

Mission Statements

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

Introduction

The Klamath Project (Project) delivers water for irrigation purposes to over 200,000 acres in Southern Oregon and Northern California. The Project relies upon several primary water sources to meet irrigation demands: live flow into and stored water from Upper Klamath Lake (UKL), Klamath River, Clear Lake Reservoir, Gerber Reservoir, and the Lost River. The Project's water supplies have been impacted by the severe drought conditions currently affecting California and Southern Oregon. This 2015 Drought Plan describes the background for and the process of allocating the available Project water supplies during the 2015 spring-summer irrigation season (March 1, to November 15), consistent with the system of contractual priorities that exist within the Project.

It is important to note that if average snowpack and the resulting inflow to Project reservoirs had been realized for this water year, Project deliveries would have been sufficient to meet all of the agricultural irrigation needs within the Project.

2015 Drought Planning

On April 7, 2015, the Bureau of Reclamation issued the 2015 Annual Operations Plan (Operations Plan), which identifies the estimated available Project water supplies for the 2015 spring-summer irrigation season, consistent with the biological opinions issued jointly by National Oceanic and Atmospheric Administration's National Marine Fisheries Service and the U.S. Fish and Wildlife Service on May 31, 2013.

As the Operations Plan describes, the Project water supply available from UKL and the Klamath River is approximately 254,500 AF, which is 65 percent of the historical full demand during the spring-summer irrigation season (390,000 AF historical full demand).

In response to the estimated below average Project water supplies, the Operations Plan identifies a series of drought mitigation measures to minimize involuntary shortages among Project contractors. These measures included active conservation efforts, the Klamath Water and Power Agency's (KWAPA) Water Users Mitigation Program (WUMP), voluntary transfers among Project water users, and state water rights administration.

Another factor affecting the allocation of the available Project Supply is the indication by the Klamath Drainage District (KDD) that it intends to divert up to 23,081.2 AF during the spring-summer irrigation season. This volume is in excess of the allocation, as provided below, that Reclamation has determined is available to KDD under the current drought conditions and in accordance with its Warren Act contract. However, since Reclamation does not currently have a means

to limit diversions by KDD, other than by directing compliance with its contract, Reclamation must take KDD's anticipated excess diversions into account in determining the volume of Project Supply it can reasonably expect to be able to deliver to the other Project contractors.

Contractual Priorities

Project Water Contracts

In the event of a shortage in Project water supplies, Reclamation determines the allocation of the available supply in accordance with the terms of the contracts between Reclamation and districts and individual water users. There are four general types of these contracts within the Project: 1) settlement contracts; 2) repayment contracts; 3) Warren Act contracts; and 4) annual water rental agreements. In accordance with the authority for the respective contracts and their explicit terms, these contracts create a system of priorities among Project contracts, within the Project, in the event of a shortage in the available Project water supplies.

1. Settlement Contracts

Settlement contracts describe agreements between the United States and water users with state water rights that were acquired independent of Reclamation's notices and filings made in connection with the Klamath Project. Each of these agreements is unique and governed by the specific terms of the contract.

2. Repayment Contracts

The term repayment contract covers contracts executed pursuant to either the *Reclamation Act of 1902* (32 Stat. 388, 43 U.S.C. §§ 371 et seq.), or section 9(d) of the *Reclamation Act of 1939* (53 Stat. 1193, 43 U.S.C. § 485h(d)). The lands covered by repayment contracts are exclusively within the Klamath Irrigation District (KID) and Tulelake Irrigation District (TID). In the event of a shortage, these contracts obligate Reclamation to reduce and/or terminate deliveries to Warren Act contractors prior to reducing deliveries to KID or TID.

3. Warren Act Contracts

Warren Act contracts include all contracts executed pursuant to the Warren Act (36 Stat. 925, 43 U.S.C. §§523-525), which provide for a supply of Project water that is secondary to the contractual rights of repayment contractors. Consistent with the Warren Act, deliveries under these contracts are subject to being curtailed if necessary when there is not an adequate supply for lands covered by repayment and settlement contracts.

To the extent that there is Project water available in addition to the needs of repayment and settlement contractors, Reclamation will apportion the remaining available Project supply among Warren Act contracts on a pro rata (i.e., proportional) basis, based on the number of acres under each contract.

Many of the Warren Act contracts on the Project also expressly limit the contracted Project supply to a specified amount of water, such as 2.0 or 2.5 acre-feet (AF) per irrigable acre. These contracts also commonly include a limitation on the monthly rate of diversions (e.g., no more than 0.6 AF per irrigable acre per month). Such limitations apply independent of any restrictions that may exist under state law.

4. Annual Water Rental Agreements

Annual water rental agreements provide water if and when there is excess water beyond the needs of lands under settlement, repayment, and Warren Act contracts. Reclamation executes annual water rental agreements in various locations, depending on the availability of surplus water supplies. KID and TID are also authorized to enter into annual water rental agreements, if such water is available, through their respective delivery control points, with Project water users. Generally, if Project water supplies are limited among settlement, repayment, and Warren Act contracts, Reclamation will not make water available for annual water rental agreements.

Contractual Allocation

In allocating the available Project water supply from UKL and the Klamath River, the first consideration is the 1909 Settlement Contract between the United States and the Van Brimmer Ditch Company (VBDC). This contract obligates Reclamation to deliver fifty (50) cubic feet per second (cfs) of water from April 15 to October 1 of each year through the C Canal, in satisfaction of the water rights VBDC originally claimed to waters from Lower Klamath Lake and the Klamath River. Reclamation interprets this settlement contract as requiring that VBDC's right to 50 cfs must first be satisfied before water is made available to the remainder of the Project. VBDC's demand generally represents a small portion of total Project demand.

Following VBDC's 50 cfs as described above, Reclamation is contractually obligated to provide a sufficient supply for the Project's repayment contractors, KID and TID. The amount of Project surface water from UKL and Klamath River needed to satisfy the demands of KID and TID is based on a number of factors, such as current and projected hydrologic conditions, anticipated return flow patterns, particularly through the Lost River drainage, and existing cropping patterns.

Based on historical diversion records in similar dry years and currently anticipated acreage participating in demand management measures, and after coordination with

KID and TID, Reclamation anticipates KID and TID's demand to be between approximately 275,000 and 300,000 AF.

The 2015 anticipated demand of KID and TID is less than what might otherwise be anticipated under certain conditions. This figure is subject to change based on a variety of factors. For example, in-season precipitation and air temperatures directly influence the demand for Project water. Voluntary drought mitigation measures, like those in the Klamath Water and Power Agency's (KWAPA) Water Users Mitigation Program (WUMP), also affect KID and TID water demands. The WUMP is designed to reduce surface water demand within the Project, through agreements with landowners to temporarily forgo the use of surface water and potentially produce supplemental groundwater supplies for Project use.

Currently, KWAPA is in the process of accepting applications for Project irrigators to participate in the WUMP for the 2015 spring-summer irrigation season. Applications currently scheduled to be accepted through April 10, 2015. Following the deadline, KWAPA will submit contracts to landowners, who will then have until early May to decide whether to sign and complete the contract.

KWAPA has also yet to announce if, and to what amount, groundwater may be produced in connection with the WUMP, although a reasonable estimate is upwards of 40,000 AF. It is unknown, however, to what extent groundwater will be applied to lands within KID and TID. The level of groundwater pumping is further uncertain given recent groundwater depletion trends and the possibility for state regulation. Accordingly, at this time, the extent to which the WUMP will reduce water demands within KID and TID remains uncertain.

Overall, given current and projected hydrologic conditions, and ongoing voluntary drought mitigation measures, Reclamation estimates that the current available Project water from UKL and the Klamath River is insufficient to meet the full irrigation demands of KID and TID.

Accordingly, Project water from UKL and the Klamath River is not available for lands served under either Warren Act contracts or water rental agreements. KID and TID, which are responsible for the operation and maintenance of certain Project facilities, will also be notified to limit surface water deliveries to Warren Act contractors served through these facilities consistent with this allocation, except under approved voluntary transfer agreements, as discussed in the Operations Plan.

This allocation is subject to change based on several factors, including: changes in hydrologic conditions and anticipated water demands, participation in drought mitigation measures, state water rights administration, and voluntary water rights transfers. Reclamation will update the current allocation as needed based on available information.

Reclamation will also recalculate the Project supply available from UKL and the Klamath River following the May 1 and June 1 inflow forecasts from the Natural Resources Conservation Service (NRCS). This recalculation could cause the estimated Project supply available from UKL and the Klamath River to change. As a result, following the NRCS' May 1 and June 1 inflow forecasts, Reclamation will update the current allocation, based on the hydrologic information available at that time. The Klamath Project 2015 Drought Plan will not be revised and reissued following these scheduled updates, but Reclamation will directly notify Project water users of any change in the current allocation.

Monitoring & Enforcement

In the event that Reclamation discovers or receives a complaint of an unauthorized use of Project water, Reclamation and/or its contractors will investigate, as deemed appropriate by the Area Manager of the Klamath Basin Area Office. Reclamation will coordinate with Project water users, the Oregon Water Resources Department (OWRD), and other stakeholders concerning any alleged unauthorized water use.

Violations of state water rights will be referred to the OWRD's district watermaster. Use of Project water contrary to individual contracts with Project water users will result in a written notification to the landowner, the respective district, and/or KWAPA (as applicable). The letter will explain the basis for the alleged unauthorized use and the required remedies. Failure to comply may result in further enforcement action.

For more information, please visit <http://www.usbr.gov/mp/kbao/> and or contact Jason Cameron at 541-883-6935 or via e-mail at jcameron@usbr.gov.