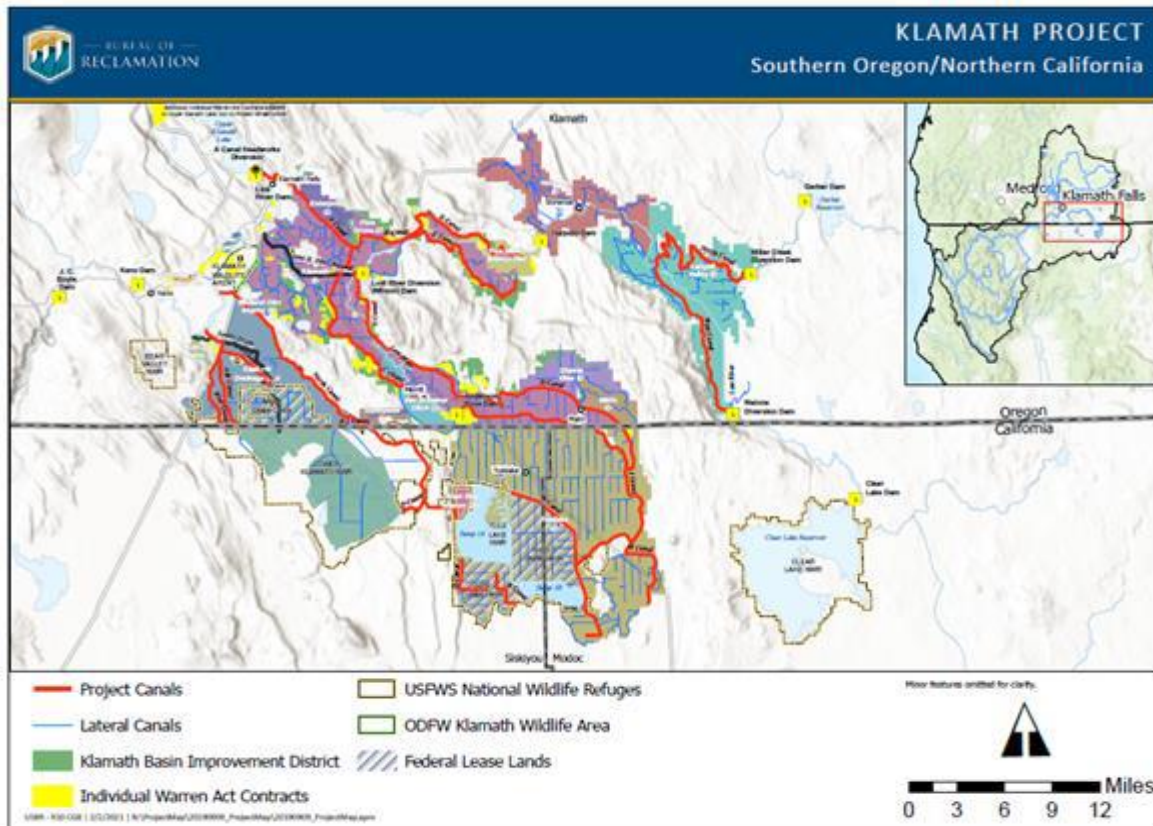




— BUREAU OF —  
RECLAMATION

# 2023 Drought Plan

**Klamath Project, Oregon-California  
Interior Region 10, California-Great Basin**



## **Mission Statements**

The U.S. Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated 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 up to approximately 230,000 acres in southern Oregon and northern California when water is available. The Project relies upon several primary water sources to meet irrigation demands including water from Upper Klamath Lake (UKL), Clear Lake Reservoir, and Gerber Reservoir, and from the Klamath and Lost rivers.

Despite favorable weather over the winter 2022/2023 season, the Project's water supplies (Project Supply or Supplies) from Upper Klamath Lake and the Klamath River continue to be impacted by residual drought conditions. This 2023 Drought Plan describes the background for and the process of allocating the available Project Supply during the remainder of the 2023 spring/summer irrigation season (May 1 through September 30, 2023), consistent with the contract priorities that exist within the Project.

## 2023 Drought Planning

The Bureau of Reclamation's (Reclamation) 2023 Annual Operations Plan (Operations Plan) describes the parameters influencing the estimated available supplies from the various Project water sources for the 2023 spring/summer irrigation season. In summary, the Operations Plan commits Reclamation to operating the Klamath Project using the formulaic approach to operations set forth in its December 21, 2018 Biological Assessment, as supplemented by the 2020 Interim Operations Plan (IOP), with two modifications:

- 1) Reclamation will continue to use a forecast that is no more optimistic with respect to anticipated UKL inflows than the Natural Resources Conservation Service (NRCS) 50th percentile noted in the IOP, but also informed by other forecasts and information, such as the more conservative California Nevada River Forecast Center (CNRFC) 75th percentile forecast.
- 2) Reclamation will operate the Project to achieve an end-of season UKL minimum elevation of 4,139.2 feet, exceeding the FWS BiOp minimum elevation requirement of 4,138 feet.

The resultant allocation of water to Klamath Project contractors is currently estimated at 260,000 acre-feet, or 74 percent of the maximum Project Supply of 350,000 AF allowed for under the IOP.

In response to the limited Project Supply, the Operations Plan identifies a series of operational considerations that include drought mitigation measures to potentially minimize involuntary shortages among Project contractors. These measures include the Klamath Project Drought Response Agency's (KPDRA) drought relief programs, voluntary water transfers among Project contractors, and voluntary water conservation efforts.

This Drought Plan, in contrast, identifies how the limited Project Supply is to be allocated among the Project's water delivery contractors.

# Contractual Priorities

## Project Water Contracts

In the event of a shortage in Project Supply, Reclamation determines the allocation of the available supply in accordance with the terms of the contracts between Reclamation, 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 the event of a shortage in the available Project Supply, Reclamation implements the provisions in these contracts that create priorities among the four types of contracts within the Project.

### 1. Settlement Contracts

Settlement contracts describe agreements between the United States and water users with state water rights that were acquired independent, and prior to the filing, of Reclamation's notices and filings made in connection with the Project. Each of these agreements is unique and governed by the specific terms of the contract. The Van Brimmer Ditch Company (VBDC) contract, executed in 1909, is a settlement 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 the Reclamation Act of 1939 (53 Stat. 1193). The lands covered by repayment contracts within the Klamath Project are exclusively within Klamath Irrigation District (KID) and Tulelake Irrigation District (TID). In the event of a shortage, these contracts provide for the reduction and/or termination of deliveries to Warren Act contractors (discussed below) prior to the reduction in deliveries to KID or TID.

### 3. Warren Act Contracts

Warren Act contracts include all contracts executed pursuant to the 1911 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 both settlement and repayment contractors. Consistent with the Warren Act, deliveries under these contracts are subject to being curtailed, if necessary, when there is an inadequate supply for lands covered by repayment and settlement contracts. The contract with the Klamath Drainage District is an example of a Warren Act contract.

Many of the Warren Act contracts on the Project also expressly provide for a limited amount of water, such as a maximum of 2.0 or 2.5 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 independently 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 Supply from UKL and the Klamath River, the first consideration is the 1909 Settlement Contract between the United States and the VBDC. This contract provides for the delivery of up to fifty (50) cubic feet per second (cfs) of water from April 15 to October 1 of each year through KID's operation of 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 50 cfs be satisfied before water is made available to the remaining Project contractors.

Following VBDC's 50 cfs fulfillment as described above, the Project contracts provide for delivery of a supply of water, when legally and physically available, to the Project's repayment contractors, KID and TID. The amount of Project surface water from UKL and the Klamath River allocated 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), existing cropping patterns, acreage anticipated to participate in demand management measures, and federal legal requirements.

After coordination with KID and TID, Reclamation anticipates KID and TID's demand for 2023 to be up to 210,000 AF. Accordingly, given the current and projected hydrologic conditions, Reclamation estimates that the available Project Supply from UKL and the Klamath River will be sufficient to meet the full irrigation demands of KID and TID.

The remaining volume of water after KID and TID's demands are satisfied, approximately 50,000 AF, is less than the volume needed to meet the full irrigation demands associated with Warren Act contracts. Reclamation estimates that up to 0.6 acre-feet per irrigable acre of Project water from UKL and the Klamath River is available for lands served under Warren Act contracts. This allocation may be updated at a later date in accordance with developing conditions. Reclamation will provide notice to contractors to confirm any additional water availability later in the season if it becomes available.

KID and TID, which are responsible for the operation and maintenance of certain Project facilities, have been 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.

Reclamation has determined that no water will be available to water rental contractors in 2023.

Reclamation intends to reevaluate and update this allocation periodically throughout the course of the irrigation season. This allocation is subject to change based on several factors, including: changes in hydrologic conditions, anticipated water demands, water conservation measures, state water rights administration, and voluntary water rights transfers. Reclamation will update the allocation based on available information and will notify Klamath Project water users accordingly.

# Managing Available Project Supply

## 1. Approach

The approach to manage available Project Supply is subject to change based on several factors, including, but not limited to: changes in hydrologic conditions and anticipated water demands, participation in drought mitigation measures, voluntary water conservation efforts, and voluntary water transfers. Reclamation will update the remaining Project Supply and associated contractual allocation as needed based on available information, and as described in the Operations Plan.

Reclamation will also revise the estimated volume of the Project Supply available from UKL and the Klamath River following the June 1 UKL 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 UKL inflow forecasts, Reclamation will update the current estimated allocation, based on the hydrologic information available at that time. This 2023 Drought Plan will not be revised and reissued following these scheduled updates, but Reclamation will directly notify Project contractors of any change in the current estimated contractual allocation, in writing.

Reclamation will track water usage at the points of diversion by using U.S. Geological Survey gages when available (North and Ady Canals), Hydromet (A Canal), or self-reporting (Station 48 and Miller Hill) with periodic field measurements to check calibration. The usage will be reported through the use of the Project Deliveries and Demands (D and D) tracking spreadsheet that Reclamation has utilized in recent years to track spring/summer operations. The D and D sheet will be shared with districts and water users as part of weekly coordination efforts.

## 2. Coordinated Water Conservation Efforts

In response to the limited Project Supply from UKL and the Klamath River, Reclamation will continue coordinating with districts and other water users within the Project about how best to adaptively manage the Project Supply. The districts are already implementing a number of conservation strategies, including modified operations and slow priming of canals. The districts, through their representatives, are also implementing various drought assistance programs. These activities will have the effect of reducing demand on Project Supply from UKL and the Klamath River, the extent to which remains uncertain.

## 3. Drought Mitigation Measures and Alternate Water Sources

KPDRA has commenced accepting applications for Project irrigators to participate in the "No Irrigation" land idling program for the 2023 spring/summer irrigation season. Applications will be accepted through June 16, 2023; subsequent details of the KPDRA program will be communicated by KPDRA. Eligibility of landowners to receive payment from KPDRA is contingent upon their respective district's continued compliance with the Operations Plan, this 2023 Drought Plan and other Reclamation directives.

Some landowners and districts may have the option to pump privately developed groundwater to supplement or replace Project surface water; in Oregon, this occurs under supplemental, and drought permits. Groundwater pumping in California is subject to the Tule Lake Groundwater Sustainability Plan adopted in 2021 by the Tulelake Subbasin Groundwater Sustainability Agency under the terms of the California Sustainable Groundwater Management Act. The quantity of groundwater utilized is not under Reclamation's control and cannot be determined due to various

economic variables relative to pumping costs assumed by the well owner (power costs associated with pumping groundwater may or may not influence the volume utilized) and/or groundwater management constraints imposed by the states of Oregon and California.

#### **4. Real-Time Management of Allocation**

As described in the Operations Plan, Reclamation will continuously monitor hydrologic conditions and coordinate with Project contractors on the availability and use of Project Supply to adaptively manage diversions in a manner that maintains UKL water surface elevations. Specifically, the UKL water surface elevation must be no lower than 4,140.8 feet through July 15, 2023, and no lower than 4,139.2 feet through the remainder of the irrigation season.

To coordinate Project operations in a manner that will optimize delivery of the limited Project Supply while maintaining the UKL water surface elevations described above, Reclamation will coordinate at least weekly with district managers. Information such as the seasonal Project diversions to date, the approximate remaining Project Supply, and Project water users' consolidated plans for diversions in subsequent weeks, will be exchanged.

Reclamation will continue to coordinate with Project contractors on Project diversions to address unforeseen circumstances that may arise this year. The estimated available Project Supply is tracked daily, with updates regarding remaining Project Supply to Project water users occurring approximately every week during the irrigation season or as needed. If the Project Supply must be reduced from the original estimate, Reclamation will provide notification in writing.

All districts and water users within the Project are strongly advised to closely track their water use, monitor their irrigation demands, track water transfers, and advise Reclamation accordingly. Districts are also strongly encouraged to coordinate their respective operations, to maximize the use and eliminate all waste to the best of their abilities.

## **Monitoring and Enforcement**

In the event that Reclamation discovers, or receives a complaint of, an unauthorized use of Project Supply, Reclamation and/or its contractors will investigate, as deemed appropriate by the Area Manager of the Klamath Basin Area Office. Use of Project Supply contrary to district or individual contracts with Project water users, the Operations Plan, this Drought Plan, or other Reclamation directives will result in a written notification to the landowner, the respective district, and/or KPDRA (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 or other legal action, including loss of eligibility for payments pursuant to KPDRA drought relief programs.

For more information, please visit <http://www.usbr.gov/mp/kbao/> and/or contact Dave Felstul at 541-880-2550 or via e-mail at [dfelstul@usbr.gov](mailto:dfelstul@usbr.gov).