



Mateusz Perkowski/Capital Press File

In this March 30, 2016, photo, farmer Bill Case of Albany, Ore., points to the North Santiam River, which abuts a 50-acre field he owns. An potential settlement has been reached with the federal government, according to court documents.

Potential settlement reached in Oregon farmer's Clean Water Act lawsuit

Farmer Bill Case said he remains unhappy with some federal demands

By MATEUSZ PERKOWSKI
Capital Press

Attorneys for the federal government and an Oregon farmer

accused of Clean Water Act violations have told a judge the dispute is "settled in principle."

While a court docket notice says the deal should be finalized by late February, farmer Bill Case of Linn County said he's displeased with some recent demands from the U.S. Environmental Protection Agency.

The agency filed a lawsuit against Case in 2016 claiming he'd violated the Clean Water

Act by stabilizing the bank of the North Santiam River with large "rip rap" rocks and expanding two levees along the waterway.

Case has long maintained that he completed the work with approval from state and federal officials but neglected to get the authorization in writing.

Earlier this year, U.S. Magistrate Judge Thomas Coffin found that Case should be held

liable for the Clean Water Act violations without a jury trial and the ruling was soon affirmed by U.S. District Judge Ann Aiken.

Case said he's now agreed to move a dike 10 feet farther away from the river, remove another dike entirely and pay a civil penalty of \$100,000, but he disagrees with the EPA's request to impose more conservation easements on farmland near the river, which would restrict its use.

Snake Basin reservoir levels near average entering winter

By BRAD CARLSON
Capital Press

Snake River Basin reservoirs are at normal levels despite a dry start to the snow-accumulation year, Idaho Power Co. reported.

Winter snowpack and the amount of water stored in the Snake system's reservoirs largely determine how much water will be available for hydroelectric power generation, irrigation and other uses through 2019.

The 2016-17 winter left reservoirs flush with water that carried over to the summer of 2018. A warm, dry summer that increased irrigation demand, and a dry fall, dropped reservoirs to more typical levels, the Boise-based utility said.

Southwest Idaho's Boise and Payette reservoir systems, which flow into the Snake, are near their average levels for this time of year, while the Upper Snake system in southeast Idaho and part of Wyoming is slightly above average, the company said.

"We are doing OK in terms of storage," Idaho Power spokesman Brad Bowlin said. "We just don't have the abun-



U.S. Bureau of Reclamation

The American Falls Dam. Idaho Power reports that most reservoirs in the Snake River Basin are at normal levels for this time of year.

Online

<https://www.idahopower.com/energy/delivering-power/energy-sources/>

dance of water we've had in the past two years."

Water stored in reservoirs in the Boise River system was 104 percent of its long-term average compared to 143 percent a year ago, he said. Stor-

age in the Upper Snake system was 120 percent of average, down from 183 percent. Water stored in Payette River system reservoirs stood at 97 percent, down from 118 percent.

Snowpack "has been minimal up to this point, and it's still early," Bowlin said. Currently unknown is "how much of the storage water will be needed to compensate for a light snowpack versus how

much we can hold onto because we get a good snowpack. It just remains to be seen."

"We will see what these (storm) systems coming through this weekend will provide, he said Friday, Nov. 23. "We anticipate snowpack out of these systems. This is typically the time we start to see some of the snow start to accumulate up in the high country."

Darigold facility faces environmental lawsuit

By MATEUSZ PERKOWSKI
Capital Press

A Darigold processing plant in Spokane, Wash., is accused by an environmental group of exceeding pollutant benchmarks in violation of the Clean Water Act.

The lawsuit filed by Spokane Riverkeeper claims more than 20 samples of discharged water from the facility — one of 11 owned by Darigold — contained excess levels of zinc, phosphorous, turbidity, dissolved oxygen, oil and grease as well as nitrate and nitrite since 2014.

Spokane Riverkeeper's complaint alleges Darigold has failed to implement adequate best management practices and stormwater pollution prevention plans at the facility and hasn't responded to the problem with the right corrective actions.

The complaint is seeking an injunction blocking Darigold from further violating its Clean Water Act permit, as well as civil penalties ranging from about \$37,500 to \$53,500 per day of violation.

The environmental group has also requested reimbursement of its litigation expenses and two years of access to water quality documents submitted by Darigold to state and federal regulators, once the company's

in compliance with the permit.

In a notice letter sent to Darigold before the lawsuit was filed, Spokane Riverkeeper said the threats to the Spokane River "are severe by any measure" because the waterway currently "does not meet water quality standards for several parameters."

"Such wastes can enter the environment and remain for long periods of time, contaminating drinking water supplies, public beaches, private lands, and critical habitat for fish and wildlife, as well as expose people to serious health risks," the letter said. "These risks are especially pronounced in the Spokane River, where there has been long-term and pervasive industrial pollution. Currently, fish caught in the Spokane River are not fit for human consumption due to toxic contamination."

Sarah Taydas, corporate communications director for Darigold, said the company is "disappointed" that Spokane Riverkeeper filed the complaint because it had been trying to resolve the environmental group's concerns.

While Darigold just recently received the complaint and is still reviewing it, the company takes environmental compliance seriously and has a good record in Spokane, she said in an email. Darigold is the marketing

and processing subsidiary of the Northwest Dairy Association, a cooperative owned by nearly 500 farms that produce roughly 10 billion pounds of milk a year.

"At Darigold, we pursue sustainable practices because they are the right thing to do. Sustainability is core to our values as a co-op," Taydas said. "Our goal is to operate in a way that leaves the world and the people we touch in a better state."



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The Darigold plant in Sunnyside, Wash. The dairy cooperative was sued by environmentalists over alleged clean water violations at its Spokane plant.

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Weekly Fieldwork Report

Presented by **Tires LES SCHWAB**

Item/description (Source: USDA, NASS; NOAA)	Ore.	Wash.	Idaho	Calif.
• Days suitable for fieldwork (As of Nov. 27)	5.6	4	3.9	3.4
• Topsoil moisture, surplus	1%	1%	2%	0
• Topsoil moisture, percent short	64%	40%	32%	80%
• Subsoil moisture, surplus	0	0	2%	0
• Subsoil moisture, percent short	84%	48%	45%	75%
• Precipitation probability (6-10 day outlook as of Nov. 27)	33-50% Below	50% Below	33-50% Below	Normal/ 40% Above

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