

Groundwater settlement reached in drought-stricken central Idaho mountains

By BRAD CARLSON
Capital Press



Capital Press File

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Idaho Department of Water Resources Director Gary Spackman July 1 curtailed about 140 groundwater users on 23,000 acres in the Bellevue Triangle area of Blaine County to protect holders of senior surface-water rights.

He stayed that order as part of the settlement, to which he agreed July 8. IDWR, Gov. Brad Little's office and House Speaker Scott Bedke, R-Oakley, participated.

The settlement "is an important first step and sets the stage for a long-term solution in the Wood River area," Little said in a July 9 release. "I appreciate the efforts by the surface and groundwater users to come

to a resolution that protects senior water rights while allowing some groundwater pumpers the ability to provide valuable crops."

Pat Purdy grows forage crops, malt barley and mustard on a farm near Picabo. He was affected by the July 1 shutdown.

"No doubt the timing of this was difficult in that there was definitely damage done," Purdy told Capital Press. Barley, alfalfa and

other forage crops suffered.

"I want to acknowledge the efforts of everybody involved," he said. Without that cooperation and willingness to negotiate, "I don't think we would have reached an agreement."

Growers are in a much better situation than they were previously, Purdy said.

"We're still in a serious drought. There are still going to be crop losses,"

he said. "But it's a definite improvement over where we were."

Spackman on July 7 received a term sheet. He agreed to adopt it as the basis for the amended mitigation plan, which he approved July 8.

He instructed Basin 37 Watermaster Kevin Lakey to monitor groundwater diversions and reinstate curtailment if groundwater users do not comply.

Groundwater users must add natural flow to the Little Wood River, acquire stored water for delivery to the river and end diversions by Aug. 15, with some exceptions for seed potatoes.

The Idaho Ground Water Appropriators Inc. in a response filed with IDWR commended the parties. The group said it is concerned about some planned activities, such as using Snake River storage water to mitigate out-of-basin groundwater pumping.

Wife of former publisher was teacher, served the arts



Pam Collins Forrester

BEND, Ore. — Pam Collins Forrester died July 6, 2021, at the Bend Transitional Care facility.

A life-long Oregonian of 79 years, Mrs. Forrester taught school in three districts, promoted the visual arts, served as a political campaign adviser and in state government as an ombudsman in the mid-1980s.

Born Pamela Baird Holfer in Portland in 1942, she grew up in coastal Lincoln County, attended high school in Portland and earned a bachelor's degree in 1964 in art education from the University of Oregon in Eugene. She was a member of Pi Beta Phi.

In 1965, she married Douglas Collins. They had three sons — all of whom survive — Dan of Eugene, Timm of Bend and Mike of Kirkland, Wash. She is also survived by grandsons Owen of Bend and Barry of Kirkland.

In 1989, she married Mike Forrester, who has been edi-

tor of newspapers in Pendleton, Astoria and Salem and a co-owner of EO Media Group. He was editor and publisher of the Capital Press.

Mrs. Forrester taught art and English in Silverton, Eugene and Medford. In the arts, she chaired the Mid Valley Arts Council in Salem and managed the Maude Kerns Gallery in Eugene.

She is survived by her husband, Mike of Bend, and her brother, Gale of Mill City.

Pam had many passions — dogs, reading books, politics and gardening.

She was a strong admirer of her grandmother, Edith Baird, who liked to say, "If you're going to be in this (life) then make the most of it."

Plans for a memorial service are pending.

LEGAL

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re Chapter 11
EASTERDAY RANCHES, INC., et al. Lead Case No. 21-00141-11
Jointly Administered
Debtors.¹

NOTICE OF SALE OF PROPERTY BY AUCTION, SALE OBJECTION DEADLINE, AND SALE HEARING

NOTICE TO CREDITORS OF EASTERDAY RANCHES, INC. ("RANCHES"); EASTERDAY FARMS ("FARMS"); CODY EASTERDAY AND DEBBY EASTERDAY, HUSBAND AND WIFE, KAREN EASTERDAY, IN HER INDIVIDUAL CAPACITY AND AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF GALE EASTERDAY² (COLLECTIVELY, THE "EASTERDAYS").

PLEASE TAKE NOTICE OF THE FOLLOWING MATTERS THAT MAY AFFECT YOUR RIGHTS:

On February 1, 2021, and February 8, 2021, respectively, Ranches and Farms (together, the "Debtors"), commenced chapter 11 bankruptcy cases (the "Bankruptcy Cases") in the U.S. Bankruptcy Court for the Eastern District of Washington (the "Bankruptcy Court").

The Debtors operate commercial farms and ranches that utilize multiple farms, feedlots, ranches, and other facilities that are commonly referred to as Nine Canyon Farm, Goose Gap Farm, River Farm, Cox Farm, Farm Manager House, and Storage Complex (the "Property"). The Property is owned in part by the Debtors (the "Debtor Property") and in part by the Easterdays (the "Easterday Property").

To maximize the value of the Property, the Debtors and the Easterdays determined that the Property should be marketed for sale together. Accordingly, on March 26, 2021, the Debtors filed two motions with the Bankruptcy Court: (i) a motion to approve a cooperation agreement (the "Cooperation Agreement") between the Debtors and the Easterdays (together, the "Sellers") and (ii) a motion (x) establishing a process to sell the Property and (y) to approve the sale of the Property at the conclusion of such process (the "Sale Motion").

On April 28, 2021, the Bankruptcy Court entered an order (the "Cooperation Agreement Order") approving the Cooperation Agreement between and among the Debtors and the Easterdays. On April 29, 2021, the Bankruptcy Court entered the Bidding Procedures Order which, among other things, (i) approved procedures for submitting offers and bidding at an auction for the Property ("Bidding Procedures"), (ii) approved procedures for the assumption and assignment of certain executory contracts and unexpired leases, (iii) scheduled a hearing on the sale, and (iv) granted related relief.

On May 19, 2021, the Sellers, entered into a purchase and sale agreement (the "Stalking Horse APA") with Farmland Reserve, Inc. ("FRI" or the "Stalking Horse Bidder"), pursuant to which, and subject to higher and better offers in accordance with the Bidding Procedures:

(i) the Debtors shall acquire the Easterday Property, upon which transfer all of the Easterday Property shall constitute property of the Debtors' bankruptcy estates in the Bankruptcy Cases and for which the Easterdays shall receive, subject to the approval of the Bankruptcy Court, an allocable interest in the Net Sale Proceeds, as such term is defined in the Cooperation Agreement;

(ii) the Debtors shall sell, assign, transfer, convey and deliver to FRI, and FRI shall acquire and accept from Debtors, free and clear of all Claims, Rights, and Encumbrances (as defined in the proposed Sale Order attached to the Stalking Horse APA), all of the Debtors' rights, title and interest in and to the Property; and

(iii) FRI shall pay \$188,000,000 plus any transfer taxes or the like "Purchase Price" for the Property (i) through (iii), the "Sale".

Also on May 19, 2021, the Debtors supplemented the Sale Motion with their motion to designate FRI as the Stalking Horse Bidder, approve the bid protections in the Stalking Horse APA, and supplement the relief requested by the Debtors in the Sale Motion to include authorization for the Debtors to acquire all rights, title and interest in and to the Easterday Property for the purpose of including the Easterday Property in the Sale, pursuant to the Stalking Horse APA ("Supplemental Bidding Procedures Motion").

On May 28, 2021, the Bankruptcy Court entered an order granting the Supplemental Bidding Procedures Motion, pursuant to which the Bankruptcy Court (i) approved the Stalking Horse APA as the Stalking Horse Bid and FRI as the Stalking Horse Bidder, (ii) authorized the Debtors to enter into and perform under the Stalking Horse APA, subject to higher or otherwise better offers by other qualified bidders, and (iii) approved the Debtors' request to supplement the relief requested by the Debtors in the Sale Motion to include authorization for the Debtors to acquire all rights, title and interest in and to the Easterday Property for the purpose of consummating the Sale with the Stalking Horse Bidder, subject to higher or otherwise better offers by other qualified bidders at an auction (the "Auction") to be held on **June 14, 2021, commencing at 10:00 a.m. (Pacific Time)** ("Supplemental Bidding Procedures Order").

THE BANKRUPTCY COURT HAS CURRENTLY SET JUNE 30, 2021 AT 4:00 P.M. (PACIFIC TIME) AS THE DEADLINE FOR ALL OBJECTIONS TO THE SALE (THE "SALE OBJECTION DEADLINE").

All objections to the Sale and related relief must: (a) be in writing; (b) be signed by counsel or attested to by the objecting party; (c) conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court ("Local Rules"); (d) be filed with the Clerk of the Bankruptcy Court, 402 E. Yakima Avenue, Yakima, WA 98901 by no later than the Sale Objection Deadline; and (e) be served in accordance with the Local Rules so as to be received on or before the Objection Deadline by the following: (i) counsel to the Debtors: (a) Bush Kornfeld LLP, 601 Union Suite, Suite 500, Seattle, WA 98101, Attention: Armand J. Kornfeld (jkornfeld@bskd.com) and Thomas A. Buford (tbuford@bskd.com); and (b) Pachulski Stang Ziehl & Jones, LLP, 10100 Santa Monica Boulevard, 13th Floor, Los Angeles, CA 90067, Attention: Richard M. Pachulski (rpachulski@pszjlaw.com), Ira D. Kharasch (ikharasch@pszjlaw.com), Jeffrey W. Dulberg (jdulberg@pszjlaw.com) and Jason H. Rosell (jrosell@pszjlaw.com); (ii) the Office of the United States Trustee for the Eastern District of Washington, 920 W Riverside Ave, Suite 593, Spokane, WA 99201, Attn: Gary W. Dyer (Gary.W.Dyer@usdoj.gov); (iii) counsel to the Stalking Horse Bidder, Stoel Rives LLP, 600 University Street, Suite 3600, Seattle, WA 98101, Attention: Oren B. Haker (oren.haker@stoel.com) and Ellen E. Ostrow (ellen.ostrow@stoel.com); and (iv) those parties who have filed notices of appearance and/or requested service of all motions and pleadings in these Chapter 11 Cases prior to the date of service thereof.

THE SALE SHALL BE FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES OR OTHER INTERESTS UNDER SECTION 363 OF THE BANKRUPTCY CODE. THE ASSIGNMENT OF CERTAIN OF THE SELLERS' CONTRACTS AND LEASES MAY BE APPROVED AND AUTHORIZED BY THE BANKRUPTCY COURT ABSENT A TIMELY OBJECTION BY ANY PERSON OR ENTITY CLAIMING AN INTEREST OR RIGHT IN SUCH CONTRACT OR LEASE. THE FAILURE OF ANY PERSON OR ENTITY TO FILE AND SERVE AN OBJECTION ON OR BEFORE THE SALE OBJECTION DEADLINE MAY BE DEEMED CONSENT TO ANY SALE OR ASSIGNMENT APPROVED BY THE BANKRUPTCY COURT AND MAY BE A BAR TO THE ASSERTION OF ANY LIENS, CLAIMS, RIGHTS, ENCUMBRANCES OR OTHER INTERESTS IN THE PROPERTY SOLD, ASSIGNED OR OTHERWISE TRANSFERRED TO THE STALKING HORSE BIDDER OR THE SUCCESSFUL BIDDER(S), AND MAY BE A BAR TO ANY RECOVERY AGAINST THE STALKING HORSE BIDDER OR OTHER SUCCESSFUL BIDDER(S).

IF YOU ARE A CREDITOR OF THE SELLERS OR A CONTRACT OR LEASE COUNTERPARTY TO ANY OF THE SELLERS, YOUR RIGHTS MAY BE AFFECTED BY THE SALE OF THE PROPERTY TO THE STALKING HORSE BIDDER OR OTHER SUCCESSFUL BIDDER(S). You should review the documents related to the Sale and discuss them with your attorney. If you do not have an attorney, you may wish to consult one. Sale documents, including the Stalking Horse APA, Sale Motion, Bidding Procedures Order, Supplemental Bidding Procedures Order, and proposed sale order, can be obtained through the Bankruptcy Court or by requesting copies from the Debtors' bankruptcy counsel by email to Jason Rosell (email: jrosell@pszjlaw.com). If you do not want the Bankruptcy Court to approve the Sale, you must file an objection with the Bankruptcy Court by the Sale Objection Deadline as set forth above.

A hearing to confirm the results of the Auction and approve the sale of the Property (the "Sale Hearing") will be held before the Honorable Whitman Holt, United States Bankruptcy Judge, on **July 14, 2021 at 11:00 a.m. (PT)**, or at such other time as the Bankruptcy Court permits, in the United States Bankruptcy Court for the Eastern District of Washington, 402 E. Yakima Avenue, Second Floor Courtroom, Yakima, WA 98901. Parties may appear at the Sale Hearing by telephone. To make a telephonic appearance, parties must call 877-402-9757; code 7036041. The Debtors may adjourn or reschedule the Sale Hearing one or more times with prior notice filed on the docket in the Bankruptcy Cases or without prior notice by making an announcement at the Sale Hearing.

Dates set forth in this notice are subject to change, and further notice of such changes may not be provided except through announcements in open court and/or the filing of notices in the Bankruptcy Cases. Interested persons or entities are encouraged to monitor the electronic court docket for further updates.

1 The Debtors along with their case numbers are as follows: Easterday Ranches, Inc. (21-00141) and Easterday Farms, a Washington general partnership (21-00176).
2 The administration of the Estate of Gale Easterday is currently pending in Franklin County Superior Court, Case No. 21-450004-11. 5247845-1

Expected almond crop shrinks 10% during drought

By SIERRA DAWN McCLAIN
Capital Press

MODESTO, Calif. — USDA on Monday reported the 2021 California almond crop is likely to be 10% smaller than last year during a severe statewide drought.

The California Almond Objective Measurement Report, an annual crop forecast by USDA's National Agricultural Statistics Service, estimated the 2021 crop will weigh in at 2.8 billion meat pounds, compared to last year's record 3.1 billion pounds.

The average kernel weight for all varieties sampled was 1.46 grams, down 3% from the 2020 average weight — a possible indicator of drought impacts on nut size.

The drop comes during a difficult water year. Experts say drought stress to trees, water restrictions and deficit irrigating may be contributing to the smaller expected harvest.

This June was the driest Central California has seen in 127 years, according to the National Integrated Drought Information System, maintained by the National Oceanic and Atmospheric Administration.

Richard Waycott, president and CEO of the Almond Board of California, said he's not worried about a smaller harvest. The past two years, 2019 and 2020, were "super bumper crop years," he

said, and 2021's predicted 2.8-billion-pound crop falls more in line with "conventional wisdom" of what he would expect from existing acreage.

Year over year, as California almond acreage grows, crop volumes usually grow too — but not always. Four out of the past 10 USDA June reports have shown a decrease rather than increase in expected poundage.

A smaller 2021 crop, Waycott said, may not be bad. While the industry doesn't have "excessive inventories" from last season, he said, there are some nuts in storage due in part to COVID-related disruptions. A smaller supply this year could mean better prices for growers.

"With such strong demand, competition for the 2021 crop could lead to a much-needed increase in the return for growers, which is currently below the cost of production due to the recent record crop," he said.

Waycott said he believes the 2021 crop is a good size and the industry is still "a long ways" from satiating global demand.

"The report still forecasts a really large crop, and it's further proof that California is an ideal place to grow almonds, even in difficult times," Kent Stenderup, chair of the Almond Board of California, said in a statement.

LEGAL

PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 07/19/2021. The sale will be held at 10:00am by

COPART OF WASHINGTON INC
2885 NATIONAL WAY WOODBURN, OR
2016 NISSAN SENTRA 4DR
VIN = 3N1AB7AP9GY334999
Amount due on lien \$1555.00
Reputed owner(s) NATALIE RENE WING
SANTANDER CONSUMER USA

5251838-1

LEGAL

PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 07/19/2021. The sale will be held at 10:00am by

COPART OF WASHINGTON INC
2885 NATIONAL WAY WOODBURN, OR
2016 MERZ GLC 300 LL
VIN = WDC0G4KB3GF017278
Amount due on lien \$1555.00
Reputed owner(s) LORI ELLEN & TIMOTHY ALVIN BAUGUS

5251837-1

LEGAL

PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 07/26/2021. The sale will be held at 10:00am by

COPART OF WASHINGTON INC
2885 NATIONAL WAY WOODBURN, OR
2012 TOYOTA RAV 4 LL
VIN = JTMBF4DV6C0D43923
Amount due on lien \$1435.00
Reputed owner(s) DANIEL J HASS

5253258-1

LEGAL

PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 07/26/2021. The sale will be held at 10:00am by

COPART OF WASHINGTON INC
2885 NATIONAL WAY WOODBURN, OR
2015 HYUNDAI SONATA 4DR
VIN = KMHEC4A8FA133786
Amount due on lien \$1735.00
Reputed owner(s) WILLIAM A & KERA L O BOAZ
FIFTH THIRD BANK NATL ASSOC

5253254-1

LEGAL

PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 07/26/2021. The sale will be held at 10:00am by

COPART OF WASHINGTON INC
2885 NATIONAL WAY WOODBURN, OR
2012 VW GTI 4DR
VIN = WVVGD7AJ1CW236225
Amount due on lien \$1455.00
Reputed owner(s) LUIS FERNANDO NIEVES GONZALES
MARION/POLK SCHOOLS C.U

5253258-1

PURSUANT TO ORS CHAPTER 87

Notice is hereby given that the following vehicle will be sold, for cash to the highest bidder, on 07/26/2021. The sale will be held at 10:00am by

COPART OF WASHINGTON INC
2885 NATIONAL WAY WOODBURN, OR
2005 CHALLENGER 34FT MH
VIN = 5B4MP67G043392300
Amount due on lien \$1455.00
Reputed owner(s) ROBERT BALDWIN
WELLS FARGO BANK NA

5253257-1