

Business & Ag

Baker County cattlemen discuss water rights, salt tax

By Todd Arriola

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The Baker County Livestock Association (BCLA) welcomed a room full of area residents and other interested parties for a water rights informational meeting at Best Western Sunridge Inn, on Thursday, February 12, at 3 p.m.

The focus of the meeting was the Oregon Department of Fish and Wildlife's (ODFW) pending in-stream water right application, and the effects on current water right users.

Jacob Bingham, BCLA President, greeted the crowd, and commented about the great attendance. He introduced Drew Martin, of Yturri Rose law firm, who is also Vice President of BCLA. Martin said the first purpose of the meeting was that the issue has been a long-standing one, and the public needed to be made aware of it, and the second purpose was to bring a variety of people together to organize ideas and responses.

He introduced Martha Pagel, a water rights specialist and attorney, and Elizabeth Howard, an agricultural industry advocate and attorney at Schwabe, Williamson & Wyatt, of Portland. He also introduced Jason Spriet, Manager for the East Region, Water Resources Department, located in Baker City. Martin also thanked Oregon County Commissioners Harvey and Bennett for attending the meeting.

Martin explained that in 1987, legislation was passed allowing the ODFW, Oregon Parks and Recreation (OPR), and Oregon Department of Environmental Quality (ODEQ) to apply for in-stream water rights. He said that ODFW had applied for these rights in the Powder River Basin in the mid-90s, and the application stayed in a "pending" status until December 2013, when a letter of protest from the Powder Valley Water Control District prompted ODFW to respond with talks of negotiations, a move that resulted in the informational meeting. The application remains in a "pending" status.

He presented a slideshow, with a list of in-stream water rights applications currently in the basin, noting that the abbreviation "W W" on the list means Water Watch, an organization that has applied for standing within the Burnt River District



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Attorney Drew Martin gave a presentation on water rights issues at the meeting.

area, whose interests aren't aligned with those present, he said.

The practical impact of this situation, Martin said, is that there would be obstacles to overcome in the area of stream development.

A government agency with standing could claim presumptive injury with a change in points of diversion, for example.

He pointed out the issues with junior water rights versus senior water rights, and the resources available to government agencies and environmental groups.

Spriet was present to explain the applications protest process, detailing each step, saying that it's similar to a trial, and could be a lengthy endeavor.

Final orders can possibly be appealed, he said, so there are opportunities throughout the process to gain an advantage.

Pagel also explained the process, along with Howard, and questions and comments were received from the crowd, making for a lively but informative discussion.

They detailed the steps in the process, and Martin concluded the meeting by suggesting individuals formulate a plan by first speaking with their respective irrigation districts, as a good first step.

Around 5 p.m., most of the crowd dispersed, but there remained around 40 individuals for the regular, monthly BCLA meeting. Bingham called the meeting to order, and thanked everyone for their attendance.

Cal and Vickie Foster were present to give an update about the recent cattle theft case in which they were victims. Bing-

ham said he was glad to see the positive results with the investigation and prosecution, and discussed the importance of being aware of one's environment, reporting suspicious activity, and proper branding and other identification of livestock.

Bingham mentioned the proposed Salt and Mineral Tax, stating that in January, based on input, a letter was drafted by BCLA, addressed to the Oregon Cattlemen's Association (OCA), in opposition to the tax. Some of the points in the letter were as follows:

"We are good stewards of the land and livestock producers are not the cause of the sage grouse population decline.

"Fire, avian predators, and habitat reduction are the biggest causes. Supporting the tax could be construed as an admission by livestock producers that they are responsible for sage grouse population decline.

"Would this lead to ramifications for other threatened or endangered species requiring funding from taxes on other cattle-related products?"

"Is the Audubon Society an appropriate group to partner with (Lake County issues)?"

The letter stated that members of the BCLA do not believe a salt tax is the right method to raise the funds in order to attempt to avoid the listing of the sage grouse as a threatened or endangered species.

Some of the problems with implementing the tax, according to the letter, are:

1. Baker County uses more salt than high desert counties with high populations of sage grouse, and

would therefore pay more than a fair share.

2. Ranchers in eastern Oregon can go to Idaho or Nevada to purchase salt and avoid the tax, which could have a dramatic effect on local business.

3. Feed and supply stores would have to open their books to audit and bear the brunt of work and added expense to collect it, and they do enough for us here already by supporting our projects, recycling twine, and contributing to the community.

One of the methods suggested would be a possible per-head fee assessed during branding inspection, to raise funds.

Ray Sessler, OCA President, was present to discuss the proposed tax with the group, and stated that, though it seemed "dead on arrival," something had to be tried, rather than hoping the U.S. Fish and Wildlife Service (USFWS) would see the obvious commitment of landowners and others in the area, with conservation efforts.

Local veterinarian Dr. Tom Hill was at the meeting to give a presentation about calving issues. He handed out copies of an 11-page document he compiled, and presented his own ideas about calving issues, while he answered questions from the group. These topics ranged from types of vaccines recommended to methods of assistance with the birthing process.

Members of the Baker High School Future Farmers of America (FFA) Chapter were also at the meeting to present ideas about grazing, in the form of a debate. The meeting was adjourned around 7 p.m.

— WEEKLY HAY REPORT —

Friday, February 13, 2015 — Eastern Oregon

Prices trended generally steady compared to the same quality last week. Trade activity and demand continue to be slow. The good weather in several areas of Oregon has slowed down demand, as the pasture grasses are growing causing end users to be able to turn animals out on pasture rather than purchase and feed additional hay. Fewer containers available at the shipping ports has slowed down the ability to export hay overseas. Several producers have old all that they plan to sell for this season.

Eastern Oregon sales reported:

No new sales confirmed

USDA Market News Service—AMS.USDA.gov

— CATTLE MARKET REPORT —

Wednesday, February 11, 2015

Vale, Oregon

Cattle sold through the auction: 590

Steer Calves

300-400# Bulk 315.00 - 360.00 Top 367.50
400-500# Bulk 297.00 - 321.00 Top 327.50
500-600# Bulk 241.00 - 306.00 Top 310.00

Heifer Calves

300-400# Bulk 223.00 - 252.00 Top 280.00
400-500# Bulk 229.00 - 262.00 Top 266.00
500-600# Bulk 217.00 - 255.00 Top 257.00

Yearling Steers

600-700# Bulk 206.00 - 228.00 Top 229.00
700-800# Bulk 188.00 - 205.00 Top 210.00
800-900# Bulk N/A Top N/A
900-1,000# Bulk N/A Top N/A

Yearling Heifers

600-700# Bulk 194.00 - 217.00 Top 218.00
700-800# Bulk 171.00 - 190.00 Top 193.00
800-900# Bulk 162.00 - 175.00 Top 178.00
900-1,000# Bulk N/A Top N/A

Thin Shelly Cows 81.00 - 97.00
Butcher Cows 95.00 - 108.00
Butcher Bulls 97.00 - 116.00
Stock Cows 1400.00 - 1900.00
Younger Hfrts. 122.00 - 149.00
Stock Cows Yng. - N/A

ProducersLivestock.com
541-473-3136

— LOG PRICE REPORT —

Price per 1,000 board feet: Northeast Oregon

Delivered to Elgin

Doug Fir / Larch 6"+ \$370/m
White Fir/Sp 6"+ \$380/m
LPP 6"+ \$350/m

Delivered to La Grande

P. Pine 6-11" \$290/m
12-17" \$340/m
18-23" \$390/m
24'+ \$420/m

Delivered to Pilot Rock

12-17" \$390/m
18-23" \$440/m
24'+ \$480/m

Delivered pulp

\$28/ton to Elgin
\$28/ton to La Grande
Courtesy of Arvid Andersen,
Andersen Forestry Consulting

— PRECIOUS METALS REPORT —

Price per ounce, USD

Gold: \$1,208.40

Silver: \$16.48

Platinum: \$1,170.88

Palladium: \$779.25

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— AG COMMODITIES —

Corn: \$398.25/bu/USD

Wheat: \$538.50/bu/USD

Soybeans: \$1015.50/bu/USD

Oats: \$275.75/bu/USD

Rough Rice: \$10.72/cwt/USD

Canola: \$465.50 CAD/mwt

Live Cattle: \$150.73/lb./USD

Feeder Cattle: \$201.45/lb./USD

Lean Hogs: \$64.00/lb./USD

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Cattle rustler convicted

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Originally, in January 2014, the defendant was charged with three counts of Unauthorized Use of a Livestock Animal, with the fourth charge added since that time.

The two First Degree Theft counts, Class C felonies, were based on failing to make reasonable efforts to return the cow and its calf to the owner.

The case was investigated in late September 2013 by Deputy Gabe Maldona-

do and Deputy Eric Colton, and the cow and calf were seized by Baker County Sheriff's Deputies during that period. The cow gave birth to a second calf in the spring of 2014, following the 2013 insemination. At that point, the cow and first calf had been returned to the Fosters.

Said Shirtcliff, "The fact that the defendant lied about the breeding, and made no attempts whatsoever to return the animals to their owners, made these especially egregious acts."

Jacob Bingham, Baker County Livestock Association (BCLA) President, among others, was present during the trial, to show support for the Fosters and law enforcement for their efforts with investigating and prosecuting cattle theft cases.

On Thursday, February 19, Bullington was sentenced to 180 days in County jail, 24 months probation and \$5,000 in restitution to the Fosters.

In January 2014, Richard Phillip New-

man, 76, also of 39554 Sumpter Cemetery Road, was charged with two counts of Theft in the First Degree, and three counts of Unauthorized Use of a Livestock Animal, in connection with the case. His trial is set for April 7-8, 2015, Shirtcliff said.

"This happens more often than can be proven, and she got caught," Cal Foster said. "She has no remorse."

Bingham added, "I think it was an appropriate sentence."