



WaterWorks

IN THIS EDITION

FAILINGS OF THE INTERIM OPERATIONS PLAN CONTINUE

IOP: INCOMPATIBLE WITH DAM REMOVAL?

DRA DECIDES ON 2023 PROGRAM DETAILS

FLUSHING FLOW RELEASED DESPITE MINIMAL DISEASE RISK

TRACEY LISKEY TAKES THE HELM AT KWUA

KWUA ANNUAL MEETING DRAWS OVER 200 GUESTS

WHAT HAS THE BOARD BEEN WORKING ON

IOP INCOMPATIBLE WITH DAM REMOVAL?

On November 21, 2022, the Federal Energy Regulatory Commission approved the surrender of the hydropower license and decommissioning of four hydropower dams on the Klamath River. This, and the expenditure of money for environmental restoration projects, have been the obvious priority of the current federal and state administrations.

This narrow focus has left thoughtful water management by the wayside. As one example, Reclamation recently extended the life of the Klamath Project Interim Operations Plan (IOP) that had been scheduled

Continued on page 5

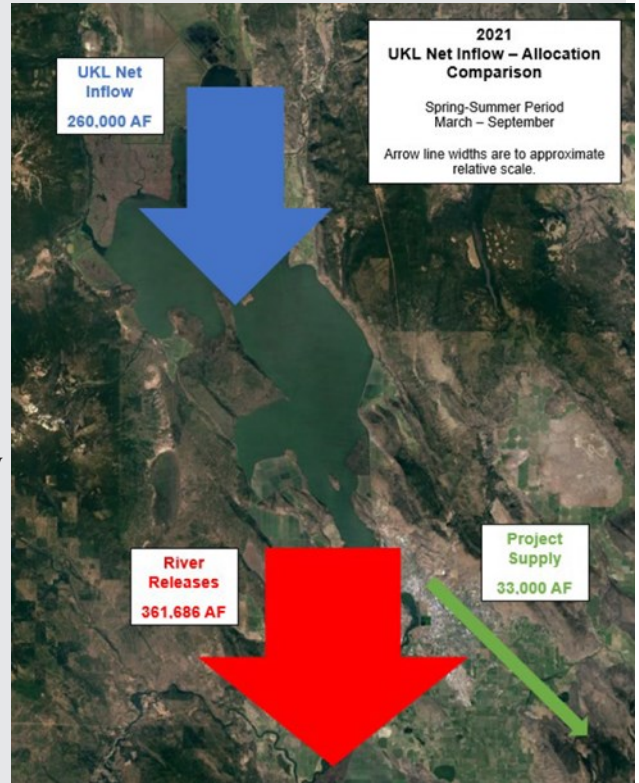
FAILINGS OF THE INTERIM OPERATIONS PLAN CONTINUE

On April 13, 2023, the U.S. Bureau of Reclamation (Reclamation) announced its anticipated 2023 Klamath Project Operations, including the water supply for irrigation and national wildlife refuges. For family farms, rural communities, and wildlife on private and public land, the announcement confirmed that Reclamation’s Interim Operations Plan (IOP) is a dysfunctional failure.

Reclamation adopted the IOP in 2020 to avoid litigation over a hastily conducted Endangered Species Act (ESA) consultation that was infected by clear errors and thus legally vulnerable.

Flaws in the unworkable IOP immediately became obvious. [Click here to read more details.](#) In its short life, the IOP dictated the worst-ever irrigation water supply for the Klamath Project (Project) and routinely dictated that the Project be operated to augment Klamath River flows artificially.

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KLAMATH PROJECT DROUGHT RESPONSE AGENCY DECIDES ON 2023 PROGRAM DETAILS

On May 2, the Klamath Project Drought Response Agency (DRA) made decisions on offering a no-irrigation program. Under the program, irrigators can commit not to apply irrigation water for a defined period. Program participants receive compensation.

The DRA plans to offer up to \$450 per acre to qualifying participants who agree not to irrigate during the period of March 1 through October 1, 2023. This payment is contingent on Reclamation approval and funding and participants’ eligibility and compliance. The geographic scope of the program is not yet finally determined.

The application deadline is June 16, 2023; see www.klamathwaterbank.com

Continued on page 7



The IOP also resulted in the complete desiccation of Lower Klamath and Tule Lake National Wildlife Refuges and the loss of habitat on private land.

As adopted, the IOP was in effect through September 30, 2022. Despite the IOP's terrible track record, in mid-2022, federal agencies began to hint that the IOP might be extended. On July 22, 2022, the Klamath Water Users Association (KWUA) and the Klamath Tribes wrote jointly to the Department of the Interior (DOI), urging that the IOP be left to the dustbin of history.

Nevertheless, federal agencies extended the IOP, through September 2024.

Sort of.

Had Reclamation followed the IOP in its April 13 announcement of Project operations, the "Project Supply" from Upper Klamath Lake and the Klamath River would have been 285,000 acre-feet (AF). That number itself would have been unacceptably low this year, given that snowpack in the Klamath Basin is roughly 200% of normal.

But Reclamation's announcement was not 285,000 AF; it was **215,000 AF**. In other words, a few months after re-upping on the IOP, Reclamation did not follow it.

The reason that Reclamation did not follow the IOP is, seemingly, that Reclamation does not trust the inflow forecast from the Natural Resources Conservation Service (NRCS), which the IOP specifies will be used to calculate Project Supply. The inherent uncertainty with the NRCS forecast was understood and analyzed by Reclamation when it adopted the IOP, yet now, when the inflow forecast would trigger a meaningful Project allocation, that uncertainty is somehow



Loss of habitat in Sump 1B of the Tule Lake National Wildlife Refuge in 2022.

unacceptable.

In the meantime, the IOP is being followed in other respects. For example, releases to the Klamath River are based on the IOP and have been calculated using the very NRCS forecast that is not considered reliable.

To sum up: KWUA opposed any extension of the IOP, the IOP was extended nonetheless, and now the IOP is not being followed, to the detriment of irrigation and wildlife.

The difference between the IOP Project Supply and the announced Project Supply is enough to irrigate over fifty square miles of farmland or provide habitat for hundreds of thousands of waterfowl.

KWUA is encouraging Reclamation to update and correct the 2023 Project Supply immediately.



Photo of 5,550 cfs making waves below Link River Dam April 20, 2023.

FLUSHING FLOW RELEASED DESPITE LACK OF DISEASE RISK

On April 19, Reclamation began dramatic increases in releases of water from Link River Dam, initiating this year's "surface flushing flow" for the Klamath River. Within a few hours, flows out of Upper Klamath Lake reached over 5,500 cfs, where they remained for the next 72 hours.

Shortly after the increase in releases at Link River Dam, an adjustment was made at Iron Gate Dam, increasing downstream releases to over 6,000 cfs.

Altogether, approximately 50,000 AF was released from Upper Klamath Lake to support this year's surface flushing flow, which is enough water to irrigate 40 square miles of prime farmland in the Klamath Project for an entire year.

The surface flushing flow is based on a 2017 "guidance document" prepared by scientists and policy advisors from the Yurok, Karuk, and Hoopa Valley Tribes. Reclamation adopted the surface flushing flow after being required by a federal court order to implement such flows in 2017 and 2018. The purpose of the flushing flow is to disturb (i.e., "mobilize") river sediment and thereby dislodge the microscopic worms that act as an intermediate host for *Ceratanova shasta* (*C. shasta*), a parasite that infects salmonids.

C. shasta can be monitored in several ways in the Klamath River, thanks to researchers from the tribes, Oregon State University, and the U.S. Fish and Wildlife Service (FWS). One manner is to place "sentinel" fish in cages at various locations in the river, which are then collected and sampled for infection. Another manner is to trap and survey fish in the river, including for the genetic DNA of *C. shasta*. Lastly, water samples are collected from various reaches and tested for the detection and quantity of *C. shasta* spores.

Water temperature monitoring is another important factor in *C. shasta* infecting salmonids. When water temperatures are below approximately 65 degrees Fahrenheit, *C. shasta* spore concentrations must be at least in excess of 10 spores per liter for infection to occur. Infection rates are zero when water temperatures and spore concentrations are below those figures (see figure below).

Using these disease factors, conditions before this year's surface flushing flow did not indicate a concern. *C. shasta* spores were undetected before the flushing flow, although more recent water samples have found *C. shasta* DNA. Water temperatures were all below 60 degrees. Additionally, in hundreds of fish sampled from the river, only five fish had shown any signs of disease whatsoever, including from other parasites and bacteria. No fish sampled contained any *C. shasta* DNA.

It is reasonable to assume that the near zero level of *C. shasta* in the Klamath River this spring was due to the high flows and cold water temperatures that occurred this past winter. Last year's flushing flow and other factors may also have helped.

KWUA recognizes that flushing flows are not simply a response to disease; disruption of the parasite host worms has a prophylactic effect. Nonetheless, the apparently low infection risk calls into question whether the surface flushing

flow was a prudent use of scarce water.

The underlying fact is that a biological opinion issued by the National Marine Fisheries Service (NMFS) says the surface flushing flow has to occur, so the water is released and flows to the ocean regardless of whether it will accomplish any good, even in the absence of any actual risk to salmon from *C. shasta*.

The surface flow requirements effectively require the Klamath Project to mitigate a problem that the Project does not cause. That alone is a concern. But in any circumstance, prudent water management requires that managers be able to take into account real-world conditions, and not simply follow a prescription for spending water.

Figure from Oregon State University. Density (average spores per liter) of *C. shasta* in 24-hour composite water samples collected at the mainstem index sites in 2023.

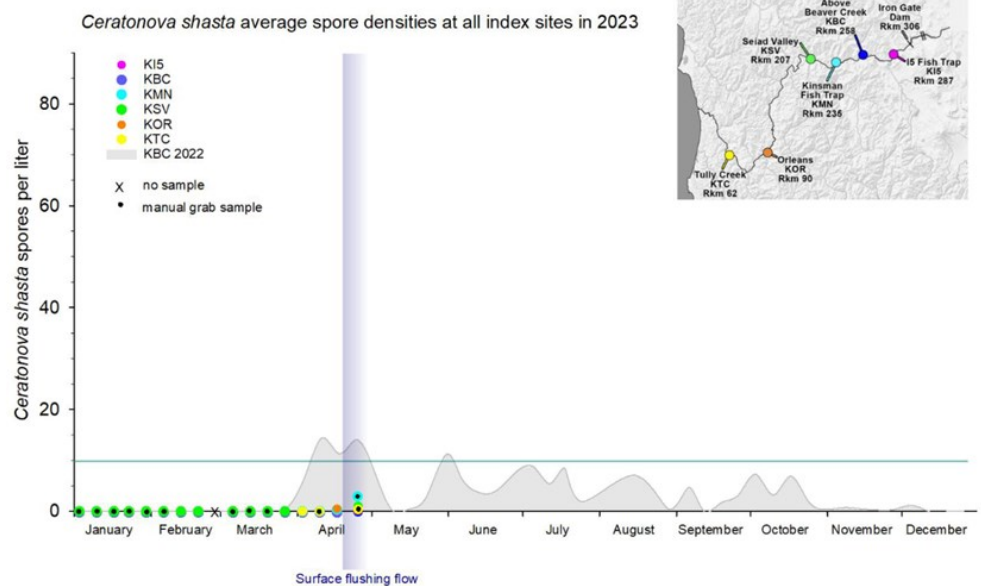
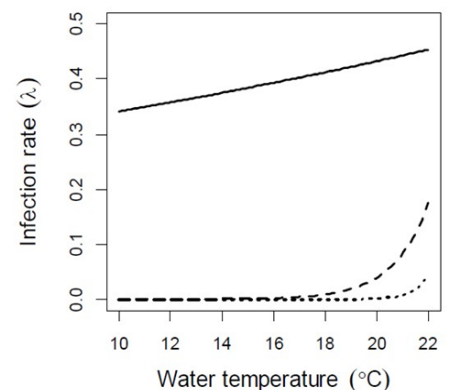
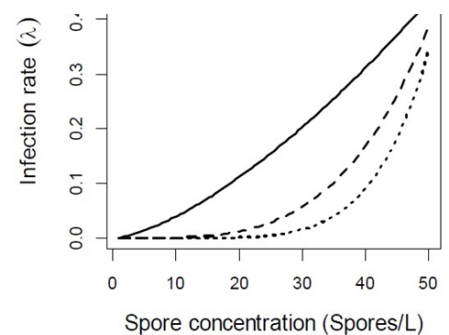


Figure from U.S. Fish and Wildlife Service's technical memoranda, "Prevalence of *C. shasta* Infections in Juvenile and Adult Salmonids" (2016). Spore concentration and water temperature are positively associated with the proportion of individual juvenile fall Chinook salmon infected with *C. shasta*. In the top panel, infection rates are shown as a function of spore concentration at 10°C (dotted line), 15°C (dashed line), and 20°C (solid line). In the bottom panel, infection rates are shown as a function of water temperature at spore concentrations of 1 spore/liter (L) (dotted line), 10 spores/L (dashed line), and 50 spores/L (solid line).





TRACEY LISKEY TAKES THE HELM AT KWUA

President Tracey Liskey presided over KWUA's April 2023, Board of Directors meeting. Tracey is a lifelong resident of the Klamath Basin, and also a member of the Klamath Drainage District's Board of Supervisors.



Tracey Liskey prides himself as a third-generation Klamath Basin farmer. He is best known as a co-owner of Liskey Farms. He has also volunteered countless hours of public service work to many groups, including the Oregon Farm Bureau, the governor's sustainability board, and the state fish screen task force.

For Tracey, KWUA is a family affair. His father, Jack, was elected to the KWUA Board of Directors in 1967 and served for many years, earning the respect of his peers and the agricultural community.

Outgoing President Ben DuVal said: "Tracey is a proven leader that will serve KWUA well. I am very pleased the organization has put Tracey on point."

KWUA's Elected Officers
Jeff Boyd was elected to serve as Vice President of KWUA through March 2024. Jeff is a lifelong resident of the Tulelake Basin and has been joined in his farming operation by daughter Madee.



Newly elected as Secretary is Mike McKoen (below), and the Treasurer is Tricia Hill. KWUA and the producers in the Klamath Project owe all of KWUA officers, and the entire Board of Directors thanks for their tireless, volunteer service.



Tracey Liskey presents a commemorative photograph to Secretary Deb Haaland during a visit in April, with Senator Jeff Merkley looking on.. Photo by U.S. Department of Interior



2023 KWUA Board of Directors; Primary & Alternate Positions

- Position 1 – TID: Brad Kirby & Gary Wright
- Position 2 – KID: Rodney Cheyne & Dave Hamel
- Position 3 – KDD: Tracey Liskey & Luther Horsley
- Position 4 – At-Large: Ty Kliwer & Mike Byrne
- Position 5 – SVID/MID: Rob Unruh & Ryan Hartman
- Position 6 – Poe Valley: Justin Eary & Scott Seus
- Position 7 – Van Brimmer & Sunnyside: Mike McKoen & Marc Staunton
- Position 8 – Pioneer: Nick Grounds (At-Large) & Debbie Duncan
- Position 9 – KBID: Ryan Kliwer & Nick Oldham
- Position 10 – At-Large: Jeff Boyd & Tricia Hill
- Position 11 – At-Large: Ben DuVal & Ryan Staunton

KWUA Staff: Executive Director, Paul Simmons
Water Policy Director, Moss Driscoll
Executive Assistant, Chelsea Shearer



IOP: Incompatible with Dam Removal

to expire on September 30, 2022.

Seemingly, in the decision to extend the IOP, no thought was given to whether or how the IOP could function while dams

are being removed. In fact, it appears to conflict with plans for the removal of the hydroelectric dams on the Klamath River.

The first conflict is imminent. Under the IOP, a whopping 591,000 AF of water is to be released from Upper Klamath Lake for supporting river flows this summer, including 60,000 AF reserved for augmenting river flows between March and June beyond already-high levels. Effectively, this year, the entire volume would need to be released in May and June.

Releasing an additional 60,000 AF of water over the course of two months would, on average, increase flows by 1,000 cubic feet per second (cfs), resulting in flows at least in excess of 2,000 cfs in the reach of the river where the hydroelectric dams are located.

The problem is that the Klamath River Renewal Corporation (KRRC) is scheduled to temporarily shut off flows between Copco and Iron Gate Dams at the end of June in order to construct an access pad at the downstream face of Copco Dam, adjacent to the spillway plunge pool. This access pad will be used to drill a new outlet tunnel from the reservoir underneath the dam, which will be used to drain the reservoir beginning next January.

Temporarily shutting off flows between Copco and Iron Gate Dams requires drawing Copco reservoir down as much as possible in order to be able to store all inflows during the construction period, while simultaneously using stored water in Iron Gate to meet river flows.

The augmentation flows required under the IOP this May and June could cause various problems for KRRC’s anticipated work at Copco. It appears that Reclamation is “solving” the conflict by simply releasing all the 60,000 AF of augmentation water as fast as possible before mid-June, irrespective of any identified biological benefit for Klamath River salmon. The

The KRRC anticipates again having to temporarily shut off flows between Copco and Iron Gate Dams later in the summer, to allow for removal of Copco No. 2, which will be the first dam to be decommissioned.

In 2024, scheduled dam removal activities include dewatering and removal of J.C. Boyle Dam and reservoir, Copco No. 1 Dam and Copco Lake, and Iron Gate Dam and reservoir. Related actions will include removal of buildings, transmission lines, temporary bridge removal, and new fish passage culvert installation.

It seems that no one has thought about whether the IOP can work in those conditions next year. Although alternative operations have not yet been identified, the minimum flows and surface flushing flows prescribed in the IOP seemingly will not be feasible during in-water construction work to take out the dams, meaning that Reclamation would once again have to deviate from the IOP that it only recently extended.

In KWUA’s view, this situation illustrates how clearly Klamath Project plans and operations have been driven by regulators bargaining for water for water’s sake. That dynamic, reflected in the IOP, relegates Klamath Project irrigation and wildlife refuges to bystanders awaiting outcomes. The approach has fueled conflict and banjaxed confidence in federal agencies.

Dam Removal Timeline

	2022	2023 Pre- Drawdown	2024 Drawdown/ Removal	2025	2026	2027	2028	2029	2030
Regulatory Approval Acquisition	PERMITS								
Pre-Drawdown Year Activities		PREP CONST							
Drawdown Year Activities			DAM REMOVAL						
Post-Drawdown Activities				RESTORATION					
Final License Surrender Order									

Pre-Drawdown Year:

- Dam/tunnel modifications
- Road/Bridge improvements
- CoY Waterline Replacement
- Fall Crk Hatchery Construction
- Water Quality/Quantity Monitoring
- Copco No. 2 Dam Removal

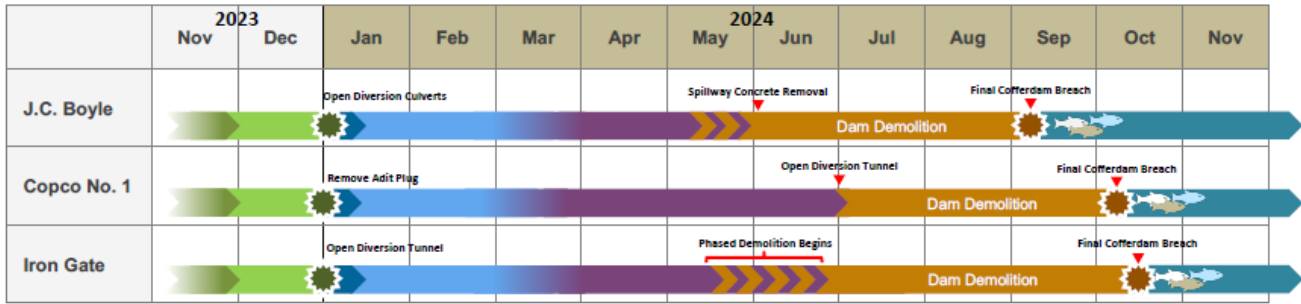
Drawdown Year:

- Dam and infrastructure removal
- Initial reservoir restoration

Post-Drawdown Years:

- Site Restoration
- Monitoring/Adaptive Management

Stages of Controlled Reservoir Drawdown



1. Operational Drawdown:
Minimum operating level

2. Initial Drawdown:
Reservoir water initial controlled release.

3. Reservoir Refilling and Releasing Period:
Inflows may exceed outflow capacity periodically, causing reservoir levels to rise and fall

4. Dam Demolition:
Reservoir inflow water=min fluctuations

5. Klamath River Reconnection:
Breaching of the historic cofferdam, Klamath River to permanently flow in original channel

www.klamathrenewal.org



70th ANNIVERSARY

KWUA ANNUAL MEETING DRAWS OVER 200 GUESTS

Marking the organization's 70th Anniversary, KWUA had a record attendance for its 2023 Annual Meeting.

Attendees heard from U.S. Representative Doug LaMalfa, as well as Klamath County Commissioner Derrick DeGroot and Modoc County Supervisor Geri Byrne.

The Lost River FFA provided the catering for the event, thanks to the support of local

sponsors, with guests praising the food.

The most informational news at the meeting was the announcement from Reclamation that the water supply from Upper Klamath Lake and the Klamath River this year will be initially set at 215,000 AF. On the Lost River system, there will be 35,000 AF available from each of Gerber Reservoir and Clear Lake.

Jeff Payne, Deputy Regional Director for the California-Great Basin Region, delivered the news on behalf of Reclamation.

"We are monitoring hydrologic conditions and will update the allocation accordingly," Payne said, reading from a prepared statement.

"KWUA is very disappointed in Reclamation's decision,"

Tracey Liskey, president of KWUA's Board of Directors, said in a press release issued following the

announcement. "In a year that is in the top 10% in terms of snowpack, with over 180% of average currently, when Reclamation expects to release more than 590,000 acre-feet of water to the Pacific Ocean, we have 60,000 acres of farmland along with two national wildlife refuges that are liable to go dry this year."



the dysfunction with the way water in the Klamath Basin is currently being managed in his comments to the crowd.

“It makes me frustrated by the lack of action by the federal agencies – we are losing our agricultural base. We have to focus on what we need – production. Production of food for our nation.”

Marc Staunton also spoke briefly on behalf of the Klamath Project Drought Response Agency (DRA), which has administered demand management programs in the Klamath Project on behalf of Reclamation since 2018.

“It makes me frustrated by the lack of action by the federal agencies – we are losing our agricultural base. We have to focus on what we need – production. Production of food for our nation.”

CA Representative Doug LaMotte



Marc indicated that Reclamation recently notified the DRA that there is just under \$10 million in federal appropriations available this year, which were expressly directed by Congress, thanks to KWUA’s assistance.

“I almost did not come tonight,” Marc said, who left out-of-town meetings early so that he could attend KWUA’s Annual Meeting.

Marc remarked, prompting a round of applause and cheers from the audience. “Unfortunately, I guess I was wrong.”

Klamath County Commissioner Derrick DeGroot remarked on the county’s long recognition of the importance of irrigated agriculture. “Our communities were developed and built around the Klamath Project,” he noted.

DeGroot then addressed the concern shared by all three counties in the Klamath Project with the current approach to federal spending in the Klamath Basin.

“It used to be we had a plan but lacked money and support. Now we have the money and support, but no plan,” he said. **“Why are federal agencies still spending all this money as fast as they can?”**



Continued on page 1



for details on how to apply. To be considered, an application must be postmarked no later than June 16 or physically delivered to the DRA by 5:00 pm at the filing location.

The no-irrigation program is available only to parcels of four or more acres. Individual districts will determine whether there will be a “small acreage” program within their district.

The DRA anticipates having available approximately \$9,850,000 in funding for its 2023 program, however, it is possible that the amount received may be more or less than this amount.

The DRA will offer local workshops on May 23 from 8:00 am– 2:00 pm at the Merrill Civic Center and on May 24 from 8:00 am – 3:00 pm at the KWUA office. (2312 South 6th St, Suite A ,Klamath Falls)

WHAT HAS THE BOARD BEEN WORKING ON:

KWUA's Board of Directors strives to keep member districts, their patrons, and other interested parties informed. Board members help with the dissemination of information received at our monthly board meetings, and staff produces a monthly newsletter.

The KWUA board held its regular business meeting on April 19, 2023. Below is a recap of the ongoing activities. If you would like more in-depth information, we encourage you to contact your respective district board member listed on our website.

ADMINISTRATIVE COMMITTEE REPORT

At the regular March KWUA board meeting, some members expressed a desire to amend the bylaws in some respects. The Administrative Committee subsequently met and presented concepts for review at the April board meeting. Following a healthy discussion, staff was tasked with developing refined proposals representing the areas of apparent consensus. The Administrative Committee also reported on its planning around committees and their function and effectiveness.

PR JOB DESCRIPTION

The board planning session identified the need for a dedicated staff position on communications issues. Moss Driscoll is tasked with preparing the job description and intends to have a draft soon.



FROM YOUR DISTRICTS UPCOMING MEETINGS

- Klamath Irrigation District will hold its Board of Directors meeting on May 11 @ 1:00 pm at the KID office. www.klamathid.org
- Tulelake Irrigation District will hold its monthly Board of Directors meeting on May 8 @ 8:00 pm. www.tulelakeid.com
- Klamath Project Drought Response Agency will hold its monthly Board of Directors meeting on May 10 @ 10 am in the KWUA boardroom. www.klamathwaterbank.com
- KWUA will hold its monthly Board of Directors meeting/Annual Planning meeting on May 17 @ 2:00 pm. www.kwua.org
- Klamath Drainage District will hold its monthly Board of Directors meeting on May 18 @ 1:30 pm. www.klamathdrainagedistrict.org
- Sunnyside Irrigation District will hold a Board of Directors meeting on May 12 @ 10:00 am at 128 E. Front St, Merrill, OR.

Klamath Irrigation District patrons, did you know that KID has a newsletter with all the current water happenings. [Click here to read the latest issues.](#)

D.C. UPDATE & MEETING

Paul Simmons introduced this topic by summarizing a written report related to the March 18 meeting with Secretary Haaland and multiple meetings in D.C. during the week of March 27. He noted that a "Requests of the Biden Administration" handout document is consistent with what was discussed in the March KWUA board planning session, and this is also what was communicated to the Secretary. Paul also reported that KWUA would have a meeting with staffs for Representatives LaMalfa and Bentz and the Natural Resources Committee, Subcommittee on Water, Wildlife and Fisheries (WWF) on April 20 related to the legislation that we continue to seek. He also summarized other ongoing dialogue with our congressional delegation.

DOI ASHLAND MEETINGS

KWUA and many other parties have participated in a series of meetings organized by DOI, and specifically Matt Strickler, the Department's point person for Klamath policy issues. The most recent meeting occurred on March 21, and was advertised to focus on funding opportunities and potential large wetland restoration projects. There were many people in attendance, including state and federal, county, tribal, and conservation organizations. Ben DuVal described for the board the strong emphasis on wetlands and a concern with the lack of understanding or recognition of the actual circumstances and operation of the Project; he recommended we work to educate so that other parties have the best orientation to consider projects and solutions.



Gene Souza also attended the March 21 meeting in Ashland. He flagged several issues in a written document sent to other participants. Gene relayed his sense that many in the room were talking about agriculture, but not talking to agriculture.

Paul Simmons also reported on a smaller meeting that occurred after the formal meeting that occurred during the day, and a follow-up that will occur on May 1.

Marc Staunton reported on a March 21 meeting between several Klamath producers and district managers and Sacramento Valley growers and managers related to Sacramento Valley leaders' actions and messaging in support of restoring species. A substantial discussion ensued about how and what to plan for independently, the possibility of settlement discussions, and related issues.

Moss Driscoll suggested that the board review the draft document on Project alternative operations and infrastructure which was provided in the March board packet. He also discussed several alternatives and near-term actions that could help improve current dynamics.

Yurok Water Rights Assessment Team

Paul Simmons reminded the board that the DOI Indian Water Rights office has appointed a Yurok Tribe water rights assessment team, which is a request the tribe had originally made a few years ago. This is a fairly regular process, although it usually arises when there is an adjudication in progress or at least on the horizon. Paul noted the pending question of whether KWUA would be willing to communicate support for the next step, which would be the appointment of a DOI negotiation team. This was discussed further during executive session.

DRA Update

The DRA board met on April 10. Two new members were seated: Fred Simon (KID) and Tim O'Connor (KDD). There is \$9.8 million obligated for 2023 by Reclamation. That number has been incorporated into a grant application, which was submitted during the week of April 10. The challenge for DRA is when its board will have an adequate amount of confidence that it can start going forward. The DRA board also discussed maximizing opportunities to make real wet water.

Oregon Legislation: H.R. 2765 (South Suburban Sanitary District) H.R. 2765, currently pending in the Oregon Legislature, would provide that South Suburban Sanitary District (SSSD) has the right to divert from the Klamath River a quantity equal to the quantity that it discharges to the river. KWUA previously adopted a "not opposed" position.

At the request of SSSD, KWUA discussed its position further at the April board meeting.

SSSD's policy positions in support of the legislation include: that it would have a right to pipe the water to a place of use (particularly since it originates as groundwater) and the community would save \$20 million if the river can be used for conveyance instead of a pipe; and the legislation is consistent with community control. After extensive discussion of several related issues, the board adopted a position of "support."

Oregon Legislation: Drought Relief & Infrastructure

KID, supported by KWUA and others, is pursuing funding assistance for necessary A Canal work.

Oregon Regulatory Process: Rulemaking on Critical Groundwater Area Designation

The Oregon Water Resources Commission is engaged in a rulemaking process related to the applicable criteria for designating areas within the state as critical groundwater areas. This regulation would not specify whether a specific basin should be designated, but would set the parameters for making a designation. Paul Simmons stated that KWUA will provide comments by the May 22 deadline.

On a related subject, Ivan Gall of the Oregon Water Resources Department (OWRD) and other OWRD staff will be at KWUA on May 4 to review groundwater conditions and ongoing activities. Moss Driscoll is setting up a meeting with engineers to prepare an analysis of how surface water management affects shallow groundwater wells.

IN THE SPOTLIGHT:



Marc Staunton being filmed for a public campaign.

WATER POLICY DIRECTOR'S REPORT

Moss Driscoll first reported on several activities directed towards improving the quantity and quality of flows in the Clear Lake watershed.

PR Update Moss Driscoll updated the board on Nick Alexander Films, stating that the finalization of the film and the start of the public campaign was delayed due to other competing work. Moss has also devoted significant time to the Ag Basin News publication. Feedback has been widely positive, including from a number of district patrons who are grateful for the relevant coverage. Moss indicated that he has asked and is anticipating support from other entities and organizations to provide content regularly, including the extension offices, districts, and individual water users.

On other public relations front, Moss reported on continuing media requests from TV, radio, and newsprint. Staff has responded to all media requests.

Planning Processes Update The KWUA-led watershed stewardship planning process will be getting underway this summer. It is still centered around water quality compliance, but the opportunity exists to make it broader and extend its scope to address water supply security and other concerns.

Other planning processes are also underway external to KWUA. KDD is partnering with Klamath Watershed Partnership and Tule Smoke Club on a planning process entailing the Keno Impoundment. FWS has initiated a planning process for the Lost River, related to “ecological resiliency.” NMFS also has a planning process called the Klamath Reservoir Reach Restoration Plan.

Other Items of Note It appears that FWS is eager to proceed with the Agency Lake-Barnes Ranch reconnection project, notwithstanding KWUA, KID, and KDD’s stated concerns. Moss Driscoll explained that an updated analysis shows the project would not alter inflows to Upper Klamath Lake, but the remaining issue is how this added storage will be addressed in the ESA re-consultation process anticipated for 2024. Some water users’ concerns relate to the re-consultation process at least as much as the reconnection project. Moss discussed the familiar, potential ways to address the fundamental concerns regarding Reclamation’s approach to re-consultation.

EXECUTIVE DIRECTOR’S REPORT

POWER ISSUES: Intervention in 2023 TAM Case

The transition adjustment mechanism (TAM) is a variable affecting power costs that changes annually. General rate cases are the dominant factor in what power rates actually are, but the TAM can cause rates to go up or down on a year-by-year basis; the change is typically driven by wholesale power costs and oil and gas costs. This year, the drivers are somewhat different. For the 2024 year, Pacific Power’s proposed TAM is unusually large

(average 9.5% increase in rates beginning 2024; 8.2% for irrigation).

Although the TAM affects all customer classes, the effects are not exactly the same. Also, Lloyd Reed believes he has particular experience that may be helpful. The board authorized KWUA’s intervention in the TAM case.



Pacific Power Irrigation Load Control Program

PacifiCorp believes more people would be interested in this program if it is better understood. Paul Simmons provided his understanding of the program and the PacifiCorp materials of the agenda package. The general consensus was that people are as informed as they need to be about what programs are available, and whether the load control program works for an individual is very much a case-by-case determination. No further action to be taken.



California General Rate Case Update

KWUA is not directly involved in the ongoing Pacific Power general rate case in California. Fortunately, the California Farm Bureau (CFB) has taken the lead, and is doing the legal work and retained Lloyd Reed at our recommendation. Lloyd’s written update was reviewed. Also, there will be a meeting for interested California pumpers, which is being organized by CFB. Paul Simmons will inform the board of when this meeting will occur.



Litigation Status

Brittany Johnson provided an overview of the issues and arguments regarding the motion for preliminary injunction filed by the Yurok Tribe, which is set for hearing on May 10 at 2:00 p.m. She also reported on the status of the appeal of the February 6 orders on motions for summary judgment. The board was informed that the court mediator will be told that the case does not appear amenable to settlement, and the board had no objection.

Paul Simmons presented a schedule of upcoming litigation events.

Operations Committee Report

Operations Committee Chairman Gene Souza briefly narrated a slide presentation. He focused on the chart showing Upper Klamath Lake elevations and the dip due to releases of flushing flows. The flush includes an estimated release of 25,000 AF of stored water. Gene said he questions Reclamation’s projection on the likely trajectory of Upper Klamath Lake. He also noted potential issues with meeting the ESA Upper Klamath Lake elevation of 4140.5 in mid-July. On the Klamath River, currently, there has been no indication of disease and outmigration is underway, so the actual benefit of flush seems questionable.

KID hopes to be able to deliver water as soon as possible. It will likely start taking orders one week after notice that water is available. Paul Simmons asked if managers continue to support a revised Project Supply announcement after the May 1 forecast. A discussion ensued, and board members provided their own perspectives on all these near-term issues.

