

# Can California take Nevada water in drought emergency?



[Mark Robison](#), RGJ 11:22 a.m. PDT March 24, 2015



In this Jan. 28 photo, chairs on a ski lift overlooking Donner Lake, sit idle at Donner Ski Ranch because of lack of snow. TMWA stores water for Nevada in Donner Lake.(Photo: Rich Pedroncelli/AP)

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While researching how bad the drought is in Northern Nevada, I started to wonder if California could steal the water here because much of our reserves are held in reservoirs on the other side of the border.

Truckee Meadows Water Authority has water stored at Stampede and Boca reservoirs and Independence and Donner lakes.

Combine with this the recent [statement by a NASA scientist](#) that California has only one year of water left in its own reservoirs and it is not a stretch to think California could declare a state of emergency, say the nation's food supply is in jeopardy and get the federal government to allow it to take Northern Nevada's stored water.

There are laws to prevent this but in states of emergency, laws are routinely set aside temporarily "for the greater good."

Additional research reveals the good news that taking water, even in an extreme emergency, would likely be impossible.

Two hydrology experts told me that the water is considered Nevada's property so taking it would be stealing and would almost border on an act of war, similar to if one state tried to annex part of another state without permission. They could not imagine any scenario where it could happen.

I also contacted Bill Hauck, TMWA's senior hydrologist. Here is his response to whether California could steal our water stored on its side of the border. The short answer: Not possible.

Hello Mark:

Since I wasn't sure whether you were referencing TMWA's privately owned reservoirs (Donner and Independence Lake) or the water stored in Lake Tahoe and other federal reservoirs like Boca and Stampede, I will attempt to provide answers to both since they are managed independently.

**#1.** TMWA's reservoirs are privately owned and the water rights we have to fill those each year are vested pre-1914 rights, some of the oldest on the Truckee River system and in the state of California. TMWA also owns and operates both of those dams and outlet works, which would make that virtually impossible. Also, the amount of water that TMWA has stored in these reservoirs is by our standards quite a bit (and enough to help up through tough times), it would be virtually just a drop in the bucket (barely a blip on the radar screen) when you are talking about the massive volumes of water that California demands on an annual basis. We are talking about 10,000-20,000 acre-feet of water that we have in storage vs. California's demand for tens of MILLIONS of acre-feet annually. For these reasons I don't really know how TMWA's reservoirs could ever become an issue even in the most extreme drought scenario.

**#2.** If you are speaking to the federally owned reservoirs (Tahoe and Boca), the water that is stored is required to be released to provide California Decreed and Federal Court Decreed rates of flow at the California-Nevada state line. Some of these decrees/agreements are over 100 years old. This water HAS TO BE released to meet those rates of flow year-round. These are also the earliest rights on the system. So Nevada is in a good position from that perspective.

**#3.** This is not to mention that it is physically impossible to get the water anywhere else than where it flows naturally. The water in the Truckee River flows out of Lake Tahoe in a northerly then easterly direction downhill from the Sierra's to the CA/NV state line. Water flows downhill. This is physics and the reality of all river systems. In this case the water flows downhill into Nevada.

**#4.** Plus, right now the elevation of Lake Tahoe is below the outlet channel and NO water is capable of being released. The only way to get water out of Tahoe right now would be to pump it out, and that was attempted by some Nevada Ranchers in the 1930's and it was met with GREAT

resistance and never happened. I could not imagine what it would take for the state of California to get the approval to make that happen in this day and age.

**#5.** Lastly, the physical impediments to pumping water from Lake Tahoe or some other reservoir on the Truckee River system would be huge. I would have to believe hundreds of millions to billions of dollars just for the infrastructure costs alone, then factoring that with the environmental permitting and legal challenges, any project like that would cost the taxpayers billions of dollars and take many, many years to see it through for just a very small amount of water (comparatively speaking). The Truckee River system is very small compared even with other river systems in CA and it would never pencil out.

Please let me know if you have any other questions.

Thanks,

Bill Hauck

Sr. Hydrologist

Truckee Meadows Water Authority

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