KLAMATH IRRIGATION DISTRICT
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4 May 2022

Governor Kate Brown
Office of the Governor
900 Court Street, Suite 254
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Subject: 28 April 2022 Letter to Secretary Deborah Haaland

The Klamath Irrigation District (K.I.D.) is a quasi-municipal corporation (Special Local Government District) formed and operated under Oregon Revised Statute 545. Klamath Irrigation District holds water rights in trust and performs operations and maintenance of irrigation infrastructure within the Klamath Project. Klamath Irrigation District is the backbone to the Klamath Project, providing service to eight (8) additional irrigation / improvement districts in addition to numerous individual Warren Act contracts. K.I.D. delivers water to over 122,000 acres of the 233,625-acre Klamath Project area in Southern Oregon and Northern California.

The mission of K.I.D. is to acquire, maintain, assure, and deliver an adequate irrigation water supply for beneficial use on qualified land within the Klamath Project.

We thank you for your letter to Secretary Haaland requesting assistance in Oregon under the Reclamation States Emergency Drought Relief Act. The discretion provided to the Commissioner of Reclamation is likely the best hope for preventing the ecological collapse of our area this year. Your support in asking for this help is greatly appreciated by the community.

We agree that actions need to be taken to improve water delivery and user efficiency; modernizing our system will greatly reduce conflict. Several water management plans have been developed, to include the On-Project Plan, developed over a three-year period as a plan to constructively address issues, and in a way that is in the best interests of our community, with inter-annual variation in irrigation water availability. However, funding and agreements to implement the On-Project Plan has been elusive. Assistance in finding opportunities to fund elements of the On-Project Plan is welcome and we look forward to providing our input on these opportunities.

However, K.I.D. is concerned with your suggestion for long-term solutions without first engaging and discussing with local representatives and governments responsible for implementing such actions. Where we specifically find issue is in the suggestion that permanently idling some of the world's most productive farmland will be beneficial; we believe this approach is overly simplistic and short sighted as the world population continues to grow and the need for food security/stability is increasing. There are some small acreages where placing acres into an idling program makes sense, specifically in and around our suburbs, but not on a large scale as we believe your letter implies.

I offer that the former lakes and marshlands of Tule Lake, Lower Klamath Lake, the Lost River Slough, and other wetlands which the State of Oregon, alongside the State of California, and the federal government decided to transform into productive farmland was an educated, fiscally responsible, and well-founded investment in the Nation's future as described by J.B. Lippincott on 18 March 1905 on behalf of the Secretary of the Interior. The waters removed from these lands, stored in reservoirs, and then returned to the land under control has turned an oasis into a productive tax base for the nation, state, and county.

Unfortunately, poor policy which promotes removing water from the former wetlands has (and continues to) change weather patterns in the Klamath watershed. Before agricultural modification to the landscape, over 188,000 acres of surface area was covered by water. This area was once described as the Everglades of the West. Water that was naturally withheld above the Keno Reefs (reefs now modified to be over 6 feet lower than natural conditions for flood control purposes). Water naturally evaporates from the Klamath Basin at a rate of 3 to 5 feet of water per acre every year. 188,000 acres times 3 feet of water equals an annual consumptive use of 564,000 acre-feet of water, in the Upper Klamath watershed, which never naturally flowed over the Keno reef into California. This is why both States and Nation representatives supported the development of the Klamath Project.

When there was no less than 564,000 acre-feet of water evaporating every year across the natural wetlands, this created humidity and cooled the immediate area by up to 5 degrees Fahrenheit. 188,000 acres of evaporating water, naturally cools the region to moderate temperatures. On a dry hot year (such as 1933, 1992, and 2021) with up to 5 acre-feet of water evaporating from the natural water bodies, not much surface water would be available to naturally flow over the Keno Reef into California. Historic accounts discuss the ability to cross the Klamath River at times in the summer without getting one's moccasins wet prior to the development of the Klamath Project.

When there was no less than 564,000 acre-feet of water evaporating every year in the lakes and marshlands of Lower Klamath Lake and Tule Lake, this often created cloud cover and thunderstorms in the late afternoons on excessively warm days. During the evaporation process, water was lifted from the natural water bodies, supplied a little rainfall in the immediate area, but then carried that water north and east into the upper reaches of the Klamath water shed where the thunderstorms dumped water onto the forests (in the vicinity of the 2021 Bootleg fire), thus recharging the upper watershed where the water begins the cycle again.

The same processes are at work when we irrigate the land in this area.

On an average year, the Klamath Project has returned around 350,000 acre-feet of water to the former lakes and marshes, allowing much of the water to be returned to the wetlands in the wildlife refuges which allow for the natural weather pattern to continue as it has for time immemorial.

This cycle has been unnaturally altered by poor policy at the federal level and exacerbated by the State failing to enforce its own laws. For the last three consecutive years this cycle has not occurred (and has been limited since 2001), thus greatly altering our weather patterns and creating a localized climate issue. Last year, Klamath was breaking record temperatures while water was not available on the former wetlands, naturally evaporating to cool the area, nor replenishing the upper watershed, creating conditions for the Bootleg fire to destroy the valuable natural resources contained in the forests, and preventing the natural aquifers to be recharged.

The problem is two-fold which we need our State to address.

First and foremost, we need our State agencies to protect Oregonians and their property rights. The prime example where the State has not met this duty is the Oregon Water Resource Department's failure to curtail the continued releases of stored water from Upper Klamath Lake to entities without a right to do so as identified in the Klamath Basin Adjudication. This situation has nothing to do with drying up the Klamath River or interfering or infringing upon water rights of downstream tribes – this is simply about the release of stored water that would not otherwise be physically available but for construction of a dam across the outlet of Upper Klamath Lake. To avoid dealing with this issue, OWRD has creatively determined, contrary to a century's worth of established hydrologic practice, that essentially all the stored water in Upper Klamath Lake is being lost to evaporation and that the Bureau of Reclamation is therefore only releasing "live flow".

Thomas Byler routinely complains about litigation costs in the Klamath. Much of the department's litigation costs could be curtailed by simply following Oregon water law, including the Bureau of Reclamation, as Congress directed the agency in the Reclamation Act of 1902.

Second, we need assistance from the State to address the FAILED federal policies that are not improving conditions for struggling species at the expense of other species, including humans. When the Department of Justice secures an expert witness to testify the need to curtail water from farmers in the summer of 2000, six months prior to curtailing water in April of 2001, when lake levels were well above average, and the lake storage was near full in April of 2001, something is amiss. When this same person hired for litigation purposes is the single source of "expertise" for Klamath River minimum flows by creating a model without field observations to confirm assumptions about species, something is amiss. When this model is tested against actual inflows, and stored water must be released from reservoirs to meet flow requirements without a single drop going to the former lakes and marshes which evaporated no less than 564,000 acre-feet, and still not meeting suggested lake elevations, something is amiss. When the critical habitat for threatened coho is in the tributaries of the Klamath River, when coho prefer lower flow rates, when coho numbers are record-breaking in low flow conditions, and the National Marine Fisheries is DEMANDING more water, something is amiss. We need our state to protect the interest of Oregonians by defending Oregon laws which are being violated and to challenge the biased "science" model referred to

as the Hardy flow studies.

As a governing body with elected officials, we formally request to be informed, engaged, and invited to discussions which impact our ability to acquire, maintain, assure, and deliver an adequate irrigation water supply for beneficial use on qualified land within the Klamath Project.

Gene Souza
Executive Director and District Manager
Klamath Irrigation District