

BEFORE THE OREGON WATER RESOURCES DEPARTMENT

IN THE MATTER OF AN INVESTIGATION)	
IN AID OF DISTRIBUTION PURSUANT)	DETERMINATION ON STATUS
TO ORS 540.210)	OF RELEASES OF WATER
)	STORED UNDER
Klamath Irrigation District)	DETERMINED CLAIM KA 294
<i>Petitioner,</i>)	
)	
Bureau of Reclamation)	
<i>Reservoir Owner.</i>)	

To: Staff of the Oregon Water Resources Department

I. BACKGROUND

Pursuant to the order of the Marion County Circuit Court dated October 13, 2020 ¹ ((*Klamath Irrigation District v. Water Resources Department* (20CV15606) the Oregon Water Resources Department (Department) determines whether water that is passing through the Link River Dam as of the date of this Determination is water stored pursuant to Determined Claim KA 294.

The Department will continue to provide updates as to the status of water released from UKL whenever circumstances change materially and at least monthly throughout 2021. Determination #1 was issued on January 22, 2021, Determination #2 on February 23, 2021, Determination #3 on March 30, 2021, and Determination #4 on April 30th, 2021. This is the fifth determination for 2021 (Determination #5).

¹ The October 13, 2020 order directed the Watermaster to:

“* * * immediately stop the distribution, use and/or release of Stored Water from the UKL [Upper Klamath Lake] without determining that the distribution, use and/or release is for a permitted purpose by users with existing water rights of record or determined claims to use the Stored Water in UKL.

The term “existing water rights of record” has the meaning provided in ORS 540.045(4). The term “determined claim” has the meaning provided in Section 1, chapter 445, Oregon Laws 2015 (which is published in the Oregon Revised Statutes as a note following ORS 539.170).

II. REGULATION OF DETERMINED CLAIMS

ORS 540.145 authorizes the Water Resources Commission to adopt rules to “secure the equal and fair distribution of water in accordance with the rights of the various users” which rules “shall apply to all water rights that have been established * * * “[u]nder an order of the Commission or the Water Resources Director in proceedings for the determination of relative rights to the use of water * * *.” The rules of the Commission authorizing the distribution of Determined Claims in the ACFFOD² to secure the equal and fair distribution of water in accordance with the rights of the various users are provided in Oregon Administrative Rules (OAR) Chapter 690 Division 250.

A “reservoir” includes a modified natural lake such as Upper Klamath Lake (UKL), in which water is collected for beneficial use or purpose.³ “Legally stored water” means any “water impounded in a reservoir under the provisions of an established right to store water.”⁴ Use of legally stored water is governed by the water rights that may call on that source of water and is limited to that amount of water that may be put to beneficial use without waste.⁵ Any legally stored water that is in excess of the needs of the water rights calling on that stored water is considered “natural flow” which may be diverted according to the next water right in priority or is once again public water subject to appropriation.⁶

III. FINDINGS OF FACT

A. KA 294 and KA 1000

1. The Bureau’s Klamath Project (Project) was established in accord with federal legislation and state legislation in 1902 and 1905, respectively. The Bureau built and owns the facilities, known

² The term “ACFFOD” refers to the Amended and Corrected Findings of Fact and Order of Determination. The ACFFOD is the Director’s order of determination regarding claims filed in the Klamath Adjudication and is currently under review in the Klamath County Circuit Court. Pursuant to ORS 539.170 while the ACFFOD is pending before the circuit court, the “division of water from the stream involved in the appeal shall be made in accordance with the order of the director.”

³ OAR 690-250-0010(13); Modifications of the outlet of UKL along with the construction of the Link River Dam around 1916 allow the UKL to be operated and managed as a reservoir between the elevations of 4136 and 4143.3.

⁴ OAR 690-250-0010(10).

⁵ OAR 690-250-0010(3); *Bennett v. City of Salem*, 192 Or 531, 543 (1951)(An appropriator is never entitled to divert more water than is actually put to beneficial use, reasonable transmission losses excepted); *In re Water Rights of Deschutes River and Tributaries*, 134 Or 623, 644 (1930)(“The right of a prior appropriator is paramount, and the right is limited to such an amount of water as is reasonably necessary for such use and project as may be fairly within contemplation at the time the appropriation is made); *Tudor v. Jaca*, 178 Or 126, 143 (1945) *citing Bolter v. Garrett*, 44 Or 204 (1904) for the proposition that the use of water appropriated “must not only be beneficial to the lands of the appropriator, but it must also be reasonable in relation to the reasonable requirements of subsequent appropriators.”

⁶ OAR 690-250-0150(4); *Jones v. Warm Springs*, 162 Or 186, 195 (1939) (Water discharged to the natural stream with no intent to recapture it becomes part of the natural stream and is subject to reappropriation).

as the works in the Project area. UKL is a modified natural lake and is one of the three reservoirs in the Project which also comprises eight dams, five major pumping plants, 19 canals, and other works.

2. The Bureau is the sole owner of Determined Claim KA 294. KA 294 provisionally authorizes the Bureau to store a maximum annual volume of 486,828-acre feet (AF) of water in UKL between elevations 4136 feet and 4143.3 feet, relative to the Bureau's Klamath Basin Datum.
3. The volume of water stored in UKL above elevation 4136 is estimated based on an elevation capacity curve, or rating, provided by the Bureau, and using the weighted mean lake level as reported by the United States Geological Survey (USGS). The most recent rating provided by the Bureau indicates the maximum storage volume for KA 294 (486,828 AF) is met when the lake elevation is at 4142.48 feet.⁷
4. The Klamath Irrigation District (KID) and 20 other Klamath Project Water Users (together the KPWU) and the Bureau are co-owners of Determined Claim KA 1000. KA 1000 provisionally authorizes the diversion of natural flow from UKL and water stored in UKL pursuant to KA 294 for beneficial use by the KPWU both upstream and downstream of the Link River Dam.⁸ KA 1000 does not specify what amount of water must be taken from natural flow as opposed to stored water and does not prohibit the taking of water from both sources simultaneously.
5. Pursuant to KA 1000, KID may divert up to 1,150 cubic feet per second (cfs) through the A Canal for irrigation during the irrigation season March 1 through October 31, with a priority date of May 19, 1905.
6. The Link River Dam is a federally owned dam located on the Link River. The storage and release of water pursuant to KA 294 from UKL is through the Link River Dam.
7. Downstream of the Link River Dam, and pursuant to KA 1000, there are 34 authorized points of diversion from the Klamath River. Many of these diversions have an authorized season of use from March 1 to October 31 and two irrigation districts also maintain an additional season of use from November 1 to February 28. These 34 points of diversion have a total authorized instantaneous maximum diversion rate of 1,572.51 cfs.

⁷ The weighted mean lake level of UKL is monitored and reported by the USGS. Four separate lake stage gages are operated and maintained by the USGS, and the data from each gage are entered into an equation to calculate the weighted mean lake elevation. The provisional lake elevation data are available at the website: https://waterdata.usgs.gov/or/nwis/uv/?site_no=11507001&agency_cd=USGS

⁸ KA 1000 erroneously refers to KA 293, but this is a typographical error.

B. Determining Water Stored in UKL Pursuant to KA 294

1. Calculating Storage Release

8. The equation the Department is using to calculate stored water releases is:

$$\{eqn 1\} \textit{Storage Release} = \textit{Link River Flow} - (\textit{UKL Inflows} - \textit{UKL Diversions})$$

with the storage release in excess of water rights then calculated as:

$$\{eqn 2\} \textit{Excessive Storage Release} = \textit{Storage Release} - \textit{Downstream Diversion}_{KA1000}$$

If either equation results in a zero or negative value, then no storage release unrelated to water rights is occurring.

Description of the variables used in the equation:

Link River flow data are available from a USGS stream gage (USGS 11507500) operated on the river. The Keno power canal began diverting flow on 04/28. The diversion starts at Link River dam and the diverted water enters the Link River below the Link River stream gage. The Keno power canal diversion was added to the Link River flow to get the total outflow to the Klamath River from Upper Klamath Lake. The header in the daily distribution table was modified to reflect the inclusion of the Keno Power canal in the Link River flow. The change was made on May 10, 2021 and applied retroactively to April 29, 2021.

UKL inflows represent the total amount of *natural flow* coming into the lake from surface water, groundwater, and precipitation. Some of these inflows are measured directly (e.g., Wood and Williamson River stream gages) while others must be estimated (e.g., groundwater inflows) as explained below.

UKL Diversions: The largest UKL Diversion, the A Canal, is monitored by a gage accessible at this link:

<https://www.usbr.gov/pn-bin/wyreport.pl?site=acho¶meter=qj&head=yes>

There are 12 authorized points of diversion from UKL above the Link River Dam included in KA 1000. Additionally, there are 10 state certificated water rights and 8 non-KA 1000 determined claims each exceeding 1 cfs for the use of natural flow from UKL. These 18 non-KA 1000 water rights and determined claims have a combined total of 23 authorized points of diversion from UKL. Because many of these points of diversion do not have measuring devices installed, their diversion rates are estimated using the authorized diversion rate on the determined claim or water right, or diversion measurements performed by Watermaster staff.⁹

⁹ Efforts are underway to develop a more sophisticated mechanism of estimating these numerous smaller users that divert water directly from UKL, including inventorying each POD and working with the landowner to install measuring devices.

Downstream Diversions KA1000: Gages monitor three of the KA 1000 diversions below UKL; the Lost River Diversion Channel (LRDC), the North Canal, and the Ady Canal.

There are 34 authorized points of diversion identified under the KA 1000 below the Link River Dam and approximately 61 other diversions from the Klamath River downstream of the Link River Dam not associated with KA 1000. The ungaged diversions and individual pump diversions are currently estimated as described above (see footnote 9).

Additionally, the total estimated ungaged diversions between Link River dam and Keno dam, which are not part of equation 2, were updated on May 17, 2021 based on the water balance between those two sites from the gages monitoring inflows and outflows in the reach. This change was applied retroactively to April 29, 2021. The large number of diversions, inability to access these diversions, and lack of measuring devices made direct measurements of the diversion amounts impractical. This reach showed a neutral water balance (no unaccounted-for difference in flow between Link River dam and Keno dam) until the irrigation season started, at which time a negative water balance was calculated similar in magnitude to the theoretical diversion rate of the water rights in the reach. A 7-day moving average of the daily water balance was used to estimate the daily diversions to account for gaging uncertainty, travel time for water between the beginning and end of the reach, and ability of the channel to temporarily store and release water.

Both gaged and ungaged diversions below Link River Dam have been taking natural flow as no storage releases have occurred and the water rights allow for these users to divert natural flow.

2. Calculating Inflows

9. To manage the water rights and determined claims and distinguish between natural flow and stored water, the Department must quantify gross inflows to UKL. Table 1 contains measured inflows (all reported in cubic feet per second) between April 29, 2021 and May 26, 2021.
10. Stream tributaries constitute one component of inflow that contributes to UKL. Tributary inflows include the Williamson River, Wood River, Sevenmile Creek, Crystal Creek, Thomason Creek, and Fourmile Creek. These streams and their tributaries are listed as sources on KA 294.¹⁰
11. Groundwater contributions and direct precipitation are also estimated inflow contributions that contribute to UKL. Table 1 includes estimates of groundwater inflow¹¹ and direct precipitation into the UKL.¹²

¹⁰ Gaged inflow streams include the Williamson and Wood Rivers, and Sevenmile Creek. On November 5, 2020, the Department issued a FINAL ORDER MEASURING DEVICES to the Bureau requiring installation of measuring devices on Sevenmile Creek, Thomason Creek, Fourmile Creek, and Crystal Creek. On December 30, 2020, the Bureau requested reconsideration of this order, and on February 23, 2021, the Department notified the Bureau that it is reconsidering its order. At the time of the issuance of this order, the Department is working with the Bureau to evaluate the viability of installing gages on Crystal Creek and Fourmile Creek.

¹¹ Groundwater contributions are based on USGS estimates and adjusted for current hydro-climate conditions.

¹² Precipitation is scaled from the average daily precipitation recorded at the two USBR AgriMet sites KFLO and AGKO located north and south of the lake. The scaling is based on the PRISM precipitation data set ratio of the lake areal average compared to the two AgriMet sites and results in an approximately 14% increase from the recorded average values at the AgriMet sites.

12. Ungaged tributary inflows are also estimated inflow contributions to UKL. On May 5, 2021, a constant ungaged inflow estimate for the ungaged tributaries (approximately 62 cfs) was implemented for the daily water distribution and applied retroactively to April 29, 2021. The ungaged tributary inflow estimate is based on the lake water balance on an approximate 30-day period. The prior approach was based on the daily water balance of the lake which exhibited large variability unrelated to hydrologic conditions. This “noise” in the daily ungaged inflow estimate is attributed largely to the effects of wind on lake stage. The 30-day time frame reduces this data noise and better reflects actual hydrologic conditions. At the issuance of the present FOD, the ungaged inflow estimate was updated (169 cfs) and applied retroactively backwards to the previous FOD as described in the water balance reconciliation (see section 3.0, equation 2). By using this approach, large swings in the daily gross Inflow estimate are avoided, thereby reducing the need for large daily (or sub-daily) changes in water management unrelated to changes in actual hydrologic conditions.

Upper Klamath Lake Inflows (CFS)							
DATE	USGS Gage 11504115 Wood River	USGS Gage 11504290 Sevenmile at Dike Rd	USGS Gage 11502500 Williamson	GW Inflow Estimate	Fourmile, Crystal Creek & Other Ungaged Tributaries	Precipita tion	Total Inflow to UKL
4/29/2021	352	15	646	224	169	0	1410
4/30/2021	360	29	637	224	169	0	1420
5/1/2021	364	27	640	224	169	0	1420
5/2/2021	366	21	627	224	169	0	1410
5/3/2021	364	32	622	224	169	0	1410
5/4/2021	364	44	626	224	169	0	1430
5/5/2021	369	33	626	224	169	0	1420
5/6/2021	374	22	617	224	169	0	1410
5/7/2021	375	0	606	224	169	0	1370
5/8/2021	367	8	598	224	169	0	1370
5/9/2021	370	19	591	224	169	0	1370
5/10/2021	365	11	588	224	169	0	1360
5/11/2021	376	18	587	224	169	0	1370
5/12/2021	383	26	581	224	169	0	1380
5/13/2021	387	37	580	224	169	0	1400
5/14/2021	396	32	570	224	169	0	1390
5/15/2021	402	33	565	224	169	0	1390
5/16/2021	389	37	562	224	169	0	1380
5/17/2021	390	30	553	224	169	0	1370
5/18/2021	391	17	555	224	169	0	1360
5/19/2021	393	4	549	224	169	0	1340
5/20/2021	386	0	535	224	169	0	1310
5/21/2021	388	0	533	224	169	113	1430
5/22/2021	382	0	535	224	169	56	1370
5/23/2021	378	4	542	224	169	0	1320
5/24/2021	370	0	550	224	169	0	1310
5/25/2021	376	0	555	224	169	0	1320
5/26/2021	375	0	551	224	169	0	1320

Table 1 Measured inflows into UKL in cubic feet per second. Note: OWRD gages were located and installed to monitor instream determined claims.

3. Calculating Inflows in Relation to Outflows

13. The total UKL inflow estimate is reconciled against the change in UKL contents and the outflows based on a water balance of the lake performed periodically, expressed as the following equation:

$$\{eqn 2\} \text{ Reconciled UKL Inflows} = \text{Change in UKL Contents} + \text{UKL outflows}$$

Adjustments to the estimated unaged tributary inflow are made based on this reconciliation to ensure the UKL water balance is satisfied (Table 2) as previously described in section two.

Description of the variables used in the equation:

The **change in UKL contents** is based on contents derived from the USBR elevation capacity table using the average UKL elevation from four USGS lake level gages.

UKL outflows consist of lake evaporation, outflows through the Link River and A- Canal, and 23 other authorized diversions greater than 1 cfs directly from the UKL. Lake evaporation is currently estimated using weather station data from two nearby AgriMet sites.¹³ Flow through the Link River and A- Canal are measured with gages. The other diversions from the UKL are currently estimated.

Water Balance Summary Table		
Start Date (12:01 am)		4/29/2021
End Date (11:59 pm)		5/26/2021
Number of Days in Reporting Period		28
	AC-FT	<i>Equivalent CFS</i>
Change in Contents (+ = increase)	-20,658	-372
Gaged Inflows	54,303	978
Ungaged Inflows ¹	9,398	169
Groundwater Inflow ²	12,440	224
Precipitation Inflow	336	6
Total Inflow	76,477	1,377
Evaporation	-34,449	-620
Link River Outflow	-61,555	-1,108
A Canal Diversions	0	0
Adjacent UKL Land Diversions	-1,131	-20
Total Outflow	-97,135	-1,749
UKL Water Balance	0	0
¹ Adjusted to close water balance		
² Updated from Hubbard using Spring Cr&Fall R as hydro-climate index		

Table 2: Water balance table in reconciliation process.

¹³ The Department estimates evaporation by a Penman-Monteith equation that uses weather data from two USBR AgriMet weather stations just north and south of UKL. Evaporation estimates are adjusted for local lake conditions based on comparisons of the Penman-Montieth derived estimates with concurrent evaporation data on UKL from a study completed by USBR in 2015.

On May 15, 2021, the accounting equation for total water stored in UKL since January 1st, 2021 was changed to a running total of the daily difference between gross lake inflows and lake outflows through Link River since January 1st. The previous accounting was based on the change in daily contents plus the daily estimated evaporative flux. Although the previous method resulted in nearly identical accounting of stored water over long-time frames (less than 1 % difference as of May 15, 2021), the previous method exhibited high daily variability due to the large daily variability in the lake contents. The previous accounting method at times showed water being stored when this was not supported by inflow and outflow data, again attributed to significant swings in UKL content due to wind effects on lake elevation measurements. The new methodology has less daily variability in the accounting and is more intuitive to track daily.

An estimate of lake evaporation between issued FODs is required to determine the lake water balance, as shown in Table 2. Estimates of daily lake evaporation are also shown in the distribution Table 3 as one component of the daily lake outflows. This daily UKL evaporative estimate from the lake (ac-ft) was modified to be based on the 14-day moving average of the daily rate. The daily rate is based on weather data recorded at two nearby USBR AgriMet sites (KFLO and AGKO). The previous method was based on the daily rate from the two AgriMet sites multiplied by the daily lake area. This change was made on May 17, 2021 and applied retroactively to April 29, 2021.

The change was made because empirical methods for estimating open water evaporation do not account for energy absorbed into and released from the water body in question (in this case UKL). Thus, part of the daily changes in energy inputs from natural weather variability that drive lake evaporation result in lake water temperature change as opposed to change in lake evaporation. All empirical methods for estimating open water evaporation have this issue. Thus, not all the increase in energy on a hot day, for example, goes into increasing the evaporative flux on that day. In this example, some of that additional energy goes into warming the lake. Conversely on a colder day, the evaporative flux from the lake is typically higher than what the empirical approach would indicate as some of the energy (heat) stored in the lake is returned to the atmosphere via the evaporative flux.

Additionally, most methodologies have higher uncertainty with finer temporal scales. For example, pan evaporation can be accurate on an annual basis, but less so on a monthly or sub-monthly time frame. The 14-day moving window of the estimated evaporative rate is the same validation window used in the 2015 WWCRA¹⁴ study on open water evaporation that compared a simplified empirical energy balance model (the “CRLE” method) to the more sophisticated and resource intensive Bowen ratio methodology for UKL. In terms of the monthly FOD, the change in the methodology only affects the summary water balance table and has a minimal impact since the summary tables are based on an approximately 30-day time window.

¹⁴ Huntington, J., Gangopadhyay, S., Spears, M., Allen, R., King, D., Morton, C., Harrison, A, McEvoy, D., Joros, A., Pruitt, T., 2015, West-Wide Climate Risk Assessments: Irrigation Demand and Reservoir Evaporation Projections. USBR Technical Memorandum No. 86-68210-2014-01, 222p, Denver, Colorado

14. Table 3 represents the Department’s calculations of inflows into UKL versus lake outflows for the time period between April 29, 2021 and May 26, 2021.

DATE	Lake Elevations (FT) and Storage (AC-FT)				Lake Inflows (CFS)	Lake Outflows (CFS)					Flow Distribution Calculation (cfs)						
	UKL Lake Elevation (USBRKB Datum)	UKL Storage	Stored since Jan 1, 2021	KLA 294 Remaining to Store (Max 486,828 AF)		Total Inflows into UKL	Evap	Link River + Keno Canal Flow	A- Canal Diversion	KA 1000 Diversions from Adjacent UKL Lands	Non KA 1000 Diversions from Adjacent UKL Lands	Live Flow Available to Pass Link R Dam	Stored Water Released from Link R Dam	Gaged KA 1000 below LRD	Ungaged KA 1000 below LRD	Non KA 1000 Diversions below LRD	KA 1000 Storage Deliveries blw LRD
4/29/2021	4140.59	321,763	160,068	104,143	1410	708	1195	0	1.3	1.9	1407	0	73	0	82	0	0
4/30/2021	4140.59	321,763	160,607	103,604	1420	653	1145	0	1.3	1.9	1417	0	0	0	94	0	0
5/1/2021	4140.59	321,763	161,305	102,907	1420	540	1065	0	1.3	1.9	1417	0	0	0	99	0	0
5/2/2021	4140.58	320,952	161,983	102,229	1410	537	1065	0	1.3	1.9	1407	0	0	0	103	0	0
5/3/2021	4140.57	320,142	162,621	101,591	1410	540	1085	0	1.3	1.9	1407	0	12	0	102	0	0
5/4/2021	4140.57	320,142	163,239	100,972	1430	541	1115	0	1.3	1.9	1427	0	15	0	97	0	0
5/5/2021	4140.56	319,331	163,759	100,453	1420	541	1155	0	1.3	1.9	1417	0	22	0	96	0	0
5/6/2021	4140.55	318,534	164,099	100,112	1410	550	1235	0	1.3	1.9	1407	0	5	0	114	0	0
5/7/2021	4140.55	318,534	164,460	99,752	1370	549	1185	0	1.3	1.9	1367	0	23	0	128	0	0
5/8/2021	4140.52	316,145	164,840	99,371	1370	562	1175	0	1.3	1.9	1367	0	54	0	155	0	0
5/9/2021	4140.52	316,145	165,339	98,872	1370	587	1115	0	1.3	1.9	1367	0	58	0	172	0	0
5/10/2021	4140.51	315,348	165,898	98,313	1360	609	1075	0	1.3	1.9	1357	0	42	0	184	0	0
5/11/2021	4140.51	315,348	166,477	97,734	1370	620	1075	0	1.3	1.9	1367	0	31	0	194	0	0
5/12/2021	4140.50	314,552	167,056	97,156	1380	636	1085	0	1.3	1.9	1377	0	49	0	199	0	0
5/13/2021	4140.49	313,755	167,641	96,570	1400	640	1085	0	17.8	1.9	1380	0	53	0	190	0	0
5/14/2021	4140.49	313,755	168,168	96,044	1390	637	1105	0	17.8	1.9	1370	0	45	0	186	0	0
5/15/2021	4140.49	313,755	168,535	95,676	1390	660	1185	0	17.8	1.9	1370	0	45	0	188	0	0
5/16/2021	4140.46	311,366	168,942	95,269	1380	675	1155	0	17.8	1.9	1360	0	44	0	198	0	0
5/17/2021	4140.44	309,783	169,409	94,803	1370	685	1115	0	17.8	1.9	1350	0	39	0	206	0	0
5/18/2021	4140.43	308,992	169,816	94,395	1360	691	1135	0	17.8	1.9	1340	0	51	0	208	0	0
5/19/2021	4140.42	308,201	170,144	94,068	1340	680	1155	0	17.8	1.9	1320	0	49	0	211	0	0
5/20/2021	4140.39	305,827	170,361	93,850	1310	663	1145	0	6.4	48.9	1255	0	43	0	214	0	0
5/21/2021	4140.37	304,245	170,837	93,375	1430	652	1135	0	6.4	48.9	1375	0	48	0	211	0	0
5/22/2021	4140.35	302,671	171,312	92,899	1370	636	1075	0	6.4	48.9	1315	0	48	0	201	0	0
5/23/2021	4140.34	301,888	171,889	92,322	1320	645	974	0	6.4	48.9	1265	0	58	0	181	0	0
5/24/2021	4140.34	301,888	172,470	91,742	1310	650	962	0	6.4	48.9	1255	0	68	0	163	0	0
5/25/2021	4140.34	301,888	173,048	91,163	1320	644	973	0	6.4	48.9	1265	0	63	0	133	0	0
5/26/2021	4140.33	301,105	173,444	90,767	1320	637	1065	0	6.4	48.9	1265	0	68	0	123	0	0

Table 3: Daily calculations of inflows versus outflows for UKL.

15. Currently, the total gaged and ungaged inflows plus the estimated groundwater and precipitation inflow to UKL exceeds the amount of water passing through the Link River Dam. Therefore, the water passing through Link River Dam is natural flow as opposed to Legally Stored Water (Table 3.)

IV. ULTIMATE FINDINGS OF FACT

1. As of the date of this determination, water passing through the Link River Dam constitutes natural flow as opposed to water legally stored pursuant to KA 294.

V. CONCLUSION

1. No Legally Stored Water is presently passing through the Link River Dam.

VI. DETERMINATION

As of the date of this Determination #5, water passing through the Link River dam is natural flow. The Department and the Watermaster District 17 will continue to monitor conditions in the UKL throughout 2021 and will issue a status determination on a monthly basis or as conditions change. If the Department determines that Legally Stored Water in excess of the needs of KA 1000 is passing or may pass through the Link River Dam, it will issue a notice of violation directed to the Bureau based on the April 6, 2021 Order Regarding Release of Water Stored Under Determined Claim KA 294.

DATED this 27th day of May 2021.



DANETTE WATSON,
Watermaster, District 17
Oregon Water Resources Department