



May 5, 2014

The Honorable Sally Jewell
Secretary
United States Department of the Interior
1849 C Street, NW
Washington DC 20240

The Honorable Dan Ashe
Director
United States Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Re: Opportunities for Improving Water Supply Reliability for Wildlife Habitat on Tule Lake and Lower Klamath National Wildlife Refuges

Dear Secretary Jewell and Director Ashe:

WaterWatch of Oregon today released a detailed report, produced by GOLDINWATER Consulting, providing analysis of the best options available to secure significantly improved water supplies for Lower Klamath and Tule Lake National Wildlife Refuges. The report, titled "Opportunities for Improving Water Supply Reliability for Wildlife Habitat on the Tule Lake and Lower Klamath National Wildlife Refuges," is enclosed and available here:

http://waterwatch.org/wp-content/uploads/2014/05/Parrett_Refuges_Final_Web.pdf

As you know, in recent years, these two Klamath Basin refuges have suffered chronic water shortages as well as catastrophic waterfowl disease outbreaks sparked by lack of water.

However, progress in Oregon's adjudication of Klamath Basin water rights has created new opportunities to improve refuge water supply by clarifying rights to water, allowing for enforcement, and eventually allowing for water right transfers. Most importantly, this new report makes clear that the adjudication provides both these refuges with significant senior water rights that can be used now to support wetlands, even during drought. Once a decree is issued in the adjudication, or state legislation is passed allowing temporary transfers prior to the decree, water right transfers will also be allowed to achieve additional improvements for wetland water supply on both refuges. These newly available options should be implemented to prevent future bird die-offs and restore essential wildlife habitat.

Specifically, the report highlights three options that should be seriously considered to enhance refuge water supply:

1. Use the refuges' 1905 irrigation rights for wetland purposes within the existing places of use of those rights, instead of for irrigation of refuge leaseland commercial agricultural operations as currently practiced. This option can lawfully be implemented today.
2. Transfer USFWS-owned senior water rights to refuge habitat areas with less senior water rights. The transfer process will become available once a decree is issued, or state legislation is passed

allowing temporary transfers prior to a final decree.

3. Purchase or lease senior water rights for transfer to the refuges to enhance wildlife habitat through the Federal Water Rights Acquisition Program, or other programs or funds.

These three options are described in detail in the report.

We urge you to implement the report's recommendations as soon as possible, and incorporate them into the long-overdue Comprehensive Conservation Plan (CCP) for the Klamath Basin National Wildlife Refuge Complex, which includes Lower Klamath and Tule Lake refuges. Under current management, the refuges' anachronistic leaseland program displaces refuge habitat and consumes the most senior water right on each refuge. In drought years such as 2013 and 2014, this means commercial potato and alfalfa crops on refuge lands receive full water deliveries, while refuge wetlands remain parched, even during the critical spring and fall migratory periods. These conditions helped spark massive waterfowl die-offs from avian cholera in 2012 and botulism in 2013.

The report makes it clear to the public that going forward, these types of tragic incidents do not have to be the inevitable results of drought. Now that the adjudication has confirmed the priority dates, amounts, and places of use for the water rights held by the refuges, the federal government can use those rights to fulfill the purpose of the refuges and avoid waterfowl die-offs during drought.

The Klamath Basin wetlands once encompassed more than 350,000 acres and what was believed to be the largest concentration of waterfowl in the world, with up to 10 million birds occupying basin wetlands at one time. Today, these internationally significant wetlands have been reduced to 80,000 acres to make way for commercial agriculture. This greatly increases the importance of the remaining wetlands, some of the most critical of which lie within Lower Klamath and Tule Lake refuges. In this situation, displacing essential wildlife habitat by leasing more than 22,000 refuge acres for commercial agriculture makes no sense.

Oregon's Governor Kitzhaber has already declared 2014 to be another drought year in the Klamath Basin, and the federal government has announced plans to again cut water for Klamath refuge wildlife while preserving full deliveries for agribusiness operations on refuge lands.

The unfortunate reality is that these two refuges were created to preserve some of the most important bird habitat in the United States, but they are being sacrificed to serve a handful of local agribusiness interests. If Lower Klamath and Tule Lake refuges are to remain viable for waterfowl, the refuges' most senior water rights must be used for refuge purposes – wetlands and waterfowl. The small number of commercial farming operations leasing these public refuge lands could move their rental business to local private farmland owners, rather than staying dependent upon a federal program.

Thank you for your consideration. We stand ready to work with you to chart a pathway to a more secure water supply and better management for these irreplaceable Klamath Basin National Wildlife Refuges.

Sincerely,



John DeVoe
Executive Director
WaterWatch of Oregon