



## KLAMATH IRRIGATION DISTRICT

6640 K.I.D. LANE

KLAMATH FALLS, OREGON 97603

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2 May 2020

FOR: Mr. Thomas M. Byler, Director, Oregon Water Resources Department

REFERENCE: 1 May 2020 Request for Information from Oregon Water Resources Department

Mr. Byler,

Thank you for investigating our complaint. I pray your team is timely to operate the Project in accordance with State Law and uphold our water-rights. Just today, Reclamation has provided guidance to reduce diversions below the demand for beneficial use and has provided projections the supply will not meet this year's demand.

In response to your request for information:

### Beneficial Use Data

1) Klamath Irrigation District, appurtenant to KA 1000, KA 1001, and KA 1004, directly (and indirectly) serves 8 additional irrigation and improvement Districts with a combined irrigable acreage of 135,848. (KID KA 1000 = 39,258; KID KA 1004 = 1,799; KID KA 1001 = 4,695; and Warren Act Contractors KA 1000 = 26,782. Tulelake Irrigation District KA 1000 at 63,314 acres have their own point of diversion; however, KID's system was designed between 1887 and 1922 to provide water to this water-right holder through spill, thus I have included their acres as my system provides a significant amount of water for their beneficial use.

a) My observation of the District indicate farmers within Klamath Irrigation District, Henley-Ankeny Land, Klamath Basin Improvement District, Enterprise Irrigation District, Shasta-View Irrigation District, Malin Irrigation District, Poe Valley Improvement District, and Van Brimmer Ditch Company are currently or prepared to irrigate 130,086 acres and are current with paid assessments. Within KID boundaries for KA 1000 and KA 1004 I am currently delivering water to 38,295 acres; I am also currently delivering water to support a majority of the remaining acres mentioned above.

b) My understanding on 2 May 2020 is that just over 3,000 KA1000 acres have applied drought programs which willingly have agreed not to irrigate this year.

2) The water from Upper Klamath Lake from KA 1000 is unsuitable for domestic purposes. However, I know domestic wells (like my mother's), which are able to recharge when irrigation water is applied to the land; without recharge, my mother's well goes dry in late July.

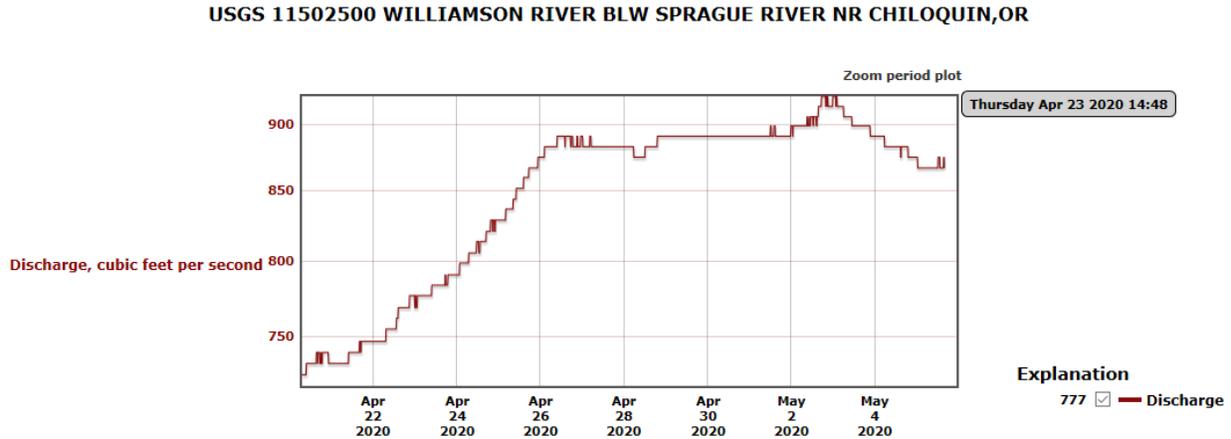
3) Klamath Irrigation District does not currently keep a survey, nor require reporting of the head of livestock to this office. I provide water to numerous ranches which have various types of livestock from horses, to cattle, to sheep, and fowl. Examples of my patrons include the JRD

Cattle Company LLC, Holland's Dairy, Drost Land Company LLC, Pope Ranch Properties LLC, Hill Ranch, and numerous other small businesses across the District. My best estimate is over 3800 head cattle, 1500 sheep and llamas, 1000 horses, and several thousand fowl.

4) The estimated flow in cfs necessary to satisfy my patrons and the patrons of the contracts I serve is on average 500cfs per day. Please see attachment A showing KID diversions, from the A Canal only (this chart does not include KA 1000 water taken from Miller Hill) showing diversions from 1992, and 2010-2019.

5) KIDs daily average rate of diversion from Upper Klamath Lake in 2020 is 477cfs for the Districts KID supports. See attachment B.

6) To date, my calculations indicate we have not exceeded live flow for diversions. Below is a chart of a tributary to Upper Klamath Lake showing our diversions are below this rate. All 15,383 acre feet Klamath Irrigation District has taken are below this single tributary.



7) As of midnight on 1 May 2020, the Project has diverted approximately 17,501 acre feet of KA 1000; Klamath Irrigation District has supported our contracts with 15,383 acre feet from this total.

8) No water has been diverted for non-irrigation uses under KA 1000 in 2020.

9) As of 2 May 2020 at 11:09am; the Bureau of Reclamation has issued guidance to reduce all KA 1000, KA 1001, KA 1004 diversions to under 367 cfs per day. Under this guidance, I am no longer meeting the demands of the water-rights holders. I am curtailing deliveries, placing farmers on waiting lists, and anticipate failing to deliver property to water-right holders for the next 181 days. See Attachment D showing this supply will not meet demand through the irrigation season. As of 5 May 2020 at 14:50 hours I have been informed our allocation is now less than 0.5 acre feet of water per acre.

#### Groundwater Use

10) Klamath Basin Improvement District has pumped 155 acre feet of water to supplement

application to irrigatable lands.

11) I have received no requests to service a KA 1000 water right through groundwater only. All well-owners I have spoken with anticipate their groundwater will supplement surface water.

#### Leases and Sales

12) are no leased-in-stream KA 1000 water rights as Reclamation is taking everything we would like to lease.

13) Klamath Irrigation District Board of Directors are prepared to vote on a resolution for the sale of property to Reclamation under ORS 545.367 to gain access to desperately needed drought funding the Federal government is withholding without sale of water for wildlife purposes.

14) Authorities include, but are not limited to: ORS 545.367, 43 U.S.C. §521; ¶19 of KID's 1954 contract with Reclamation, Sections 1 and 2, chapter 445, Oregon Laws 2015;

15) See 14.

16) I understand the Klamath Project Drought Response Agency has entered into contract with the Bureau of Reclamation, Contract No. 20-WC-20-5651. I do not have a current or signed copy of this contract. See Attachment E.

17) See Attachment C. (Nathan)

18) Documents would include, but are not limited to, ACFFOD, KID's 1954 contract, and Sections 7 and 8 of Reclamation Act (indicating Reclamation cannot interfere with vested rights and that beneficial use is the limit, basis, and measure of the right).

I'd be happy to discuss to provide better information.

Regards,



Gene Souza  
Executive Director and District Manager  
Klamath Irrigation District