



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

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### MEMORANDUM

TO: The Oregon Water Resources Commission

FROM: Doug Woodcock, Field Services Administrator  
Tom Paul, Deputy Director

SUBJECT: Agenda Item I, March 6, 2014  
Water Resources Commission Meeting

#### Klamath Update

##### I. Introduction

At the November 2013 Water Resources Commission meeting, staff provided an update on the Klamath Adjudication, settlement efforts, and an overview of regulation of surface water in the basin. After the briefing, the Commission asked for a review of the 2013 season in the Klamath basin and updates on continuing settlement efforts.

##### II. Review of 2013 Regulation Season

The Final Order of Determination in the Klamath Adjudication set in motion an extensive process of surface water regulation above and around Klamath Lake. Regulation at this scale was new to both water users and the Klamath Watermaster. With hundreds of water rights extending over many drainages, the Department directed substantial resources to the Klamath Watermaster Office for this first regulation season. These resources included additional staff from surrounding offices and radio safety support from Oregon State Police and the Klamath County Sheriff's Office.

Due to the drought conditions at the time the calls on water were made, all rights above and junior to the Tribal instream rights (time immemorial) were required to be regulated off. Additionally, those rights above and junior to the Klamath Project (1905) were also regulated off. In conducting this task of regulating in the basin for the first time, the Department met with water users individually. The calls for water began on June 10, 2013 and regulation was completed July 31, 2013. Staff continues to evaluate the work during the 2013 season. The table below provides updated estimates of the regulation.

Water Right Holders Receiving a Shutoff Notice	Unauthorized Diversions Posted with a Shutoff Notice	Number of Water Rights Regulated	Number of Affected Diversions
350	40	590	650

Regulation in 2013 took longer than normal because of the extra time needed to meet with each water user and explain the regulation process. In the future, regulation in the Klamath Basin will be conducted as it is in many other basins in Oregon, whereby the Watermaster mails the shutoff notices and follows up with field inspections. In this manner, all affected water users will generally receive the notice at the same time.

An evaluation of the resources directed to the Klamath Basin shows that about \$200,000 was expended this first regulation season. The majority of the cost was personnel and travel expenditures to direct an additional eight Watermaster staff to the Klamath office. The cost of one Assistant Watermaster locally funded by the Klamath Power and Water Agency is included in the total cost. About 20 percent was equipment costs that included surface water measurement gear. This total does not include the assistance provided by Department staff located in Salem that did not travel to the basin, but delivered critical computer, mapping and hydrographic support to the Klamath Watermaster and staff all summer long. Further, the total does not include the costs borne by the public safety agencies, Oregon State Police, the Southern Command Center (Communications), and the Klamath County Sheriff's Office for their support of the Watermaster and staff.

Future regulation seasons in the Klamath Basin are anticipated to be less costly, though a potential expansion of regulation to include groundwater may generate a need for groundwater technical support. The Department's current budget provides additional support for the Klamath office in the form of a state-funded Assistant Watermaster. This position has been filled since October 2013 and will assist with future water measurement and regulation duties.

### **III. Update on Settlement Discussions**

A Klamath Basin Task Force was formed in early July of 2013 by Senators Wyden and Merkeley, Congressmen Walden, and Governor Kitzhaber. The purpose of the Task Force was "to resolve the water, power and other resource management issues in the Klamath River Basin." The Task Force created three sub-groups to address funding, power and water. A final draft report describing the Task Force's findings and recommendations was released in early December of 2013 for review. The report is available on the Department's website.

As reported at the last Commission meeting, since summer of 2013, irrigators in the upper basin have been meeting with the Klamath Tribes and the United States to attempt to resolve water, land and economic issues in the upper basin. In early December, the parties announced the Upper Klamath Basin Agreement in Principle, which was designed to accomplish four objectives:

1. To support the economic development interests of the Klamath Tribes;
2. To provide a stable, sustainable basis for the continuation of agriculture in the Upper Klamath basin;
3. To manage and restore riparian corridors along streams that flow into Upper Klamath Lake in order to achieve Proper Functioning Conditions permanently; and

4. To resolve controversies regarding certain water right claims and contests in the Oregon Klamath Basin Adjudication.

The Upper Klamath Basin Agreement in Principle contains three main elements: a water use program, a riparian restoration and management program, and an economic development component. The Water Use Program is designed to reduce consumptive water use in key reaches of the tributaries to Upper Klamath Lake, as well as to increase the volume of water flowing into the lake – all in return for a significant reduction in the frequency and extent of water regulation. The Riparian Restoration and Management Program will focus on improving and protecting riparian conditions along key reaches of the tributaries to Upper Klamath Lake. Finally, the Economic Development component is designed to create employment opportunities for the Klamath Tribes.

#### **IV. Conclusion**

Since release of the Agreement in Principle, negotiations have continued in the basin to develop a Final Agreement, expected to be completed early in 2014. Once the Final Agreement is completed, comprehensive Federal legislation will be introduced to implement the agreements and create stability for the entire basin.

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