



April 5, 2024

Camille Calimlim Touton  
Commissioner, Bureau of Reclamation  
1849 C Street NW  
Washington, DC 20240-001  
SENT VIA EMAIL

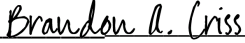
**Subject: Increase the Klamath Project Water Supply**

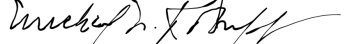
Dear Commissioner Touton:


The counties of Klamath, Oregon, and Modoc and Siskiyou, California (Tri-Counties) are calling for the Bureau of Reclamation to immediately provide adequate Klamath Project water supply for 2024. Given this year’s favorable hydrology, the actions already taken to avoid flooding on the Klamath River, and the projections showing “excess” water this year, Reclamation must make every effort, and should be able, to provide full water supplies for farms and ranches of the Klamath Project.


After four consecutive years of delayed and inadequate deliveries, Reclamation needs to provide sufficient water to the farmers and ranchers who feed the region’s economy and the nation’s food supply.

Sincerely,

DocuSigned by:  
  
Brandon A. Criss, District 1  
Siskiyou County Board of Supervisors

DocuSigned by:  
  
Michael N. Korb, District 3  
Siskiyou County Board of Supervisors

DocuSigned by:  
  
Ned Coe, District I  
Modoc County Board of Supervisors

DocuSigned by:  
  
Gen Byrne, District V  
Modoc County Board of Supervisors

DocuSigned by:  
  
Derrick DeGroot  
Klamath County Commissioner

cc: Congressman Doug LaMalfa  
Congressman Cliff Bentz



# Attachment 2



May 13, 2024

Camille Calimlim Touton  
Commissioner, Bureau of Reclamation  
1849 C Street NW  
Washington, DC 20240-001  
SENT VIA EMAIL

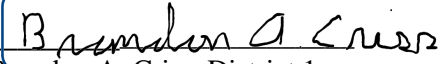
**Subject: Increase the Klamath Project Water Supply**

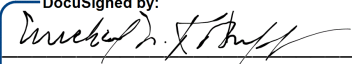
Dear Commissioner Touton:

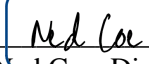
The counties of Klamath, Oregon, and Modoc and Siskiyou, California (Tri-Counties) are calling for the Bureau of Reclamation (Reclamation) to immediately revise the Klamath Project allocation to provide full water deliveries for 2024 from Upper Klamath Lake and the Klamath River. In early April the Tri-Counties sent a similar letter requesting a full allocation, and we were disappointed by Reclamation’s announcement of less than two-thirds of irrigation needs. Current hydrologic conditions and snowpack are more than adequate to provide a full allocation. In fact, recent precipitation events have required flood control operations be initiated.

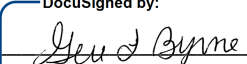
It appears that current Klamath Watershed restoration activities are having a negative impact on balancing the needs of irrigation, refuges, lake levels, and river flows. We want to be a good partner on restoration activities, but not to the detriment of balancing the system. Anything less than a full allocation to the Klamath Project is unacceptable, especially given adequate water supplies for fisheries, and recent efforts, spearheaded by Klamath Project irrigators, to secure water deliveries to the Tule Lake and Lower Klamath Lake National Wildlife Refuges.

Sincerely,

DocuSigned by:  
  
Brandon A. Criss, District 1  
Siskiyou County Board of Supervisors

DocuSigned by:  
  
Michael N. Kotsch, District 3  
Siskiyou County Board of Supervisors

DocuSigned by:  
  
Ned Coe, District I  
Modoc County Board of Supervisors

DocuSigned by:  
  
Geni Byrne, District V  
Modoc County Board of Supervisors

DocuSigned by:  
  
Derrick DeGroot  
Klamath County Commissioner

cc: Congressman Doug LaMalfa  
Congressman Cliff Bentz

# Attachment 3

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(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed, and for other purposes

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IN THE HOUSE OF REPRESENTATIVES

Mr. BENTZ introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

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## A BILL

To amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed, and for other purposes

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Klamath Basin Water  
5 Agreement Support Act of 2024”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Klamath River Basin is home to impor-  
4 tant species of fish and wildlife and communities, in-  
5 cluding Tribal and agricultural communities.

6 (2) Tribal fisheries in the Klamath River Basin  
7 are depressed, owing to a combination of factors.

8 (3) In recent decades, the Klamath River Basin  
9 has witnessed chronic conflict, much of which has  
10 been fueled or exacerbated by implementation of the  
11 Endangered Species Act of 1973.

12 (4) The United States has taken, and continues  
13 to take, extraordinary actions to attempt to address  
14 certain factors affecting Tribal fisheries.

15 (5) The United States' actions to enhance fish-  
16 eries have included expenditures of several hundreds  
17 of millions of dollars for research and projects, in-  
18 cluding support of Tribal fisheries programs and im-  
19 position of regulatory burdens on other parties who  
20 make use of natural resources in the Klamath River  
21 Basin for their own livelihoods.

22 (6) In the past 16 years, the Bureau of Rec-  
23 lamation has requested and received appropriations  
24 of approximately \$136,000,000 for Endangered Spe-  
25 cies Act of 1973 compliance activities, even while de-  
26 nying water deliveries for irrigation and wildlife ref-

1       uges served through Klamath Reclamation Project  
2       facilities.

3               (7) Denial of water deliveries through Klamath  
4       Reclamation Project facilities has injured commu-  
5       nities and wildlife severely but has not resulted in  
6       any identifiable benefit to populations of fish species  
7       listed as threatened or endangered.

8               (8) The United States' regulatory actions have  
9       also included the imposition of conditions on the  
10       generation of clean hydropower that have made hy-  
11       dropower uneconomical, such that a private utility  
12       has agreed to the removal of 4 dams that have pro-  
13       duced renewable energy for over a century.

14              (9) The removal of dams has been funded in  
15       substantial part by electric rate payers, including ir-  
16       rigation water users, in Oregon and California, who  
17       also are burdened with the cost of paying for re-  
18       placement power.

19              (10) The removal of dams has also led indi-  
20       rectly to other significant public costs that would not  
21       have been incurred absent the removal of hydro-  
22       electric generation.

23              (11) The removal of hydroelectric generation on  
24       the Klamath River is expected to result in the avail-

1 ability of 425 miles of habitat for anadromous fish  
2 that is not currently accessible.

3 (12) Commitments have been made to agricul-  
4 tural communities to the effect that dam removal  
5 and restoration activities will not cause new burdens  
6 for those communities and, in fact, that those com-  
7 munities will benefit significantly, but those commit-  
8 ments have either not been kept or lack the nec-  
9 essary assurances that they will be met in the fu-  
10 ture.

11 (13) It is appropriate and fair to take measures  
12 to stabilize conditions for agricultural communities  
13 in the Klamath Basin that have been at the center  
14 of conflict and to whom important commitments  
15 have been made in connection with extraordinary ac-  
16 tions taken by the United States that affect their in-  
17 terests.

18 (14) This Act will increase such stability while  
19 not adversely affecting other interests in the Klam-  
20 ath Basin.

21 **SEC. 3. KLAMATH PROJECT WATER AND POWER.**

22 (a) ADDRESSING WATER, POWER, AND FACILITIES  
23 MANAGEMENT FOR IRRIGATION.—Section 4 of the Klam-  
24 ath Basin Water Supply Enhancement Act of 2000 (Pub-  
25 lic Law 106–498) is amended—

1 (1) in subsection (b), by amending paragraph  
2 (1) to read as follows:

3 “(1) IN GENERAL.—Subject to appropriations  
4 and required environmental reviews, the Secretary is  
5 authorized to carry out activities, including entering  
6 into a contract or making financial assistance avail-  
7 able through cooperative agreements or other meth-  
8 ods, to plan, implement, and administer voluntary  
9 programs, including conservation and efficiency  
10 measures, demand limitation or management, and  
11 use of groundwater, to align water supplies and de-  
12 mand for irrigation water users associated with the  
13 Klamath Project, with a primary emphasis on pro-  
14 grams developed or endorsed by local entities com-  
15 prised of representatives of those water users.”;

16 (2) in subsection (c), by adding at the end the  
17 following:

18 “(2) IMPLEMENTATION.—

19 “(A) IN GENERAL.—Beginning not later  
20 than 180 days after the date of enactment of  
21 the Klamath Power and Facilities Agreement  
22 Support Act, the Secretary shall, through 1 or  
23 more cooperative agreements, financial assist-  
24 ance agreements, or other methods, implement,  
25 or support the implementation of, the rec-

1           ommendations identified in the report described  
2           in paragraph (1) that the Secretary determines  
3           would lead to bringing the net delivered power  
4           cost for covered power use to an amount that  
5           is the same as, or less than, the power cost  
6           benchmark, subject to the availability of appro-  
7           priations, on the fastest timeline practicable,  
8           with respect to near- and long-term actions.

9           “(B) REQUIREMENT.—The implementation  
10          of recommendations under subparagraph (A)  
11          shall be carried out in accordance with—

12                   “(i) the report submitted under para-  
13                   graph (1); and

14                   “(ii) any reports submitted under  
15                   paragraph (3).

16          “(3) ADDITIONAL REPORTS.—Not later than  
17          April 30, 2025, and every 5 years thereafter, the  
18          Secretary shall submit to each committee described  
19          in the matter preceding subparagraph (A) of para-  
20          graph (1) a report that describes—

21                   “(A) any progress toward meeting the re-  
22                   quirements of this subsection; and

23                   “(B) any modifications or updates to the  
24                   actions recommended under paragraph  
25                   (1)(B).”; and



1 (3) by adding at the end the following:

2 “(d) RESTORATION ACTIVITIES.—The Secretary  
3 may—

4 “(1) plan, design, construct, operate, and main-  
5 tain projects in the Klamath Basin watershed, in-  
6 cluding—

7 “(A) facilities to reduce fish entrainment;

8 “(B) projects that reduce or avoid impacts  
9 on aquatic resources of facilities involved in the  
10 storage or diversion of water for irrigation in  
11 the Klamath Project service area; and

12 “(C) projects that restore habitats in the  
13 Klamath Basin watershed, including Tribal  
14 fishery resources held in trust;

15 “(2) undertake studies, including feasibility  
16 studies, and improvements that the Secretary deter-  
17 mines to be necessary to implement this subsection;

18 “(3) in implementing this subsection, enter into  
19 contracts, memoranda of understanding, financial  
20 assistance agreements, cost-sharing agreements, or  
21 other appropriate agreements with—

22 “(A) State, Tribal, and local governmental  
23 agencies; and

24 “(B) private parties; and

1           “(4) accept and expend non-Federal funds in  
2           order to facilitate implementation of this subsection.

3           “(e) GOALS.—The goals of activities under sub-  
4           sections (b) and (d) shall include, as applicable—

5           “(1) the short-term and long-term reduction  
6           and resolution of conflicts relating to water in the  
7           Klamath Basin watershed; and

8           “(2) compatibility and utility for protecting nat-  
9           ural resources throughout the Klamath Basin water-  
10          shed, including the protection, preservation, and res-  
11          toration of Klamath River Tribal fishery resources,  
12          particularly through collaboratively developed agree-  
13          ments.

14          “(f) PUMPING PLANT D.—The Secretary may enter  
15          into 1 or more agreements with the Tulelake Irrigation  
16          District to reimburse the Tulelake Irrigation District for  
17          not more than 69 percent of the cost incurred by the  
18          Tulelake Irrigation District for the operation and mainte-  
19          nance of Pumping Plant D, subject to the condition that  
20          the cost results in benefits to the United States.

21          “(g) INFRASTRUCTURE.—

22          “(1) KENO AND LINK RIVER DAMS.—The Sec-  
23          retary shall comply with the terms of the agreement  
24          entitled ‘2016 Klamath Power and Facilities Agree-  
25          ment’, including Attachment A to the agreement.

1           “(2) REALIZATION OF BENEFITS.—No modi-  
2           fication of Keno Dam infrastructure to modify cur-  
3           rent fish passage capability shall occur, and no arti-  
4           ficial action to introduce or reintroduce aquatic spe-  
5           cies above Keno Dam shall occur, until 90 days after  
6           the Secretary has certified to the Chairs and Rank-  
7           ing Members of the Natural Resources Committee of  
8           the House of Representatives and the Energy and  
9           Natural Resources Committee of the Senate that—

10                   “(A) all State and Federal parties to the  
11                   2016 Klamath Power and Facilities Agreement  
12                   have complied with the first sentence of section  
13                   II. B.2.a. of that agreement; and

14                   “(B) the parties to the 2016 Klamath  
15                   Power and Facilities Agreement and the parties  
16                   to the Klamath Hydroelectric Settlement Agree-  
17                   ment have completed and approved the agree-  
18                   ment or agreements contemplated by section  
19                   III.C. of the 2016 Klamath Power and Facili-  
20                   ties Agreement and Section 1.9 of the Klamath  
21                   Hydroelectric Settlement Agreement.

22           “(3) DRAFT CERTIFICATION.—Not less than  
23           180 days before providing a certification under para-  
24           graph (2), the Secretary shall provide a draft certifi-  
25           cation to the parties to the respective agreements.

1           “(4) REPLACEMENT OF C CANAL FLUME.—

2           “(A) IN GENERAL.—The replacement of  
3           the C Canal flume within the Klamath Project  
4           shall be considered to be, and shall receive the  
5           treatment authorized for, qualified emergency  
6           extraordinary operation and maintenance work  
7           in accordance with Federal reclamation law (the  
8           Act of June 17, 1902 (32 Stat. 388, chapter  
9           1093), and Acts supplemental to and amend-  
10          atory of that Act (43 U.S.C. 371 et seq.)).

11          “(B) CONTRACT.—

12          “(i) IN GENERAL.—Not later than  
13          180 days after the date of receipt of a re-  
14          quest from the Klamath Irrigation District  
15          to enter into a contract with that district  
16          to amend the contract numbered 16-WC-  
17          20- 4838, the Secretary shall enter into a  
18          contract with the Klamath Irrigation Dis-  
19          trict providing that under the contract en-  
20          tered into under this subparagraph—

21                  “(I) 35 percent of the total re-  
22                  payment obligation is nonreimbursable  
23                  to the United States; and

24                  “(II) 65 percent of the total re-  
25                  payment obligation shall be repaid to

1 the United States over a period of 50  
2 years.

3 “(ii) INCLUSION.—Although the Sec-  
4 retary shall not condition the agreement to  
5 the contract entered into under subpara-  
6 graph (A) on any other term, the contract  
7 may include other terms that are not less  
8 favorable to the contractor than contract  
9 numbered 16–WC–20– 4838.

10 “(5) COST ALLOCATION.—Past and future costs  
11 incurred by the Secretary for compliance with laws  
12 enacted by the United States for protection of the  
13 environment that are not explicitly identified in con-  
14 tracts between the Secretary and a Klamath Project  
15 contractor shall not be—

16 “(A) allocated to such contractor; or

17 “(B) considered in determining the con-  
18 tractor’s responsibility for reimbursement of the  
19 costs of operation, maintenance, rehabilitation,  
20 modification, or replacement of Klamath  
21 Project works.”.

22 (b) ADMINISTRATION; EFFECT.—

23 (1) COMPLIANCE.—In implementing the amend-  
24 ments made by this section, the Secretary of the In-  
25 terior shall comply with—

1 (A) the National Environmental Policy Act  
2 of 1969 (42 U.S.C. 4321 et seq.);

3 (B) the Endangered Species Act of 1973  
4 (16 U.S.C. 1531 et seq.); and

5 (C) all other applicable laws.

6 (2) EFFECT.—None of the amendments made  
7 by this section—

8 (A) modify any authority or obligation of  
9 the United States with respect to any Tribal  
10 trust or treaty obligation of the United States;

11 (B) create or determine any water right;

12 (C) affect any water right or water right  
13 claim in existence on the date of the enactment  
14 of this Act; or

15 (D) authorize the use of Federal funds for  
16 the physical deconstruction of the Iron Gate,  
17 Copco 1, Copco 2, or John C. Boyle Dam lo-  
18 cated on the Klamath River in the States of  
19 California and Oregon.

