



2455 Patterson Street | Suite 3 | Klamath Falls, Oregon 97603 | 541.850.2503 | 541.883.8893 fax | www.kwua.org

2010 Ground Water Pumping Program

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KWAPA alternate Water User Mitigation Program (WUMP)

This program is intended to assist Klamath Project irrigation water users during an emergency situation for the year 2010. Upper Klamath Lake stands at a level that likely will prevent the delivery of irrigation water to the Klamath Reclamation Project in amounts sufficient to sustain the production of crops. Current conditions indicate that deliveries of surface water from Upper Klamath Lake will be delayed and in insufficient quantity to produce crops on the land not irrigated by ground water. The Klamath Basin is facing an agricultural economic disaster. Nothing in this policy is to be construed to be usual or precedent setting. The goal of this policy is to provide financial assistance to the owners of irrigation wells located within the Klamath Reclamation Project to help sustain the farms, businesses and families who work on the farms or are dependent on the farm economy. To the extent of the funds available and there is a need for the use of ground water as determined by KWAPA, KWAPA will reimburse well owners for the actual cost of the electrical power used to operate the well pump plus \$10 per acre foot of water pumped to help offset the operation, maintenance, depreciation and other costs of owning and operating a well.

This Program recognizes that an unprecedented amount of ground water will likely be pumped during 2010 within the Project. It also recognizes that it is highly likely that well to well interference is likely to occur. Well owners are encouraged to take into consideration the possibility that pumping their well may cause harm to other wells and to plan the amount of water they pump accordingly. It is also recognized ground water pumping at the anticipated level is not sustainable.

Eligibility Criteria:

The following criteria apply to this Program:

- 1) Wells eligible to participate in the WUMP ground water supplemental program are those that produce water to irrigate Klamath Project land with a primary water right or adjudication claim for irrigation from Upper Klamath Lake.
- 2) Wells that are accepted by KWAPA for this program shall have an accurate working flow meter to measure the acre feet of water discharged from the well.
- 3) Only the metered pump in the well is eligible for this program. If there are other pumps or loads on the same power meter, there will be an equitable agreement for the calculation of the power used by the pump in the well.
- 4) Land irrigated by ground water is not eligible to participate in the land idling program.

Application Process:

To participate in this program a well owner must submit to KWAPA the following:

- a) Power meter identification number that appears on the Pacific Power & Light (PP&L) billing;
- b) A detailed map with the legal description showing the location of the well;
- c) Oregon wells must provide the Permit or Certificate number and a map outlining the land that will be covered by the water pumped from the well and any additional acreage that may be included on a drought permit;
- d) If the applicant is not the well owner, the applicant must provide written authorization from the well owner with instructions to KWAPA to whom and where the payment for pumping will made; and
- e) The applicant must sign up for this Program in the KWAPA office by completing a form and marking the location of the well and land to be irrigated.

Cooperation with Oregon Water Resources Department:

KWAPA will cooperate with Oregon Water Resources Department (OWRD) by submitting to OWRD a list of the wells which have been selected to participate in the WUMP program. In the event that OWRD identifies a situation where the pumping of a well is causing a reduction in surface water flows and a subsequent impact on a senior surface water right upon instruction from OWRD, KWAPA will suspend payment for pumping on that contract.

Cooperation with irrigation districts and Reclamation:

Well owners that participate in this program and use District facilities to deliver the pumped water must make arrangements directly with the District and the Bureau of Reclamation for the use of those facilities. Well owners who fail to comply with District or Bureau rules and regulations will be subject to removal from the program.

Well owner is responsible for the cost and liability for alteration of the District and Reclamation system and facilities made to accommodate the transportation of well owners ground water. Well owner will be responsible for returning District and Reclamation facilities to conditions specified by District and Reclamation.

Well owner responsibility:

The well owner shall enter into a written contract with KWAPA which shall control each party's duties and obligations.

The well owner is responsible for conformance with all national, state and local laws and regulations relating to the use, quantity and quality of the water.

The well owner will hold KWAPA, the District and the Bureau harmless and indemnify KWAPA, the District and the Bureau for any and all expenses incurred by KWAPA, the District or BOR relating to liability issues arising from well owner's participation in this program and well owner's use of its well.

The owners of wells for which KWAPA contracts to pay the cost of power shall submit to KWAPA a copy of their PP&L bill showing the meter number as recorded on the contract within five business day of receipt of said bill. In the case where a well owner is using other than electric power to pump the well, the KWAPA Executive Director shall meet with the

well owner to establish a cost of pumping based on pumping with electric power. It will be that amount that KWAPA agrees to pay.

Applicants are responsible for all taxes, assessments, water level monitoring and water quality test and any other obligations related to pumping groundwater.

Well owner shall use the water beneficially and without waste. Only that amount of water that will not harm other crops and uses of ground water shall be pumped.

KWAPA responsibility:

The Board of Directors of KWAPA shall set the date on which KWAPA will commence payment for the pumping of ground water.

KWAPA shall endeavor to give three (3) days notice prior to the date on which payment for the pumping of ground water shall commence.

KWAPA and OWRD shall have the right to inspect the well and meters as often as necessary to ensure the well is operating in accordance with the Program requirements.

KWAPA shall make reasonable efforts to notify each well owner at least twenty-four (24) hours prior to entering onto private property to inspect and take readings.

KWAPA shall make payment to the well owner within fourteen (14) business days of receipt of the bill. This is subject to KWAPA having received transfer of funds from Reclamation and has not expended the amount of money reserved by KWAPA for this Program. If there will be a shortage of funds to pay for all pumping for which KWAPA is contracted, from the date that it appears there will be a shortage, and payment for all contracts will be prorated.

KWAPA will accept applications for contracts for pumping throughout the period when ground water is needed.