

WSDA finds more salmonella in dairy's raw milk

By **DON JENKINS**
Capital Press

More raw milk from a dairy that already has been ordered to stop processing milk has tested positive for salmonella, Washington State Department of Agriculture spokesman Hector Castro said Tuesday.

WSDA found the bacteria in all four samples collected Oct. 2 from Pride & Joy Dairy of Toppenish. WSDA was following up on finding salmonella in a sample taken Sept. 18.

"We don't typically get a detection of a pathogen during a second round of testing," Castro said. "It's even less common to find something in each of the samples."

Finding more salmonella had no immediate regulatory consequences, but was another blow to Pride & Joy. WSDA on Oct. 6 ordered the dairy to cease production after the state Health Department connected Pride & Joy to two people hospitalized with salmonella poisoning in January.

Health officials suspected a link at the time, but didn't have the evidence until they matched the strain of salmonella that sickened the two people with the strain found at the dairy in September.

Pride & Joy said in a Facebook post Saturday that it would comply with the order. The dairy had declined a WSDA request on Sept. 28 to voluntarily halt selling raw milk pending more tests and an investigation into the source of the contamination.

Pride & Joy owner Cheryl Voortman said in an email Tuesday that an Idaho lab tested raw milk samples from the dairy last week and found no contamination.

The dairy posted the same information on its Facebook page.

The dairy also said it was starting a private Facebook discussion group, "Raw Milk Power," which will be open to only "verified customers and known advocates."

Castro said WSDA will conduct further tests to see whether the salmonella found in the samples collected Oct. 2 matches the strain that was found in September and that sickened the two people in January.

The two were hospitalized in Clark and Pierce counties and both said they had consumed raw milk from Pride & Joy. In follow-up tests, WSDA did not find salmonella in the dairy's milk, but it did find E. coli. The dairy stopped production for nearly three months while it worked to satisfy WSDA that it had corrected any problems.

To regain its processor's license, the dairy will again have to submit a plan to WSDA, Castro said. "We need to ascertain whether we think that's going to work," he said.

Pride & Joy has about 100 milking cows and has been selling raw milk for nine years, according to Cheryl Voortman, who owns the dairy with her husband, Allen Voortman.

The dairy bottles its raw milk under its own label and has been available in about two dozen stores in Western and Eastern Washington. The dairy retains its license to produce milk and can sell it to other processors to be pasteurized.

WSDA tests samples from the state's 39 licensed raw milk producers each month.

Judge denies compensation for 2001 Klamath water shutoff

Some irrigators barred from claims, others superseded by tribal rights

By **MATEUSZ PERKOWSKI**
Capital Press

Irrigators in the Klamath Basin whose water was shut off in 2001 to protect fish aren't entitled to government compensation, according to a federal judge.

In some cases, the farmers were disqualified from obtaining damages for lost water for a variety of reasons, the ruling said.

Other farmers in the region held valid property rights in the water but the 2001 shutoff wasn't a gov-

ernment seizure because several native tribes held senior water rights, according to Judge Marian Blank Horn of the U.S. Court of Federal Claims.

The lawsuit, filed about 16 years ago against the U.S. government, sought roughly \$30 million for the shutoff, which was prompted by concerns about drought impacts on the threatened coho salmon and endangered Lost River and shortnose suckers.

Horn noted that the litigation has been "long and complicated," involving several types of irrigators and having undergone review by "multiple judges" as well as a federal appeals court.

Ten months after holding a two-week trial in the case, the judge has determined the claims of one class of farm-

ers was precluded by a previous court order, while others were blocked by revised lease terms on national wildlife refuges.

Others held contracts "immunizing" the federal government from liability during droughts or other circumstances where sufficient water was unavailable, she said.

Horn found that some growers proved they'd be eligible to be compensated for a permanent physical taking of their water, which would be a significant victory if not for the effect of tribal rights on their claims.

The Klamath, Yurok and Hoopa tribes have "time immemorial" water rights that precede those of the farmers, even though they can't use them for "consumptive" uses like irrigation, the ruling said.

These in-stream tribal water rights entitle them "to prevent other appropriators from depleting the flows of the Klamath River below levels required to support the fish they take in exercise of their treaty rights," according to the ruling.

By withholding water to fulfill its obligations under the Endangered Species Act, the federal government was preserving enough water to avoid violating the senior tribal water rights, Horn said.

Therefore, the government wasn't seizing the irrigators' property without just compensation, she said.

While Horn's ruling is a setback for the plaintiffs, they can challenge the ruling before the U.S. Court of Appeals for the Federal Circuit.



Dan Wheat/Capital Press

Cameron Lewis levels bin of freshly picked Gala apples in his East Wenatchee, Wash., orchard on Aug. 28. The state's Gala crop is estimated at 34.6 million, 40-pound boxes, which is up 17.5 percent from the August forecast and 10.6 percent from last year.

Early apple volumes, prices strong

By **DAN WHEAT**
Capital Press

YAKIMA, Wash. — Gala, Golden Delicious and Honeycrisp harvests are larger than anticipated, increasing chances the total Washington apple crop will exceed the 130.9 million, 40-pound boxes forecast in early August.

Prices of several varieties, except Red Delicious, are higher than a year ago, according to USDA tracking.

"It's more likely the final harvested crop could exceed the August estimate. However, it's also later than average and growers are acutely aware of the need to complete harvest before freezing temperatures cause damage," said Jon DeVaney,

president of the Washington State Tree Fruit Association in Yakima. "A lot of weather and labor factors can still affect the harvested total."

Harvest began with Gala in mid-August and ends with Fuji, Cripps Pink and Granny Smith in early November. The crop is about half harvested, DeVaney said.

The association's Oct. 1 storage report estimates the total Gala crop at 34.6 million boxes, up 5.1 million, or 17.5 percent, from the August forecast. Honeycrisp, at 12.4 million, is up 1.9 million boxes, or 18.7 percent; and Golden Delicious at 7.4 million boxes is up 500,000, or 7.6 percent.

The new estimates indicate this year's Honeycrisp crop is 48.3 percent larger than last year's, Gala is 10.6 percent larger and Golden Delicious is up 12.7 percent from last year.

As of Oct. 8, 9.2 million boxes of the new crop have been shipped versus 11.38 million boxes a year ago and 10.5 million two years ago. Shipments are lower because the crop is a week or two later than average this year, DeVaney said. The last two years it was earlier than average.

Washington apple prices are expected to stay stronger throughout this fall, winter and spring because of smaller crops in Europe, Mexico, Michigan and Canada.

On Oct. 6, the average asking price among Yakima and Wenatchee district shippers for extra fancy (standard grade), medium size 80

apples per box for Gala was \$24 to \$28 and \$22 to \$26 for 88s compared to \$20 to \$23.90 for both sizes a year ago.

Generally, \$17 to \$18 a box is break-even for growers on major varieties.

Desmond O'Rourke, world apple market analyst and retired Washington State University ag economist, has said he expects Gala to average \$22 for the new season, up from \$21.50 this past year.

Red Delicious is at \$14 to \$16 per box this year versus \$24 to \$26 a year ago. O'Rourke said that's because there's still 2016 Red Delicious to be sold and that the price should rebound to \$20 once that's gone.

Golden Delicious was \$30 to \$34 compared to \$28 to \$30.90 a year ago for 80s, and \$30 to \$34 versus \$26 to \$28.90 a year ago for 88s.

Granny Smith was \$42 to \$46 for 80s and \$40 to \$44 for 88s compared to \$22 to \$26.90 a year ago for 80s and 88s.

The high price is an aberration caused by a temporary shortage, O'Rourke said.

Honeycrisps were \$70 to \$76 for premium 80s and \$65 to \$75 for premium 88s, compared to \$45 to \$60.90 for 80s and 88s a year ago.

"There is a lot more discounting of Honeycrisp already at retail this season than in the past. The more reasonable price is around \$60 a box," O'Rourke said. "I'll be looking to see if that can hold."

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IN THE CIRCUIT COURT OF THE STATE OF OREGON COUNTY OF MARION
Probate Department
IN THE MATTER OF THE ESTATE OF
Katina Elizabeth Hatzantonis, Deceased
No. 17PB06169
NOTICE TO INTERESTED PERSONS

NOTICE IS HEREBY GIVEN that Rocco Faren has been appointed Personal Representative of the above entitled estate. All persons having claims against the estate are required to present them to the Personal Representative in care of the below named attorney within four months after the date of the first publication of this notice as stated below, or such claims may be barred.

All persons whose rights may be affected by the proceedings in this estate may obtain additional information from the records of the Court, the Personal Representative, or the attorney for the Personal Representative.

DATED and first published this 6th day of October, 2017.
Personal Representative:
ROCCO FAREN
Attorney:
L. E. ASHCROFT
510 SW Fifth Ave, 6th Fl
Portland, OR 97204

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PURSUANT TO ORS CHAPTER 819
Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 10/24/17. The sale will be held at 10:00am by
PARKING ENFORCEMENT SERVICES
1768 13TH ST SE SALEM, OR
2015 MAZDA 3
VIN = 3MZ8M1K70FM171363
Amount due on lien \$3,035.00
Reputed owner(s) CODY MOLDENHAUER
JP MORGAN CHASE BANK
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Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 10/16/17. The sale will be held at 10:00am by
PARKING ENFORCEMENT SERVICES
1768 13TH ST SE SALEM, OR
2005 FORD EXPEDITION
VIN = 1FMPU15505LA33644
Amount due on lien \$2,953.00
Reputed owner(s) JESSICA BARNOSKE
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JESSICA BARNOSKE
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