

NEWS RELEASE



Klamath Water Users Association ♦ Klamath Tribes

For Immediate Release: May 21, 2009

Contacts:

Paul Simmons, Klamath Project Water Users – 916 446 7979, psimmons@somachlaw.com

Greg Addington, Klamath Water Users Association – 541 883 6100, greg@kwua.org

Carl Ullman, Klamath Tribes - 541 783 3081, bullman3@earthlink.net

Klamath Tribes and Project Farmers Reach Important Water Accord

Klamath Falls, OR. In yet another step away from the water wars that characterized the Klamath Basin for so long, the Klamath Tribes of Oregon and water users in the Klamath Irrigation Project have signed an interim settlement of disputes over water in Upper Klamath Lake and the Klamath River. The settlement results from the ongoing efforts by many in the Basin to increase stability for tribal, agricultural and fishing communities through the implementation of the Klamath Basin Restoration Agreement, known as the KBRA.

“This agreement is the product of a lot of hard work and good faith by the parties,” said Luther Horsley, President of Klamath Water Users Association and Trustee of Klamath Drainage District. “We commend our neighbors, the Klamath Tribes, for the collaborative approach that led to this big step forward.” Klamath Tribes Tribal Council member Jeff Mitchell said the parties will realize immediate benefits: “After years of bitter disputes and lawsuits, we can turn our attention to providing economic and water stability to both our communities. If the KBRA can be finalized, these fights will be over for good, with all sides winning.”

Under the settlement, Project farmers withdraw their contests against the tribal water rights claims in the Klamath Basin Adjudication. In exchange, the Tribes agree not to interfere with Project water use at levels agreed to in the proposed KBRA. The KBRA itself provides for a schedule to lead to a

limitation on Project diversions, and a plan to ensure individual irrigators can either irrigate or receive fair compensation if they agree not to irrigate. The interim settlement, filed in the Klamath Basin Water Rights Adjudication, will become permanent if and when essential elements of the KBRA become effective. In the meantime, the agreement results in putting aside long standing disputes in the Adjudication process.

“This is the exact same water settlement with Project irrigators we would be agreeing to under the KBRA. We found a way to do it in anticipation of the KBRA and still protect everyone’s interests. It shows the enormous potential of the KBRA to bring stability to the Basin,” said Klamath Tribes’ attorney Bud Ullman.

The agreement does not preclude other parties from contesting the Tribes’ claims. But Horsley noted that the agreement does directly benefit many off-Project water users who otherwise would be affected by the Tribes’ claims. “Because of the way water rights and the settlement work, off-Project water users whose rights are senior to the Project would benefit the same way the Project does.” Horsley said, adding that the deal will result in significant cost savings to Project irrigators: “We are committed to making everything work out in the long run, but even if that fails for some reason, Project irrigators are going to avoid a huge expense that would otherwise have occurred in the administrative litigation.”

The Tribes also have claims for flows in tributaries to Upper Klamath Lake, which are not addressed by the settlement with Project water users. Mitchell said the agreement with the Project irrigators supports his belief that all the Tribes’ Adjudication claims can be settled. “We have had serious disagreements with the Project in the past. When we sat down with the commitment to address each other’s needs, we found a way.”