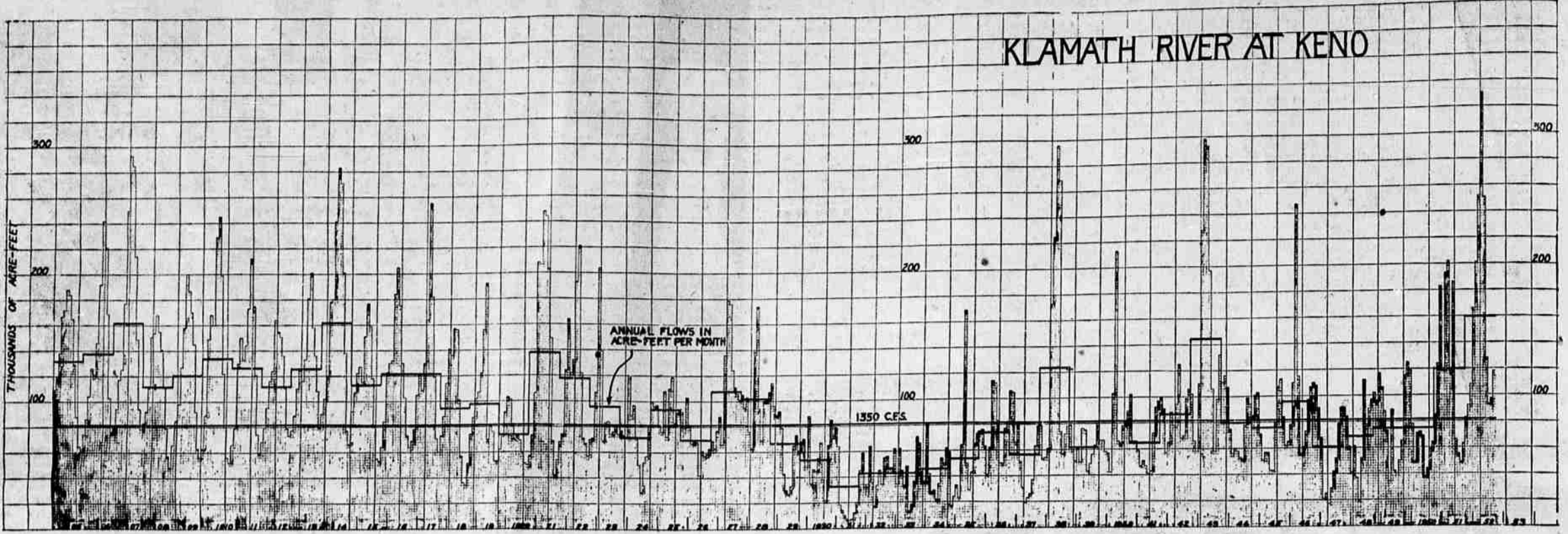


# Klamath River Commission Seeks Basin Water Problem Solution



THE SHADED PORTION OF THIS GRAPH shows the flow of the Klamath River at Keno for the period of record, 1905 to

1952 in thousands of acre feet for each month. The staggered line shows for each year the annual flows expressed as acre

feet per month. The horizontal line marked "1350 C.F.S." shows the quantity required to supply Copco with 1250

By LEWIS A. STANLEY

The possibility of a diversion of water from the Upper Klamath Basin to the Central Valley of California, perhaps via Pitt River, over violent objections of the people of Klamath County, was one of the principal reasons for the 1953 Act of the Oregon Legislative Assembly, setting up the Oregon Klamath River Commission and prescribing its duties. The Commission, appointed by Governor Paterson, consists of Nelson Reed of Klamath Falls, chairman; James Kerns Jr., Klamath Falls, vice chairman; George Stevenson, Olney; Harry Pearson, Fort Klamath; and Ralph Kooser, Ashland. It has the duties of making a study of the present and future needs and uses of water from the Klamath River and its tributaries and negotiating with the State of California a compact to govern the division of the waters between the two states.

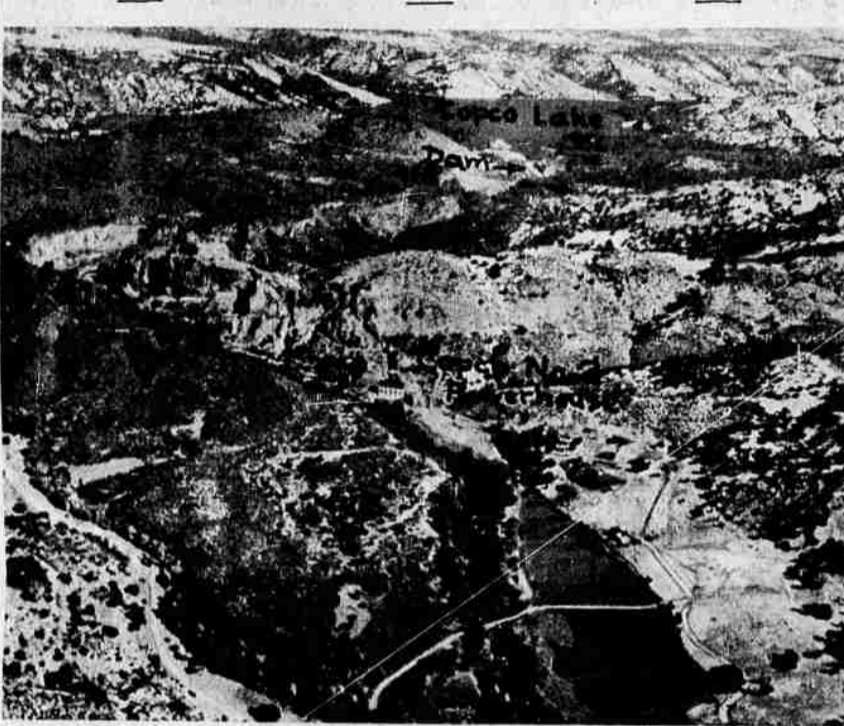
The 1953 California Legislature set up a similar commission with similar duties but at this writing its members have not yet been appointed.

In addition to the suggestion of a possible diversion of Klamath River waters outside the Klamath Basin, there are other matters of interstate interest. The nature and

extent of existing water rights for power and irrigation in both states are somewhat uncertain. There is a disagreement of long standing between the State of Oregon and the Bureau of Reclamation over the scope of the latter's water rights for the Klamath Project which includes lands in both states. There is a serious decision in which the people of the Klamath Basin are intensely interested, now confronting Oregon authorities: Whether or not the California Oregon Power Company shall be granted a license for a new hydro-electric project on the Klamath River in Oregon. This question is closely related to the proposal of the Bureau of Reclamation to irrigate a part of Butte Valley in Northern California with water from the Klamath diverted in Oregon and to combine this with a hydro-electric development in California which would destroy potential power sites along the river in Oregon.

It is this latter subject that I wish to discuss because it holds a great deal of interest and a decision must be reached in the near future.

As a background, we need to go back in history to 1905. In that year Oregon passed a law under which fillings could be made by the Reclamation Service on waters



required for reclamation projects. In the same year we passed a law giving the Reclamation Service a right to raise and lower the surface of Upper Klamath Lake and ceding to the United States any lands forming the bed of the lake reclaimed as a result of such operations. The Bureau made a filing under the law and stated therein its intention to utilize all of the waters of Klamath River and tributaries, naming these tributaries such as the Williamson, Sprague and Lost Rivers and many smaller streams. It has been and still is the position of the Bureau that by virtue of such filing it acquired title to all these waters and no subsequent appropriations thereof should be permitted by the State of Oregon.

In 1930 the Attorney General of Oregon rendered an opinion in which he upheld the Bureau's position, and directed the State Engineer against granting additional water rights in conflict with the Bureau's claim. However, in 1950, following some pertinent decisions in the United States Supreme Court, (Nebraska v. Wyoming, 295 US 40 and Ickes v. Fox, 300 US 82), the Attorney General rendered a wholly different opinion, holding that the rights of the Bureau are limited to the waters actually beneficially used on the project described in the 1905 filing with the Oregon State Engineer. The exact scope of the original Bureau project was not defined in the filing but it is generally understood to include the lands now served by the project plus some fringe areas that can be served water from the existing system, some 200,000 to 250,000 acres.

Early in the history of the Klamath Project development it became evident that the natural flow from Upper Klamath Lake would not be sufficient to provide for the acknowledged prior right of the California Oregon Power Company for 205 second-feet of water for its small plant on the west side of Link River and for irrigation of the project lands, without some storage in the lake. About this time Copco was interested in development of some power sites on the Klamath in California, at what is now known as Copco, just south of the state line, and seasonal storage was necessary to make this development feasible.

In 1917 the United States and Copco entered into an agreement whereby Copco acting for and on behalf of the United States would build a dam on Link River at the outlet of the lake and upon completion would deed the dam and the land on which it is situated to the United States. The agree-

ment which runs for 50 years, or until 1967, provides that Copco may regulate the water surface of the lake between elevations 4137.0 and 4143.5, thereby impounding and releasing as needed 480,000 acre-feet of water. It restricts Copco's privilege, however, in that the government may take over control and operation of the dam at any time when the water level in the lake drops to within two-tenths foot of the prescribed low water elevation. It recognizes the prior right of Copco to 205 second-feet of water for the west side plant on Link River and a superior right of the Bureau to all water in excess of that 205 second-feet required for irrigation on the Klamath Project as described in the 1905 filings with the state. It provides that Copco shall pay all costs of construction of the dam and levees and damages to property around the lake. It provides that Copco should furnish power for irrigation and drainage pumping on the project within a radius of 25 miles of Merrill at attractively low rates, thus furnishing necessary power to the project at a cost probably lower than it could be provided by a federally owned plant. In 1951 the average rate for such power was 5.67 mills per kilowatt-hour.

The State of Oregon violently objected to this contract. So also did the Klamath Irrigation District. They went to Congress and tried to get a bill passed authorizing the state to sue the United States to set aside and nullify the contract. Bills were presented in Congress in 1926 and in April of that year a joint hearing was held by the Committees on Irrigation and Reclamation of the Senate and the House. The position of the state was that in granting to the Bureau of Reclamation the right to waters for the Klamath Project and the privilege of storing water in the lake, it did not give the government a right to barter away these rights. In a written presentation at

the hearing the Attorney General of Oregon stated, "The effect of the agreement between the Secretary of the Interior and the said company, if sustained, is to confer upon the latter rights which were not available to it or to any other corporation directly and which had been expressly withdrawn by the legislature of the state. Such a plain evasion of the law and attempt to create a monopoly and deprive the state of its regulatory control over power companies and the revenue to be derived from them must not be permitted to stand."

The Joint Committee, in its wisdom, refused to report the bill out favorably and it never reached the floors of the House and Senate. In other words, these representatives of the people decided the contract was a good thing for the people of the Klamath Basin and refused to allow the matter to be tried in the courts to determine whether the rights and powers of the state had been infringed upon.

The same problem is now before us again. The Federal Power Commission (Continued on page 11)

**Mitchell's IRRIGATION**  
NEW ADVANCEMENT  
in Irrigation Equipment assures  
Better Crops... Bigger Profits!

Mitchell oil-aluminum sprinkler irrigation is the scientific, modern way to have as much—or as little—water as needed for growing healthy crops. May be installed without the need of ground leveling. Adaptable to all land contours. Ideal for all crops and soils. Easy to operate. Makes all land more productive.

**MORE FEATURES... MORE DOLLAR FOR DOLLAR VALUE**

- Durable, all-aluminum construction assures long life.
- Tough, special alloy metal fittings—no breakage.
- Exclusive flushing plug permits flushing of all lines.
- T riser valve has completely open flow—no obstructions.
- Hydrant valve combines both valve and take-off allow— saves cost of separate take-off elbow.
- Specially-designed valve operating mechanism in take-off elbow assures trouble-free operation.

**SO. OREGON WELL DRILLING CO.**  
Specializing in  
Hot and Cold Water Wells and Heating  
635 Willow Street Phone 6622

**MRS. Pest Reporter**  
It's LADIES' WEEK at the SPRAY CENTER

Swing 'em out of your hair!  
Keep 'em off the street and keep the kids happy. (Portland price.)

\$27.95. Spray Center price, basic set, \$26.50. (Let Pop set it up—the kids can help him).

It has now been learned that the turn of the century was made by a woman driver.

See these specials, this week only:  
FEED 'EM SPECIAL—Plant foods, FTE, etc.  
DE-BUG 'EM SPECIAL—Insecticides, fungicides.  
PRUNE 'EM SPECIAL—Shears, trowel.  
WATER 'EM SPECIAL—High quality hose.  
Buy ALL your summer gardening needs now.

Sophistication is a woman's ability to read between a man's lines.

Trees and shrubs that winter in our nurseries are sure to grow in the summer... Visit our nursery during this special Ladies' Week.

Come on down to the Spray Center... Visit the Point Pot... take the "nose test" on DuPont's odorless paints.

In the matrimonial race, a girl usually is on her last lap when she gets engaged.

This is the place. Come in and see us.

**The Spray Center**  
Telephone Tulalake 7-2391  
East-West Road and Main—Tulalake, Calif.

**Paint Up! Clean Up!**  
"DO-IT YOURSELF"  
STEP LADDER SALE

4' Step Ladder - Reg. 4.40	NOW 4.09
5' Step Ladder - Reg. 5.50	NOW 5.09
6' Step Ladder - Reg. 6.60	NOW 6.19
8' Step Ladder - Reg. 8.80	NOW 8.29

**BASIN BLDG. MATERIALS**

**Dutch Boy PAINTS** for all your painting needs

**YOUR DUTCH BOY PAINT DEALER**

K. Falls Yard	Malin Yard
4784 So. 6th Ph. 2-2563	Phone 107

**Grow More Number One's**

Simplot Green Diamond—phosphorus and nitrogen—will help you get a bigger yield of better potatoes this year. More, tippier Number One's with better keeping qualities. Controlled crop testing shows that phosphorus-nitrogen fertilizer like Green Diamond can increase yields 25% over unfertilized fields.

Order Green Diamond now—apply to seed bed.

All Types Diamond Brand Mixed Fertilizers Available

10-10-0	10-16-8
10-10-5	

All Soilbuilding Needs—Free Consulting Service

**Simplot Soilbuilders**  
2052 Washburn Day \* Phone 2-1438