Obstacles and Opportunities in State Water Change Process - Oregon
Presented by the Klamath Basin Rangeland Trust
Oregon provides several mechanisms for transferring irrigation water to instream use:

- Instream leasing
- Split-season Instream Lease
- Instream Transfer
- Time-limited Transfer
- Change in Point of Diversion
- Allocation of Conserved Water
Hurdles in Oregon Water Right Changes

Rules and Statutes
1. Split season leasing program is temporary and does not include a provision for split season transfers
2. Monitoring burden of the split season program is prohibitively expensive, particularly in flood irrigated systems
3. Only Certificated Rights can be changed (Klamath)
4. Protests of instream transfers can be exceedingly long and expensive

Other challenges
1. Capacity at Oregon Water Resources Department – long delays in processing of applications
2. Funding
Klamath Basin History

- Loss of wetlands
  - Agricultural practices led to the draining of 75% of the basin’s wetlands
- Water use
  - Over-­-allocation
  - Inefficient irrigation
- Nutrient input
  - Irrigation returns
  - Lack of wetlands
  - Cattle access to streams

Results:
- Warm water
- Toxic Algal blooms
- Poor habitat for spawning and rearing
Affected Species - Oregon Side

• Endangered species
  • Lost River sucker (f) (s)
  • shortnose sucker (f) (s)

• Threatened species
  • bull trout (f)

• Sensitive species
  • Oregon spotted frog (s)
  • Klamath Basin redband trout (s)

• Candidate species
  • Oregon spotted frog (f)

• Extirpation of anadromous species
Drivers for Participation

- Tribal water rights/Adjudication
- ESA Water Allocations
- Reasonable Ag Production is possible with reduced irrigation (deficit irrigation)
UPPER Klamath Basin Act
December

The Parties recognize that the Klamath will participate actively in land planning, designing, and carrying out measures described in this section of the Agreement.

6.1. The Parties recognize that the Klamath will participate actively in land planning, designing, and carrying out measures described in this section of the Agreement.

6.2. The Final Agreement is expected to include:

6.2.1. Permanently increase instream flows over Baseline Conditions annual basis by increments ("WUP Volume").

6.2.2. Establish specified Intramountain Area from which regulating Water Rights would proceed with hydrological conditions that are expected to be lower than those of the Tribes.

KLAMATH BASIN RESTORATION AGREEMENT FOR THE SUSTAINABILITY OF PUBLIC AND TRUST RESOURCES AND AFFECTED COMMUNITIES

February 10, 2010

AGREEMENT IN PRINCIPLE

The Parties anticipate a similar array of measures to be described in section 6 of this AIP.

4.4. It is the intent of the Parties that transition to a permanent program:

5. OTHER INTERIM STEPS

5.1. The non-Federal Parties will work toward identifying and securing funding for a Restoration Area, and for the Klamath tribal members on the terms of the Final Agreement.

5.2. The Parties will begin work (prior to Joint Management Entity) on the terms of this AIP.

WATER USE PROGRAM

6.1. The Parties recognize that the Klamath will participate actively in land planning, designing, and carrying out measures described in this section of the Agreement.

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Klamath Basin Restoration Agreement for the Sustainability of Public and Trust Resources and Affected Communities
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