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April 8, 2005

VIA EMAIL & FIRST CLASS MAIL

Honorable Michael Grant
Oregon Public Utility Commission
550 Capitol St. NE, #215
PO Box 2148
Salem, OR 97308-2148
Attn: Filing Center

Re: In the Matter of the Request of Pacific Power and Light
Klamath Basin Irrigation Rates
OPUC Docket No. UE-171

Dear Judge Grant:

WaterWatch of Oregon ("WaterWatch") submitted a motion to compel on March 24, 2005. The Klamath Water Users Association ("KWUA") subsequently produced 1571 pages of documents to PacifiCorp, WaterWatch and the Oregon Natural Resources Council ("ONRC"). KWUA believes that it has been more than reasonable in responding to the numerous data requests made of it despite that fact that PacifiCorp, not KWUA, is the petitioner and bears the burden of proof in this case.

In addition to the over 1500 pages of documents already produced by KWUA, Water Watch and ONRC also have requested:

"all data, analyses, reports, studies or correspondence commissioned by or in the possession of KWUA regarding the alleged contribution of water by on- or off-Project water users to Klamath River surface water flows, and/or to PacifiCorp's hydroelectric facilities on the Klamath River. Please include all draft as well as final versions of the above-requested documents."

As stated in KWUA's data responses to WaterWatch and ONRC, KWUA has not commissioned such a study.

KWUA is aware, however, of the existence of preliminary drafts of a study commissioned by the United States Bureau of Reclamation entitled "Undepleted Natural Flow of

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the Upper Klamath River.” This study may or may not be responsive to the above-referenced request and the relevance of this study to this proceeding is questionable. Because this study is not yet final, and is under the control and supervision of the United States government, KWUA submits that it would be more appropriate for ONRC and WaterWatch to request copies of the most recent version of this study from the Bureau of Reclamation. The Bureau of Reclamation would then be able to determine for itself whether, and under what conditions, such study is or is not released to ONRC and WaterWatch.

Very truly yours,



Edward A. Finklea
Of Attorneys for
The Klamath Water Users Association

EAF/tr

cc: UE-171 Service List

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused the **KWUA'S RESPONSE LETTER TO ALJ GRANT TO WATERWATCH'S MOTION TO COMPEL DISCOVERY** to be served upon each party to this proceeding as reflected on the official service list compiled by the Secretary of the Commission by mailing a full, true and correct copy thereof in a sealed, postage-paid envelope, addressed as shown above, and deposited with the U.S. Postal Service at Portland, Oregon, on the date set forth below;

DATED this 8TH day of April, 2005.

Respectfully submitted,



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