



August 25, 2020

Oregon Water Resources Commission
775 Summer St NE
Salem, OR 97301

Submitted Via Email: nirvana.cook@oregon.gov

Re: Delegation of Authority to Implement the Provisions of ORS 540.220 in the Klamath Basin (Agenda Item D)

Dear Commissioners:

Thank you for the opportunity to comment on the Commission's proposed delegation of authority to implement the provisions of ORS 540.220 in the Klamath Basin. Our members are concerned about the Department's plan to require extensive new measurement devices around and below Upper Klamath Lake, and strongly urge the Department to engage much more proactively with water users who would be impacted by this order to educate them about the Department's plans in the basin, connect them with resources to help offset the costs associated with the measurement program, and help lobby for additional resources to be directed to the basin to ensure there are adequate resources to assist with this work.

By way of background, OFBF is a voluntary, grassroots, nonprofit organization representing Oregon's farmers and ranchers in the public and policymaking arenas. As Oregon's largest general farm organization, its primary goal is to promote educational improvement, economic opportunity, and social advancement for its members and the farming, ranching, and natural resources industry. Today, OFBF represents nearly 7,000-member families professionally engaged in the industry. Klamath-Lake County Farm Bureau represents farmers and ranchers in Klamath and Lake Counties, many of whom would be subject to new measurement requirements if the Department proceeds with its work around the administration of Upper Klamath Lake.

Irrigated agriculture is the backbone of the Klamath County economy. According to the 2017 census of agriculture, Klamath County boasts 1,005 farms that contribute \$192 million in market value of agriculture products to the economy. These farms also provide fish and wildlife habitat,

protect water quality, and protect open space and recreational areas for Oregonians. Without affordable irrigation, farms in Klamath County would not be able to grow the high quality food and fiber the Basin is known for.

We understand that the Commission is considering a delegation of authority that would allow the Department to recoup costs associated with the Marion County Court's recent order for the Department to administer water rights around Upper Klamath Lake. While we understand that the Department is only seeking the ability to recoup costs from Klamath Irrigation District under ORS 540.220, the work that the Department has outlined in its staff report would impose very real and significant costs on the water users around the below Upper Klamath Lake.

Specifically, the Department is seeking the staff resources to require 115 water users – many of them Oregon Farm Bureau members - with points of diversion around and below Upper Klamath Lake to install and maintain measurement devices. In most cases, these users are small family farms with limited resources to devote to the installation and maintenance of new measuring devices. Compounding the issue, these systems are incredibly complex, making the installation of measuring devices incredibly complex and in some cases impossible. Further, we understand that the two sources of funding available to water users to help with measurement cost share – the cost share measurement program and Oregon Watershed Enhancement Board (OWEB) funding – are both unavailable at the moment. The Oregon legislature recently cut the Oregon Water Resources Department's cost share measurement program funding and OWEB has engaged in massive downsizing due to a drastic decline in lottery revenue due to the COVID-19 pandemic. Farm revenues are also down across the board and many have lost market access due to the COVID-19 pandemic. This is not the time for the Department to be requiring significant, costly, and time-consuming new measurement requirements for water users.

Additionally, we question whether the Department needs measuring devices below Link River Dam to understand water use in that area. Instead, we believe measurement of the releases from the Link River Dam should provide the Department with adequate information to understand the volume of water leaving Upper Klamath Lake and going into that system. We encourage the Department to meet with users around and below Upper Klamath Lake and determine whether there are alternative methods to gather the data the Department needs to administer water rights around the Lake.

At any rate, we are concerned that the Department has outlined this proposal and is seeking this authority without having provided direct notice or the opportunity to comment to the 115 water users who would be directly impacted by this proposal and who will be impacted by the Department's planned work in the basin. We strongly encourage the Department not to hire any new staff for this new program without first 1) providing impacted users notice and an opportunity to engage with the Department, 2) ensuring that there are cost share dollars available

to water users who are impacted by the new measurement requirements, and 3) ensuring that the data the Department seeks is actually necessary for the administration of water rights around Upper Klamath Lake.

We understand that the Department did not seek the Court order they are now charged with implementing; however, the Department is responsible for how it chooses to implement the order and how it engages with impacted water users. The Department must engage in a much more robust manner with the users that are impacted by the Department's work to administer water rights around the Lake. We strongly encourage you to pause this work and engage with the impacted users prior to moving forward.

Thank you for the opportunity to provide feedback and do not hesitate to contact us if you have any questions.

Sincerely,



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