



## Lawsuits challenge water rights decisions in Klamath, Boardman

By **MATEUSZ PERKOWSKI**  
Capital Press

SALEM — The Oregon Water Resources Department is facing two new lawsuits related to water rights, one from Klamath-area irrigators and the other from environmental groups opposed to a new dairy in the eastern part of the state.

Several irrigators are challenging the agency's order shutting down irrigation from Wood River and its tributaries in the Upper Klamath Basin due to a water call from the Klamath Tribes in April.

The tribes have "time immemorial" water rights under an OWRD determination, giving them priority over the irrigators, whose oldest water rights date back to 1864.

OWRD determined that flows in the Wood River have fallen below the tribes' in-stream water right of 323 cubic feet per second, which is intended to preserve fish and riparian health.

However, the irrigators' lawsuit claims that OWRD's water flow gauge is inaccurate or incapable of measuring the full amount of water in the Wood River.

Other measurements of the river have gauged flows of 427 to 502 cubic feet per second, but OWRD's local watermaster has refused to recognize these reports, according to the petition for judicial review.

The irrigators have asked Marion County Circuit Judge Geyer to overturn OWRD's final order prohibiting water diversion and to issue an injunction against enforcement of future water calls until proper measurements are taken.

Aside from the Wood River, other water calls in the Upper Klamath Basin were also validated by OWRD for the Williamson and Sprague rivers. Irrigators in the region estimate the orders have affected roughly 300,000 acres.

The other case filed against OWRD concerns the agency's decision to allow a planned dairy near Boardman, Ore., to withdraw more than 400 gallons per minute from a groundwater aquifer.

In April, the agency issued the Lost Valley Dairy a "limited license," which allows water withdrawal for up to five years while owner Greg te Velde secures a more permanent source of drinking water for his cattle.

Columbia Riverkeeper, Center for Food Safety, Humane Oregon and Waterwatch of Oregon argue the limited license is unlawfully detrimental to the public interest due to alleged water and air pollution from the dairy.

They also claimed OWRD's conclusion that groundwater is available and withdrawals won't affect senior water rights aren't supported by substantial evidence.

The environmentalists' petition for judicial review asks Marion County Circuit Judge Sean Armstrong to reverse or modify the agency's order.

A spokeswoman for OWRD said the agency is reviewing the lawsuits with its attorneys at the state Department of Justice.

# Idaho dairymen to benefit from new beef plants

By **JOHN O'CONNELL**  
Capital Press

BURLEY, Idaho — Dairymen should get significantly higher returns from the sale of their cull cows starting this summer, thanks to the addition of two new meat packing facilities in Idaho.

CS Beef Packers opened in Kuna on May 30 with the capacity to process up to 1,700 cows per day. The 370,000-square-foot plant is a joint venture of J.R. Simplot Co. and Caviness Beef Packers.

The plant will harvest cull cows and bulls from dairy farms and ranches throughout the Intermountain West, according to a company press release.

The other plant, Ida Beef, is scheduled to open July 20 in Burley and will specialize in cull dairy cows that might be too near the end of life to ship to an out-of-state kill plant. The cows will still be required to have the strength to walk into the plant on their own and must meet the same beef quality standards to be



John O'Connell/Capital Press

Kerry Ward of American Falls, Idaho, wearing the red hat and holding a calf, delivers livestock to his brother Allan's feedlot in Burley. Seven Ward brothers and two of their friends plan to open a meat packing plant in Burley.

accepted by an on-site USDA inspector. The bulk of the meat will be sold for hamburger.

The Burley plant has 40,000 square feet and represents a \$13 million investment by seven brothers from Idaho's Ward ranching family, plus two friends. They first broke ground on the plant

three years ago.

Rick Naerebout, director of operations with Idaho Dairymen's Association, said the Ward family's plant will give dairymen the opportunity to turn profits from some cull cows that they'd otherwise have to pay to send to rendering. Naerebout noted Idaho is the fourth largest dairy state,

and the absence of kill plants was "noticeable."

In addition to the stress, Naerebout said cows tend to lose weight when they are shipped to out-of-state plants.

"On both accounts, it's great to have a local option for cull cows," Naerebout said. "That will add to the bottom line of Idaho's rural economies."

Allan Ward, who operates a 5,500-head Burley feedlot, has been leasing an older local kill plant for the past year to train a staff of 52 workers, who have been handling more than 60 cull cows per day.

Ward said the new plant will open with the capacity to kill 200 cows per day. He intends to start by processing about 85 cows per day and to quickly ramp up to about 150 cows. The plant has space to accommodate up to 500 cows per day, and Ward intends to gradually add new equipment to boost capacity. Lagoon water will be land applied to an adjacent farm.

"With our plant and the Simplot plant coming on, the dairymen who have been spending \$80 to \$100 per cow to get their cows to market, now they'll spend \$10 to \$30 per cow," Ward said.

Ward estimates dairymen have shipped 4,500 cull cows out of Idaho a week.

The CS Beef Packers facility brings 700 new jobs to Kuna and includes hide processing and rendering.

## Farmers, ranchers have 'unprecedented' meeting with Ag, Interior secretaries

By **SEAN ELLIS**  
Capital Press

BOISE — Farmers and ranchers described a private meeting with two of President Donald Trump's cabinet members June 2 as unprecedented and historic.

Instead of addressing the group, U.S. Agriculture Secretary Sonny Perdue and Interior Secretary Ryan Zinke listened and took notes, according to those who were there.

"They just didn't have an agenda. They truly wanted to listen to us," said Aberdeen potato farmer Ritchey Toevs. "It was a pro-producer meeting. It was a completely different experience than I've ever had."

"They didn't really say much. They let us do the talking," said Jerome dairyman Mike Roth. "I feel like I witnessed a little bit of history today."

Idaho Farm Bureau Federation President Bryan Searle, a farmer from Shelley, said he was floored by the nature of the meeting.

"I'm still in shock that they didn't talk. They just flat-out sat there and listened," he said.

During the hour-long meeting, the producers were given 5 minutes each to present.

They covered a wide range of topics, from immigration and the importance of labor to aquifer recharge, Food Safety Modernization



Sean Ellis/Capital Press

Interior Secretary Ryan Zinke, left, and Agriculture Secretary Sonny Perdue speak about farm and natural resource issues June 2 at Boise State University. Earlier that day, the secretaries met privately with farmers and ranchers.

Act requirements, NAFTA, the U.S. Sheep Experiment station in Dubois, invasive water species, farm bill funding, the Endangered Species Act, Equal Access to Justice Act and grazing and other federal land-management issues.

A lot more could have been covered "but those that spoke hit on many of the issues important to most of the commodities in our state..." said meeting participant Rick Waitley, executive director of Food Producers of Idaho.

He said "Perdue was writing like crazy as people talked about their various

concerns" and Zinke asked for specific names when it came to certain public lands issues, a development that impressed other meeting participants as well.

Searle told the secretaries that 10 years after the Idaho Supreme Court agreed with Idaho ranchers that the U.S.

Bureau of Land Management can't own stock watering rights on federally administered land, "they're still trying to take those rights."

"When that was said, Secretary Zinke said, 'Give me names,'" Searle said. "That

was a bright spot."

"The fact that they actually sat there and listened to 10 of us producers talk about the issues that are affecting us is completely unprecedented," Jerome rancher Laurie Lickley said. "I think that we will have the opportunity with this administration to continue to address and actually solve the problems that we talked about today."

The meeting was set up by Idaho State Department of Agriculture Director Celia Gould and kept on track by Gov. Butch Otter, a Republican rancher.

"They sat there for a solid hour and listened to 10 different producers," Otter told the Capital Press. "In every case, both the secretaries ended up with one question — 'What can we do to help you?' That's refreshing."

Gould's intent was to have producers from Idaho's major farm industries "talk directly to the secretaries rather than being represented by somebody else or having that information filtered," said ISDA spokeswoman Chanel Tewart.

### LEGAL PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 6/13/2017. The sale will be held at 10:00am by STAYTON TIRE & AUTOMOTIVE 1794 W. IDA, STAYTON, OR 2008 Malibu 21 ft. boat VIN=MB2K8737A808 Amount due on lien \$55,900.00 Reputed owner(s) GAVIN CHAMBERS KEY BANK USA NA CORY & SUSIE DENT HEALTH & POSTAL EMP CU.

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Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 6/16/2017. The sale will be held at 10:00am by RANDY'S TOWING 925 WILCO RD., STAYTON, OR 1998 DODGE 2500 4C VIN=1B7KC2363WJ252274 Amount due on lien \$3,296.00 Reputed owner(s) AUSTIN NATHANIEL CRAWFORD MARK R. & LYNN JOHNSON AUSTIN NATHANIEL CRAWFORD AUSTIN NATHANIEL CRAWFORD

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### LEGAL OREGON TECHNICAL ADVISORY COMMITTEE MEETING (OTAC)

**WHAT: OTAC Meeting**  
**WHEN:** June 15, 2017 @ 12:30pm-4:00pm  
**WHERE:** Oregon Department of Fish and Wildlife 4034 Fairview Industrial Drive, SE Salem, OR 97302 Room: Conference Room

For more information, or to arrange special accommodations for meeting attendees, please contact Cory Owens at 503-414-3261 or cory.owens@or.usda.gov. legal-22-2-4/#4

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