move up and down the river.

Lynn: It does. Absolutely. And I understand that. They would like to be paid Reno prices for their water, and there's—you know.

Seney: Reno would like to pay Fallon prices.

Lynn: Absolutely.

Seney: You must have looked at the Western Water Advisory Commission report.

#### **Western Water Advisory Commission Report**

Lynn: I haven't read the final. I read the draft, and I was appalled by the draft, and I sent in very negative comments. In looking at, just kind of scanning through the current report, the tone of it has changed drastically, and I feel like it maybe more accurately portrays both sides of the picture. Previously, I thought it portrayed only the rancher's side of the picture.

Seney: Others have said that to me. I must say, I did not see the draft. I have seen the final and have nearly completed reading it, and my impression was that it was still quite pro-irrigator.

Lynn: It's still pro-irrigator, but it's not so flagrant as it was

before and it at least acknowledges the uses upstream are viable.

Seney: Is this likely to affect the debate or what goes on here at all?

Lynn: I don't think so.

Seney: You're frowning and shaking your head no. The tape won't see that frown. Normally you smile. It won't see that either.

Lynn: Well, no, I don't think it's going to affect the outcome of this, although I will tell you I think our State Water Engineer, or former State Water Engineer, now head of the Department of Conservation and Natural Resources—

Seney: Pete Morros.

Lynn: Yes. Pete had a great part to play in the writing. He and Roland Westergard had a great part in writing that report, and I feel that that is carrying over into Pete's thinking. We still have some unresolved issues, such as the excess flood flows going to the tribe versus going to—

Seney: The unappropriated flows.

### **Unappropriated Flows**

Lynn: The unappropriated water.

Seney: I've been told the decision's been made, but just not released. Have you heard that?

Lynn: Yes, I've heard that, too. But we're playing the card



game now, and whoever holds their cards closest to their chest wins.

Seney: What I've been told is that the state is holding on to that until the TROA decisions are made.

Lynn: Well, that decision has to be made very soon or the TROA can't take place. One of the features of TROA is that the unappropriated water has—

Seney: Has to be allocated.

Lynn: Has to be allocated and it has to be signed off on. Otherwise, TROA can't take place.

I think Pete is holding out for some concessions to Fallon. He believes in the Bi-State Compact. I can't believe in my wildest dreams that he would let the whole settlement go down the drain over the Fallon issue. I could be wrong, but he has fought tooth and toenail for this Bi-State Allocation. It's been his whole life's work. And I cannot imagine, as I say, in my wildest dreams that he would let that go.

Seney: Because if the TROA is not signed off on, that's in jeopardy, isn't it?

### **Political Urgency in Signing Off on TROA**

Lynn: It is. Absolutely. It is. And Pete is very near retirement. I keep hearing September. I don't know whether that's true or not. I haven't talked to him recently. But I know he would like to get a lot of these loose ends wrapped up before he retires. He

may not retire, and then he's got another legislative session to deal with, and he probably won't let go then. But we also will have a new governor, and that's going to change the complexion of things, too.

I know the Truckee River Partnership, which has been promoting the Negotiated Settlement and supporting TROA on behalf of the Truckee Meadows, has spoken with all the congressional candidates and the gubernatorial candidates to find out what their position is towards TROA and the Negotiated Settlement. I will tell you that the Republicans here in town are laying strong, strong pressure on their candidates to say, "We have got to finish this up, because this community's vitality depends on this Settlement and this TROA. And if we don't get it done, we're in big trouble."

Seney: And I would think Sierra Pacific Power is a big voice with that viewpoint, too?

Lynn: Well, yes, they are. But the development community is very disturbed about this: the home builders, the Associated General Contractors, the casinos. I mean, we have a very broad base of support in this community. If we don't have this, it's going to be serious consequences for this community.

Seney: What about the Democratic candidate?

Lynn: That's Harry Reid.

Seney: For Senate.

Lynn: For Senate.

Seney: And Ensign is the Republican.

Lynn: That's correct. Then we have Kenny Guinn for Governor and—

Seney: Is it Russo?

Lynn: No. He's Independent. Jan Laverty Jones from Las Vegas.

Seney: She's the Democrat?

Lynn: She's the Democrat.

Seney: Who's going to win, you think?

Lynn: Kenny Guinn.

Seney: Guinn?

Lynn: Oh, yes. He's got all the money in the world, and he's had the powerhouse and he's got all the bright kingmakers, if we want to put it that way, working for him. I don't see him losing. Being a good Democrat and being a woman, I'd like to see Jan at least hang in there.

Seney: What about Harry Reid and Ensign? How does that look?

Lynn: I think that's going to be a hard race.

Seney: Ensign's spent a lot of money. I see his ads constantly and Republic party ads constantly.

Lynn: Yes, absolutely. That's the reason it's very hard for

Ensign to commit to supporting the Negotiated Settlement is because it's a Harry Reid bill. It's hard to give Harry credit for doing that. And I hear Republicans say, "You know, Harry's on the Appropriations. He's the money guy. Why should we kick him over for Ensign?" I've heard good Republicans say that. And my response is, "Hey, you guys are into cutting the budget, not into pork."  
[Laughter]

Seney: Right. Well, cutting the budget for others and pork for us. Isn't that how it works?

Lynn: Exactly. That's how it's always supposed to work. But anyway, I do get a chuckle out of that. But I think it's going to be a very close race.

Seney: But is there not a kind of consensus that this needs to be done, as you say, that TROA needs to be done, the Negotiated Settlement needs to be upheld.

#### **Consensus with the State to Uphold the Negotiated Settlement**

Lynn: Yes, absolutely. I think too many people have too much time and money invested. I think there are too many critical consequences if we don't do it, including the loss [of] the Bi-State Allocation. The Reno-Sparks area professes to be interested in the Fallon issue from the fact that we don't want to undergo continued litigation. We'd like to solve that problem. And I know that Washoe County officials have been out to Fallon to talk to them, "Look, what do you guys really need?"

Well, it turns out that they really need their water treatment plant and they really need a sewage

treatment plant. Okay, so how do we get that for them? And then they really do not want to give up anymore water beyond recoupment to the lake, and that's a big issue. I'm not sure Reno-Sparks can solve that one. But I think part of the other issues we can help them solve.

Seney: Let me turn this over.

Lynn: Sure.

END SIDE 2, TAPE 1. JULY 21, 1998.  
BEGIN SIDE 1, TAPE 2. JULY 21, 1998.

Seney: Let me just draw on recoupment for a moment, because that's the water from 1973 Gesell's Decision until, what, '86, '85, when the circuit court upheld the overturning of the contract. Generally agreed, it's about a million fifty-eight thousand acre feet.

Lynn: Exactly.

Seney: Is there going to be some movement on that? Is the district going to be willing to go along with that? I know the federal government's filed a lawsuit, and that's moving along, I'm not sure exactly where.

#### **Truckee-Carson Irrigation District (TCID)**

Lynn: It's hard to predict what will happen. My sense is that—I'm not sure what my sense is. [Laughter] I know the Irrigation District, T-C-I-D [Truckee-Carson Irrigation District], does not want to give up anymore money, so I think they will continue—

Seney: Water, you mean.

Lynn: Yes, anymore water. I think they're willing to spend the money to keep that, just to be the mosquito that kind of keeps buzzing at you. It's costing those Fallon people a lot of money to keep the litigation there.

Seney: Several hundred thousand a year.

Lynn: Yes, and just to be the mosquito that keeps buzzing at us, in hopes that we'll understand some of their problems and help resolve them. I think there is resolve in this community that indeed we do need to help solve their problem down there, but not to the tune of necessarily maintaining the full amount of acreage of agriculture.

I know there a lot of people who don't think the wetlands are worth saving, either, but, gosh, I'd had to think they were lost, either one of them, completely. My sense is that, yes, agriculture will continue. It may not need to continue to the extent at which it continues today, because I see a lot of land conversion going on out there due to growth. There's no reason to take that agricultural water and keep moving it out farther and farther and farther. The system is what it is, and as those areas closer to town shut down, or the parcels on the exterior of the lateral irrigation ditches that are farthest out, as you start squeezing that down through either purchases or land conversions, you're going to require less and less water, and therefore the system is going to become less and less viable.

### **Taking Agricultural Land Out of Production**

So my sense is that, having grown up in an agricultural background, I hate to see good ag land go under development. It just grates on me, because good land, good irrigable land, doesn't come everywhere in the world.

Seney: It's a limited resource.

Lynn: It's a very limited resource. So from that point of view, it causes me some pain in the Fallon area to see the good ag land being subdivided and the marginal land continue, and frankly, I had hoped that in the buyouts they would buy the more marginal lands, retire the lands, reclaim the lands, not through water reclamation, but through land reclamation, and remove that water and put it to good use, whether it be the lake or good ag lands. But it appears the development now is building on the good ag lands.

Seney: In the center of town.

Lynn: Yes, as the center of town moves out.

Seney: What's your take on apparently the Del Webb purchase of land there and exchanging it with B-L-M [Bureau of Land Management]?

Lynn: You know, I don't know enough about the details of that to comment on it. I know that it's out there, but I don't know any of the details.

Seney: I thought it was a rather interesting development in terms of what people who want land in Clark County would be willing to pay for land in Churchill County.

Lynn: Exactly.

Seney: If I were a farmer out there who wanted to hold on to agriculture, who was worried about what my neighbors were going to do, I would be worried about this. And apparently they sued to stop it.

Lynn: Yes, they did. I do know that much. And I do know that the county government is very opposed to that exchange, because they end up losing taxable land, and they feel they have little enough in Churchill County.

My summer intern is doing an inventory of all the exchanged lands in the state of Nevada this summer. By the time she's done, we should have a pretty good handle on how much private land has become public and how much public land has become private, and in what areas and so on and so forth. The Bureau hasn't mapped that, so that's where she is this afternoon, plotting those sales.

Seney: Is that the Bureau of Land Management?

Lynn: Yes, down at the Bureau of Land Management, on the G-I-S system.

Seney: Good luck to her.

Lynn: Yes, she's got a good job. She's up to the task, though.

Seney: Is she? Well, it will be an interesting project. She'll learn a lot.

Lynn: Yes. She's doing good work. She's the daughter of an old acquaintance of mine that I used to work on



public land issues with. So anyway, she's kind of come back to haunt me.

Seney: Well, it will be a very valuable experience for her to get that kind of hands-on detailed knowledge of the way the government works on these things.

Lynn: Exactly.

Seney: In your testimony to Senator Bradley's committee, you listed off the various agencies who deal with the river and how complex and complicated all of this is. You've talked a little maybe about each of them, but why don't we kind of go down the list, starting with the feds. You've talked about the Army Corps and generally about Mr. Bettenberg, who really is with the Office of Policy Analysis.

#### **Federal Relationship to the River**

Lynn: Yes, Department of Interior.

Seney: I think you told me they changed the name of it or his title is now different. He's the number-two guy, whatever, although I think he's much more than that, given the responsibilities he has.

Lynn: I would think so, although I [know] there are internal power struggles all the time.

Seney: Oh, sure. It's like Stalin's court.

Lynn: Yes, exactly.

Seney: But there's also B-L-M and the Bureau of Reclamation, which, of course, I'm particularly interested in, the Bureau of Indian Affairs, the Fish and Wildlife Service. Why don't you talk about generally the feds and their relationship to the river and how they are to deal with and how enlightened or troublesome you think they've been.

Lynn: Well, we also have the Forest Service.

Seney: I'm sorry, yes, which is Agriculture Department, actually.

Lynn: Yes, exactly. B-L-M has little or no impact on this river. They have a few parcels of land along the river, but they have no river management, riparian management, or anything like that.

The Corps and the Bureau of Reclamation seem to be the two major federal agencies, along with the Fish and Wildlife Service, who manage the river, for whatever their respective purposes are. The Corps, obviously, is concerned about flood control. B-O-R is dams and water flow management and that sort of thing. And then the U.S. Fish and Wildlife is concerned with the endangered or threatened species that live in the river. So those I see as the three main agencies.

I think the U.S. Fish and Wildlife Service has become a major advocate for their resource, in more ways than just the T&E species, the threatened and endangered. My sense is that B-O-R, I'm really not sure what their role is, other than to manage the dams in a certain way, but the Federal Water Master really manages those. And he's under the jurisdiction of the courts, so I'd have to say the courts are a major role

player in this river too, by virtue of their decisions and by virtue of the Federal Water Master.

The Bureau of Reclamation seems to be one of those agencies that's searching for a new mission, and they haven't quite hit on what it is they want to do with that mission yet. While I respect a number of individuals that work in that agency, my sense is that they need to update their thinking and update some of their activities that they do on behalf of management of rivers and dams.

Seney: They're still too irrigation-oriented, do you think?

Lynn: Yes and no. Mostly yes, although I think they're beginning to develop at least an awareness that there are other resources out there that need to be managed in conjunction with rivers. So from that point of view, I think they're starting to re-examine anyway, and I see that as progress. Anytime you start re-examining, you may come up with some new ideas and some new concepts.

The Bureau of Reclamation also owns several other—I shouldn't say they own. They have withdrawn other withdrawn lands along the river, that were withdrawn during the Newlands process, that may not be relevant to their current mission as managing the water in the river. And frankly, I think they ought to relinquish those lands back to the Bureau of Land Management, to whose jurisdiction they would fall, and then the Bureau might have some more responsibility for this river.

Seney: And you'd like that?

Lynn: Well, yes and no. As a land management agency, they deal with a lot of resources, and they deal with balancing a lot of resources. From that point of view, I think they have maybe a broader-based picture than the Bureau of Reclamation does, and that the Fish and Wildlife Service does. But since they're all Interior Departments, there needs to be some coordination here, and that was the reason that we were happy when the Coordination Office was set up.

#### **Coordination Office**

Seney: Did that help?

Lynn: It has helped. I mean, they're all talking to each other, at least, about TROA and the Negotiated Settlement, if nothing else, and that's a big step. And then the B-I-A [Bureau of Indian Affairs] is involved in—I've got to tell you, I love Tom Streakel. I think that guy is great.

Seney: He is, isn't he? Yes, I like him, too.

Lynn: He has a delicious sense of humor and he's a very bright guy.

Seney: Very cultured.

Lynn: Yes. In fact, he played the, what was it, he was the reverend in one of the plays down in Carson City.

Seney: He's doing some other things, yes.

Lynn: So anyway, he's just a great guy to be around.

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#### **Bureau of Reclamation History Program**

However, there are other people within the Bureau of Indian Affairs who are not as progressive as Tom is, and they too tend to need to redefine what it is they're trying to do. Their primary focus in the West has been to manage Indian health and to promote agriculture. And I don't think that's a very valid mission, considering the lands that the Indians have been relegated to. I mean, they are not good lands, and I don't think we did them right. And I'm not sure that we owe them a living, but I don't think agriculture is where it is right now.

Seney: It's not what they were to begin with.

Lynn: No. To use that B-I-A money in terms of other economic development kinds of things, to me would be far more 20th century, or even 21st century that we're getting to now, that the tribes need to be looking at. I don't understand, really, how the B-I-A works. That's one of those agencies out there that you have to deal with, and I know they get their funding from Congress, but I don't think there's a whole lot of oversight there. And I don't think there's a whole lot of knowledge and understanding, except for certain individuals within. There are always good individuals in any agency, but there are also ones who just fritter. Oh, my God, they fritter.

Seney: And you're thinking of B-I-A in this regard?

Lynn: Yes, I do. And sometimes the Bureau of Reclamation. However, I think that the Coordination Office has been extraordinarily competent in writing the E-I-S [Environmental Impact Statement]. I think

they have done a wonderful job in making it as readable as possible, considering the complexity in which it exists, or the reason for its being. And I think they have covered virtually everything that they needed to cover. In other words, I find the E-I-S pretty sufficient. I made a few negative comments, but for the most part, I supported what they had done.

### **Perceptions of Federal Agencies**

It's interesting, because I think federal agencies, your perception of federal agencies depends a great deal on the people that you work with within that agency. And B-O-R, to this point, hasn't had really terrific people. They haven't been particularly astute. They haven't been particularly political. They haven't been—they just kind of haven't been with it.

I think John Davis, who was acting for a while, was starting to shift things around, and I think now, with Betsy Rieke coming in, there will be some other changes here locally.<sup>15</sup> Betsy's a very strong person. She worked very hard on these negotiations, and I think that she is an extremely knowledgeable and competent person. So we're eager to work with her in whatever way we can. And there will be further changes. We won't always have Betsy. We won't always have a John Davis.

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15. Elizabeth Anne Rieke served as Assistant Secretary of the Interior for water and Science from 1993 to 1996. Ms. Rieke also participated in Reclamation's oral history program. See Elizabeth (Betsy) Rieke, *Oral History Interview*. Transcript of tape-recorded Bureau of Reclamation oral history interview conducted by Donald B. Seney, edited by Donald B. Seney and further edited and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2013, [www.usbr.gov/history/oralhist.html](http://www.usbr.gov/history/oralhist.html).

So at this point, you know, your opinions of agencies change with the personnel, and right now I happen to feel like B-L-M has some very competent people, the Forest Service has some very competent people, and I think, as I say, the Coordination Offices have very competent people. I mean, those people have been wild. They've stretched and stressed and tested and tried and visited and commented and used sounding boards. They have really been out testing all their ideas and all their—so I feel pretty good about that.

That has been made up of all sorts of people from the Bureau of Reclamation and B-I-A and U.S. Fish and Wildlife Service. Chet Buchanan<sup>16</sup> from the U.S. Fish and Wildlife Service is another one, and Mary Jo Elpers. They have all worked very hard to stay in touch with all the various groups and use us as sounding boards and say, "What do you think if we did this?" and we'd say, "Aack," or yes or whatever the case might be. And I know that they have done that with numerous other groups, and then they are the ones who have to make the decision. But we're the ones who have to sign off, or the various entities that have to sign off.

### **"It's a Huge Process"**

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16. Mr. Buchanan participated in Reclamation's oral history program. See Chester Buchanan, *Oral History Interview*, Transcript of tape-recorded Bureau of Reclamation Oral History Interview conducted by Donald B. Seney, emeritus, California State University–Sacramento, edited by Donald B. Seney and desktop published by Brit Allan Storey, senior historian, Bureau of Reclamation, 2010, [www.usbr.gov/history/projhist.html](http://www.usbr.gov/history/projhist.html).

It's a huge process, and I don't know how you can get that number of people together to reach a consensus that everybody says, "I'm okay with it." We have, what, five signatories that have to be there—California, Nevada, the U.S., Sierra Pacific, and the tribe.

Seney: And Interior. You said the U.S.

Lynn: Yes. And beyond that—

Seney: Well, I know they've tried to include others, too.

Lynn: Oh, they have.

Seney: They've tried to include T-C-I-D [Truckee Carson Irrigation District].

Lynn: Under TROA, yes, the T-C-I-D, the city of Fallon, Churchill County, the cities of Reno and Sparks separately from Washoe County, the Department of Justice, B-I-A. I mean, the list goes on and on and on and on from all the agencies. And then you get to the state agencies, and you have the California Water Resources Board and you have the State Engineer, who is the water czar is the state. You have to get their buy-off and if they think it's okay. It seems like an impossible task.

Seney: It does. It's a wonder anything gets done when you realize how many people have to be involved.

Lynn: Exactly. And everybody has their own agenda, and how they make it all work is really—I mean, it's to their credit that they've come this far and gotten sign-off on a number of issues. There are still issues out there, but I keep being told that some of them are



being solved and some are going to continue. And maybe we can set aside those ones that need to be continued to get signed-off what progress we have made and what agreements we have made, and I'm hopeful that's what will happen. Then these set-asides will come back and finish up.

There are those people who say, "Well, if you knock those off, then there's no incentive to come back." But I think there is. I think if we're going to all live in this part of the world together, there is incentive to finish up those unresolved issues.

Seney: Isn't there a general feeling now that these things can be resolved among people? Maybe not the T-C-I-D issues, but the other issues on the river can be solved, that the tribe is participating.

Lynn: Yes, exactly.

### **Tribe's Participation**

Seney: Has it made a difference with the tribe with the change in tribal leadership, with Mervin Wright succeeding Norm Harry?

Lynn: I was great fan of Norm Harry's, and I am a fan of Mervin's, too. I think they, again, they're a microcosm of this larger region, and they have factions that they have to satisfy within their respective tribe. I think both of them have been successful in their own ways, for different reasons. They have different personalities. I think that they have come through adversity, and I think they have

had very strong legal advice.

Seney: Bob Pelcyger.<sup>17</sup>

Lynn: They, as a tribe, have chosen to follow most of that advice, and I think they've come out pretty darn well on this whole thing. And then to have them included in the regional water management planning process leads me to believe that they understand that we're all linked together and that we're not just tribe versus local government, or whatever the case may be. We're all in this together, and if we don't talk about it together, we won't solve problems, we'll build up walls again.

Seney: I take it from what you said about the health of the river, the Truckee River, that you consider them to be a positive force, their demands and rehabilitating Pyramid Lake and the Lower Truckee.

Lynn: Yes. But they've also extracted out of us good water quality, and I think that's a benefit to the river, too, both upstream and downstream. I mean, I hate to credit them with that, but they have. [Laughter]

Seney: Well, they've set motion forces, haven't they, that have actually been beneficial to Reno and the

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17. Robert S. Pelcyger served as the attorney for the Pyramid Lake Paiute Tribe during negotiations that culminated in Public Law 101-618. Mr. Pelcyger also participated in Reclamation's oral history program. See Robert (Bob) S. Pelcyger, *Oral History Interviews*, Transcript of tape-recorded Bureau of Reclamation Oral History Interviews conducted by Professor Donald B. Seney for the Bureau of Reclamation, in 1995 and 2006, in Reno, Nevada, and Boulder, Colorado, 1995 interviews edited by Donald B. Seney and all interviews further edited by Brit Allan Storey, senior historian of the Bureau of Reclamation, 2013, [www.usbr.gov/history/oralhist.html](http://www.usbr.gov/history/oralhist.html).

upstream users involved.

Lynn: Absolutely. So I see them as a very positive force in this whole negotiation process. They've given. They didn't get everything they wanted, just as Fallon isn't getting everything that it wants and Reno isn't getting everything that it wants. But they're getting enough that it's survived tribal votes and council votes and all that sort of thing. I really feel like they've done very well, both in the negotiations and in the results of the negotiations.

Seney: How would you characterize the state of Nevada? You've talked about Roland Westergard and Pete Morris and their role and the Advisory Commission Report and pro-irrigator outlook. Would that be the general bias or outlook of the state administrative apparatus—that is, that they would be pro-irrigator?

#### **Nevada's Role**

Lynn: Well, yes and no. I see Nevada still as somewhat of an agricultural state, but because the population has shifted so much to the urban population, they, come the next reapportionment, will almost have no agricultural representation. And I think that's kind of sad, because it's kind of a passing of an era. But on the other hand, so is every other western state, and I don't think Nevada is atypical at all. I think it's very typical of every state in the West, where they have gone from an agrarian society to an urban society. The money is in the urban society; the history is in the rural areas.

I don't know. I look at some of those rural people, and they are just absolutely wonderful people. I've worked with so many of them all over the state because of my particular jobs that I've had, and in a way, I kind of mourn the loss of their quality of life here in the more urban areas, because you lose the small-town attitude and the neighborliness and the friendliness, and you get the crime and all those things that come along with urban areas. But you also don't have the amenities.

The choice is out there. You can go live in a rural community, if you can find a way to make a living. Because of all the modern equipment and faxes and so on and so forth, a lot of people are choosing to stay in those smaller communities and rural communities. While they're not doing agricultural work, they're at least enjoying the openness or the small community life. And there's something to be said for that in terms of how you bring up your kids, maybe, and the values that they impart and the neighborliness and that sort of thing and caring for each other. Small towns can be vicious, too, but for the most part, my experiences out in the rural areas were nothing but friendly and nothing but great fun. Living here in Reno, I kind of miss some of the things that they have to offer.

So anyway, it's interesting, and the state's in transition. It's undergoing enormous growth. I think we're in the first in the nation in terms of percentage of growth. Las Vegas has now got, what, 73 percent of the state's population.

Seney: I visited there for the first time in many, many years in December. I couldn't believe the—

Lynn: It's it amazing?

Seney: It's just amazing.

Lynn: And it keeps sprawling and sprawling and sprawling. I think Clark County is starting to look at—I mean, I hear some of the county people saying, "We don't want all these land exchanges, because then we can't control how our cities and our county expands."

Rick Holmes [phonetic] was one that brought that to the Planners Conference last year. When we were talking about land exchanges, he said, "We can't supply the services. We can't supply the infrastructure. There are a lot of things we can't supply, because these pieces of property are leap-frogging out, and it makes it impossible for us to supply the things that we're supposed, as a government, to supply in order to keep a civilization moving. As a result of these land exchanges, we would prefer to only have a few every year so that we know exactly where the growth is going to occur. Right now it's everywhere, and we can't keep up with it."

I think they're at least starting to look at that issue down there, but the politics, as a result of reapportionment, when you've got 73 to 75 percent of the population, it skews the legislature quite a bit.

Seney: Yes, it does, absolutely.

Lynn: And the voting statistics.

Seney: What is the Truckee River Yacht Club working on now?

### **Truckee River Yacht Club**

Lynn: Oh, the new flood control plan.

Seney: What got you started to begin with, in other words. You're back to that.

Lynn: Exactly, yes. And, oh, gosh, the Champions of the River. We're working with the newspaper very closely on coordinating the activities there.

I try to keep that as my avocation, and I try to focus on Public Resource Associates. I do have somebody who expects something of me on other projects.

Seney: I thought your testimony was very interesting, your perspective on the river was a very interesting one, looking on it as a whole and trying to concern yourself with the vigor of it as a whole.

Lynn: Right.

Seney: Because I don't know that anyone else is really doing that.

### **Looking at the Truckee River as a Whole**

Lynn: No, I don't think anyone else is. If you read historic documents related to the Truckee River, there are documents and diaries and the pre-cursor to the U-S-G-S [United States Geological Survey] land surveys, recordings of bird populations, and they talk about the marvelous canopy of trees all up and down along

the river, and the abundance of wildlife and the absence of beavers, and a few other things. I suppose that I envision my nice metropolis area in the midst of an otherwise natural river, and I suppose I would like to see the resurrection of that.

If you go downstream from here, you see the aggregate mining, the sand and gravel mining operations, and the stockpiles that go right into the river, and mobile home parks. And I have nothing against mobile home parks, but I don't believe they belong right smack dab up against the edge of the river in the flood plain. And also, our major regional landfill is just off the Truckee River by about two miles in a major tributary of the Truckee River. I mean, those are the kinds of things I think we ought to be looking at regionally, and why do we have a garbage transfer station right on the river and why do we have a city corporation yard right on the river. Our regional plan calls for a Truckee River corridor, and that plan has been in effect for eight years now and we still have no Truckee River corridor defined. So that's another thing that I've been kind of inadvertently working on as a result.

So anyway, it's a fun process. You know, you win a few and you lose a few, and you always hope for more wins than losses, though.

Seney: Well, that's all the questions I have, unless there's anything else you want to add.

Lynn: Gosh, no. I think I've talked enough.

Seney: Then great. Thank you, on behalf of the Bureau. I really appreciate it.

Lynn: Oh, well, it's been great fun. Your questions are very interesting, and some I know more about than others.

Seney: That was really good. Thank you.

END SIDE 2, TAPE 1. JULY 21, 1998.  
END OF INTERVIEW.