



Courtesy Oregon NRCS

Natural Resources Conservation Service hydrologist Julie Koeberle performs a manual snow survey at the Mt. Hood snow telemetry site to assess peak season snowpack levels on March 30. Oregon heads into the summer showing no sign of drought for the first time since 2011.

Heading into summer, Oregon's water supply outlook holding steady

By ERIC MORTENSON
Capital Press

Oregon heads into the summer showing no sign of drought for the first time since 2011, according to the USDA's Natural Resources Conservation Service.

The agency's monthly water outlook report for June said the state will have adequate water for irrigation and recreation this summer even though May was drier than normal. Since the "water year" began Oct. 1, a heavy winter snowpack and a cold, rainy spring combined to fill reservoirs and restore streamflows to normal or better throughout the state.

Even the snowmelt is going better than usual. Most of the snow below 5,000 feet elevation is gone, but at many monitored sites the snow melted slower than usual — up to three weeks

late in some areas, according to NRCS.

The NRCS report is at <http://bit.ly/2rBud9>

Meanwhile, research climatologist and professor Gregory Jones of Southern Oregon University said the weather into mid-June will remain unsettled, with lower temperatures and rain returning to the West Coast. The warm spell that marked the start of the month brought a "flush of growth" to vineyards, but it will give way to weather that's more like early to mid-spring instead of summer, said Jones, who specializes in the impact of climate variability on grapevine growth and wine production.

Despite the cool down, the forecast is that June will end up warmer than normal from the Pacific Northwest into California, Jones said in a climate update he circulates by email.

Oregon ranchers claim BLM lawsuit wrongly dismissed

Dispute pertains to deal over grazing and water rights

By MATEUSZ PERKOWSKI
Capital Press

PORTLAND — An Oregon ranching couple claims their lawsuit over grazing and water rights against the U.S. Bureau of Land Management was wrongly dismissed.

Jesse and Pamela White of Malheur County have asked the 9th U.S. Circuit Court of Appeals to overturn a federal judge's decision to throw out the case for jurisdictional reasons.

During oral arguments in Portland on June 6, attorneys for the Whites and BLM sparred over whether the federal agency had a legal duty to alter or remove water reservoirs before reducing the ranch's grazing levels.

The dispute originated in the 1960s, when BLM constructed 20 reservoirs that impaired water rights now owned by the Whites.

In exchange, in 1973 the agency permitted the ranch an additional 1,400 animal unit months on the federal land. An AUM is enough forage to support a cow-calf pair for a month.

When the Whites tried to enforce their water rights with the Oregon Water Resources Department more than two decades later, however, the BLM determined the agreement was invalidated. In response, the agency decided in 2008 to remove or retrofit the 20 reservoirs while phasing out the couple's extra 1,400 AUMs.

A complaint filed by the Whites claimed the BLM never lived up to that agreement but nonetheless entirely canceled the additional grazing.

A federal judge dismissed that case in 2015, in part because the matter is under the jurisdiction of the Oregon Water Resources Department.



Mateusz Perkowski/Capital Press

The Pioneer Courthouse in Portland, Ore., where the 9th U.S. Circuit Court of Appeals held oral arguments on June 6 in a dispute between an Oregon ranching couple and the U.S. Bureau of Land Management.

Alan Schroeder, attorney for the Whites, told the 9th Circuit that BLM was regardless obligated to finish work on the reservoirs, which was a final federal decision by the agency.

"They have not conformed to what they said they were going to do, yet they took the AUMs," Schroeder said.

Since the BLM hasn't completed the 2008 agreement, the ranchers should have their grazing levels restored — a matter over which OWRD does not have authority, he said.

"They have no jurisdiction over the AUMs, and that's what the appellants are complaining about," Schroeder said.

David Shilton, an attorney for BLM, said the agency doesn't have a duty to take a "discrete agency action" in this case, but is only required to follow Oregon water law.

If there's an impairment to the Whites' water rights, the BLM must follow the advice of OWRD's local watermaster, Shilton said.

"Their remedy is with the Oregon Water Resources Department," he said.

Once the ranchers breached the 1973 agreement by invoking a "water call," the BLM was no longer obligated to provide additional grazing, he said.

As for the agency's 2008 decision, "it's not a contract like the 1973 agreement," Shilton said. "BLM did not create any new legal obligations."

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23-7#17

Bill to expand buffers near wild, scenic rivers dies in Assembly

By TIM HEARDEN
Capital Press

SACRAMENTO — Legislation that would have expanded buffers around state-designated Wild and Scenic Rivers has died in the California Assembly.

The state Cattlemen's Association and other farm groups opposed the bill by Assemblywoman Laura Friedman, D-Glendale, to limit certain activities within a quarter-mile in each direction from designated rivers.

The bill might have severely impacted grazing and accessing water rights, the CCA said in a legislative newsletter.

The 1972 California Wild and Scenic Rivers Act requires more than a dozen rivers and streams be preserved in their "free-flowing" state. It was patterned after the 1968 National Wild and Scenic Rivers Act, according to an Assembly bill analysis.

Among its provisions, Friedman's Assembly Bill 975 would have added protection for "historical, cultural, geological or other similar values" along designated rivers and expanded the protections from immediately adjacent to the river, the analysis explains.

But Friedman couldn't gather the 41 votes necessary to advance the legislation to the Senate before the June 2 deadline for moving bills out of their original chamber, according to the bulletin.

The CCA sent producers two "action alerts" about the legislation in recent weeks and asked them to urge their Assembly members to oppose it.



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