



A Look Back at the Truckee River Operating Agreement

Implementation of the long-awaited Truckee River Operating Agreement (TROA) brings to a close decades of disputes, legal battles, protracted negotiations and painstaking compromise. The process, those involved say, was difficult and its outcome, if uncertain at times in the past, will now prove decidedly beneficial for all.

“It’s critical and it’s absolutely necessary,” said Roland Westergard, former director of the Nevada Department of Conservation and Natural Resources and a key participant in the early discussions leading to TROA.

Use and distribution of the waters of Lake Tahoe, the Truckee and Carson Rivers have been a flashpoint of controversy for more than a century, with issues including how the waters should be divided between California and Nevada, how much water should go to Pyramid Lake and its native fish and how water supplies should be allocated to meet the needs of Nevada agriculture and the growing demands of Reno-Sparks.

After 13 years of negotiations, officials from Nevada and California agreed upon a compact to divide the waters of Lake Tahoe and the Truckee, Carson and Walker Rivers in 1968, with the plan approved by the two states’ legislatures in 1970 and 1971.

The compact, however, required approval by Congress to become law and several attempts to make that happen hit a brick wall, largely over disputes concerning water supplies to a diminishing Pyramid Lake, home to the endangered cui-ui fish and threatened Lahontan cutthroat trout.

“There was continuing and growing competition for water supplies,” Westergard recalls. “It was competition for limited supplies.”

That competition often found its way to the courtroom, with at least seven central lawsuits and several other related ones in play from 1970 through ensuing decades. There were dozens of hearings, motions, rulings and appeals. Litigation concerning the Truckee River – described by some as the most litigated river in the country – went as far as the U.S. Supreme Court.



After an attempt in 1986 by Nevada U.S. Sen. Paul Laxalt to resolve outstanding water issues for the Truckee River failed again to pass Congress, a new chapter in the process would soon begin. Protracted litigation had still prevented Nevada and California from agreeing on water allocations between the two states, Reno-Sparks was still not assured a reliable water supply and Pyramid Lake’s native fish remained in trouble.

Nevada’s newly elected U.S. Sen. Harry Reid decided enough was enough and made resolution of Northern Nevada’s water impasse a top priority. He initiated a new round of settlement negotiations among the primary parties, including the U.S. Department of Interior, the two states, the Pyramid Lake Paiute Tribe, the Truckee-Carson Irrigation District and Sierra Pacific Power Co., the private water supplier for Reno-Sparks that preceded the Truckee Meadow Water Authority.

“It was a decidedly difficult process,” said Sue Oldham, a Reno attorney involved in the negotiations. “The parties had really been fighting with each other for over 100 years,” Oldham added. “It’s very difficult for the parties to come out of that mode and to start working and playing well together.”

At one point, Oldham recalled, Reid essentially told the parties to stay in a room until meaningful agreements were reached, a process she said took some three days. “He said basically ‘don’t come out until you have some way of approaching and getting to settlement,’” Oldham recalls.

Key agreements were indeed reached, with Sierra Pacific and the tribe executing a Preliminary Settlement Agreement in May of 1989. The settlement, which established the basis for the Truckee River Operating Agreement, was enacted by Congress the following year. Work was far from over, however. Negotiations over the specifics of the operating agreement commenced in 1991 and continued for years, with some contentious issues surfacing but successfully overcome, said attorney Gordon DePaoli, who represented first Sierra Pacific and then the Truckee Meadows Water Authority through the process.

“Any time you have as many people in the room as we had it’s very hard,” DePaoli said.



“Everybody had their own ideas and their own interests. It was a very long and tedious process.” TROA was finally signed by all primary parties in September 2008 but several outstanding issues and still active lawsuits would put off its actual implementation until December 2015, DePaoli concluded. “We finally got the last piece to the puzzle done this year,” he said.

Central to reaching that point was an August decision by Truckee Meadows Water Authority (Sierra Pacific’s successor) to sell the Pyramid Lake Paiute Tribe 2,747 acre-feet of water rights, a transaction paid for through a \$7 million federal grant.

The deal provided the final water needed to satisfy a settlement provision requiring Reno, Sparks and Washoe County to provide 6,700 acre-feet of water to improve the river’s water quality. Failure to identify all of the water needed to satisfy that provision caused continued concern by tribal officials and blocked final steps needed to implement TROA. Once that deal concluded, the final two lawsuits blocking TROA were settled, the last in early November.

It’s a milestone to be celebrated after decades of hard work, said Senator Reid. “It was a very, very complicated affair,” Reid said. “There is nothing I have done for the state of Nevada that is as important as this.”

By: Jeff DeLong
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Truckee Meadows Water Authority (TMWA) is a not-for-profit water utility, overseen by elected officials from Reno, Sparks and Washoe County. TMWA employs a highly skilled team who ensure the treatment, delivery and availability of high-quality drinking water around the clock for more than 385,000 residents of the Truckee Meadows.