

# NEVADA HISTORICAL SOCIETY QUARTERLY



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# NEVADA HISTORICAL SOCIETY QUARTERLY

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# THE LEGISLATIVE BATTLE OVER THE CALIFORNIA-NEVADA INTERSTATE WATER COMPACT: A QUESTION OF MIGHT VERSUS NATIVE AMERICAN RIGHT

TIMOTHY G. HALLER

RATIFICATION OF THE CALIFORNIA-NEVADA INTERSTATE COMPACT concerning waters of Lake Tahoe, Truckee River, Carson River, and Walker River Basins devolved upon the California and Nevada state legislatures in early 1969. Competition between the two states for the scarce waters of the eastern slope of the northern Sierra Nevada had intensified in the period following World War II. Lake Tahoe blossomed as a gambling and recreation center, its ever-increasing permanent and transient populations exerting pressure on local resources. The Reno-Carson City metropolitan area changed from a region centered on the aptly named Biggest Little City in the World to a bustling commercial and recreation center replete with skyscrapers, urban sprawl, and the many problems of a fast-growing modern urban area. And thirst for water among the ranching interests on the eastern slope of the Sierra Nevada and the farming interests of the Truckee, Carson, and Walker River basins continued unabated. The one relative constant as the area developed was the severely limited water supply.<sup>1</sup>

Against this background, the two states had in 1955 implemented a decision to make use of the Commerce Clause of the United States Constitution to negotiate an interstate compact<sup>2</sup> making final allocation between California and Nevada of the waters of the three rivers. The process of negotiation was set in motion in August of 1955 as President Dwight D. Eisenhower signed federal legislation authorizing representatives of the two states to negotiate a

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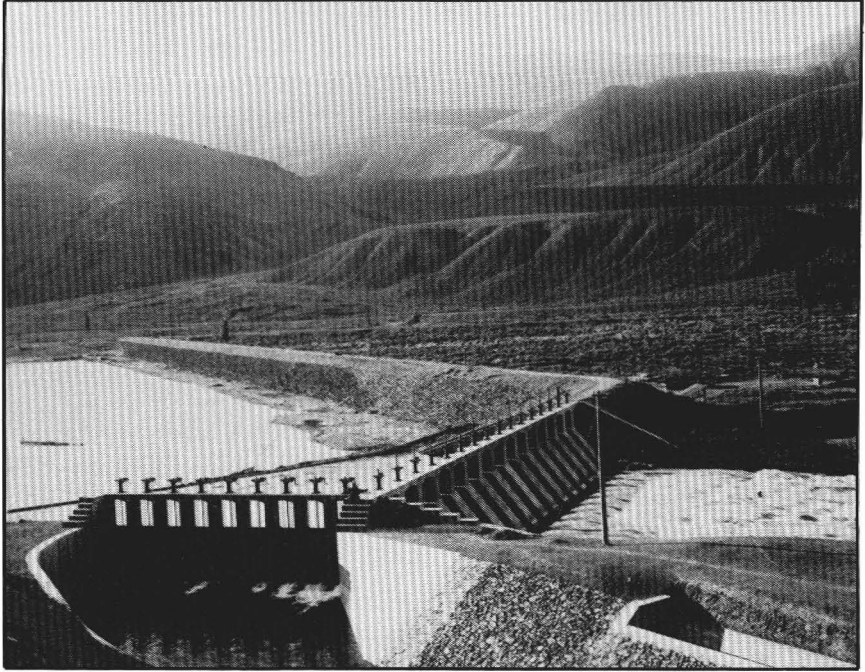
water compact. The process required appointment of compact commissions in each state, with a federal representative to safeguard federal interests and to chair a joint commission; ratification by the respective state legislatures in identical form; signatures of the two governors; ratification by the Congress of the United States; and finally the signature of the President on the completed compact. At each step, the compact would have to be passed in identical form. Twenty such water compacts had been concluded between 1922 and 1969. Was it still possible in a world of heightened complexity and increasing competition for a continuously scarce resource—water—to negotiate an interstate compact, or was the process obsolete?

As is usual in water disputes, the major local water interests played significant roles. The memberships of the state water commissions by and large represented those interests in each state. The seven California commissioners represented the counties from which the water flowed, including Placer, El Dorado, and Alpine on the California side of Lake Tahoe, with a separate representative for the Lake Tahoe area as well as a representative for the state as a whole. In Nevada, the commission seats went directly to representatives of the largest water users, with the chairmanship reserved for a representative of the state. These interests, with potent political clout, included the river system's largest water user, the Truckee-Carson Irrigation District (TCID), holder of the contract for the Newlands Project, America's first reclamation project, which rather inefficiently and primitively diverted large quantities of Truckee river water into the Truckee Canal and away from the river's terminus, Pyramid Lake; Sierra Pacific Power Company, the area's largest utility and an influential force with the legislature; and Reno, the largest population center in the region, which was represented by the Washoe County Conservancy District, formerly a leading proponent of the 1960s Washoe Project to dam and develop the upper Truckee.<sup>3</sup>

Notably absent in 1955, and thereafter by choice, was any representation for the Pyramid Lake Paiute Tribe. Its greatest asset was Pyramid Lake, terminus of the Truckee, and its fishery. Any upstream allocations that were subtracted from the river would reduce the waters available for the lake's maintenance and ultimate survival.

Fourteen years of tough and often stalemated negotiations ultimately resulted in a draft compact agreed upon by the state and joint commissions on July 25, 1968, and submitted for legislative ratification in January of 1969. The negotiations in the early years emphasized the pact's effects on water users in the Lake Tahoe area. Only with resolution of those issues was the commission able to consider the more complex problems of a comprehensive division of the waters of the three river systems. At times the areas of disagreement had seemed insurmountable, but an agreement was reached—not perfect, but an agreement. The emphasis of the proposed compact was on the protection of those water rights already recognized under the respective





Derby Dam, completed by the reclamation service in 1905, diverted water from the Truckee River eastward by canal to the Carson River, thus decreasing the flow to Pyramid Lake. (*Nevada Historical Society*)

laws of each state. Neither the possible inclusion of water to maintain Pyramid Lake nor the recognition of nonestablished claimed or unclaimed water rights by the Pyramid Lake Paiutes under the Winters Doctrine of 1908 was seriously considered by the compact commission. The commission recognized only those waters allocated to the tribe under the final Orr Ditch Decree of 1944, which limited tribal water rights to agricultural use. This position was agreed to despite the Pyramid Lake Paiutes' increasingly vigorous assertion of other, nonestablished rights in the 1960s.<sup>4</sup>

The federal government in its fiduciary role is charged with protecting the rights of Indian tribes. This responsibility is unique in American law, but it is not dissimilar to the relationship of a guardian to his ward. If the federal government does not fully protect a tribe's rights or fails to establish those rights at a given point in time, as occurred in the case of the Orr Ditch Decree and the Pyramid Lake Paiutes, those rights are not necessarily extinguished. But the rights would be negated with the passage by Congress of a compact that failed to allocate water for Pyramid Lake.

The question of water for Pyramid Lake and the related Indian water rights loomed in 1969 as a potential hurdle for all the vested interests that sought ratification of established water rights. Here was a political issue that,

in the context of the social activism of the 1960s, might act as a catalyst to rally opposition to the compact: Native American rights relating to an issue of interest to environmentalists whose goal was the disruption of ratification in California and Nevada. The key would be the Pyramid Lake Paiutes' ability to mobilize support and build coalitions with sympathetic individuals and groups. Pyramid Lake and its unique fishery were the tribe's main economic as well as aesthetic resources. The lake covered 50 percent of the reservation, contained the remains of a once robust Lahonton cutthroat trout fishery, harbored the ancient and unique cui-ui fish, and on Anaho Island held America's largest white pelican rookery.<sup>5</sup> Decreased water flow threatened the fish and their ability to spawn while decreased volume and increased salinity threatened the lake's ability to support aquatic life.

Primary competitors for the lake's water were the TCID and the domestic users in the Reno metropolitan area, with TCID taking the lion's share. Under the provisions of the final Orr Ditch Decree of 1944, the TCID was diverting large quantities of water at Derby Dam through the Truckee Canal to irrigate the reclaimed lands of the Newlands Project. Opened in 1902, the project was inefficient in comparison to later reclamation efforts, with its unlined canals and use of flood irrigation in an arid region.

The Pyramid Lake Tribe and its supporters articulated a grievance with the compact commission over its failure to protect or even seriously consider the tribe's rights. The lake was an environmentally sensitive natural resource owned by Native Americans, and it was becoming an issue during a period in which there was heightened public and political concern over both racial and environmental issues. Could this political climate be exploited to defeat or restructure the compact and thus help preserve the lake and Indian water rights?

#### MOBILIZATION FOR THE LEGISLATIVE CONFRONTATION

The joint commission approved the draft compact in July of 1968, galvanizing those for and against it in anticipation of the upcoming legislative ratification process. The most vocal proponents were the Nevada commissioners who served as Nevada's representatives on the joint commission. The compact's Nevada supporters were euphoric over the document's disposition of the disputed waters—about 90 percent had been allocated to Nevada, with significant waters reserved for growth in the Lake Tahoe-Truckee area of California. Nevada State Senator Carl Dodge of Fallon expressed this elation in his commendation of the Nevada commissioners: "These men have worked for the everlasting benefit of the state of Nevada."<sup>6</sup> The general feeling was that the amount of water garnered for Nevada's interests was almost too much to have hoped for.

Opposition to the compact coalesced around the Pyramid Lake Paiutes and

their desire to preserve and protect Pyramid Lake and its fisheries. Leading the fight were tribal officials and activists, including Wilfred Shaw, James Vidovich, Allen Alleck, Teddy James, Dora Garcia, tribal attorney Robert Leland, and later his successor, Robert Stitser.<sup>7</sup> Environmental groups, including the Sierra Club, and the United States Department of Interior offered specific objections to provisions perceived as depriving the Pyramid Lake Paiutes of rights or usurping federal prerogatives. The proposed compact would have bound the federal government to its provisions.<sup>8</sup>

In their effort to achieve ratification, the compact's most visible and vocal supporters, the Nevada commission and to a lesser degree the California commission, adopted a strategy based on the concept of keeping the debate as narrow and localized as possible. The pro-development interests of the Tahoe basin, ranching interests of the eastern slope, water users of urban western Nevada, agricultural users of the Truckee and Carson basins, and bureaucratic interests of both states' water agencies were already represented on the commission and were thus willing to let those commissions lead the fight before the public and in both state legislatures. The large water users remained conveniently out of sight.

The approach adopted by the commissions in shepherding the compact through the state legislatures was to portray it as an important but noncontroversial technical document of interest only to those directly involved and containing provisions to the mutual advantage of both states and their respective citizenries.<sup>9</sup> This obviously was not fact but merely a strategy designed to slide the compact through to a quick and quiet ratification. In December of 1968, on the eve of legislative considerations, Senator Dodge characterized the compact in this spirit as "important but not controversial."<sup>10</sup>

Both California and Nevada had so much money, time, and effort invested in the compact negotiations that there was a considerable reservoir of political support in both states. The respective state commissions, as well as the joint commission, had received annual financing through legislative appropriations supported by their governors, and they had presented yearly reports to the legislatures and governors.<sup>11</sup> By and large the issues involved had become nonpartisan. In the case of Nevada, Democratic governor Grant Sawyer and Republican governors Paul Laxalt and Charles Russell attended commission meetings, received progress reports, and gave enthusiastic support. This degree of personal gubernatorial involvement was not evident in California.<sup>12</sup>

To avoid publicity and limit the number of participants, the commissioners worked to make the compact seem mere routine, obscuring the water interests supporting the pact. The California commission, with Hubert Bruns acting as chair and chief spokesman, was content to provide technical information to its legislature, answer questions when asked, and let the legislative process take its course. Bruns's passive approach led Nevada commission chair



Completed in 1915, Lahontan Dam formed a reservoir to store waters of the Truckee and Carson rivers for use on the lands of the Newlands project. (*Nevada Historical Society*)

Roland Westergard to complain that the Nevada commission would “have to keep the pressure on California.”<sup>13</sup>

Leading the Nevada commission’s push for ratification were Chairman Westergard, spokesman, administrator, and conduit of information to the group; Robert Leighton, Sierra Pacific’s representative, who acted as the commission’s technical expert; Bolton Minister, representing the Walker River water users, who served as the group’s spokesman before both the public and the legislatures. On the California side, visible spokesmen and activists included Hubert Bruns; a rancher representing Alpine County; and Phil Girard, the commission’s attorney.<sup>14</sup>

During 1967 and 1968 the threat to Pyramid Lake’s survival and the question of Paiute rights had received considerable coverage in the northern California press. This was primarily due to two series of investigative articles written by Tom Arden for the *Sacramento Bee*. Television station KOVR, owned by the McClatchy organization as was the *Bee*, broadcast a companion

series entitled "Must Pyramid Lake Die?"<sup>15</sup> This publicity was exactly what the commissions had hoped to avoid. It increased the probability of controversy as well as the potential for an enlarged number of participants in the debate over the compact.

In both the 1967 and 1968 series, Arden drew a direct link between the survival of Pyramid Lake and the defeat of the compact.<sup>16</sup> Those involved in the dispute were making strong statements for publication. Common threads through both series of articles were the decline and possible destruction of the lake, the plight of the Pyramid Lake Paiutes and the injustice being inflicted upon them, and the TCID's waste of the waters diverted from the Truckee to the Newlands Project. Arden quoted sentiments from community leaders on both sides of the state line: Reno conservationist Samuel Houghton stated, "Truly, we owe posterity the spectacle of Pyramid Lake. . . . No one who has ever seen the lake forgets it." Tribal leader Wilfred Shaw sarcastically recalled previous promises to protect the lake: "White man speaks with forked tongue."<sup>17</sup> An anonymous characterization found that "Pyramid Lake in a way can be compared to a stray dog dependent on scraps and leftovers from friendly housewives." William Gianelli, California's director of water resources, described TCID's waste of the Truckee River as an "unconscionable misuse of limited waters."<sup>18</sup> Nevada state biologist Robert Trelease bemoaned the fisheries' decline: "This is one of the blackest pages in the history of the American fisheries and represents what must be close to the ultimate in greed and lack of foresight." Blaming diversion of Truckee waters to the Newlands Project, he declared, "The trout killers' name was Derby Dam. . . . The saga of Pyramid Lake is a grim, humiliating sermon of selfishness on the one hand and public apathy on the other."<sup>19</sup>

Concurrently, the Nevada press was reporting events surrounding the compact's progress. Value judgments as to who was in the right or wrong were omitted. The general tone was that the compact was pro-Nevada and had been negotiated to the benefit of the state despite fears that Nevada would be "outgunned" by the larger, more populous California. Nevada's good fortune was attributed to the "hang-tough" policy adopted and implemented by the Nevada commission.<sup>20</sup>

Members of the Nevada commission and their staff contacted Nevada state legislators and provided them with copies of the proposed compact, a report entitled "Statement on California-Nevada Interstate Compact,"<sup>21</sup> and other materials as requested. They held informational meetings around the state for invited legislators, the intent being to present the commission's arguments and to hear legislative concerns. These meetings occurred in December of 1968 and January of 1969 just before legislative consideration of the compact.<sup>22</sup> Chairman Westergard emphatically denied that such contacts were intended as lobbying; he insisted they were merely efforts to keep the legislature informed as had been the practice throughout the negotiating process.<sup>23</sup>



Conclusions can be drawn from the preratification maneuvering of the pro-compact coalition. The agreement was of much more importance to Nevada statewide, involving major water interests that exerted influence through the Nevada commission, while in California it was merely a regional issue involving the counties around Lake Tahoe on the northern Sierra's eastern slope. The Nevada commission acted as the vanguard in seeking ratification. Within the commission and, by extension, water interests represented, there was consensus as to strategy and a well-orchestrated campaign for passage. The intense conflicts and unresolved issues of the negotiation process were laid aside for the ratification fight. The general compact process did work to forge consensus for ratification among diverse water interests, with the crucial exception of the unrepresented interests supporting conservation of Pyramid Lake.

Opposing ratification, the Pyramid Lake Paiute Tribe came with significant experience in working to protect the lake. In 1963 they had opposed the Washoe Project, a reclamation proposal designed to irrigate 50,000 acres from Truckee River system waters. This project had been heavily supported by the Washoe County Conservance District and allied water interests in the Truckee watershed.<sup>24</sup> Ultimately the tribe won concessions preferential to the lake's preservation before they acquiesced in the plan. The tribe mobilized again in 1964 and 1965 to oppose an anticipated joint-commission agreement on the interstate compact,<sup>25</sup> which failed to materialize when the two state commissions could not resolve their differences. The tribe was thus gaining valuable experience in coalition building, public relations, internal organization, and the general nuts and bolts of practical politics.<sup>26</sup> Tribal Attorney Robert Leland saw the battle to save Pyramid Lake and the Paiute water rights as starting not in 1968 but earlier: "The water battle against those who would waste water and delight in building dams really got under way in 1963."<sup>27</sup>

A crucial part in the compact battle would be played by the federal government in opposing the agreement. This was a product not only of the pro-Native American political climate of the times but resulted from years of concerted effort by the Pyramid Lake Paiutes. Representatives of the tribal council built and nurtured a working relationship with the Departments of the Interior and Justice from at least 1963 on. The focus was on ensuring federal support against any threat to the lake's water supply. Secretaries of the Interior Morris Udall and Walter Hickel were kept informed of the tribe's positions and were actively cultivated.<sup>28</sup>

Tribal lobbying of federal agencies was successful with regard to the 1963 Washoe Project, the 1965 draft interstate compact, and the completed compact of 1968. The tribal council's opposition to the Washoe Project was dropped only after Udall assured them that Pyramid Lake would receive an additional 65,000 acre-feet of water a year. The 1965 draft proposal was re-

turned to the joint commission in part because of Interior's objections to portions seen by the federal government as infringing on the tribe's water rights.<sup>29</sup> Attorney Leland informed the Pyramid Lake Paiute tribal council in 1966 that he "was convinced that Udall was the best friend that the Indians had in their fight for water."<sup>30</sup> On January 14, 1969, on the eve of the ratification debate in the California and Nevada legislatures, Secretary Udall expressed the opposition of the Department of the Interior to the completed compact: "We recommended that the Federal Government oppose the draft compact as it stands."<sup>31</sup>

The tribe's lobbying effort was well designed, consistent, and diverse. Correspondence was supplemented with numerous meetings including those between tribal representatives and William Duvores and George Hedden, federal representatives to the joint commission; repeated meetings with Bureau of Indian Affairs functionaries in Nevada and Washington, D.C.; and Secretary of the Interior Udall and his staff in both Washington, D.C., and Nevada.<sup>32</sup> A memo from the Commissioner of Indian Affairs illustrates the success of this effort:

It is abundantly clear from the 1968 Compact that if it is approved by the states and by Congress that: 1) the court in the Alpine case would be effectively prevented from entering a decree which would accord to the Pyramid tribe of Indians the relief to which they are entitled; 2) It would deprive the Indian tribe of their day in court. It is difficult to perceive a more clear invasion of the judicial power of the National Government and of the Indians to have adjudicated, determined and decreed their rights.<sup>33</sup>

In May of 1968, John Frank, the tribe's special council for water matters, wrote to Udall requesting his continued support for the tribe's position, adding that "the Paiute Indians of northern Nevada cry for help."<sup>34</sup> Within the Department of Interior those supporting the concept of establishing Indian water rights found a valuable ally in William H. Veeder, a water-resource specialist and attorney. He argued for aboriginal and Winters Doctrine rights within the department, in print, and before Congress.

The campaign against ratification of the proposed compact was formally begun by the Pyramid Lake Paiute tribal council on November 3, 1967. At that meeting Leland informed the council that under the proposed compact "Pyramid Lake cannot ever get more water than the 30,000 acre-feet for which the tribe has a 'paper' right under the Orr Ditch Decree."<sup>35</sup> The same meeting authorized a campaign to publicize the tribe's arguments against the compact, an effort later known as the Save Pyramid Lake campaign.

The tribe received support from a diverse collection of groups and organizations, including the Nevada State Democratic Party's 1968 convention, the American Society of Ichthyologists and Herpetologists, the Nevada Indian Affairs Commission, the Intertribal Councils of Nevada and California, the



Lake Tahoe, the source of water for much of northern Nevada. (*Nevada Historical Society*)

National Congress of American Indians, whose executive director John Belindo worked actively against the compact, and the Karok, Yurok, Shasta, and other individual tribes. The American Indian Press Association publicized positions of the Pyramid Lake Paiutes through its Washington, D.C., facilities.<sup>36</sup>

The Sierra Club and Nevada League of Women Voters independently resisted the compact. While working for the same general purposes, both organizations were careful to maintain an identity separate from the tribe.<sup>37</sup> This did not preclude coordination of lobbying and public relation efforts. In 1965 the league's Ann McKee instituted league attendance at the joint commission meetings. Tina Nappe, appearing before the California legislature, testified that the league believed the compact was discriminatory to Indian interests, the lake would likely be preserved if it were owned by non-Indians, Indian rights were not protected, and, with respect to Pyramid Lake, the compact was overall environmentally unsound.<sup>38</sup>

The Sierra Club had a long-standing interest in the preservation of Pyramid Lake. When the compact was introduced into the state legislatures, the club's national organization, the Toiyabe (northern Nevada) Chapter, and the Northern California Regional Conservation Committee all opposed provisions which would preclude water rights sufficient to preserve the lake.<sup>39</sup>

The California club became actively opposed after the tribe's attorney argued that the compact would force the Paiutes' fight to establish additional water rights for Pyramid Lake out of federal court and into unfriendly Nevada state courts. Representatives of the Sierra Club rallied public support against the compact and lobbied the legislatures.<sup>40</sup> Club policy makers and spokesmen during this 1968–70 period did not necessarily embrace the rights of Indians to use their lands in any way they saw fit; rather, they viewed Pyramid Lake as a scenic and recreational resource in its own right.<sup>41</sup>

In late 1968, with legislative consideration of the compact imminent, lobbying efforts accelerated. The Pyramid Lake tribal council sent each Nevada legislator materials outlining the tribe's objections and soliciting support.<sup>42</sup> Informal meetings with legislators occurred by plan. Attorney Leland and members of the tribal council met several times a week with individuals and representatives of groups who might join in resisting the compact before the legislatures. Wilfred Shaw, James Vidovich, and Allen Alleck were active in this endeavor.<sup>43</sup> William Hunt Conrad was hired as a lobbyist in California.

In the legislative struggle the strategy of the Pyramid Lake Paiute Tribe was to be similar to the approaches adopted in the successful campaigns of 1963–64 and 1965–66 against the Washoe Project and the proposed compact of 1965. The tribe had organized internally, sought support and alliances with other groups, launched a public relations campaign, publicized Pyramid Lake's value to all Americans, sought the support of the federal government, and lobbied the legislatures.

By January of 1969 the strategies of those promoting and opposing compact ratification were well defined. The established water interests, hiding under the umbrella of the state and joint compact commissioners, were committed to localizing and containing any controversy away from the public view, while displaying an image of a compact beneficial to the citizenry and economies of both states. The federal government would be portrayed as divided on the issue, with any call for modification from that quarter characterized as unwarranted because the fact of federal representation on the joint commission had earlier provided ample opportunity to raise those issues. Opponents would attempt to heighten public awareness as to the controversial nature of the compact, capitalizing on the pro-Indian and pro-environment tenor of the times. They hoped that federal objections would play a crucial role in amending or defeating the compact.

#### THE LEGISLATIVE STRUGGLE FOR RATIFICATION

In January of 1969 the ratification phase began with formal introduction of the California-Nevada interstate compact into both state legislatures. It was introduced concurrently in the California State Senate by Stephen Teale and

in the California State Assembly by Eugene Chappie.<sup>44</sup> Both represented districts destined to receive water under the compact. In Nevada, introduction was in the Nevada State Assembly by R. Hal Smith and Norman Hilbrect, both of Clark County. Smith chaired the Committee on Governmental Affairs, which would have primary responsibility for consideration of the compact.<sup>45</sup>

Lobbying of the Nevada legislature was on a personal and informal level, low key. Members of the Nevada compact commission, along with representatives of established agricultural and domestic water users, simply talked to legislators, giving facts and answering questions. Bolton Minister, Robert Leighton, Fred Settlemyer, James Wood of TCID, and Ray Knisley all lobbied in this fashion.<sup>46</sup> In part, the good reception they met in the legislature was a result of the Nevada commission's policy of keeping the lawmakers informed throughout the years of negotiation. Those most active in lobbying against compact passage were Pyramid Lake Paiute tribe members Avery Winnemucca, Allen Alleck, Warren Toby, Mervin Wright, James Vidovich, and their attorney, Robert Leland.<sup>47</sup> While legislators politely heard their arguments against passing the compact, these efforts garnered little or no support.

Two joint hearings of the Nevada Assembly Committee on Governmental Affairs and the Senate Committee on Federal, State, and Local Governments were indicative of the nature of the debate in that state. Members of the Nevada commission carried the ball in testimony: Representatives of water users such as the Washoe County Conservancy District, Sierra Pacific Power Company, and the TCID were present in their capacity as commissioners, and were careful to testify as representatives of the commission, not individual interests. Their presentations were factual, technical, and almost clinical in content. Bolton Minister and James Johnson in this vein testified that the compact was essentially good for Nevada and should be enacted, arguing also that the purpose of the compact was not to allocate water to individual users (such as the Pyramid Lake Paiutes) but was rather to implement division of waters between states. Allocation within states was to be determined by the respective states. In short, the compact was beneficial to Nevada and deserved ratification.<sup>48</sup>

Leland presented the lead arguments in opposition to ratification. He argued that the compact "does not contain any positive provisions for Pyramid Lake Indian Reservation water rights . . . and would seriously interfere with the water users' right to go to court."<sup>49</sup> Native Americans, with their unique relationship with the federal government, would see the federal fiduciary responsibility diminished in the compact's limiting of the right of the United States to intervene on behalf of Indians. Leland asked that any provisions that might preclude the tribe or the federal government from suing for additional water rights be deleted from the compact. Charles Spring-



er, speaking on behalf of the Toiyabe Chapter of the Sierra Club, supported Leland's call for amendment of provisions deemed detrimental to survival of the lake.<sup>50</sup> He concluded, "the continued existence of Pyramid Lake is at stake; otherwise we should not ask the Legislature to alter a document which was so long in preparation. Adoption of the don't-worry-about-it attitude of the compact's proponents would be a great disservice to the people of the state."<sup>51</sup>

Two questions were delineated in these first hearings on the compact on January 14 and February 11 of 1969. First, would Pyramid Lake be denied water rights necessary for its preservation under the compact? Second, what position was the federal government taking on the proposed compact? Both questions proved complex, their answers differing according to the bias of the answerer. The nature of the debate over the compact had by now been delineated. The contest over ratification would revolve not around allocation disputes left unsettled by the water interests represented on the compact commission, nor would it to any degree involve quibbling over absolute quantities of water allotted to each state; the conflict over ratification would revolve around the perceived effects upon Pyramid Lake.

As Leland's testimony illustrates, the tribe and its supporters judged that the compact would threaten tribal water rights. Compact proponents denied this assertion. In a letter read into the record of the February 11 hearing by committee chairman Smith, the legislative counsel, Russell McDonald, refuted arguments that Indian water rights were threatened. He argued, "Nothing in the Compact limits the Indians in asserting their rights to this water or against other Nevada users or potential users. . . . It is therefore the opinion of the legislative counsel that adoption of the Compact would not prejudice Indian rights, present or potential."<sup>52</sup>

The federal government's position on the compact came to the fore in these first hearings. Leland presented a letter from Secretary Udall, dated January 14, 1969, which seems to indicate federal opposition:

The Compact goes beyond the usual function of allocating water between party states and purports to bind the federal Government both as a sovereign and as a trustee for Indians. . . .

Most seriously affected would be the Winters' Doctrine rights of the Pyramid Lake Indians. Because of these rights, we believe that the United States should not consent to the draft compact as it stands, but should use the opportunity to renegotiate the Compact so as to place the Indians in the best position to succeed in the proposed Winters' Doctrine litigation.<sup>53</sup>

But Chairman Smith responded by reading a letter from J.R. Ritter, federal representative on the joint commission, stating that, as of February 5, 1969, no formal position on the compact had been taken.<sup>54</sup>

Less than three weeks after its introduction, the interstate water compact

was ratified by the Nevada Assembly by an overwhelming margin and, after only four days of formal consideration, the Senate did likewise.<sup>55</sup> The Nevada compact commissioners had been successful in developing a close working relationship with the legislators. In Roland Westergard's view, there was never any doubt that the compact would pass in Nevada.<sup>56</sup> As Senator Cliff Young described the compact, "Were it any better as far as Nevada is concerned, I would be suspicious."<sup>57</sup> Aside from the tribe at Pyramid Lake, the only economic interest that might be harmed by the compact was the city of Sparks, which billed itself as the gateway to Pyramid Lake, servicing the needs of sportsmen; and its legislative delegation, led by Donald R. Mello, voted against the compact.<sup>58</sup>

The floor fights in the Assembly and Senate in February of 1969 were indicative of the entire legislative debate. Proponents reiterated that the compact was provided for an equitable distribution of water that fully protected the rights of the Indians, further declaring that all claims to the contrary were invalid. Not for them emotional pleas or high-pressure interest-group lobbying; the ground work was done and ratification should follow. Mello wrote a minority report prepared with help from Leland,<sup>59</sup> and Eileen Brookman, a committed supporter of minority rights, argued eloquently against the compact for Indian rights. Brookman used the legal doctrines of Winters' and aboriginal rights to water; she also appealed to the Assembly's sense of ethics in dealing with Native Americans: "The White man promised the Indian everything and gave him nothing. . . . It is 1969! I would wish that you would reach into your hearts and help to stop man's inhumanities to man."<sup>60</sup>

Nevada's 1969 passage of the compact catalyzed the national press to publish the first of numerous antcompact articles that were to appear over the next two years. The day after passage, the *New York Times* observed, "Today, conservationists are seriously worried that this lake, the last vestige of a huge inland sea created by retreating glaciers, is faced with extinction." It also emphasized the makeup of the Nevada commission, all ranchers and representatives of water-power companies, without a single conservationist. Leland was quoted: "People in Nevada just don't like Indians." The federal government was criticized: "They have a responsibility to the Indians, but they're doing nothing to safeguard the Pyramid Lake Tribe."<sup>61</sup> The compact dispute was showing the first real signs of being nationalized.

While the nature of the debate in the California legislature was similar to that in Nevada, the antcompact strategy was different. Both the Sierra Club and the Pyramid Lake Paiutes used paid professional lobbyists, Jack Zierold and William Hunt Conrad, who coordinated the over-all antcompact effort.<sup>62</sup> A number of powerful legislators in the California Assembly—including John Miller, Assembly Democratic leader; George Zenovich, chair of the Assembly Democratic Caucus; Edwin Z'Berg and Earle Crandall, powerful Demo-

crats on the Natural Resources and Conservation Committee; George Miliias, chair of the same committee—were supportive of the position of the Pyramid Lake Paiutes and their allies in opposing the compact.<sup>63</sup> In addition, the anticompact coalition gained access to the legislative staff through A. Dobie Jenkins, a legislative assistant to the Assembly Democratic Caucus, and O. James Pardue, water consultant to the Assembly Committee on Natural Resources and Conservation.<sup>64</sup> This proved helpful as a conduit of documentation and other information to assemblymen.

With this favorable situation in the Assembly, the anticompact alliance made a strategic decision to write off the Senate and to concentrate their efforts on the Assembly. John Frank, an attorney working on water matters for the Pyramid Lake Paiutes, rationalized, “The Indians simply are not capable of resisting the attacks on every front, and have had to choose one place for a last stand.”<sup>65</sup>

Leading the fight for ratification were the California and Nevada commissions, the state of Nevada, and the affected county governments in California.<sup>66</sup> Hubert Bruns and attorneys Frederick Gerald and Adolph Moskovitz were active for the California commission, as well as William Gianelli, commissioner and director of the Department of Water Resources.<sup>67</sup> Westergard and Bruns coordinated the efforts of the two state commissions.<sup>68</sup> Assemblyman Eugene Chappie led the fight in the Assembly, while Senator Stephen Teale did the same in the Senate.<sup>69</sup>

As the 1969 session dragged on, the compact was bottled up in the Assembly Committee on Natural Resources and Conservation. Compact backers believed that the committee was anticompact and failed to give them a fair hearing. Bruns complained to Chappie, “Our representatives have been unable to talk to some members and have been poorly received by others. . . . Indian representatives have been able to speak almost unlimited before the hearings. Our representatives have been restricted.”<sup>70</sup> Prospects for passage were further dimmed by United States Senator Alan Cranston’s letter of March 11, 1969, urging a guarantee of water for Pyramid Lake’s survival and warning that failure to provide so “would seriously endanger the Compact being approved by Congress.” He noted the growing national publicity surrounding the lake and cautioned that “any proposal requiring congressional approval must be evaluated in the light of this national concern.”<sup>71</sup>

On March 18, 1969, a further setback arrived with the announced opposition of the new Secretary of the Interior, Walter J. Hickel. His objections were twofold: the adverse effect on Pyramid Lake and the compact’s limitations on the federal government’s ability to litigate on the behalf of the Paiutes for additional water rights. Hickel observed that Pyramid Lake “is of critical importance to the impoverished Pyramid Lake Indians and is also a natural resource of unique value to the nation. . . . The compact goes beyond the usual function of allocating water between party states and purports to

bind the Federal Government both as a sovereign and as trustees for Indians."<sup>72</sup> Hickel suggested that the California and Nevada commissions renegotiate the compact to meet these objections. Both commissions responded with a resounding no. Nevada Governor Paul Laxalt reacted: "I can hardly believe Mr. Hickel's statement. Surely, he must have acted without full information."<sup>73</sup> Chappie observed that for sixty years the Department of the Interior had done nothing to preserve Pyramid Lake as water was diverted to reclamation in the Newlands Project.<sup>74</sup>

With the compact bottled up in a hostile committee, the only true negotiations between the two state legislatures commenced in March and April of 1969. California Assemblyman Edwin Z'Berg initiated a series of meetings with Nevada Assemblymen Hal Smith and Norman Hilbrect, but nothing of significance resulted. In addition, the Nevada legislature's reaction to California amendments intended to make the compact more palatable to the Indians was negative. In Hal Smith's estimation, "Tempers were short over California's demands. We were reluctant to knuckle under to California."<sup>75</sup> Without compromise from Nevada, the California Assembly's compact bill was killed on April 10.

The defeat of the compact in committee in California, along with Z'Berg's assurance to Nevada's Governor Paul Laxalt that the Committee on Natural Resources and Conservation would pass a compact amended to ensure Indian rights to sue to protect water rights for Pyramid Lake,<sup>76</sup> motivated Nevada's legislature to reconsider the compact. In three days, April 21, 22, and 23, the Nevada legislature considered and passed a second compact containing cosmetic changes designed to placate California's legislators. Assistant legislative counsel Frank Daykin testified, "The new language was without legal effect because the right was already granted," and the amendments were politically an "attempt to save California's face not ours."<sup>77</sup>

Action on the compact in Nevada prompted its resurrection in California, with Chappie proposing the Nevada changes in the natural resources committee of the Assembly. John Frank described these changes as "a perfectly dreadful onslaught against conservation interests and Indian interests."<sup>78</sup> Changes that had been made were in form, not content, and with merely cosmetic intent. Pressure from the national press continued as articles opposing the compact appeared in the *Christian Science Monitor* and *New York Times*.<sup>79</sup>

The compact was subsequently amended, with the Paiutes' support, to guarantee more water for the lake and to protect the Indians' right to sue.<sup>80</sup> The California commission charged that these changes diminished California's right to store and use water, and they typified the amendments as a "sell out" of California water to Nevada.<sup>81</sup> It is ironic that the compact died with the end of the 1969 session because these amendments were viewed as not in California's best interest. The last legislative act on the compact in 1969

was an order authorizing an interim study of the compact between sessions to make recommendations for the 1970 session.<sup>82</sup>

March of 1970 proved to be the pivotal month for legislative passage of the compact. As is often the case in legislative politics, the assignment of a bill to a specific committee can spell its passage or defeat. On March 19 a revised compact, incorporating changes suggested by the interim study committee, was introduced into the California Assembly with the support of five of the seven members of that study committee, including the chair, Carley Porter. Intense maneuvering followed between Porter and Milias, as each strove to have the bill referred to the committee he chaired, i.e., to Water or to Natural Resources and Conservation, respectively. Porter prevailed, and the compact was assigned to the friendly confines of the Committee on Water.<sup>83</sup>

The revised compact bill did amend the compact to change portions most objectionable to the opponents; the limitation on water rights for Pyramid Lake to only the 30,000 acre-feet under the Orr Ditch Decree for agricultural uses was deleted; doubts about the Paiutes' right to sue for more water were addressed by adding language specifically allowing anyone to sue for water rights in state courts.<sup>84</sup> These changes were similar to the revised second compact passed in 1969 in Nevada and to language the California Assembly had refused to pass in 1969. David Sanderson, a deputy attorney general representing the California commission, conceded that the compact could take away potential Indian water rights for Pyramid Lake.<sup>85</sup> A May 29, 1970, legislative counsel's opinion contradicted that observation, finding that the amended compact did allow the Paiutes to sue for further water rights in either Nevada or federal courts.<sup>86</sup>

With these revisions in place, the Sierra Club gave its conditional approval to the compact bill.<sup>87</sup> The Nevada League of Women Voters would oppose the compact to its end.<sup>88</sup>

The effort to kill, or to amend the compact to meet the Pyramid Lake Paiutes' minimum requirements, was lost with the interim study committee's report and subsequent referral of the compact to the Committee on Water. Testimony there and before the Assembly Committee on Ways and Means did not deviate from earlier testimony in both states. Bruns did warn that failure to pass the compact would "mean many years of litigation, probably the most difficult in western water history."<sup>89</sup> Robert Stitser, the new Pyramid Lake tribal attorney, asked the California legislature not to allow a specific allocation for the lake but merely not to force the Indians into the unfriendly confines of the Nevada courts.<sup>90</sup> The perceived anti-Indian character of the compact was stressed. James Vidovich, tribal chairman of the Pyramid Lake Paiutes, observed that passing the compact would be "breaking the law, breaking your own nation's treaties, violating your own court's decisions and [would] bar access to even your own court system."<sup>91</sup> Ernie Stevens, director of the Inter-Tribal Council of California, declared that "this bill is flat out trying to steal Indian water," and that its passage could make Pyramid Lake



“a symbol of national unity, surpassing even Alcatraz.”<sup>92</sup> Buffy St. Marie, Native American and folk singer, attended a hearing but was precluded from testifying by committee rules; she then issued a statement contending that the compact “blatantly steals the Indians’ rights and property . . . just like the cavalry troops of a hundred years ago.”<sup>93</sup> As Stitser stated in July of 1970, “the compact is and still remains a callous murderous tool to steal the water rights of the Indians.”<sup>94</sup>

The compact was ratified by the California Assembly on August 17, 1970, and by the Senate on August 19. Compact proponents had used low-key utilitarian arguments, with the California commissioners leading the charge and the water interests whom they represented purposely remaining in the shadows. The opposition used legal, ethical, and moral arguments to delay and amend the compact. Both sides relied on old-fashioned lobbying and staff work in seeking to influence the legislature.

The key element in mobilizing opposition and delaying the compact was the perceived impact of that agreement on Native American rights. Illustrative is Z’Berg’s comment during the Assembly floor debate, warning that the state of Nevada “wants to use the Compact to skewer the Indians, once again by the White man,”<sup>95</sup> or Chappie’s declaration that “we have gone to every length possible to protect the rights of the Indians.”<sup>96</sup>

Passage in California virtually assured the compact’s success in Nevada. Twenty-one days in February of 1971 would be required for Nevada’s legislature to ratify. Opponents were not able to persuade the legislature to amend the compact in Nevada, which would have necessitated reconsideration in California, by a body more sympathetic to their cause.

The California legislature made a fateful decision in following the Committee on Water’s 1970 recommendation to submit the compact to Congress for ratification despite objections by the federal government. The interim report arrogantly stated that the committee had not in any way attempted to resolve the objections of the United States Department of the Interior. The logic was that the federal representatives on the joint commission should have raised any federal concerns during the negotiations and that the objections of the Department of the Interior were unreasonable in relation to the resources being protected.<sup>97</sup> There was also a recommendation that negotiations with the federal representative on the joint commission be reopened, which was not followed. Throughout the legislative consideration in both states there was little effort to meet federal objections and a consistent attitude to defy the government’s wishes.

#### THE COMPACT SUBMITTED TO CONGRESS

Nevada’s Governor Michael O’Callaghan signed the compact into law on March 5, 1971, clearing the way for its consideration by the United States Congress. Howard Johnson of California introduced the compact into the

House of Representatives on March 15, 1971.<sup>98</sup> This violated a July 1969 agreement between Secretary Hickel and the two state governors, Paul Laxalt and Ronald Reagan, to delay the congressional submission until the Pyramid Lake Task Force had concluded its work.<sup>99</sup> Secretary of the Interior Rogers Morton reiterated his concurrence with the objectives of the July 1969 agreement in a letter to O'Callaghan: "The protection of the rights of the Pyramid Lake Indians is of great importance as is the conservation and preservation of Pyramid Lake itself."<sup>100</sup> Continuing disregard for the federal position is illustrated in Westergard's response to Morton's letter; he stated that he saw no reason to further delay a compact that had taken fifteen years of work and was now "rightfully before the Congress."<sup>101</sup>

Neither the California nor Nevada legislatures made any attempt at compromise to meet the federal objections. This opposition was raised as early as 1966,<sup>102</sup> and was reiterated by every secretary of the interior between 1966 and 1971. The federal government opposed compact provisions that derogated present or future Indian rights and required the federal government to abide by the compact even though to do so would conflict with its role as trustees for the Pyramid Lake Paiutes. Provisions binding the federal government to a compact's terms are not normally found in interstate compacts.<sup>103</sup>

During both the compact negotiations and the ratification process neither California nor Nevada wanted federal involvement in the allocation of compact waters within the states. It was a position etched in granite and which locked the participants into an untenable position. This was in the late 1960s and the 1970s, and in the era following World War II the federal government had taken an ever-increasing role in western water uses. It was extremely unlikely to ratify blindly an interstate water agreement without resolution of concerns about Native American rights and the provisions binding it to the terms of the compact.

Because of the opposition of the Departments of Justice and the Interior, the later opposition from the Office of Management and Budget, and the continued opposition of California's senior senator, Alan Cranston, the compact was not acted upon by Congress either then or subsequently. In fact, the compact's supporters never asked for an official position from the administration of President Richard Nixon because they knew it would be adverse.<sup>104</sup> No committee action or vote has been taken on the compact; Congress has refused to act. Despite periodic efforts to revive the agreement, it remains in a sort of political limbo.

#### THE COMPACT BATTLE ASSESSED

In assessing what happened to the California-Nevada Interstate Water Compact it is important to recognize the intensely local nature of water disputes and negotiations. The strong tendency is for compacts merely to ratify

the water rights of existing users at the behest of powerful local water interests. This compact is no exception. Donald Pisani draws the same conclusion in "The Strange Death of the California-Nevada Compact: A Study in Interstate Water Negotiations."<sup>105</sup> Local interests are served, and there is little sympathy for alternate uses or even a cognizance of the wider ramifications of the established use or in general of the public interests. The question of how the compact waters could best be used is seldom if ever addressed. While disputes among the negotiators did arise over allocations between California and Nevada, as did competition between reclamation and recreation interests, the societal, environmental, or economic justification of established local water rights was never challenged.

Why then did the compact fail? While local water interests prevailed at the state level, their inability to meet federal concerns doomed the compact. E. E. Schattschneider argues that as the scope of an interest-group conflict expands to involve new participants and different governmental decision makers, the very nature of the political conflict changes, often with different winners and losers.<sup>106</sup> Thus the opponents' success in transforming the compact from a local to a state to a national issue was ultimately decisive in its failure to become law.

As Pisani concludes, it is unlikely in the political climate of the 1980s and beyond—with the increasing number and activism of interest groups—that any interstate water compacts will be successfully concluded.<sup>107</sup> This is especially true in the arid West, where the likelihood of involvement by Native Americans and of impact on their reservations is great. The case of the California-Nevada Interstate Water Compact is testimony to this.

No one won the battle over the compact. True, the Pyramid Lake Paiutes succeeded in preventing final passage, but they failed to secure sufficient water to preserve the lake. The compact proponents won in California and Nevada, but failed with Congress, thus continuing the uncertain status of the area's water availability.

It is 1989 and as Nevada's United States Senator Harry Reid tries desperately to negotiate a settlement among the same parties involved in the compact dispute of 1969–71, the same warning echoes across the political landscape. If there is no settlement now, then decades of dispute and litigation will follow.

## NOTES

<sup>1</sup> W. Turrentine Jackson and Donald J. Pisani, *A Case Study in Interstate Resource Management: The California-Nevada Water Controversy, 1955–1968*, No. 147 (Davis, California: California Water Resources Center, May 1974), 1. This is primarily a historical account of the background and work of the California-Nevada Interstate Compact Commission. In a companion work, W. Turrentine Jackson and Donald A. Pisani, *A Case Study in Interstate Resource Management: The California-Nevada Water Controversy, 1865–1955*, No. 142 (Davis, California: California Water Resources Center, May 1973), the historical causes of the water conflict leading to the formation of the compact commission are discussed.

<sup>2</sup> The process of negotiating and ratifying interstate compacts is derived from Article I, Section 8 (the Commerce Clause) of the Constitution of the United States: "The Congress shall have power . . . to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

<sup>3</sup> Joint California-Nevada Interstate Compact Commission, *California-Nevada Interstate Compact Concerning Waters of Lake Tahoe, Truckee River, Carson River and Walker River Basins*, (Reno, Nevada: 25 July 1968). Hereafter referred to as *California-Nevada Interstate Compact*. See also Roland Westergard, Memorandum on Nevada Compact Commission Members, 16 July 1971, Nevada Compact Commission Files.

<sup>4</sup> Jackson, *A Case Study in Interstate Resource Management: The California-Nevada Water Controversy, 1955–1968*, 44–48; Norris Hundley, Jr., "The Dark and Bloody Ground of Indian Water Rights: Confusion Elevated to Principle," *The Western Historical Quarterly* IX (October 1978): 454–482; *Reno Nevada State Journal*, 26 September 1968; Senator Alan Bible interview with author, Reno, Nevada, 14 February 1977.

<sup>5</sup> *Los Angeles Times*, 8 June 1969.

<sup>6</sup> *Nevada State Journal*, 14 December 1968.

<sup>7</sup> Pyramid Lake Tribe, News Release, 26 November 1968, Leland Papers, Special Collections Department, University of Nevada, Reno, Library.

<sup>8</sup> The Department of the Interior's position is stated in a letter from Walter Hickel to Robert P. Mayo, director of the Bureau of the Budget, dated 18 March 1969. The letter is contained in the Nevada Compact Commission's files.

<sup>9</sup> Interview with Roland Westergard, Chairman, Nevada Interstate Compact Commission and Director, Nevada State Department of Conservation and Natural Resources, Carson City, Nevada, 17 November 1980. Westergard became actively involved with the Compact in 1962 and is still the chairman of the Nevada Interstate Compact Commission. See also Roland Westergard, "The California-Nevada Interstate Compact concerning Waters of Lake Tahoe and the Truckee, Carson, and Walker River Basins," *Governmental Research Newsletter*, Bureau of Governmental Research, vol. 7, no. 5 (Reno, Nevada: University of Nevada, February 1969), 2.

<sup>10</sup> *Nevada State Journal*, 14 December 1968, 18.

<sup>11</sup> Department of Conservation and Natural Resources, State of Nevada, *General Fund Appropriations, 1960–1969*, Nevada Interstate Compact Commission Files. The legislative appropriation for the compact commission from 1960–1969 ranged from a low of \$15,345 in 1964–1965 to a high of \$51,677 in 1963–1964.

<sup>12</sup> California-Nevada Interstate Compact Commission, Nevada Interstate Compact Commission, *Minutes of Meetings*, September 1955 to November 1971, *passim*. California-Nevada Interstate Compact Commission, California Commission, *Minutes of Meetings*, September 1955 to November 1971, *passim*. These minutes are kept in the California State Library, Sacramento, California. Joint California-Nevada Interstate Compact Commission, *Minutes of Meetings*, September 1955 to December 1971, *passim*. These minutes are kept at the Nevada State Engineer's Office in Carson City, Nevada. These minutes are specific as to what was said, what occurred, and who was present at the meetings, including the audience.

<sup>13</sup> Nevada Interstate Compact Commission, *Minutes of Meetings* (Carson City, Nevada: 4 September 1969), 2.

<sup>14</sup> Nevada Interstate Compact Commission, *Minutes of Meetings*, *passim*. The roles that Ronald Westergard, Bolton Minister, James Johnson and Robert Leighton played on the Nevada Compact Commission are not determined from statements made in one or two meetings, but from their contributions to the commission over the years as noted in the minutes of the commission meetings, their public statements and their participation in the legislative process of both Nevada and California. For example, Robert Leighton and Bolton Minister testified before the Nevada Assembly Committee on Federal, State and Local Governments (*Minutes of Meetings*, 7 March 1969). James Johnson and Roland Westergard testified before the California Assembly Committee on Water, 18 November 1969. No other Nevada Interstate Compact Commissioner testified at either of these three hearings. The only California Compact Commissioners to testify were Hubert Bruns and William Gianelli. See Nevada Interstate Compact Commission, *Minutes of Meetings*, 25 November 1969, 2–4.

<sup>15</sup> *Sacramento Bee*, 3 December 1967, A1, A4; 4 December 1967, A1, A4; 7 December 1967, A1, A4; 8 December 1967, A1, A6.

<sup>16</sup> *Sacramento Bee*, 4 December 1968, A1. By 1968, the plight of Pyramid Lake was gaining national exposure in the press with the tone generally critical of the destruction of Pyramid Lake.

<sup>17</sup> *Sacramento Bee*, 3 December 1967, A1.

<sup>18</sup> *Ibid.*, 4 December 1967, A4.

<sup>19</sup> *Ibid.*, 5 December 1967, A4 and 6 December 1967, A1.

<sup>20</sup> For example, see "Nevada to Get Its Share," *Nevada State Journal*, 5 September 1968, 4; "Indians Urge Rejection of the Compact—Pyramid Tribe Claims Irrigation Water Loss," *Nevada State Journal*, 6 October 1968, 12; "Mixed Feelings over Dedication of a Dam" (Derby Dam Dedication), *Nevada State Journal*, 29 October 1968, 4; "Federal Government Asked to Abide by Nevada-California Water Compact," *Nevada State Journal*, 14 December 1968, 12. These articles tend to report events and detail the advantage to Nevada of the Compact.

<sup>21</sup> Roland D. Westergard to Governor Laxalt, Elmo DeRocco, members of the Nevada State Legislature, members of the California-Nevada Interstate Compact Commission, Advisors to the Commission, 19 November 1969, Nevada Compact Commission Files, 1964–1970, General Correspondence File, Carson City, Nevada.

<sup>22</sup> Roland D. Westergard to Assemblyman William Swackhamer, 19 December 1968; Roland D. Westergard to Senators John Fransway and Melvin Howard, 19 December 1968; Roland D. Westergard to Senators Warren Monroe, Boyd Manning, Assemblymen Norman Glaser, Rawson Prince, 19 December 1968; Roland D. Westergard to Bart. M. Schouweiler, 4 December 1968. There may have been other meetings but the Nevada Commission records of correspondence do not contain reference to them.

<sup>23</sup> Roland Westergard, interview with author, 17 November 1980.

<sup>24</sup> Robert Leland, memorandum, "Water for Pyramid Lake," 30 January 1970: 2, Leland Papers.

<sup>25</sup> California-Nevada Joint Compact Commission, *The California-Nevada Interstate Compact on the Water of the Tahoe Basin, Truckee, Carson and Walker River Basins*, adopted 29 October 1965.

<sup>26</sup> Pyramid Lake Tribal Council, *Minutes of Meetings*, 9 October 1964, 1, 2.

<sup>27</sup> *Ibid.*, 2 September 1966, 2.

<sup>28</sup> Pyramid Lake Tribal Council, *Minutes of Meetings*, 7 January 1966, 7. The Pyramid Lake Council through its attorney, Robert Leland, prepared and distributed for the compact commission, the secretary of the interior, and other interested governmental agencies, "Comments on and Criticisms of the Proposed California-Nevada Compact as it Affects the Use and Development of the Lower Truckee River Area and the Lands Owned by the Pyramid Lake Indians" (7 October 1966), Leland Papers.

<sup>29</sup> Pyramid Lake Tribal Council, *Minutes of Meetings*, 9 October 1964, 1, 2.

<sup>30</sup> Leland, "Water for Pyramid Lake," 6.

<sup>31</sup> Stewart Udall, Secretary of the Interior to Robert Mayo, Office of Budget and Management, 14 June 1969, Leland Papers. Excerpts of the letter are contained in Bureau of Governmental Research, "The California-Nevada Compact: Another View," *Governmental Research Newsletter* (Reno, Nevada: University of Nevada, March 1969), Vol. VII, No. 6, 4.

<sup>32</sup> Pyramid Lake Tribal Council, *Minutes of Meetings*, 6 May 1966, 2. See also Leland, "Water for Pyramid Lake," 6; Pyramid Lake Tribal Council, *Minutes of Meetings*, 8 July 1966, 1.

<sup>33</sup> Commissioner of Indian Affairs to Nevada Legislative Counsel, 25 September 1968, Leland Papers.

<sup>34</sup> John P. Frank to Secretary Stewart Udall, 7 May 1968, Leland Papers. John Frank was a member of the law firm Lewis, Roca, Beauchamp and Linton in Phoenix, Arizona. Robert Leland met with Secretary of the Interior Udall in Washington, D.C., in March and April of 1968. See Pyramid Lake Tribal Council, *Minutes of Meetings*, 7 March 1968, 1.

<sup>35</sup> Pyramid Lake Tribal Council, *Minutes of Meetings*, 3 November 1967, 1. Similar language was used in a tribal resolution calling for relief from Secretary Udall (Pyramid Lake Tribal Council, *Minutes of Meetings*, 14 July 1967, 1). "The Council resolved to demand that the Secretary of Interior take appropriate action as Trustee to establish, declare, and enforce the Tribe's water rights over and above the 'paper right' included in the Orr Ditch Decree for irrigation."

<sup>36</sup> Nevada State Democratic Party Convention, *Resolution 5-1-68* (Reno, Nevada: 1968), Leland Papers. American Society of Ichthyologists and Herpetologists, *Resolution*. 48th Annual Meeting, New York City, June 9–13, 1969, Leland Papers. Pyramid Lake Tribal Council, *Minutes of Meetings*, 1 March 1968. Resolution of the Inter-Tribal Council of California, Inc., "In Support of Water for Pyramid Lake," Re: ITC-1969-4, Z Berg Papers, California State Archives, Sacramento, California. See also John Belindo to Robert Leland, 21 November 1969, and Robert Leland to John Belindo, 7 November 1969, Leland Papers. These letters document a coordinated effort between the Pyramid Lake Tribe and the National Congress of American Indians to work for defeat of the Compact before the Nevada and California legislatures. See also American Indian Press Association, News Release, Washington, D.C., News Service, Leland Papers. Siskiyou County Indian Association to Governor Ronald Reagan, telegram, 3 August 1970,



Governor of California, Chaptered Bill File, Chapter 1810 (Sacramento, California: Governor's Office).

<sup>37</sup> Tina Nappe, "Statement before the Water Resource Committee," California Assembly, 22 April 1970, Z'Berg Papers.

<sup>38</sup> Tina Nappe to Assemblyman Edwin Z'Berg, 17 July 1970, Z'Berg Papers.

<sup>39</sup> Charles E. Springer to Nevada State Legislature, 10 February 1969. This is found at the Nevada State Archives, *Minutes of Meetings*, Assembly Committee on Government Affairs, 26 February 1969. See also Fred Gunsky, "Pyramid Lake," *Sierra Club Bulletin* (San Francisco: August 1970), vol. 55, no. 8, 8-11.

<sup>40</sup> Fred Gunsky, "Pyramid Lake," 10, 11.

<sup>41</sup> Dr. Richard Sill, interview with author, Reno, Nevada, 11 December 1980. See also Fred Gunsky, "Pyramid Lake," 11.

<sup>42</sup> Robert Leland, interview with author, 4 November 1977. See also Robert Leland to Assemblywoman Eileen Brookman, 17 December 1968, Leland Papers.

<sup>43</sup> Robert Leland, interview with author, 4 November 1977.

<sup>44</sup> California State Legislature, *Final Calendar of Legislative Business*, State Printing Office, Sacramento, California, 1969, 48, 62.

<sup>45</sup> *Reno Nevada State Journal*, 24 January 1969, 1.

<sup>46</sup> Roland Westergard, interview with author, 17 November 1980, Carson City, Nevada. See also interviews with Carl Dodge, 12 November 1977, Hal Smith, 18 November 1977, and Robert Leland, 4 November 1977, Reno, Nevada.

<sup>47</sup> Robert Leland, interview with author, 4 November 1977.

<sup>48</sup> Joint Hearing, Senate Committee on Federal, State and Local Governments, *Minutes of Meetings*, 29 January 1969, 6.

<sup>49</sup> *Ibid.*, 5.

<sup>50</sup> *Ibid.*, 7. Charles Springer subsequently wrote a letter to the Nevada legislature outlining the Sierra Club's specific objections to the proposed compact. His basic objection was that Pyramid Lake would be limited to 30,000 acre-feet per year under the compact.

<sup>51</sup> Charles Springer to Nevada State Legislature, 10 February 1969, *Minutes of Meetings*, of Committee on Government Affairs, 55th Session, Nevada State Archives, Carson City, Nevada.

<sup>52</sup> Russell McDonald to Hal Smith, 11 February 1969, found in *Minutes of Meetings*, Assembly Committee on Government Affairs, 11 February 1969.

<sup>53</sup> Robert Leland to Hal Smith, *Minutes of Meetings*, Assembly Committee on Government Affairs, 55th Session, 11 February 1969.

<sup>54</sup> Assembly Committee on Government Affairs, *Minutes of Meetings*, 11 February 1969, 4.

<sup>55</sup> *Journal of the Assembly*, 55th Session, 188. See also Nevada State Assembly, *Assembly History*, 55th Session (Carson City, Nevada: State Printing Office 1969), 28.

<sup>56</sup> Roland Westergard, interview with author, 17 November 1980.

<sup>57</sup> *Journal of the Senate*, 55th Session, 203.

<sup>58</sup> Donald R. Mello, *A.B. 60 Minority Report*, 1, Leland Papers.

<sup>59</sup> *Ibid.*, *passim*.

<sup>60</sup> *Journal of the Assembly*, 55th Session, 189.

<sup>61</sup> *New York Times*, 25 February 1969, 45-46, 51.

<sup>62</sup> John P. Frank, "The Status of the Pyramid Lake (California-Nevada) Compact—California Side," File Memo, 15 March 1969, Leland Papers.

<sup>63</sup> John J. Miller to Assembly Democratic Candidates, 29 July 1970, Leland Papers.

<sup>64</sup> Robert Leland, interview with author, 4 November 1977. See also A. Dobie Jenkins to John P. Frank (5 June 1970, Leland Papers) in which Jenkins evaluates their successful efforts in stopping passage of the Compact during 1969.

<sup>65</sup> John P. Frank, "The Status of the Pyramid Lake (California-Nevada) Compact—California Side," 1.

<sup>66</sup> Ronald B. Robie to Timothy Haller, 14 March 1977. This list of supporters comes from the files of the California Department of Water Resources in Sacramento, California.

<sup>67</sup> Hubert Bruns to Assemblyman Eugene Chappie, 1 August 1969, Leland Papers.

<sup>68</sup> Roland Westergard to Hubert Bruns, 21 April 1969, Z'Berg Papers. See also Nevada Interstate Compact Commission, *Minutes of Meetings*, 4 September 1969, 2.

<sup>69</sup> Hubert Bruns to Assemblyman Eugene Chappie, 1 August 1969, Leland Papers.

<sup>70</sup> *Ibid.* The legislative records do not specifically list who testified at each specific legislative hearing.

The minutes and supporting documents of the respective committees have not been preserved by those committees in California nor have they been preserved in the California State Archives.

<sup>71</sup> Senator Alan Cranston to Assemblyman George Miliias, 11 March 1969, Leland Papers.

<sup>72</sup> Walter J. Hickel to Robert Mayo, 18 March 1969.

<sup>73</sup> *Nevada State Journal*, 20 March 1969, 1.

<sup>74</sup> *Sacramento Bee*, 18 March 1969, C5.

<sup>75</sup> Hal Smith, interview with author, 18 November 1977.

<sup>76</sup> *Reno Nevada State Journal*, 22 April 1969, 12.

<sup>77</sup> *Ibid.*, 23 April 1969, 2.

<sup>78</sup> *Ibid.*, 2 May 1969, 1. See also Thomas D. Whelan to Assemblyman George W. Miliias, Legislative Opinion #9332, 30 April 1969, Z'Berg Papers.

<sup>79</sup> *Christian Science Monitor*, 5 May 1969, 2. This is one of a number of articles Kimmis Hendrick wrote about the compact and Pyramid Lake in the *Christian Science Monitor* during 1969 and 1970. See also *New York Times*, 20 July 1969, 36.

<sup>80</sup> Robert Leland to George Miliias, 10 July 1969, 2, Leland Papers. See also *Nevada State Journal*, 18 July 1969, 1.

<sup>81</sup> *Sacramento Bee*, 17 July 1969, A5.

<sup>82</sup> Ronald Robie to Timothy Haller, 14 March 1977; *Final Calendar of Legislative Business*, 55th Session, 62; *Sacramento Bee*, 8 September 1969, A1.

<sup>83</sup> William Hunt Conrad to Robert Leland, 3 February 1970. See also *Final Calendar of Legislative Business*, 1970, 448.

<sup>84</sup> Assembly Committee on Water, *Interim Study*, 1, 2, 4–6.

<sup>85</sup> *Nevada State Journal*, 23 April 1970, 18.

<sup>86</sup> George H. Murphy to Carley V. Porter, "California-Nevada Interstate Compact (A.B. 1350)," Legislative Counsel Opinion #9464, 29 May 1970, Leland Papers, 4, 5.

<sup>87</sup> H. Donald Harris to Louis B. Allen, 20 April 1970, Leland Papers. See also *Reno Nevada State Journal*, 23 April 1970, 18.

<sup>88</sup> Tina Nappe to Edwin Z'Berg, 17 July 1970, Z'Berg Papers.

<sup>89</sup> *Sacramento Bee*, 23 April 1970, A1.

<sup>90</sup> *Ibid.*

<sup>91</sup> *Ibid.*, A24.

<sup>92</sup> *Ibid.* Native Americans occupied Alcatraz Island during 1970, asking the federal government to give the Indians the island for use as a Native American cultural center. The Indians' efforts failed, but the occupation served as a focus for the plight of Indians in America.

<sup>93</sup> *Ibid.*

<sup>94</sup> *Nevada State Journal*, 22 July 1970, 1.

<sup>95</sup> *Sacramento Bee*, 28 July 1970, A1.

<sup>96</sup> *Reno Nevada State Journal*, 22 July 1970, 1.

<sup>97</sup> Assembly Committee on Water, *Interim Study*, 7, 9.

<sup>98</sup> H.R. 6078, 93rd Congress, 1st Session, introduced by Mr. Johnson (California), 15 March 1971.

<sup>99</sup> *Nevada State Journal*, 22 July 1970, 6.

<sup>100</sup> Rogers Morton to Michael O'Callaghan, 14 June 1971. This is found in the correspondence of the Nevada Compact Commission.

<sup>101</sup> *Nevada State Journal*, 22 July 1970, 6.

<sup>102</sup> Department of the Interior, "Analysis of California-Nevada Interstate Compact Concerning Waters of Lake Tahoe, Truckee River, Carson River and Walker River Basins," 12 January 1966, Leland Papers.

<sup>103</sup> William Veeder to Leon F. Cook, 11 July 1971, "Violation of Presidential Mandate Pervades the Proposed Consolidated Federal Position, California-Nevada Interstate Compact," Leland Papers.

<sup>104</sup> Senator Alan Bible, interview with author, 14 February 1977. See also interview with Alan Bible, 1 May 1981, Reno, Nevada.

<sup>105</sup> Donald J. Pisani, "The Strange Death of the California-Nevada Compact: A Study in Interstate Water Negotiations," *Pacific Historical Review* (December 1978): 657–658.

<sup>106</sup> E. E. Schattschneider, *The Semisovereign People* (New York: Holt, Rinehart and Winston, 1960), 4–5.

<sup>107</sup> Pisani, "Strange Death," 656–657.