



# Oregon

Kate Brown, Governor

## Water Resources Department

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[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

### BEFORE THE OREGON WATER RESOURCES DEPARTMENT

In the Matter of a Dispute )  
Pursuant to ORS 540.210 )  
)  
)  
Klamath Irrigation District )  
*Disputant,* )  
)  
Bureau of Reclamation )  
*Reservoir Owner.* )

### REQUEST FOR INFORMATION

TO: The U.S. Bureau of Reclamation  
C/O Jeff Nettleton, Area Manager  
6600 Washburn Way  
Klamath Falls, OR 97603-9365

Pursuant to ORS 540.210, the authority delegated by the Oregon Water Resources Commission under ORS 536.026, and applicable regulations, the **Bureau of Reclamation** is hereby required to deliver documents and responses, on or before 5:00 p.m. on May 5, 2020, to the Oregon Water Resources Department (“Department”) offices at 725 Summer Street NE, Salem, Oregon 97301, or by electronic means, regarding the following topics:

#### Water Storage Data

- 1) BOR’s measurements and estimates regarding the total cumulative volume of stored water in UKL after January 1, 2020, through the date on which the water level in the lake reached the highest elevation;
- 2) BOR’s measurements and estimates regarding the volume of stored water currently in UKL;
- 3) BOR’s calculation of how much stored water is allocated to the Klamath Project under the 2020 Operations Plan, including subtotals for irrigation use, stockwater use and domestic use.
- 4) BOR’s measurements and estimates regarding the volume of stored water which was already delivered to the Klamath Project in 2020, including subtotals for irrigation use, stockwater use and domestic use.

### **Natural Flow Data**

- 5) BOR's determinations regarding how much natural flow water is allocated to the Klamath Project under the 2020 Operations Plan.
- 6) BOR's measurements of mean daily live flow into UKL for 2020, and estimates and projections of mean daily live flow into UKL for the remainder of 2020, with a description of each surface water source and any measuring devices.
- 7) BOR's measurements and estimates regarding the total volume of natural flow water which was already delivered to the Klamath Project in 2020.

### **Diversions Data**

- 8) A list of diversions (aka PODs) for the Klamath Project, including the quantity of water allocated by the 2020 Operations Plan for each diversion in 2020, whether they diverted stored and/or natural flow water, and whether the diversion has headgates or measuring devices. This request includes all Klamath Project diversions from UKL and the Klamath River downstream from the Link River Dam (e.g. KDD).
- 9) A list of diversions from UKL, excluding diversions which are listed for the Klamath Project in response to question 8 above. This request includes the quantity of water for each diversion in 2020, whether they divert stored and/or natural flow, and whether the diversion has headgates or measuring devices.
- 10) BOR's determinations regarding how much stored water or natural flow has been released from UKL through the Link River Dam in 2020 for non-Klamath Project purposes, with a list of the reasons for and quantify of the release, including but not limited to water released for the federal Endangered Species Act (ESA), the Yurok Tribe's fishing rights, or other purposes.

### **Projections Data**

- 11) BOR's determination of the mean daily flow which must be released at Link River Dam for the remainder of 2020 for non-Klamath Project purposes, with a list of the reasons for the release and quantifies of water; this request includes but is not limited to water released for the ESA, the Yurok Tribe's fishing rights, or other purposes.
- 12) BOR's determination of how much irrigation water that BOR or its lessee be applying to beneficial use without waste to its land appurtenant to water rights under KA 1000 in 2020.
- 13) BOR's position on whether the 147,000 acre-feet of water provided for Klamath Project irrigators in the 2020 Operations Plan, minus any water already diverted for the Klamath Project for the 2020 irrigation season, is available in UKL as stored water and/or expected inflows for diversion to the Project irrigators.
- 14) BOR's position on whether it expects that the volume of natural flow and water stored in UKL under KA 294 will go below the level needed to meet the 147,000 acre feet authorized under the 2020 Operations Plan.

## Documents

- 15) A copy of BOR's transmittals and correspondence regarding the 2020 Biological Assessment or 2020 Interim Operations Plan to NMFS and USFWS, and any responses, approvals, reviews, denials or guidance regarding these documents; this request includes but is not limited to the April 13, 2020 letter from NMFS to Nettleton.
- 16) A copy of all current protocols, contracts, operating agreements, side agreements or other contracts or agreements that relate to the allocation, release or distribution of stored water from UKL in 2020, other than the November 29, 1954 Amendatory Contract with KID.
- 17) A copy of all documents and protocols that show how BOR manages and measures the diversions from UKL.
- 18) A copy of all correspondence, emails and other documents showing the coordination and agreements between BOR and PacifiCorp regarding potential water borrowing operations and "repayment" of water through releases from UKL.

ISSUED this 1st day of May, 2020.



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THOMAS M. BYLER, Director  
Oregon Water Resources Department

**CERTIFICATE OF SERVICE**

I hereby certify that on May 1, 2020, I served a full, true and correct copy of the Department's REQUEST FOR INFORMATION, upon the parties hereto as follows:

Jeff Nettleton  
Bureau of Reclamation  
Mid-Pacific Region  
Klamath Basin Area Office  
6600 Washburn Way  
Klamath Falls, OR 97603-9365

- by regular mail, postage prepaid
- by hand-delivery
- by facsimile # \_\_\_\_\_
- by certified mail # \_\_\_\_\_
- Other: Email

DATED this 1st day of May 2020.

*Nirvana Cook*

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Nirvana Cook  
Oregon Water Resources Department