



# United States Department of the Interior



BUREAU OF RECLAMATION  
Klamath Basin Area Office  
6600 Washburn Way  
Klamath Falls, OR 97603-9365

IN REPLY REFER TO:

KO-100  
2.2.4.21 (WTR-4.10)

DEC 30 2020

VIA ELECTRONIC AND HARD COPY MAIL

Thomas M. Byler, Director  
Oregon Water Resources Department  
725 Summer St. NE, Suite A  
Salem, Oregon 97301

Subject: Petition for Reconsideration of OWRD Final Order – Measuring Devices

Dear Director Byler,

This correspondence constitutes the U.S. Bureau of Reclamation (Reclamation) Petition for Reconsideration of the Oregon Water Resources Department's Final Order – Measuring Devices, dated November 5, 2020 (OWRD Final Order). This Petition is submitted pursuant to the Notice in the OWRD Final Order. The OWRD Final Order, as well as OAR 137-004-0080 cited therein provided that in consultation with OWRD, Reclamation shall locate, install, operate and maintain measuring devices on Thomason Creek, Fourmile Creek, Crystal Creek, and Sevenmile Creek. Reclamation respectfully requests that OWRD reconsider its Final Order on the grounds set forth below.

Potential gaging sites for Upper Klamath Lake tributaries have been evaluated several times over the years. The flat gradients and resultant low water velocities are a challenge for measuring water throughout the Upper Klamath Basin and the best sites for measuring tributary inflows are already gaged, including the Williamson River, Wood River, Sevenmile Creek, and Cherry Creek.

In accordance with the consultation provisions of the OWRD Final Order directing installation of additional gages to measure inflows to Upper Klamath Lake, Reclamation's Klamath Basin Area Office coordinated site visits to the proposed locations on December 8, 2020 with water measurement technical personnel from OWRD and the U.S. Geological Survey to further evaluate the sites. The group consensus was that installed gages at Thomason Creek and Crystal Creek would not provide accurate and reliable discharge data, nor improve our understanding of daily Upper Klamath Lake inflows. The reasons for these technical concerns regarding accuracy and reliability include backwater conditions, wind driven currents, and aquatic vegetation – as well as unstable bank conditions.

In addition to technical concerns regarding the gaging locations, Reclamation has practical concerns regarding the feasibility of the April 1, 2021 deadline for installing measuring devices, including the time it would take to establish a rating curve and to complete the necessary environmental permitting and compliance steps.

After subsequent consultation and coordination with OWRD staff, we are requesting that OWRD reconsider the November 5, 2020 Final Order and propose that we meet as soon as practicable to discuss alternatives that would serve to better inform inflows to Upper Klamath Lake. One alternative that might prove useful and

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\* PARTIAL

more accurate than additional streamflow gages at some of the proposed locations would be direct measurement and estimation of evaporative losses from Upper Klamath Lake.

In furtherance of resolving this matter, we suggest additional consultation between Reclamation and OWRD staff, ideally during the second week of January 2021, and ask that you schedule a meeting to discuss alternatives then. In the meantime, we hereby request that OWRD reconsider the November 5, 2020 Final Order in favor of finding a better and more feasible alternative to accomplish the desired results of improved measurement of Upper Klamath Lake inflows. Reclamation reserves the right to supplement the grounds set forth in this Petition for Reconsideration as appropriate.

If OWRD has additional questions, please have appropriate staff contact me at (541) 274-9980 or Jared Botcher at (541) 591-2583

Respectfully,

Jeffrey Nettleton  
Area Manager

cc: Thomas Paul, OWRD  
John Sample, Assistant General Counsel, PacifiCorp  
Nathan Reitmann, Counsel, Klamath Irrigation District  
Michael Gheleta, Supervisory Attorney  
Office of the Solicitor, U.S. Dept. of the Interior