



IN REPLY
REFER TO:

United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Southwest Region
2800 Cottage Way
Room E-1712
Sacramento, Ca.ifornia 95825-1890

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

April 23, 2020

Via E-Mail: Thomas.M.Byler@oregon.gov

Re: Initial Response to Interim Order Concerning Release of Stored Water,
In the Matter of a Dispute Pursuant to ORS 540.210 (OWRD),
Klamath Irrigation District, *Disputant* / Bureau of Reclamation, *Reservoir Owner*

Dear Mr. Byler:

In the interest of time, the U.S. Bureau of Reclamation ("Reclamation") is providing this initial response to the Interim Order Concerning Release of Stored Water ("Interim Order") issued by the Oregon Water Resources Department ("OWRD"), and provided to Jeff Nettleton, Area Manager of Reclamation's Klamath Basin Area Office. We received the Interim Order near the close of business on April 23, 2020, and are providing this initial response as expeditiously as possible on the same day while we continue to review the order.

In accordance with paragraphs 2.a.iii and 3 of the Interim Order, the Bureau of Reclamation hereby provides initial notification to OWRD that this federal agency is presently accomplishing the release of water from Upper Klamath Lake in compliance with applicable federal law, including but not limited to the Endangered Species Act, and also consistent with a stipulated stay of litigation entered in the matter of *Yurok Tribe, et al. v. National Marine Fisheries Service, et al.*, Case No. 3:19-cv-04405-WHO (N.D. Cal). A further response providing the additional information requested in the Interim Order, both technical and legal, will be forthcoming. Please distribute this initial response as necessary to interested parties in this matter.

Sincerely,

Michael A. Gheleta
Supervisory Attorney-Advisor
Office of the Solicitor
U.S. Department of the Interior