



Oregon

Kate Brown, Governor

Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

www.Oregon.gov/OWRD

November 5, 2020

Mr. Gene Souza
Executive Director - Klamath Irrigation District
6640 KID Lane
Klamath Falls, OR 97603

Dear Mr. Souza,

On April 3, 2020, the Klamath Irrigation District (KID) notified the Oregon Water Resources Department of a dispute between itself and the U.S. Bureau of Reclamation over distribution of water within Upper Klamath Lake. The department commenced an investigation in aid of distribution. Distribution absent a careful investigation could result in water users not receiving water to which they are entitled under their rights.

The department expects that regulation of Upper Klamath Lake will occur in three phases. Phase I of the investigation includes the work the department is doing now and also requires a survey of available measuring devices and installation of measuring devices at points of diversion (PODs) where needed, and which POD serves which water right(s) and determined claim(s). Phase I also includes creating a "distribution list" from which the department may proceed to determine appropriate regulation. Phase II involves working with the Bureau of Reclamation to improve inflow measurement to Upper Klamath Lake. Phase III will be regulation and distribution as needed, and year-round monitoring.

As you are aware, the management of Upper Klamath Lake is very complex and up until now, the Department has not regulated those water rights that draw from this reservoir nor distributed water from it. As you are also aware, regulation of a reservoir between the primary storage right holder and the secondary use holders is unusual and in those circumstances where the department is requested to perform this service, ORS 540.220 requires the water users to pay in advance the estimated compensation and expenses of the assistants involved in the distribution of water.

As provided in OAR 690-250-0160 where, as here, the department does not have staff available to cover the additional workload in a timely manner and so will need to hire one or more assistant watermasters to continue and complete the work, the department may request payment in advance for its services based on an estimation of the compensation and expenses. Table 1 (attached) provides initial estimates of potential compensation and expenses for the next phase of the investigation in aid of distribution. These costs are necessary to perform the services requested by the KID.

Please submit a check in the amount \$41,988 to the Oregon Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301. Upon receipt of the requested amount, the



Department will move to hire an assistant watermaster as quickly as possible. If you have any questions please contact me at 971-283-6010 or by email at Ivan.K.Gall@oregon.gov.

Sincerely,

Ivan Gall
Field Services Division Administrator

cc: Tom Byler – Director
 Kyle Gorman – SCR manager
 Dani Watson – District 17 Watermaster
 Nathan Rietmann – Rietmann Law, PC

Table 1: Initial estimates of potential compensation and expenses for staff resources to aid in Phase I of the investigation and distribution of stored water. Actual compensation and expenses will be provided on a monthly basis.

Task	Staff hours, mileage, and lodging	Estimated compensation and expenses
Inspect 30 PODs around UKL; work with POD owners to install measuring devices; draft orders if needed; follow-up compliance check and inspections; generate distribution list	185 hours 810 miles 5 nights lodging	\$11,293
Inspect 85 PODs below Link River Dam; work with POD owners to install measuring devices; draft orders if needed; follow-up compliance check and inspections; generate distribution list	485 hours 5,000 miles 10 nights lodging	\$30,695
	Total Estimated Compensation and Expenses	\$41,988