

FILE COPY

No. 59 Original

Supreme Court, U. S.
FILED

SEP 22 1972

MICHAEL DODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1972

UNITED STATES OF AMERICA, ^{PLAINTIFF}
~~PETITIONER~~

v.

STATES OF NEVADA AND CALIFORNIA

**MOTION FOR LEAVE TO FILE COMPLAINT,
COMPLAINT AND BRIEF IN SUPPORT OF MOTION**

ERWIN N. GRISWOLD,
Solicitor General,

KENT FRIZZELL,
Assistant Attorney General,

WALTER KIECHEL, JR.,
*Deputy Assistant
Attorney General,*

HARRY R. SACHSE,
Assistant to the Solicitor General,

DAVID R. WARNER,
DONALD W. REDD,
*Attorneys,
Department of Justice,
Washington, D. C. 20530.*

INDEX

| | Page |
|---|------|
| Motion for Leave to File Complaint | 1 |
| Complaint | 3 |
| Brief in Support of Motion | 17 |
| Jurisdiction | 17 |
| Statement | 17 |
| Argument | 21 |
| I. The complaint alleges facts entitling the United States to relief | 21 |
| A. The United States has reserved rights to the use of waters of the Truckee River System | 21 |
| B. No laws authorizing the construc- tion of irrigation projects have diminished the right to water for maintenance of Pyramid Lake | 23 |
| C. The <i>Orr Ditch</i> Decree did not ex- tinguish the right to water for maintenance of Pyramid Lake | 24 |
| II. This is an appropriate case for the ex- ercise of the original jurisdiction of this Court | 25 |
| Conclusion | 29 |
| Appendix A. History of Establishment of Pyr- amid Lake quoted from <i>United States v.</i> <i>Walker River Irr. District</i> , 104 2d 334 | 30 |
| Appendix B. Letter dated November 29, 1859 from Commissioner of Indian Affairs to Commissioner, General Land Office | 33 |

II

| | Page |
|--|------|
| Appendix C. Executive order of March 23, 1874 | 34 |
| Appendix D. Extract from final Decree, the <i>United States v. Orr Water Ditch Co.</i> , Equity A-3, U.S.D.C. Nevada filed September 8, 1944 | 35 |

CITATIONS

Cases:

| | |
|---|--------|
| <i>Alaska Pacific Fisheries v. United States</i> , 248 U.S. 78 | 22 |
| <i>Arizona v. California</i> , 373 U.S. 546 | 22, 26 |
| <i>Choate v. Trapp</i> , 224 U.S. 665 | 23 |
| <i>Colorado v. Kansas</i> , 320 U.S. 383 | 27 |
| <i>New York v. New Jersey</i> , 256 U.S. 296 | 27 |
| <i>Texas v. New Mexico</i> , 352 U.S. 991 | 26 |
| <i>United States v. District Court in and for the County of Eagle</i> , 401 U.S. 520 | 22 |
| <i>United States v. Oregon</i> , 295 U.S. 1, 295 U.S. 701 | 25 |
| <i>United States v. Orr Water Ditch Co.</i> , Equity A-3, D. Nev., entered September 8, 1944 11, 12, 13, 19, 20, 24, 35 | 35 |
| <i>United States v. Rio Grande Irrigation Co.</i> , 174 U.S. 690 | 21 |
| <i>United States v. Santa Fe Pacific R. Co.</i> , 314 U.S. 339 | 23 |
| <i>United States v. Sturgeon</i> , 27 Fed. Cas. 1357, affirmed, 27 Fed. Cas. 1358 | 18, 22 |
| <i>United States v. Texas</i> , 337 U.S. 902, 339 U.S. 707 | 26 |
| <i>United States v. Truckee River General Electric Co.</i> , Civil No. 14861, N. D. Calif., entered June 4, 1915 | 4 |

III

| Cases—Continued | Page |
|--|----------------|
| <i>United States v. Utah</i> , 283 U.S. 64, 283 U.S. 801 | 25 |
| <i>United States v. Walker River Irr. Dist.</i> , 104 F. 2d 334 | 18, 20, 22, 30 |
| <i>Winters v. United States</i> , 207 U.S. 564..... | 21, 22 |
| <i>Wisconsin v. Illinois</i> , 361 U.S. 996, 388 U.S. 426 | 26 |
| <i>Wyoming v. Colorado</i> , 259 U.S. 419, 353 U.S. 953 | 26 |

Constitution and Statutes:

| | |
|--|-----------|
| United States Constitution, Article III, Section 2 | 3, 25 |
| 28 U.S.C. 1251 (b) (2) | 3, 25 |
| Reclamation Act of June 17, 1902, 32 Stat. 388 | 7, 19, 23 |
| Act of December 29, 1916, as amended, 43 U.S.C. 300 | 8, 10 |
| Act of March 3, 1925, 43 U.S.C. 971 | 10 |
| Migratory Bird Conservation Act, 45 Stat. 1222, as amended, 16 U.S.C. 715 <i>et seq.</i> | 8 |
| Washoe Project Act of August 1, 1956, 70 Stat. 775, 43 U.S.C. 614 | 8, 20, 23 |

Executive Orders and Presidential Proclamations:

Executive Orders:

| | |
|----------------------|----|
| March 23, 1874 | 34 |
| April 17, 1926 | 10 |
| July 7, 1930 | 10 |

IV

Executive Orders and Presidential Proclamations—Continued

Page

Presidential Proclamations:

| | |
|--------------------------|----|
| April 13, 1899 | 9 |
| October 3, 1905 | 9 |
| September 17, 1906 | 9 |
| March 1, 1907 | 10 |
| April 15, 1907 | 10 |
| February 20, 1909 | 10 |
| March 2, 1909 | 9 |
| July 28, 1910 | 9 |
| December 10, 1910 | 10 |
| July 12, 1926 | 9 |
| September 28, 1928 | 9 |
| September 13, 1945 | 9 |

Miscellaneous:

| | |
|---------------------------------------|--------|
| H. R. 6078, 92d Cong., 1st Sess. | 12, 20 |
|---------------------------------------|--------|

In the Supreme Court of the United States

OCTOBER TERM, 1972

No. Original

UNITED STATES OF AMERICA, ^{PLAINTIFF}
~~PETITIONER~~

v.

STATES OF NEVADA AND CALIFORNIA

MOTION FOR LEAVE TO FILE COMPLAINT

The United States of America respectfully asks leave of the Court to file the attached Complaint against the States of Nevada and California.

ERWIN N. GRISWOLD
Solicitor General

In the Supreme Court of the United States

OCTOBER TERM, 1972

No. Original

UNITED STATES OF AMERICA, ~~PETITIONER~~ ^{PLAINTIFF}

v.

STATES OF NEVADA AND CALIFORNIA

COMPLAINT

The United States of America, plaintiff, alleges for its cause of action as follows:

I

The jurisdiction of this Court is invoked under Article III, Section 2 of the Constitution of the United States and 28 U.S.C. 1251(b) (2).

II

The Truckee River System is an interstate stream system. It originates in California in the Sierra Nevada Mountains and flows into Lake Tahoe. It provides the only outlet stream of Lake Tahoe. After leaving Lake Tahoe, the Truckee River flows for ap-

proximately 20 miles through the State of California and then crosses into the State of Nevada, where it flows for approximately 65 miles passing through the cities of Reno and Sparks and emptying into Pyramid Lake.¹

III

Lake Tahoe is located in the Sierra Nevada Mountains, and has a natural surface elevation of approximately 6224 feet above sea level. The boundary line between the States of California and Nevada runs through Lake Tahoe, and the lake receives drainage from the mountains surrounding it in both States. At the outlet of the lake, in the State of California, is a dam owned by the United States and operated by the Truckee-Carson Irrigation District under a contract with the United States pursuant to a decree entered June 4, 1915, in the case entitled *United States v. Truckee River General Electric Co.* in the United States District Court for the Northern District of California, Civil No. 14861. The dam permits storage of approximately 750,000 acre feet of water by raising the natural level of Lake Tahoe approximately six feet.

IV

Pyramid Lake is a desert lake approximately 30 miles north of Reno, Nevada. It is a unique national

¹ We have inserted into the back cover, *infra*, a copy of a map entitled *Pyramid Lake Task Force Major Water Storage & Conveyance facilities of the Tahoe-Truckee-Carson Basins.*

resource both from the standpoint of its beauty and as the natural habitat of both fish and wild fowl, which rely upon the lake for existence and protection. It is the natural terminus of the Truckee River and has no outlet. Its surface elevation is now approximately 3800 feet above sea level. It is now approximately 5 miles wide and 20 miles long, and has a maximum depth of 335 feet. With the exception of a small amount of direct precipitation and drainage from the low lying mountains surrounding it, its sole source of water is the Truckee River. A flow of between 375,000 and 400,000 acre-feet of water per year from the Truckee River into the lake is required to replace evaporation losses, and thus to maintain the present level of the lake. In recent years the average flow into the lake from the Truckee River has been approximately 250,000 acre-feet, leaving an annual deficit of between 125 and 150 thousand acre-feet. As a result primarily of diversions of water from the Truckee River, the level of the lake has dropped more than 70 feet since 1906, destroying fisheries, threatening extinction of the species of trout native to the lake, increasing the salinity of the lake, causing land erosion and threatening the continued existence of the lake as a useful body of water.

V

Members of the Pyramid Lake Paiute Tribe of Indians have lived on the shores of Pyramid Lake from time immemorial. They have fished in the lake and have used the fish for food and for barter. They

have aided their support by charging fees to sport fishermen for licenses to fish in the lake. They have relied upon water from the Truckee River for irrigation, for domestic uses, for maintenance of the level and quality of the lake, and for maintenance of the lower segment of the Truckee River as a natural spawning ground for lake fish.

VI

On November 29, 1859, the Department of the Interior directed that an area including Pyramid Lake and the lands surrounding the lake, together with the valley along the Truckee River from the mouth of the river upstream to a point approximately two miles south of Wadsworth, Nevada, be reserved and set aside from the public domain as the Pyramid Lake Indian Reservation. This reservation was confirmed on March 23, 1874, by an executive order signed by President Grant. The area was reserved for members of the Pyramid Lake Paiute Tribe primarily because it constituted their aboriginal home and the lake provided a large fishery which was the principal source of the Tribe's livelihood.

VII

In establishing the Pyramid Lake Reservation in 1859, the United States, by implication, reserved for the benefit of the Pyramid Lake Indians sufficient water from the Truckee River for the maintenance and preservation of Pyramid Lake, for the maintenance of the lower reaches of the Truckee River as a

natural spawning ground for fish and for the other needs of the inhabitants of the Reservation such as irrigation and domestic use. The United States, for the Pyramid Lake Indians, claims these rights with a priority date of November 29, 1859.

VIII

Under the authority of the Reclamation Act (Act of June 17, 1902, 32 Stat. 388), the Secretary of the Interior on March 14, 1903, approved the construction of the Newlands Reclamation Project, originally known as the Truckee Project. A diversion dam on the Truckee River, known as Derby Dam, was completed by June of 1905. As a part of the Newlands Reclamation Project, water is diverted from the Truckee River at Derby Dam near Wadsworth, Nevada. A small percentage of the water is used for irrigation within the Truckee division of the Newlands project; most is transported into the Carson River watershed in Nevada where it is either stored in Lahontan Reservoir with waters from the Carson River for later use or used immediately for irrigation in the Carson Division of the Newlands Irrigation Project. The Newlands Irrigation Project works are owned by the United States but are operated by the Truckee-Carson Irrigation District under a contract with the United States dated December 18, 1926, as amended.

IX

Drainage from the Carson Division of the Newlands project is used in the Stillwater Wildlife Ref-

uge, which was designated as a national wildlife refuge in 1948. The refuge is owned and operated by the United States in accordance with the Migratory Bird Conservation Act (45 Stat. 1222), as amended.

X

The United States claims a right to the use within the Stillwater Wildlife Refuge of any runoff waters left from the irrigation of lands within Carson Division of the Newlands Irrigation Project, with a priority of 1948.

XI

The Washoe Project Act of August 1, 1956, 70 Stat. 775, authorizes the Secretary of the Interior to construct, operate, and maintain the Washoe Reclamation Project for purposes of irrigation of lands in the Carson and Truckee River Basins, for providing drainage service to lands therein, controlling floods, providing hydroelectric power and for other beneficial purposes. The Act also provides for the development of the fish and wildlife resources of the project area, including facilities to permit increased water releases from Lake Tahoe and restoration of the Pyramid Lake fishery. Under the provisions of this Act, Stampede Reservoir has been constructed in California on the Little Truckee River, a tributary of the Truckee River.

XII

It is the contention of the United States that nothing in the Reclamation Act, the Migratory Bird Conservation Act, or the Washoe Project Act authorizes any diversion of water from the Truckee River that would interfere with the right of the United States, for the benefit of the Pyramid Lake Tribe of Indians, to the use of sufficient waters of the Truckee River to fulfill the purposes for which the Pyramid Lake Reservation was created, including the maintenance and preservation of Pyramid Lake, the maintenance of the lower reaches of the Truckee River as a natural spawning ground for fish and other purposes beneficial to and satisfying to the needs of the Pyramid Lake Indians.

XIII

The United States owns lands within the watershed of the Truckee River which are parts of the Eldorado, Tahoe and Toiyabe National Forests in California and Nevada. The lands within the Eldorado National Forest were withdrawn from the public domain and reserved for national forest use by Presidential Proclamations dated July 28, 1910, September 28, 1928, and September 13, 1945. The lands within the Tahoe National Forest were withdrawn from the public domain and reserved for national forest use by Presidential Proclamations dated April 13, 1899, October 3, 1905, September 17, 1906, March 2, 1909, July 28, 1910, and July 12, 1926. The lands within the Toiyabe National Forest were withdrawn from the public domain and reserved for national forest use

by Presidential Proclamations dated March 1, 1907, April 15, 1907, February 20, 1909, and December 10, 1910. Reservation of these lands for national forest use also reserved for the United States the unappropriated waters in and on such lands to the extent necessary for the requirements of the forests.

XIV

The United States claims a right to the use of the waters of the Truckee River and its tributaries in the national forests to the extent required for the purposes of the forest reservations with priority dates as of the dates these lands were withdrawn for national forest use.

XV

The United States claims rights to the use of waters reserved as public water holes by Executive Order dated April 17, 1926, pursuant to the Act of December 29, 1916, as amended, 43 U.S.C. 300, with a priority date of April 17, 1926; and to hot springs and mineral springs reserved for curative purposes by Executive Order dated July 7, 1930, pursuant to the Act of March 3, 1925, 43 U.S.C. 971, with a priority date of July 7, 1930.

XVI

The United States claims a right to the use of waters in and on the public lands at the various wells, ponds, and other places of use where water of the Truckee River system has heretofore been put to beneficial use by the federal government to the extent

of such use, with priorities as of the dates these wells, ponds and other places of use on the public lands were first initiated.

XVII

On February 3, 1913, the United States brought an action entitled *United States v. Orr Water Ditch Co., et al.* (Equity No. A-3) in the United States District Court for the District of Nevada, to determine the quantity of water the United States could divert from the Truckee River for the Newlands Project, to adjudicate the claims of numerous Nevada claimants, and to assert a right to the use of Truckee waters, for irrigation on the Pyramid Lake Indian Reservation. Neither the State of Nevada, the State of California, nor any California water right holders were parties to the suit. Neither an equitable apportionment between California and Nevada nor rights to water for the maintenance and preservation of Pyramid Lake and for other purposes beneficial to the Indians as set forth in Paragraph VII of this complaint nor the other federal rights asserted in Paragraphs XIV, XV and XVI were at issue in the suit.

XVIII

On September 8, 1944, a decree was entered in the case of *United States v. Orr Water Ditch Co., et al., supra.* This decree recognized, subject to prior rights, the right of the United States to use Truckee water for the Newlands Project, recognized numerous rights within the State of Nevada to the use of

waters from the Truckee River and recognized the right of the United States to use Truckee water for irrigation of lands on the Pyramid Lake Indian Reservation with a priority date of December 8, 1859. It is the position of the United States that this decree does not foreclose recognition of the additional rights now asserted by the United States.

XIX

Without a determination, however, by this Court of the relative priorities, as between the rights adjudicated in the *Orr Ditch* decree and rights and uses not asserted in that action and not covered by that decree, the United States cannot properly determine its obligations, contractual or otherwise, pertaining to irrigation and reclamation projects using waters of the Truckee River and cannot adequately protect its rights and those of the Pyramid Lake Paiute Indians to the use of waters of the Truckee River.

XX

The States of California and Nevada have negotiated a proposed interstate compact for the apportionment between the two States of waters of the Truckee, Carson, and Walker Rivers and Lake Tahoe. This proposed interstate compact has been approved by the legislatures of both States. A bill designated as H.R. 6078 which would grant the consent and approval of Congress to this interstate compact was introduced in the House of Representatives on March 15, 1971, and was referred to the Committee on the Judiciary. On information and belief, it is alleged that no action

has been taken on this bill since its referral to the Committee on the Judiciary.

XXI

Under the provisions of the proposed California-Nevada Interstate Compact, there would be allotted to Nevada for use on the Pyramid Lake Indian Reservation only the amount of water provided in the 1944 *Orr Ditch* decree. The compact further provides that all federal uses of water shall be within the allocations of the State where the use is made and that the allocations of water between the States shall be binding upon the United States. The compact also provides that nothing in the compact shall abridge, limit or derogate from the use of water within allocations to each State that could be established under state or federal law had the compact not been adopted. Approval of the compact would not obviate the necessity for this suit to adjudicate the rights asserted herein by the United States and to apportion remaining waters in light of those rights.

XXII

The United States has attempted without success to negotiate changes in the proposed compact that would adequately recognize and protect the rights of the United States.

XXIII

The States of California and Nevada have refused to recognize any rights of the United States or the

Pyramid Lake Paiute Tribe of Indians to the use of waters of the Truckee River for the maintenance and preservation of Pyramid Lake; both States have issued permits for the appropriation of waters from the Truckee River which are in derogation of rights to the use of the water for the maintenance of Pyramid Lake; and the aforementioned rights are currently being violated.

XXIV

There is an urgent need for a determination of the rights of the United States claimed herein and for an equitable apportionment of the remaining waters between the States of California and Nevada so that any decree rendered in favor of the United States can be enforced against the appropriate State.

WHEREFORE the United States prays that the defendants be required to answer this complaint and that a decree be entered declaring the right of the United States for the benefit of the Pyramid Lake Paiute Tribe of Indians to the use of sufficient waters of the Truckee River to fulfill the purposes for which the Pyramid Lake Reservation was created, including the maintenance and preservation of Pyramid Lake and the maintenance of the lower reaches of the Truckee River as a natural spawning ground for fish and other purposes beneficial to and satisfying to the needs of the Pyramid Lake Indians, such use to be with a priority of November 29, 1859;

The United States further prays that after declaring such right this Court appoint a master to set

the measure of this right in acre-feet per year and rate of flow, and to make such findings of fact and law as the Court may require as to the other claims asserted herein; and that this Court decree the right of the United States to the use of sufficient waters in and on national forest lands within the Truckee River watershed to satisfy the purposes of the national forests with priority as of the dates those lands were withdrawn for national forest use, the right of the United States to waters reserved as public water holes and hot springs with priority as of the dates of such reservation, the right of the United States to the use of waters in and on public lands where the waters have heretofore been put to beneficial use on those lands to the extent of such use and with priority as of the dates the uses of such waters were first initiated, and the right of the United States to the use of the runoff waters from the Newlands Irrigation Project for use in the Stillwater Wildlife Refuge with a 1948 priority date.

The United States further prays that this Court apportion the use of the waters of the Truckee River system not required for satisfaction of the rights of the United States between the States of California and Nevada, and for such further relief as may be proper in the premises.

ERWIN N. GRISWOLD,
Solicitor General.

In the Supreme Court of the United States

OCTOBER TERM, 1972

No. Original

UNITED STATES OF AMERICA, PLAINTIFF

v.

STATES OF NEVADA AND CALIFORNIA

**BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE
COMPLAINT**

JURISDICTION

This controversy between the United States and the States of Nevada and California is within the original jurisdiction of this Court under Article III, Section 2 of the Constitution of the United States and 28 U.S.C. 1251(b) (2).

STATEMENT

The purpose of this litigation is to establish the right of the United States to the use of a portion of the waters of the Truckee River system for the maintenance of Pyramid Lake and for the other purposes shown in the complaint. The facts alleged are

set forth in some detail in our complaint. Essentially they are as follows:

1. The Truckee River system originates in the Sierra Nevada Mountains in the State of California. It flows into Lake Tahoe and it provides the only outlet stream of Lake Tahoe. After leaving Lake Tahoe the Truckee River flows approximately 85 miles through California and Nevada and empties into Pyramid Lake in the State of Nevada. It is the major source of water for Pyramid Lake.

On November 29, 1859, the United States set aside an area including Pyramid Lake and the lower reaches of the Truckee River as a reservation for the Pyramid Lake Paiute Indians (Apps. A, B, *infra*) One of the principal reasons for reserving this area for these Indians was that the lake and the part of the river included in the Reservation provided the traditional fishing grounds upon which the Indians had long relied for their sustenance. *United States v. Sturgeon*, 27 Fed. Cas. 1357 (No. 16,413) (D. Nev.), affirmed, 27 Fed. Cas. 1358; *United States v. Walker River Irr. Dist.*, 104 F.2d 334 (C.A. 9) (see App. A, *infra*).

Diversions and uses of large quantities of water from the Truckee River and its tributaries for irrigation, municipal use and other purposes, mainly within the Carson River watershed, have resulted in insufficient water reaching Pyramid Lake to maintain its water level. The lake has dropped some 70 feet since 1906, when major diversions began. This has caused virtual destruction of the fish spawning areas

in the lower reaches of the Truckee River and a serious depletion of the fish in the lake. Moreover, increased salinity, as the lake drops, threatens total destruction of the lake as a habitat for Lahontan Cutthroat Trout and Cui-ui Lakesuckers, the principal native fish of the lake, both of which are unique to this area and have been placed on the Endangered Species List.

2. The Newlands Reclamation Project, authorized by the Secretary of the Interior in 1903 under the provisions of the Reclamation Act of 1902, 32 Stat. 388, receives a large portion of the water diverted from the Truckee River. The irrigation project works are owned by the United States, but operated by the Truckee-Carson Irrigation District. The reclamation laws did not establish ownership of the water made available by the project nor set the total amounts that could be diverted. Consequently, in 1913, the United States brought an action entitled *United States v. Orr Water Ditch Co.*, Equity No. A-3, in the United States District Court for the District of Nevada to determine the quantity of water the United States could divert for the Newlands Project, to adjudicate the claims of numerous Nevada claimants and to assert a right to use of Truckee waters for irrigation on the Pyramid Lake Indian Reservation.

In 1944 the court entered a decree¹ in which it recognized that in the establishment of the Reservation the government by implication reserved a reason-

¹ The decree is quoted in part at App. D, *infra*. A copy of the entire decree has been lodged with the Clerk of this Court.

able amount of water for the use of the reservation Indians for irrigation with a priority date of December 8, 1859.² The decree also specified a maximum allowable diversion of Truckee water for the Newlands project and recognized the water rights of the various Nevada claimants. The government did not then assert a right to sufficient water to maintain the level of Pyramid Lake, to maintain the lake and the lower Truckee as a fishery, for domestic and other non-irrigation uses for the Indians, or for the other federal uses set forth in our complaint. Neither the State of Nevada, the State of California nor any California water users were parties to the suit; nor was an equitable apportionment between the two States sought.

3. Subsequent to the *Orr Ditch* decree, Congress authorized the Washoe Project (Act of August 1, 1956, 70 Stat. 775), under which further works have been created in the Truckee system and which specifically provides for increased water releases from Lake Tahoe and for restoration of the Pyramid Lake fisheries.

4. The States of Nevada and California have negotiated a proposed interstate compact for the apportionment between them of the waters of the Truckee, Carson and Walker Rivers and Lake Tahoe. A bill (H.R. 6078, 92d Cong., 1st Sess.), which would grant the consent and approval of Congress to this

² The correct date is November 29, 1859. See *United States v. Walker River Irr. District*, 104 F. 2d 334 (C.A. 9); App. B, *infra*.

proposed compact has been introduced in the House of Representatives but no action has been taken on it since its referral to the Committee on the Judiciary. This proposed compact does not recognize the rights of the United States asserted in this suit; nor, however, does it prohibit judicial establishment of these rights.

The United States has attempted without success to negotiate changes in the proposed compact which would adequately recognize and protect the rights claimed herein. The States have refused to recognize a federal right to the use of water for the maintenance and preservation of Pyramid Lake in the absence of a judicial determination of such a right. Both California and Nevada have issued permits appropriating waters of the Truckee river system in direct conflict with the supply of sufficient water for the maintenance and preservation of the lake.

ARGUMENT

I

THE COMPLAINT ALLEGES FACTS ENTITLING THE UNITED STATES TO RELIEF

A. The United States Has Reserved Rights To The Use Of Waters Of The Truckee River System

It has long been established that the United States may withdraw waters on the public domain from private appropriation and reserve them for federal uses. *United States v. Rio Grande Irrigation Company*, 174 U.S. 690; *Winters v. United States*, 207 U.S. 564. A federal reservation of rights to the use of waters

may be express, as in the case of the public water holes and hot springs mentioned in paragraph XV of our complaint, or implied from the withdrawal of lands from the public domain for particular purposes which require the use of water for their fulfillment. *Arizona v. California*, 373 U.S. 546; *United States v. District Court in and for the County of Eagle*, 401 U.S. 520. The decision of this Court in *Arizona v. California*, *supra*, has firmly established, as to both national forests and Indian reservations, that when lands are withdrawn from the public domain for such purposes, whether or not any mention of water rights is made in the Act withdrawing the lands, the reservation of sufficient waters to satisfy the purpose for which the lands were withdrawn is implicit.

The establishment of Pyramid Lake Indian Reservation is a classic example of such reservation by implication. The boundaries of the Reservation were drawn to include all of Pyramid Lake and the lower reaches of the Truckee River because the Indians lived on the shores of the lake and river and relied on fish from the lake (which spawned in the river) for their sustenance. See *United States v. Walker River Irr. Dist.*, *supra*, 104 F.2d at 338; *United States v. Sturgeon*, *supra*. The establishment of the Reservation, therefore, impliedly reserved sufficient water from the Truckee River to maintain the character of the lake as an abundant fishery. *Winters v. United States*, *supra*; *Alaska Pacific Fisheries v. United States*, 248 U.S. 78.

B. No Laws Authorizing The Construction Of Irrigation Projects Have Diminished The Right To Water For Maintenance Of Pyramid Lake

The Newlands Reclamation Project was constructed under the authority of the Reclamation Act of 1902, 32 Stat. 388. Under this Act, Congress created the Reclamation Fund and appropriated to that fund the proceeds from the sale of public lands in certain States and Territories, including Nevada, for use by the Secretary of the Interior for projects for the reclamation of arid lands in those areas. There is nothing in the language of the Reclamation Act of 1902 or any of its amendments that can reasonably be construed to authorize the taking of waters of the Truckee River, previously reserved for the Pyramid Lake Indian Reservation, for use on the Newlands Reclamation Project. See *United States v. Santa Fe Pacific R. Co.*, 314 U.S. 339, 354; *Choate v. Trapp*, 224 U.S. 665, 675.

The Washoe Project Act of August 1, 1956 (70 Stat. 775, 43 U.S.C. 614), specifically authorized construction and operation of the Washoe Reclamation Project. This legislation also provides for the development of fish and wildlife resources of the project area, including facilities to permit increased releases of water from Lake Tahoe and restoration of the Pyramid Lake fishery. 43 U.S.C. 614c. Thus, rather than diminishing the right to water for the maintenance and preservation of Pyramid Lake, the Act protects and reinforces this right. And we know of no federal legislation that can reasonably be construed as dimin-

ishing the right to the use of water from the Truckee River System for the maintenance and preservation of Pyramid Lake.

C. The *Orr Ditch* Decree Did Not Extinguish The Right To Water For Maintenance Of Pyramid Lake

The fact that the United States did not assert in the *Orr Ditch* suit a right to the use of sufficient waters from the Truckee River system to maintain Pyramid Lake and preserve it as a fishery, and for the other federal uses asserted in the present complaint, did not extinguish those rights. The *Orr Ditch* suit was not an attempt at a complete stream adjudication. Although the major sources of the water were in California, neither the State of California nor California water users were parties to the action. A complete and equitable apportionment of the waters of this river system can only be made in a suit in which both States are joined and downstream uses can be provided for in coordination with upstream uses and releases.

Moreover, in 1913 when the *Orr Ditch* suit was brought the now dramatic decline in the level of Pyramid Lake had hardly begun and the need for asserting a right for sufficient water to maintain the Lake had not become apparent. Even by 1944, the date of the so called "final decree," although some destruction of fish life caused by the drop in the level of the lake and insufficient water in the lower reaches of the river to permit spawning had occurred, it had not been fully appreciated by the government. It is

thus understandable that the *Orr Ditch* litigation was addressed solely to the questions that then seemed pressing, a determination of individual water rights, primarily for irrigation, within Nevada, with no focus on California water releases or preservation of residual water for Pyramid Lake.

Now, the authorization and construction of the Washoe project, increased and often wasteful water use, and the approaching but still reversible destruction of Pyramid Lake in breach of faith with the Pyramid Lake Indians, all call for a comprehensive adjudication of the United States' rights in these waters and an equitable apportionment of the remaining waters between the States of Nevada and California.

II

THIS IS AN APPROPRIATE CASE FOR THE EXERCISE OF THE ORIGINAL JURISDICTION OF THIS COURT

1. This Court has original jurisdiction of this case under Article III, Section 2 of the Constitution of the United States and 28 U.S.C. 1251(b)(2). The case eminently justifies the exercise of that jurisdiction.

The Court has traditionally exercised its original jurisdiction in cases brought by the United States against a State or States to quiet the United States' title to property. See, *e.g.*, *United States v. Oregon*, 295 U.S. 1, 295 U.S. 701; *United States v. Utah*, 283 U.S. 64, 283 U.S. 801; *United States v. Texas*, 337

U.S. 902, 339 U.S. 707. The primary relief we ask in this case is such a quieting of the United States' title to its interest in the waters at issue. And, because in this case the waters are part of an interstate stream system, this is the only court in which jurisdiction can be obtained over all of the necessary parties to grant the relief so urgently needed if Pyramid Lake is to be saved. The United States' water rights in Nevada are dependent on restrained uses and timely releases in California as well as Nevada.

The procedure urged here, a suit to establish the rights of the United States in certain waters and for an equitable apportionment of the remainder between the two States (leaving to each State as *parens patriae* its own apportionment within its borders between non-federal users) is one with which this Court is familiar and which has been successfully used in similar cases in the past. See *Arizona v. California*, 373 U.S. 546; *Wyoming v. Colorado*, 259 U.S. 419 (decision on merits), 353 U.S. 953 (decree vacated and new decree entered).

In previous original actions concerning water rights brought by States in this Court, the United States has intervened as a party plaintiff (see *Wisconsin v. Illinois*, 361 U.S. 996, 388 U.S. 426; *Arizona v. California*, *supra*), and rights of the United States were determined in those actions. In *Texas v. New Mexico*, 352 U.S. 991, the Court dismissed an original suit concerning the use of waters of the Rio Grande River because of the absence of the United States as an indispensable party. The only aspect of the pres-

ent suit that is in any way unusual is that the United States, rather than a State, asks for an equitable apportionment between the two States of the water remaining after federal uses are recognized. But this is entirely proper and, indeed, necessary so that any decree rendered in favor of the United States can be enforced against the appropriate State and to enable the water rights in this stream system to be settled without multiple litigation and in a consistent and workable manner.

This Court has stated that settlement of disputes with respect to interstate waters by interstate compact approved by Congress is preferable to settlement by the Court. *Colorado v. Kansas*, 320 U.S. 383; *New York v. New Jersey*, 256 U.S. 296, 313. Here, however, the States and the federal government, after considerable effort, are unable to agree upon a compact that would apportion the waters of the Truckee River while recognizing the federal rights claimed in this suit. The compact currently proposed by the two States does not reach the issues raised in this suit, and no settlement by compact is realistically possible until this Court has ruled upon the rights herein asserted by the United States.

2. Paragraph XXIV of our complaint asks that this Court enter a decree declaring the right of the United States for the benefit of The Pyramid Lake Tribe of Indians to the use of sufficient waters of the Truckee River to fulfill the purposes for which the Pyramid Lake Reservation was created, including the maintenance and preservation of Pyramid Lake

and the lower reaches of the Truckee as a fishery. We then ask that a master be appointed to rule on the other matters raised in the suit and to set the various water rights in acre feet per year and rates of flow. We ask for a preliminary ruling by the Court before a master is appointed for three reasons. First, there is, we believe, no basis for dispute concerning the establishment of the Reservation or the fact that the Indians for whom it was established relied upon fishing in Pyramid Lake as their principal source of food and that, to the extent they can, the reservation Indians still rely on the Lake for their livelihood.³ It follows as a proposition of law, we submit, that the government's establishment of the Reservation tacitly reserved sufficient waters for the maintenance and preservation of the Lake and lower River as a fishery. Second, an expeditious ruling by this Court on this proposition will assist the government and the Pyramid Lake Tribe to enforce strict compliance with existing decrees to insure maximum flowage to the Lake pending a final judgment in this suit. Third, once this basic issue is settled by decree, it may then be possible for the other issues in the suit to be settled by mutual agreement.

³ See Appendix A, *infra*.

CONCLUSION

For the reasons stated, the motion for leave to file the complaint should be granted.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

KENT FRIZZELL,
Assistant Attorney General.

WALTER KIECHEL, JR.,
*Deputy Assistant
Attorney General.*

HARRY R. SACHSE,
Assistant to the Solicitor General.

DAVID R. WARNER,
DONALD W. REDD,
Attorneys.

SEPTEMBER 1972.

APPENDIX A

History of Establishment of Pyramid Lake Reservation quoted from *United States v. Walker River Irr. District*, 104 F.2d 334, 338-339 (C.A. 9).

The Walker River Indian Reservation was set aside by departmental action on November 29, 1859 for the use of the Pahute tribe. * * * * On November 26, 1859, F. Dodge, agent for the Indians in Utah Territory, of which Nevada was then a part, wrote the Commissioner of Indian Affairs suggesting that the northwest part of the valley of the Truckee River, including Pyramid Lake, and the northeast part of the valley of Walker's River, including the lake of the same, be reserved for the Indians of his agency. The localities and boundaries of the proposed reservations were indicated on an accompanying map. "These," stated the letter, "are isolated spots, embracing large fisheries, surrounded by mountains and deserts, and will have the advantage of being their home from choice."⁷ The Commissioner of

⁶ Allotments to individual Indians on the Walker River reservation were made in 1906 under the act of May 27, 1902, 32 Stat. 260 and the General Allotment Act.

⁷ Continuing, the agent observed that "the Indians of my agency linger about the graves of their ancestors—but the game is gone", and now, the steady tread of the white man is upon them. The green valleys too, once spotted with game 'are not theirs now.' Necessity make them barter the virtue of their companions as a commodity of the market and the bitter contemplation burns in their bosoms the stern reality of their fate. Driven by destitution they seek refuge in crime, and show themselves unsparing because they have been unspared.

[Footnote continued on page 31]

Indian Affairs thereupon wrote the Secretary of the Interior, calling his attention to Dodge's letter, and stating, among other things, "the tracts selected by the Agent, embrace but a small portion of land suited for agricultural purposes, yet, it is believed that there will be a sufficiency for the sustenance of the Washoe and Pahute tribes of Indians, in connection with the fish which they may obtain from Pyramid and Walker Lakes, and with a view to secure suitable homes for these Indians where they can be protected from the encroachments of the whites, I have the honor to suggest that, with your concurrence, the subject may be laid before the President for his consideration, with a recommendation that the tracts of country indicated on the map may be set apart and reserved from sale or settlement, for Indian use."

The Indian Commissioner on November 29, 1859 wrote the Commissioner of the General Land Office, suggesting the propriety and necessity of reserving these tracts for Indian use, and requesting that the Surveyor General of Utah Territory be directed to respect the reservations on the plats of survey when the public surveys should be extended over them, and that in the meantime the local land offices, as established, be instructed to respect the reservations on their books. On December 8 of the same year

⁷ [Continued]

"I sincerely hope that those asylums will be made for them, where they can be free from the influence of the 'White Brigands' who loiter about our great overland mail and emigrant routes—using them as their instruments to rob and plunder our citizens."

the Commissioner of the General Land Office wrote the Surveyor General in Salt Lake City, instructing him to reserve for Indian purposes the two tracts described and indicated on an enclosed map.

[8, 9] The Walker River reservation as originally defined was surveyed within a few years, and in 1874 President Grant issued an executive order setting the lands apart from the Pahute and other Indians residing thereon. The action taken in November, 1859 initiated the establishment of the Walker River Indian Reservation. The acts of the heads of departments are the acts of the executive. *Wilcox v. Jackson*, 13 Pet. 498, 513, 10 L.Ed. 264; *Wolsey v. Chapman*, 101 U.S. 755, 769, 25 L.Ed. 915. The subsequent proclamation of the President merely gave formal sanction to an accomplished fact. *Northern Pac. Ry. Co. v. Wismer*, 246 U.S. 283, 38 S.Ct. 240, 62 L.Ed. 716; *Minnesota v. Hitchcock*, 185 U.S. 373, 385, 389, 390, 22 S.Ct. 650, 45 L.Ed. 954. That this was true of the Pyramid Lake reservation, created at the same time and in the same manner as that on the Walker River, was formally determined by the Department of the Interior in *Central Pacific Ry. Co.*, 45 L.D. 502.

APPENDIX B

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,*November 29, 1859.*

SIR: My attention has been called, by a letter of the 25th instant from F. Dodge, Esq., agent for the Indians in Utah Territory, now in this city, to the consideration of the propriety and necessity of reserving from sale and settlement, for Indian use, a tract of land in the northern portion of the valley of the Truckee River, including Pyramid Lake, and a tract in the northeastern part of the valley of Walkers River, including Walkers Lake, as indicated by the red coloring upon the inclosed map, and, fully concurring in the suggestion of Agent Dodge respecting this subject. I have to request that you will direct the surveyor general of Utah Territory to respect said reservations upon the plats of survey when the public surveys shall have been extended over that part of the Territory, and in the meantime that the proper local land officers may be instructed to inspect the reservations upon the books of their offices when such offices shall have been established.

Very respectfully, your obedient servant,

A. B. GREENWOOD, *Commissioner.*

HON. SAMUEL A. SMITH,
Commissioner General Land Office.

APPENDIX C

Executive Order, March 23, 1874:

“Executive Mansion, March 23, 1874.

“It is hereby ordered that the tract of country known and occupied as the Pyramid Lake Indian Reservation in Nevada, as surveyed by Eugene Monroe in January, 1865, and indicated by red lines, according to the courses and distances given in tabular form on accompanying diagram, be withdrawn from sale or other disposition and set apart for the Pah-Ute and other Indians residing thereon.

U. S. Grant.”

APPENDIX D

Extract from "Final Decree," *United States v. Orr Water Ditch Company, et al.*, in the District Court for the United States in and for the District of Nevada—in equity, Docket No. A.3, filed September 8, 1944, pp. 10-11.

IT IS HEREBY ORDERED, ADJUDGED AND
DECREED AS FOLLOWS:

That the parties, * * * * above and hereinafter named * * * * are, * * * * hereby adjudged to be the owners of the water rights hereinafter specified and set forth and entitled and allowed to divest and use, from the Truckee River and its tributaries and from the streams, springs, drain and waste waters hereinafter mentioned, and by and through their respective ditches, canals, flumes, dams and reservoirs, for the irrigation of their respective hereinafter described lands, for generating electricity and power, for municipal purposes, for supplying the people living in cities and towns, for reclamation of arid lands, for watering livestock, for domestic uses and other beneficial purposes, water in the respective amounts and subject and according to the respective dates of appropriation and priorities as hereinafter stated, found and allowed.

TRUCKEE RIVER DIVERSIONS

Government Rights

INDIAN DITCH

Claim No. 1. By order of the Commissioner of the General Land Office on December 8, 1859,

the lands comprising the Pyramid Lake Indian Reservation were withdrawn from the public domain for use and benefit of the Indians and this withdrawal was confirmed by order of the President on March 23, 1874. Thereby and by implication and by relation as of the date of December 8, 1859, a reasonable amount of the water of the Truckee River, which belonged to the United States under the cession of territory by Mexico in 1848 and which was the only water available for the irrigation of these lands, became reserved for the needs of the Indians on the reservation.

For the irrigation of 3130 acres of Pyramid Lake Indian Reservation bottom lands, plaintiff, the United States of America, is entitled and allowed to divert from the Truckee River through the Indian Ditch, the intake of which is on the left bank of the river in Section 18, T. 22 N., R. 24 E., Mount Diablo Base and Meridian, not exceeding 58.7 cubic feet of water per second to an amount not exceeding 14,742 acre feet of water in any calendar year with a priority of December 8, 1859; provided the amount of water so to be diverted shall not exceed a flow of one miner's inch, or one-fortieth of one cubic foot per second per acre for the aggregate number of acres of this land being irrigated during any calendar year and the amount of water applied to the land after an estimated transportation loss of 15 percent, shall not exceed 85-100 of an inch or 85-100 of one-fortieth of one cubic foot per second per acre for the total number of acres irrigated, and provided that the amount of water so diverted during any such year shall not exceed 4.71 acre feet per acre for the aggregate num-

ber of acres of this land being irrigated during that year, and further provided that the amount of water applied to the land shall not exceed four acre feet per acre for the aggregate number of acres of this land being irrigated during any calendar year.

This water is allowed for the United States and for the Indians belonging on said reservation and for their use and benefit and is not allowed for transfer by the United States to homesteaders, entrymen, settlers or others than the Indians in the event that said lands are released from the reservation or are thrown open to entry or other disposal than assignment or transfer to the Indians.

Claim No. 2. In addition to water for the above mentioned 3130 acres of Pyramid Lake Indian Reservation bottom lands, the Government is hereby and will be allowed to divert water from the Truckee River, with a priority of December 8, 1859, to the amount of one-fortieth of one cubic foot per second per acre for the irrigation of 2745 acres of Pyramid Lake Indian Reservation bench lands. The water so allowed for bench lands may be diverted from the Truckee River through the Truckee Canal or any other ditch now or hereafter constructed as the plaintiff may desire or authorize; provided that the amount of water for bench lands shall not exceed during any calendar year 5.59 acre feet per acre diverted from the river, nor exceed during any calendar year 4.1 acre feet per acre applied to the lands, for the aggregate number of acres of this land being irrigated during any year.

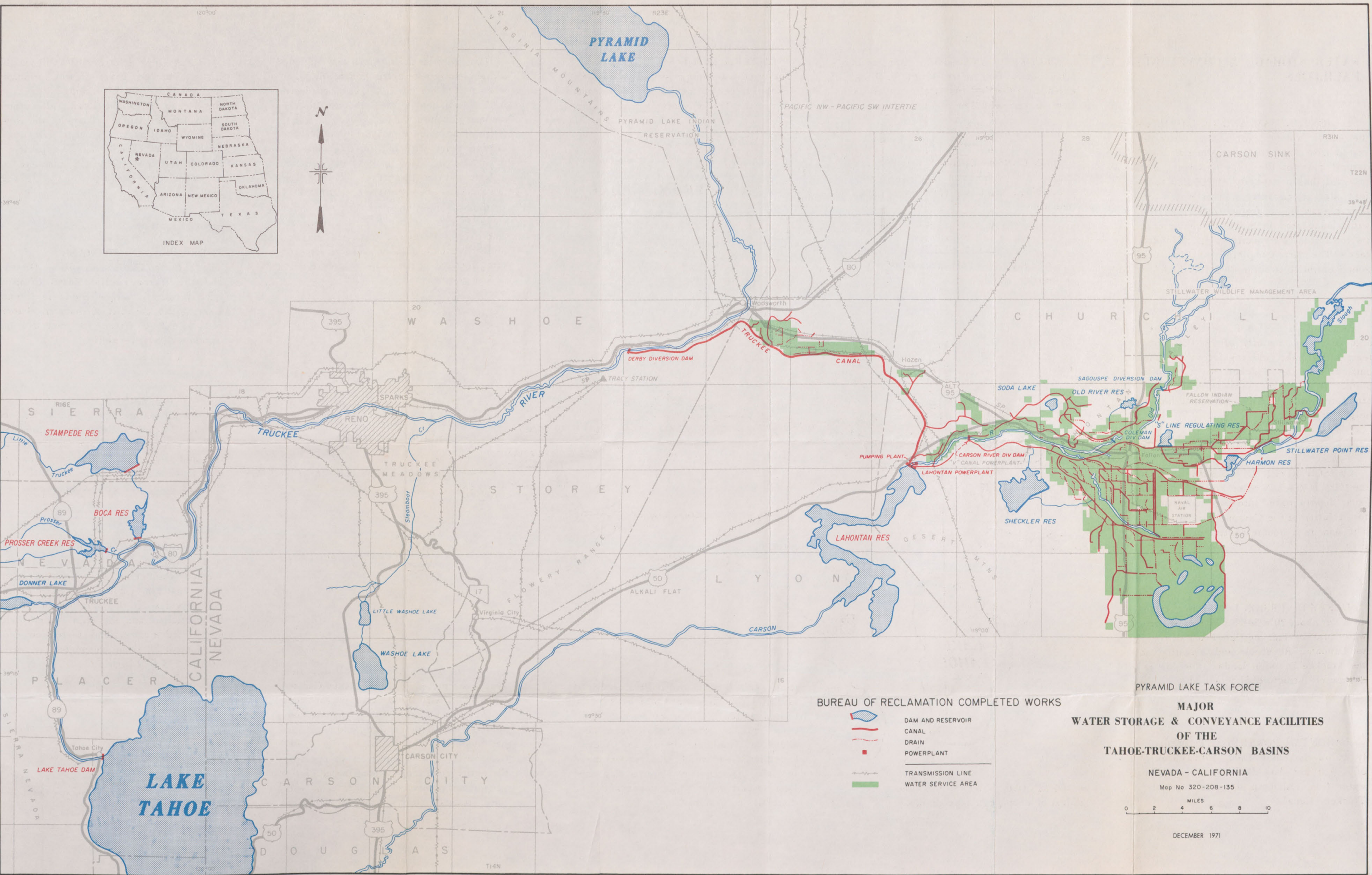
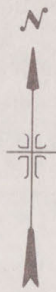
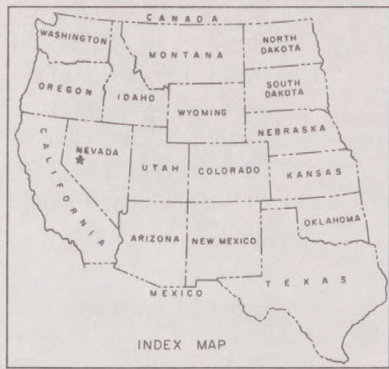
This water is allowed for the United States and for the Indians belonging on said reservation and for their use and benefit and is not allowed for transfer by the United States to homesteaders, entrymen, settlers or others than the Indians in the event that said lands are released from the reservation or are thrown open to entry or other disposal than assignment or transfer to the Indians.

DERBY DAM AND TRUCKEE CANAL

Claim No. 3. Under the Reclamation Act of June 17, 1902, the United States, acting by the Secretary of the Interior, on July 2, 1902, withdrew from public entry, excepting under the homestead laws in accordance with the provisions of the Act, the lands required for the Government's first reclamation project, now known as the Newlands Project. Thereupon and with due diligence the United States proceeded with the construction of the Derby Dam across the Truckee River in the SW $\frac{1}{4}$ of Section 19, in T. 20, N., R. 23, E., Mount Diablo Base and Meridian, and with the construction of the Truckee Canal, with a carrying capacity of 1,500 cubic feet of water per second, running from this dam a distance of 31 miles to the Lahontan Reservoir on the Carson River, and with the construction of the Lahontan Reservoir, with a storage capacity of 290,000 acre feet, and with the construction of about 250 miles of lateral and sub-lateral irrigation canals sufficient for carrying water for the irrigation of 151,000 acres. On April 30, 1919, the Government had expended for this project \$6,252,000.00. The lands so withdrawn for

reclamation are naturally dry and arid and without the application of water are of little or no value, but with irrigation will produce valuable crops and furnish homes and support for a large population.

Subject to prior appropriations and vested rights permitted and confirmed by the Act of Congress of July 26, 1866, the plaintiff is entitled and allowed to divert, with a priority of July 2, 1902, through the Truckee Canal 1,500 cubic feet of water per second flowing in the Truckee River for the irrigation of 232,800 acres of lands on the Newlands Project, for storage in the Lahontan Reservoir, for generating power, for supplying the inhabitants of cities and towns on the project and for domestic and other purposes, and under such control, disposal and regulation as the plaintiff may make or desire, provided that the amount of this water allowed or used for irrigation shall not exceed, after transportation loss and when applied to the land, 3.5 acre feet per acre for the bottom lands, nor 4.5 acre feet per acre for the bench lands under the Newlands Project.

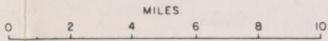


BUREAU OF RECLAMATION COMPLETED WORKS

- DAM AND RESERVOIR
- CANAL
- DRAIN
- POWERPLANT
- TRANSMISSION LINE
- WATER SERVICE AREA

PYRAMID LAKE TASK FORCE
MAJOR
WATER STORAGE & CONVEYANCE FACILITIES
OF THE
TAHOE-TRUCKEE-CARSON BASINS

NEVADA - CALIFORNIA
Map No 320-208-135



DECEMBER 1971

WATER STORAGE & CONVEYANCE FACILITIES

LAHONTAN DAM AND RESERVOIR on the main Carson River stores water diverted from Truckee River along with the natural flow of the Carson River. The reservoir has a capacity of 293,000 acre-feet storage capacity at spillway overflow elevation. It frequently is operated with flashboards in place which increase its total storage capacity to 314,000 acre-feet. The dam, completed in 1915, is a zoned earthfill structure 162 feet high.

LAKE TAHOE DAM creates a useable reservoir capacity of 732,000 acre-feet in the lake and regulates the lake outflow into the Truckee River. Completed in 1913 the dam is a concrete structure with 17 vertical gates and has a height of 16 feet.

CARSON RIVER DIVERSION DAM on the Carson River, 5 miles below Lahontan Dam, diverts water into two main canals for irrigation of the Carson Division lands. The dam is a concrete structure 23 feet high.

DERBY DIVERSION DAM on the Truckee River about 20 miles below Reno diverts water into the Truckee Canal for a carriage to Lahontan Reservoir and irrigation of the Truckee Division lands. The dam is a concrete structure 31 feet high.

LAHONTAN POWERPLANT immediately below Lahontan Dam, with a capacity of 1,920 kw, has facilities to receive water from Lahontan Reservoir and the Truckee Canal.

TRUCKEE CANAL has a capacity of 1,100 second-feet in its initial reach and extends 32.5 miles from Derby Diversion Dam to Lahontan Dam.

MAIN CARSON DIVISION CANALS are composed of 69 miles of main canals with a combined diversion capacity of 1,500 second-feet.

LATERAL SYSTEM has about 300 miles of smaller canals.

DRAINAGE SYSTEM has about 345 miles of deep open type drains.

DISTRICT-BUILT FACILITIES
The principal water customer on the Newlands Project of the Bureau of Reclamation is the Truckee-Carson Irrigation District.

The District-built facilities include a diesel-powered electric generating plant with a capacity of 2,000 kw (completed in 1949) adjacent to the Lahontan Powerplant at Lahontan Dam and the "V" Canal Powerplant which is a hydro-electric generating plant with an existing capacity of 800 kw (installed in 1955) and room for a later addition of another 800 kw. The District also constructed 73 miles of 33 kv transmission lines connecting Lahontan Powerplant to the city of Fallon; the communities of Fernley, Wadsworth, Hazen, and Stillwater; and Indian reservations and rural sections of the Project. Lower volt-

BOCA DAM AND RESERVOIR on the Little Truckee River is the principal feature of the Truckee Storage Project of the Bureau of Reclamation but also stores water for irrigation of lands of the Newlands Project and for Truckee River regulation. The reservoir has a capacity of 40,900 acre-feet. The dam completed in 1939 is a zoned earthfill structure 116 feet high.

DONNER LAKE STORAGE
The Truckee-Carson Irrigation District and the Sierra Pacific Power Company have acquired storage rights in Donner Lake, with a capacity of about 9,500 acre-feet on Donner Creek, for joint use and Truckee River regulation.

PROSSER CREEK RESERVOIR
The initial feature of the Washoe Project of the Bureau of Reclamation provides 29,000 acre-feet of storage for flood control and improvement of fishery flows in the Truckee River. The earthfill dam, 163 feet high, was completed in 1962.

STAMPEDE RESERVOIR
A principal conservation feature of the Washoe Project on the Little Truckee River upstream 3 miles from Boca Reservoir provides 226,000 acre-feet of storage for municipal and industrial water, fishery, flood control and recreation use. The earthfill dam, completed in early 1970 is 233 feet high.

age electrical distribution facilities also were constructed by the Truckee-Carson Irrigation District and local improvement districts. The entire system is interconnected with the neighboring and much larger system of the Sierra Pacific Power Company. The Company also operates the entire electrical system, including the generating plants, under agreement with the Truckee-Carson Irrigation District.

