

\* \* \* Personal Journal ( May. 9. 2016 10:34AM ) \* \* \*

1} Klamath Irrigation  
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M : Memory  
S : Standard  
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Q : RX Notice Req.  
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C : Confidential  
L : Send later  
D : Detail  
H : Stored/D. Server  
A : RX Notice  
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\$ : Transfer  
@ : Forwarding  
F : Fine  
\* : LAN-Fax  
N : NGN

P : SEP Code  
E : ECM  
U : Super Fine  
+ : Delivery  
◇ : Mail



Kogan Law Group, P.C.

*Professional Services with a Global Purview<sup>SM</sup>*

Lawrence Kogan, Esq. NY, NJ, DC  
Of Counsel:  
James Wagner, Esq. MA  
Fred B. Wilton, Esq. MA

February 28, 2016

Mr.  
Klamath Irrigation District  
6640 KID Lane  
Klamath Falls, Oregon 97603

Re: KLG-Klamath Irrigation District Engagement Agreement for Legal, Consultative and Advisory Services

Dear Mr. ,

The Kogan Law Group, P.C. ("KLG") appreciates your interest in engaging our firm's services to assist the Klamath Irrigation District ("Client" or "KID") in addressing various issues adversely affecting the land and water rights of district members.

As discussed, two of these issues require urgent attention. The first concerns the Bureau of Reclamation ("BOR")'s unjustified insistence that KID immediately execute an agreement to bear the full cost of repairing the "C flume" which capitalized cost would then be added to the deferred operations and maintenance costs of the Project. BOR has called for KID's assumption of this liability even though the evidence clearly shows that the C flume's state of disrepair is attributable to violent shaking caused by the passage directly overhead of freight trains operated by Burlington Northern and Santa Fe ("BNSF") Railway (a wholly owned subsidiary of Berkshire Hathaway Inc.), by the passage directly below of commercial tractor trailer traffic along Oregon Route 39 (an Oregon state highway that runs between the city of Klamath Falls in Southern Oregon, and the California border), and by the not infrequent collisions of such trucks with said structure.

The second concerns the Agreement-in-Principle ("AIP") announced by the U.S. Departments of Interior and Commerce, the Governors of California and Oregon, and Pacificorp (a wholly owned subsidiary of Berkshire Hathaway Energy) on February 2, 2016. The AIP is intended to amend the Klamath Basin Hydroelectric Settlement Agreement ("KHSA") to facilitate the removal of four main-stem Klamath River hydroelectric facilities through the Federal Energy Regulatory Commission (FERC)'s existing authority under the Federal Power Act, rather than through the Congressional ratification process the KHSA had originally called for.


Should you decide to retain KLG for these purposes, KLG shall enter into this engagement consistent with the terms of service as set forth in this KLG-(Klamath Irrigation District or "KID") Engagement for Legal, Consultative and Advisory Services Agreement ("the Engagement Agreement").

#### **Terms of Service**

#### ***KLG Responsibilities***

Agreed and Accepted:

KLAMATH IRRIGATION DISTRICT

Signature: 

Page |

Printed Name: Brent Chayne

Title: KID President

Date: 29 Feb 2016