



March 1, 1991

## **DROUGHT PLAN**

### **UPPER KLAMATH LAKE WATERSHED**

#### **Priority and Execution Plan for Administration Of Water rights and Water Delivery on the Klamath Project in the Event of a Drought**

**General** It should be emphasized that before any actions are taken to limit the amount of water available to Klamath Project water users, efforts will be made to minimize, or possibly avert, the shortages that are forecasted. Water users will be represented in these efforts to attempt to work out a plan that will be fair and equitable to those involved.

It should also be noted that return flows generated by Project water users are an important factor in determining the total amount of water use figures. These return flows are reused many times in the agricultural use cycle and may ultimately affect several downstream users.

An emphasis would be placed on conserving water, growing crops that use less water, farming practices that will save water, possible fallowing of land that is less productive, and most important cooperation among the water users. Only after avenues of conversation and cooperation are explored would the water be allocated on a priority basis within the Klamath Project.

One of the key themes in any prioritization of water rights on the Project is that we claim a 1905 right for all Project lands regardless of the type of contract that the water users may have. However, within the Project we can prioritize use by date of contract and type of contract. All other diverters of water not in the Project would be considered junior to our Project needs if their priority date was after 1905.

There are two basic types of contracts on the Project, a 9(d) Repayment contract and a Warren Act type contract. The Warren Act was used to grant a secondary water right to users above the gravity system.

#### **First Priority of Use Within the Project**

Van Brimmer Irrigation District's contract with the United States recognizes the district's right to the use of 50 cfs. The United States eliminated the district's supply of water by reclaiming Lower Klamath Lake, and then was obligated to provide another source of supply. As a result, the Van Brimmer Irrigation District had a priority that predates 1905.

Klamath Irrigation District, also known as the Main Division, was the first land developed for irrigation and, as such, would have the first right to the use of irrigation water. The district was the successor to the Klamath Water users Association who contracted with the United States on November 6, 1905. The first contract between the United States and the district was dated July 6, 1918 and was written pursuant to the 1902 Federal Reclamation Act.

Tulelake Irrigation District's contract is dated September 9, 1956, and is also a 9 (d) type contract. The contract specifically states that the district has the same contractual right and priority date as other contracts written pursuant to the 1902 Act on the Project.

Federally owned areas leased by the United States are considered to have the same priority date as other first priority users.

There are several individual contracts within Klamath Irrigation District that were written pursuant to the 1902 Act in the 1970's. These are not minor averages, somewhere in the neighborhood of 400± acres.

### **Second Priority of use Within the Project**

All of the following contracts were written pursuant to the Warren Act of February 21, 1911. Most, if not all, of these contracts contain a clause which states that the water right is subject to the main division land's first right. The Warren Act was cited in the contracts so that a secondary right could be issued to the contractor. The Warren Act contains a clause in Article 1 which states in part "..., **preserving a first right to lands and entymen under the project,**". In addition, most of the contracts contain the very same wording. Given that understanding, the following order of precedence by contract date would be followed:

Enterprise Irrigation District Receives water out of the A-Canal through the Klamath irrigation District system. The date of the contract is October 5, 1920.

Klamath Drainage District Receives water out of Klamath River below the Link River Dam. The date of the contract is August 24, 1921. (The public land in Area K are considered First Priority users).

Malin Irrigation District Receives water out of the D-Canal through the Klamath Irrigation District system. The date of the contract is September 9, 1922.

Shasta View Irrigation District Receives water out of the D-Canal through the Klamath irrigation District system. The date of the contract is October 6, 1922.

Sunnyside Irrigation District Receives water out of the North Canal (Klamath Drainage District). The North Canal gets its supply of water from the Klamath River below the Link River Dam. The date of the contract is October 24, 1922.

Pine Grove Irrigation District Receives water out of the A-Canal (Klamath Irrigation District system). The date of the contract is June 19, 1936.

Colonial Realty Company-Westside Improvement District Receives water out of the Tulelake Sump and at the end of J-1 lateral. The District was incorporated into Tulelake Irrigation District as an improvement district. The date of the contract is October 20, 1936.

Plevna District Improvement Company Receives water out of the Klamath River below the Link River Dam. The date of the contract is April 1, 1940.

Pioneer District Improvement Company Receives water out of the Klamath River below the Link River Dam. The date of the contract is December 1, 1947.

Midland District Improvement Company Receives water out of the Klamath River below the Link River Dam. The date of the contract is February 2, 1952.

Poe Valley Improvement District Receives water out of the Lost River below Harpold Dam. The District is highly dependent on return flows from the Klamath Irrigation District system in the Poe Valley. The contract does not mention where the water is to come from, only that it will be made available in the Lost River. The date of the contract is July 20, 1953.

Ady District Improvement Company Receives water out of the Klamath River below the Link River Dam. The date of the contract is August 5, 1954.

Klamath Basin Improvement District Receives water out of the Klamath River Irrigation District system. The date of the contract is April 25, 1962.

Miscellaneous Warren Act Contracts This group of contracts are scattered throughout the Project and get their water supply from the Lost River and Upper Klamath Lake. Some of the contracts have been turned over to Klamath Irrigation District to administer. Contract dates range from 1915+ to 1960+.

### **Third Priority of Use Within the Project**

The first group of water users that would need to be shut off in the event of water shortages would be the temporary water rental contracts. Rental water is sold to individual farmers on an "if and when available" status. Klamath Irrigation District and Tulelake Irrigation District both have clauses that allow them to sell rental water. In addition, the Bureau has rental contracts with users in the P-Canal and the Lost River areas.

### **Execution Plan**

In the event that there was insufficient supplies of water available within the system from the Klamath River the following actions would be taken:

March 10 Letters will be sent to all water users advising them that we can expect a deficiency in supplies of irrigation water and that all sales of rental water will not be allowed. Also, at this time, separate letters will be sent to the "Second Priority Water Users" advising them of our intent to limit their use of water should supplies fall below our projections. The letter would also request that the appropriate portion of Exhibit 1 be completed by the respective districts and returned to the Bureau of reclamation no later than March 26.

April 10 An allocation projection meeting would be hosted by the Bureau in which the district manager and the board chairman from each district would attend. The Bureau would have the information from Exhibit 1 compiled and a proposed allocation available. This would become the basis for discussions, potential revisions and efforts to arrive at an equitable reallocation of available supplies. Factors such as reduced acreages, crops that use less water, farming practices that reduced water use, and other water saving measures would be taken into consideration. The final projected allocation would be determined from this meeting.

May 10 The Bureau would revise the allocation using percentages based on changes in storage and run-off that occur between April 1 and May 1 and send the data to the districts via certified mail.

In the event that the cooperative effort discussed in the April 10 meeting reaches an impasse, the following plan would be followed:

The sufficiency of the water supply would re-evaluated by the Klamath Project and, if found insufficient to meet secondary demands, Klamath Irrigation District, Tulelake Irrigation District and Klamath Drainage District, would be notified to stop or limit deliveries to the specified Secondary users under their delivery control points. In addition, The Klamath Project would notify other specified Secondary users to stop or limit delivery of irrigation supplies.

Letters would be sent to the First Priority Users assigning them an acre-foot allocation for the balance of the irrigation season.

The above described measures would remain in effect until the Bureau of Reclamation declared a water supply status capable of meeting all contractual commitments.

**EXHIBIT 1**

Worksheet for determining water use on the Project. Districts should prepare and keep on file detailed records to support the information requested on this worksheet.

Land Description	*1 Area Irrigated Acres	*2 Estimate Water Use AF/AC	*3 Total Needed Acre – Feet
<u>First Priority of Use</u>			
Klamath Irrigation District	_____	_____	_____
Tulelake Irrigation District (Exclude Public Lease Lands)	_____	_____	_____
Sumps 2 & 3 Lease Area	_____	_____	_____
Van Brimmer Ditch Co.	_____	_____	_____
Area F Lease Area	_____	_____	_____
Other federal Lease Areas	_____	_____	_____
Area K Leases	_____	_____	_____
<u>Second Priority of Use</u>			
Enterprise Irrigation District	_____	_____	_____
Klamath Drainage District (Exclude Public Lease Lands)	_____	_____	_____
Malin Irrigation District	_____	_____	_____
Shasta View Improvement Dist.	_____	_____	_____
Sunnyside irrigation District	_____	_____	_____
Pine Grove Improvement District	_____	_____	_____
Colonial Realty	_____	_____	_____
Pioneer District Improvement Co.	_____	_____	_____
Midland District Improvement Co.	_____	_____	_____
Poe Valley Improvement Co.	_____	_____	_____
Ady District Improvement Co.	_____	_____	_____
Plevna District Improvement Co.	_____	_____	_____
Individual Warren Act Contracts	_____	_____	_____
Klamath Basin Improvement Dist.	_____	_____	_____
Upper Klamath Lake Contracts	_____	_____	_____
<u>Third Priority of Use</u>			
Misc. Water Rentals			
Klamath Irrigation District	_____	_____	_____
Tulelake Irrigation District	_____	_____	_____
Klamath Project	_____	_____	_____
<u>Total Acreage Irrigated</u>	_____		

\*1 Total acres to be irrigated in the District which corresponds to the Priority of Use.  
 \*2 Acre-Feet of water to be applied pre acre from the period April 15 through October 15.  
 \*3 Multiply the acres by the acre-feet per acre to get the total supply.

These estimates are based upon general historical Ag & Refuge demand.

These estimates are based upon the Refuges not receiving water and

Keno to Iron Gate accretions do not maintain expected flows.

Current Keno-IG flows are just over 400cfs. April flows should be around 343 cfs.

Available Water with % Supply  
Reduction

Estimated UKL Inflow	Historical Ag & Refuge Demand	Water Bank Reduction	Reduced Demand
260	327	100	227
240	337	100	237
220	346	100	246
190	361	100	261

10% Reduction	15% Reduction	25% Reduction
204	193	170
213	201	178
221	209	185
235	222	196