



Siskiyou County

DEPARTMENT OF PUBLIC WORKS

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June 12, 2017

District Commander
Lt. Colonel John C. Morrow
US Army Corps of Engineers
1455 Market Street
San Francisco, CA, 94103

Subject: Meiss Lake Sam's Neck Project

Mr. Morrow:

The County of Siskiyou is requesting abandonment of the Sam's Neck Flood Control Facility, which facility allows waters from Meiss Lake to be lifted to Rock Creek and flow to the Klamath River. This project has not been used in over a decade.

The attached memo describes the history of the project. The County is hereby formally requesting abandonment of the project because the County does not have a state permit to discharge waters from the project to the Klamath River, and because the primary beneficiary of the project is now the California Department of Fish and Wildlife, an agency that owns all lands upon which Meiss Lake is located, and that no longer wants to contribute to maintaining the project.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Scott Waite, PE
Director of Public Works

Mailed
6-12-17

Meiss Lake Sam's Neck Memo to File:

Prior to the mid-1940s, Meiss Lake and its adjacent wetlands covered about 10,000 acres. However, in the mid-1940s, the area began to be drained/diked/channeled and converted to agriculture uses. In December of 1964, a significant flood event resulted in Meiss Lake re-covering 10,500 acres of land, which devastated the then-existing agricultural operations on the valley floor. Siskiyou County responded to this flood event by declaring a Major Disaster and requesting emergency relief from the federal government. In early 1965, the U.S. Corps of Engineers responded by designing and building a flood control project, which we now refer to as the Sam's Neck Flood Control Facility. This work involved the construction of an outlet from Meiss Lake in the form of a canal to Rock Creek, which allowed the waters to flow to the Klamath River. In order to lift water evacuated from the low-lying lake 21 feet to Rock Creek, the Corp installed lift pumps. These lift pumps required power, and the Corps entered into a contract with Pacific Power and Light Company ("Pacific Power"), under the understanding that the Corps would pay for power for the project for one year. (By letter the Corp also agreed to lower the lake down to an elevation of 4237, although the County originally sought the Lake to be lowered to 4229.)

In July of 1965, the Board of Supervisors, by resolution, agreed to accept the project upon completion and to assume the operational and maintenance responsibility for the project, including entering into a contract with Pacific Power that would supersede the Corps' power contract. Board minutes from July 12, 1966 indicate that the Corps of Engineers was still pumping down the Lake at that time, and that it was expected that by mid-month "the keys to the pumps would be turned over to the Butte Valley Irrigation District". It appears that while the County agreed to take operational and maintenance responsibility from the Corps, the County never expected to actually fund the project with tax payer dollars, rather it planned to turn the project over to the Butte Valley Irrigation District ("BVID"), which would operate and fund the project on behalf of those benefited. However, the BVID never took responsibility for the project. On February 14, 1967, a BVID district representative appeared before the Board to request an extension of the time in which the BVID had to take over operation of the pumps. In the meantime, the Board agreed to authorize the Shasta Cattle Company to operate one pump "upon the express condition that the Shasta Cattle Company pay all electric power bills connected with the operation of said pump and upon the future assumption of the Shasta Cattle Company of all liabilities in connection with operation of said pump." In a letter to Pacific Power, the County authorized Pacific Power to deal directly with the Shasta Cattle Company for electricity attributable to this one pump. On May 23, 1967, Pacific Power representatives appeared before the Board seeking payment of a power bill associated with the pumps, but the Board was not inclined to pay. Pacific Power appeared one month later, on June 27, 1967, with an attorney, requesting payment and a contract with the County. At this meeting Supervisors discussed whether those benefited should form a district to pay for the power costs of the project or, alternately, the transformers should be removed. The Board continued the matter for counsel's review. One month later, on July 20, 1967, the Board agreed to pay the power bill with the understanding that once a district was formed it would pay the County back, and that Pacific Power was to be advised that the County would not be responsible for any further power bills on the pumping facilities thereafter. In the fall of 1967, the Board authorized the Meiss Ranch Company to operate the Flood Control Facility "upon the express condition that the Meiss Ranch Company pay all bills connected with such contract and assume all liabilities connected with the operation of the Meiss Lake Pump with said operation for a term of one year". (It is assumed that this ranch was the primary beneficiary of the Flood Control Facility.) The

Meiss Ranch Company then entered into a contract with Pacific Power for provision of electricity to the project. In 1968, the Board approved renewal of its authorization to the Meiss Ranch Company and in 1969, the Board approved the arrangement between Meiss Ranch and Pacific Power on a rolling year to year basis until one of the parties issued a notice to terminate. From 1968 to mid-1985, floodwater was pumped as needed from Meiss Lake via the Sam's neck pump and canal system to the Klamath River, apparently at no cost to the County, with liability with the pumping party. Notes in the file from 1973, suggest the Ranch may have come to an agreement with BVID for operation of the pumps at the Ranch's expense. Conflicting information in the file also suggests that the Lake waters, and rights to most tributaries to the Lake, either belonged to Meiss Ranch, or alternately, the BVID.

In 1981, the Meiss Ranch was purchased by the Department of Fish and Game, now the California Department of Fish and Wildlife. The ranch and surrounding lands acquired by the state (13,200+ acres) were designated as the Butte Valley Wildlife Area, which wildlife area fully encompasses Meiss Lake. While the Department initially operated and paid for the Sam's Neck pumps in the same manner as the ranch before them, in a letter dated February 25, 1985, the Department notified the County that "effective July 1, 1985 the Department of Fish and Game will no longer assume operational responsibility" for the facility, and that its counsel had advised it that it was "not obligated to pay for the cost of operation and maintenance of the Sam's Neck Canal pumps." In its 1985 letter, the Department indicated that its long-term goal for the Butte Valley Wildlife Area was to utilize as much surplus water then being pumped to the Klamath River as possible to create wetland habitat, which might eventually eliminate the need for the Sam's Neck project.