

# Klamath County growers brace for dry year

By CRAIG REED  
For the Capital Press

KLAMATH FALLS, Ore. — Klamath County hay growers are anticipating another water crisis.

As of Feb. 14, accumulated snow and water levels were at 28 percent of average for the area. There have been a couple winter storms since then, but it would take constant precipitation through March and into April to bring those levels up significantly.

No matter what Mother Nature brings over the next couple of months, hay growers are concerned.

“What I’m hearing is there is a chance the headgates to the irrigation systems might not be opened this year,” said Jason Flowers, who grows a variety of hay crops in the lower Klamath Lake area. “That would be the worst case scenario. We’ll just hope for the best.”

Lynn Long, another lower Klamath Lake farmer, said the report out of a Feb. 27 briefing by the Bureau of Reclamation was not good. The bureau provides water to agriculture in the Klamath Basin Project.

“The word was that there would be a late start to water deliveries, or more than likely, no deliveries at all, at least to the district (Klamath Drainage District) I farm in,” Long said. “We’ve been shut off (from water) since last September.”

Tom Mallams, a hay grower in the Beatty, Ore., area, said even if there was sufficient water, he would expect the Bureau of Reclamation or the Klamath tribes who have priority water rights to call for a shutoff of water for farm and ranch irrigation.

On Feb. 9, the tribes requested that the federal agencies maintain higher levels in Upper Klamath Lake to protect the endangered Lost River and Shortnose suckers. Fearing “an extinction level event,” the tribes warned in a press release that they intend to sue



Craig Reed/For the Capital Press

Jason Flowers, 35, who farms in the lower Klamath Lake area, makes a point about growing grain crops during a presentation at the annual Farm Expo in Klamath Falls, Ore., on Feb. 21. Flowers says he’s hoping for the best when it comes to the availability of irrigation water this year.

the agencies to protect the suckers.

Mallams explained that last year, when there was well above an average amount of snow in the Cascade Mountains and rivers and creeks were overflowing, there was a call for a shutoff of irrigation water.

“It matters zero how much snow we have because they still have the ability to make a call and shut us off,” Mallams said. “The tribe is in the driver’s seat and I expect a tribal call this year. How much production we get will depend on when they make a call.”

Mallams said if a call is made, farmers can file a judicial review. If it is accepted, irrigation can continue. But he explained the review is only temporary because then the grower must follow through in court.

David King, a hay grower in the Malin, Ore., area, described the situation as “a political drought.”

“If we didn’t have to worry about the Endangered Species Act we wouldn’t have a problem,” he said. That act prioritizes water for

the sucker fish and salmon in the area.

Nick Moxley, who farms in the Bonanza, Ore., area, said the water level “is not even close to normal,” but a decent carryover in Clear Lake and Gerber reservoirs from last year’s above average precipitation should be enough to get farmers in that area through the year. He added it will then be up to Mother Nature to replenish the system for 2019.

Some of the farmers are already comparing this year to the devastating drought year of 2001. But those farmers are also saying it is better to be forewarned about the water situation, as is the case this year, than be blindsided by it, as happened in 2001.

Ty Kliewer, who farms near Midland, Ore., and who is president of the Klamath Irrigation District board, said he plans to make some changes, planting fescue and brome, whose roots will go deeper for subsurface water.

“You have to change to increase your production with less water,” he said. Kliewer said the combi-

nation of a water shortage and the commodity markets being relatively poor the last couple of years will make it tough on producers.

“People can be competent operators, but throw the water problem and the loss of production on top of a weakened economic state that is no fault of their own and it can be very gloomy looking,” he said.

King, who is president of the Klamath Basin Hay Growers Association, said he believes most farmers will survive the year if there is a water shortage, “but it is not going to be easy.”

He added there’ll be a domino negative impact down to the area’s agri-businesses and to the communities and their businesses.

Long expects there’ll be some bankruptcies if there is a water shortage. He said lenders will be nervous about making agricultural loans if limited or no water deliveries are expected.

“I believe the circumstances that were described to the growers today (Feb. 27) are very bad,” Long said. “The implications of the Endangered Species Act and Native American tribal lawsuits don’t leave any water available for other purposes. American farmers and ranchers are creative, tough people, but the deck is stacked against us this year. It’s going to be exceedingly difficult without some financial aid from the government. If the laws of the land require water be taken from us, then there should be compensation. It’s very simple.

“I’m fearful of some failures, not just farms, but agri-businesses and businesses in town,” he added. “They’re all going to feel it.”

Mallams said it is frustrating that it has been 17 years since the major water crisis in 2001 and yet nothing has been solved.

“What has been worked out so far hasn’t worked,” he said. “It is sad we haven’t come up with a solution that is viable for all.”

# Commissioners seeking state, federal drought help

By LEE JUILLERAT  
For the Capital Press

KLAMATH FALLS, Ore. — With winter storms proving elusive and the prospect of water shortages likely, Klamath County commissioners have declared a drought emergency.

The declaration was unanimously approved by commissioners at their Feb. 13 meeting. The declaration allows state and federal officials to consider a similar declaration, which would then allow water users access to drought mitigation resources. Oregon Gov. Kate Brown is expected to take action later this month. The federal government will not consider declaring a drought until this summer, if and when conditions remain severe.

“It’s going to be a very challenging year,” said Commissioner

Donnie Boyd, noting precipitation in December was only 27 percent of average and despite recent storms, the snowpack and water levels were at 28 percent of average in late February. “We have worked closely (with various agencies) to ensure as much water as we can for agriculture.”

Based on data collected in 2012 by the USDA that was presented at the meeting, a summer drought in the broad Klamath Basin could result in an estimated \$557 million loss to agriculture countywide and the loss of almost 4,500 jobs, the Herald & News newspaper reported.

Commissioners began discussions about issuing a drought declaration in January but delayed taking

action because of concerns that if they took action too early, access to resources might expire before the end of the summer. In approving the declaration, commissioners said a drought is likely because of this winter’s exceptionally dry conditions.

“We’ve passed it up to the governor,” Boyd said of awaiting word from Brown on the emergency drought declaration. “It’s in her hands now. I think we have her commitment to help us every way they can.”

Boyd said officials from the Oregon Water Resources Department and federal agencies are aware of concerns and are “very involved.” He likewise believes lessons learned from 2001, when water was withheld from irrigators for most of the summer because of concerns about endangered fish, have helped farmers and ranchers become better water managers.

“The challenges are going to be how to manage your water,” he said, noting that includes, for example, making decisions on which areas of land to irrigate or to idle. “Farmers have learned how to better use their water. There’s not near the loss there used to be. Farmers are very, very conscious on how they use their water and where the put it.”

During the meeting, Willie Riggs, director of Oregon State University Klamath Basin Research and Extension Center, said a drought could impact food supplies, according to the Herald & News.



Craig Reed/For the Capital Press  
A Klamath Basin irrigation canal. Snowpack and water levels in the Klamath Basin were at 28 percent of average in late February, prompting the Klamath County commissioners to declare a drought emergency.

# Oregon dairy in trouble again over wastewater

By MATEUSZ PERKOWSKI  
Capital Press

A controversial dairy has again landed in trouble with Oregon’s water regulators, who have sought a temporary restraining order against the facility for continued wastewater violations.

In January, the Oregon Department of Agriculture levied a civil penalty of more than \$10,000 against Lost Valley Farm of Boardman, Ore., for unauthorized wastewater discharges and failing to maintain adequate manure lagoon capacity.

Subsequent inspections in February found that the dairy continued to violate the terms of its “confined animal feeding operation” permit by allowing lagoons to overflow, according to ODA.

The agency has filed a lawsuit against Greg Te Velde, the facility’s owner, seeking to stop the dairy from generating wastewater until it complies with permit conditions and proves its wastewater systems

are fully functional.

Due to the risks posed by pathogens and nitrate pollution, ODA claims that a temporary restraining order and preliminary injunction against wastewater production are necessary to protect the environment and human health.

Lost Valley Farm opposed the agency’s request, arguing that such a temporary restraining order would effectively “shut down its dairy operation” since it’s not possible to sanitize equipment, clean barns and maintain cows without generating wastewater.

“As a result of the above consequences, Lost Valley Farm will suffer enormous damages, which it estimates to be \$30 million,” according to a court document. “And it will be required to lay off virtually all of its 70 employees, which will have a significant impact on the small agricultural community of Boardman.”

In a written declaration, Travis Love, the dairy’s man-

ager, said he disagreed with ODA that the facility has violated its CAFO permit.

The dairy has reduced wastewater production “significantly” since late 2017, has installed an effluent pump and pipeline to move wastewater directly to farm fields and is maintaining proper lagoon capacity, among other measures, Love said.

Love alleged that ODA’s approach to inspections and penalties for Lost Valley Farm “is much more stringent than at other dairies in Oregon.”

Multnomah County Circuit Judge Stephen Bushong partially granted the department’s motion for a temporary restraining order on Feb. 23.

The judge has ordered the facility to comply with all the requirements of its CAFO permit but did not prohibit the dairy from generating wastewater.

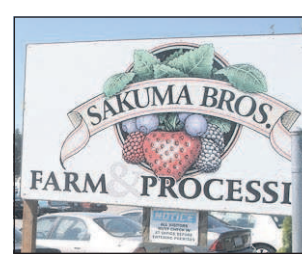
# Berry farm to get hearing on fine

By DON JENKINS  
Capital Press

Washington berry grower Sakuma Brothers Farms will challenge penalties levied by the U.S. Department of Labor over years-old allegations that it violated the H-2A visa program, according to the company and government documents.

The Skagit County farm was assessed \$123,825 in civil penalties and charged an additional \$9,599 in back wages to an eligible U.S. worker who was not hired and to workers who drove buses that brought workers to the farm, according to the labor department.

The penalties were finalized in April last year, according to department records. The labor department issued a press release Tuesday announcing it was filing suit, but did not report the



pute is over four years old,” Weeden stated.

The department also assessed a \$750 penalty against WAFLA, formerly known as the Washington State Farm Labor Association. Efforts to reach WAFLA, which helps farms hire foreign guestworkers, were unsuccessful.

In the press release, the labor department alleged Sakuma gave unlawful preferential treatment to the foreign workers and rejected qualified U.S. applicants.

The farm charged U.S. workers additional housing deposits and did not provide household goods given to foreign workers, according to the department. U.S. workers also were not provided the same transportation to fields, and the housing provided to the workers did not meet federal health and safety standards, according to the department.

time frame. The department was unable to provide a copy of the suit referred to in the press release.

Sakuma appealed the penalty last May. Department lawyers in February submitted the case to an administrative judge within the department.

Sakuma President and CEO Danny Weeden said in an email that the labor department’s press release referred to an issue that dates back to 2013.

“Sakuma Brothers dispute factual and legal allegations made by the Department of Labor. This unresolved dis-

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Item/description	Ore.	Wash.	Idaho	Calif.
• Snow water equivalent*	54.6%	105.7%	85.2%	36%
• Percent area in drought	76.2%	8.3%	40%	91.6%
• Avg. temperature, 6-10 day outlook (Percent chance deviation from normal)	50-70% below	50-70% below	70% below	40-70% below
• Precipitation, 6-10 day outlook (Percent chance deviation from normal)	Normal/ 33% above	Normal	Normal/ 33% below	40% above/ Normal
• Soil moisture anomaly (Monthly deviation from normal)	Normal/ Below normal	Normal/ Above normal	Normal/ Above normal	Below normal

\*Aggregate average percent of median as of Feb. 20. Medians calculated for the period from 1981-2010. Sources: USDA, NRCS; NOAA, [www.ca.gov/](http://www.ca.gov/); [www.drought.gov/](http://www.drought.gov/)

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