

## WESTERN WATER WARS

## Feds want to fix canal, but Nevada town lives off leaks

BY SCOTT SONNER

Associated Press

FERNLEY, Nev. — A town founded a century ago by pioneers lured to the West by the promise of free land and cheap water in the desert is trying to block the U.S. government from renovating a 115-year-old earthen irrigation canal with a plan that would eliminate leaking water that residents long have used to fill their own domestic wells.

A federal judge denied Fernley's bid last year to delay plans to line parts of the Truckee Canal with concrete to make it safer after it burst and flooded nearly 600 homes in 2008.

Now, lawyers for the town a half-hour east of Reno have filed a new lawsuit accusing the U.S. Bureau of Reclamation of illegally failing to consider the expected harm to its municipal water supply and hundreds of private well users who tap into the groundwater based on what they say are binding water allotments, some dating to World War II.

Safety aside, the bureau says the loss of federally owned water from the dirt canal is a waste of U.S. taxpayers' money. The city says the government shares responsibility for their dependence on the unintended subsidy provided by the seepage, partly because it's never before objected.

"Fernley has a right to continued recharge from the Truckee Canal under the public use doctrine because the seepage conditions have continued for 115 years," the lawsuit stated.

Over time, local users have become "utterly reliant on seepage from the canal to keep the aquifer recharged and in a healthy condition," the suit said. It says Fernley spent \$40 million on a state-of-the-art water treatment facility based on that reliance.

"You (the government) created the system and now you are essentially taking it away and claiming it is not your problem," former Fernley Mayor David Stix Jr. told The Associated Press on Friday.

**Series of federal canals**

A decision is crucial for the town and surrounding farms in the high desert where only 6 inches of rain falls annually. And the dispute could have far-reaching implications for the one in five U.S. farmers who use water delivered by federal canals in 17 Western states to irrigate an area three times the size of Connecticut.

Built in 1905, the Truckee Canal was part of the Newlands Project named after the Nevada congressman whose legislation led to creation of the Bureau of Reclamation three years earlier. It was the first major irrigation project in the West — intended to "make the desert bloom."

Fernley's lawyers say it was a huge success, attracting settlers who developed the West. But they say the new project pulls the rug out from under their descendants in the town of 23,000 where some still raise livestock and grow alfalfa and melons.

The agency says lining the



Scott Sonner/AP

Water flows through an irrigation canal in Fernley, Nevada, about 30 miles east of Reno.

canal at a cost of about \$148 million is necessary to prevent another costly disaster like the 2008 canal break. The Truckee-Carson Irrigation District managing the canal system settled a class-action suit for \$18.1 million in 2016 with 1,200 victims of the flood that damaged 590 homes.

The agency has studied efficiency of canal linings for decades and in recent years

stepped up research of new ways to combat seepage with remote satellite sensing, ground sensors detecting soil moisture and sediment temperature.

**'No legal entitlement'**

Last month, the bureau teamed up with NASA and HeroX, a crowdsourcing platform, to sponsor a two-year contest with a \$360,000 prize

to foster other innovations.

This month, the bureau awarded \$42 million in grants to 55 projects in 13 states from Kansas to Arizona and the Pacific Northwest to improve water delivery efficiency and generate more hydropower.

Bureau officials couldn't immediately estimate how much water leaks from canals nationally but in neighboring California, it has said one-third of the water passing through a stretch of the All-American Canal is lost to seepage annually — some 168,500 acre-feet.

One acre-foot of water covers an acre — roughly the size of a football field — and a foot deep. Average California households use one-half to one acre-foot of water every year.

In 1985, the U.S. Geological Survey estimated natural re-

charge, such as from rainfall, in Fernley's groundwater basin was 600 acre-feet — a fraction of the 18,000 acre-feet it estimated was leaking annually into the aquifer from the unlined canal.

The bureau largely agrees with simulations run by an expert Fernley hired in 2018 who estimates 13% of the 400-plus domestic wells in Fernley would dry up in a year if the artificial recharge ends and 71% would stop working over 40 years.

The bureau hasn't responded to the lawsuit filed March 10 in federal court in Reno but its final environmental impact statement said in September that Fernley "has no legal entitlement to the continued existence of seepage water from the Truckee Canal."

## OBITUARY

*Richard Milton Cain*

August 24, 1936 - March 13, 2021

Richard Milton "Dick" Cain was born on August 24, 1936 to James Milton "Milt" Cain and Ethel Carter Truesdale. He saddled up and took his last ride to "the Upper Country" in the early morning hours of March 13, 2021.

Dick grew up on the family's ranch "down on the Crooked River" where he honed his buckaroo and basketball skills and learned to play baseball from his dad Milt. He was active in 4-H, showing both steers and heifers at the Crook County Fair and the Portland International Livestock Exposition. Dick and his steer "Whiz Bang" were crowned Grand Champion Hereford Steer at the 1948 Crook County Fair. As he grew into a young man, Dick's grandfather Jess Cain enlisted his help in gathering support to start the Crooked River Roundup.

Before graduating from Crook County High School in 1954, Dick was proud to have been a member of the 1953 Cowboys state championship football team. After graduation, Dick enlisted in the army and although he was stationed in Germany, he traveled extensively throughout Europe. He found a favorite country in Italy, and favorite food in spaghetti, but darned if he could pick his favorite beer in Germany.

After his discharge from the army in 1957, Dick returned home to Central Oregon to take up operations at the family's new ranch in Powell Butte where he lived until his death. Dick traveled the country attending livestock shows and promoting his "Range Ready Herefords" as well as the C Bar C brand. He was active in the Powell Butte Farmers Club and the Oregon's Cattleman's association, serving as Vice President from 1977-1978. Perhaps his proudest achievement was following in the footsteps of his grandfather Jess Cain, by being chosen as the Grand Marshall of the 2018 Crooked River Roundup. Given his advanced age, Dick was given the option to ride in a car during the parade. In typical fashion, he replied, "The hell with that!" and he dusted off his chaps and saddled up for one last rodeo. He was accompanied by Thyreicia Simtustus, (Miss Warm Springs) and several other native riders, which brought the Warm Springs tribe back to the roundup after a 50 year absence.

Dick's greatest loves (in no particular order) were his ranch, his cows, his kids, his beloved Beavers and... maple syrup!

Dick was lucky enough to have found love twice in his life. On May 15, 1960 he married Tonia Rae Kissler and together they raised three children, Robert, DeAnn and Terry. His second wife, Sherrie Zavala, currently lives in Prineville.

Dick was preceded in death by his father James Milton Cain, his mother, Ethel Truesdale Cain, his sister Patricia Jean Knorr and his nephew, Charles "Chuck" Knorr. He is survived by his son Robert J. Cain of Powell Butte, two daughters, DeAnn R. Cain of Redmond, OR and Terry D. Kremer of Washougal, WA. He is further survived by the mother of his children, Tonia Kissler Cain of Redmond, OR, former wife Sherrie Zavala of Prineville, a nephew, Richard "Dick" Knorr of Redmond, OR, a niece, Tammy Croxen, of Bend, as well as numerous grandchildren and great grandchildren.

A graveside memorial service will be held at Pilgrim's Rest Cemetery in Powell Butte, OR on Tuesday, March 30, 2021 at 2:00 pm. The family invites guests to attend a catered reception to follow at the home of Matt and Tori Benz, 12865 SW Cornett Loop, Powell Butte, Oregon.

Visitation will be held at the Prineville Funeral Home on Wednesday, March 24 from 4-7 pm.

In lieu of flowers, the family requests that donations be made to St. Charles Hospice or to the Alzheimer's Association, Central Oregon Chapter.

## OBITUARY

*Timo Matti Juhani Patokoski*

November 7, 1938 - February 25, 2021

Timo was born in Oulu Finland. He was the first born of his parents, Paavo Patokoski and Toini Kipina. His family came to America in 1947 and found their way to Portland, OR. He was very proud of his Finnish heritage.

He taught American History and language arts at Floyd Light in the David Douglas district in Portland for 30 Years. Many students say he was their favorite teacher and called him Mr. P. He served as athletic director there and coached several sports.

He graduated from Jefferson HS where he was on the football team when they won the state championship. He was most proud to be an alumnus of U of O where he received his BS and Masters in Education. He was passionate about rooting for his Duck football team. He inspired his offspring to be the same.

He came to Bend from Portland in 2002. He loved central Oregon and its "blue bird days". He skied until age 75 then took up snowshoeing. He went camping, fishing and kayaking at the mountain lakes, played pickleball year 'round.

He enjoyed the good life in his happy home with the love of his life, Ronye, of 41 years and their various dogs. He watched the deer, quail and ducks traipse across his property. He even enjoyed keeping ahead of the pine cones and pine needles. He volunteered at St. Charles for 11 years and took pride in his roles. His father taught him carpenter skills and he built two homes during his lifetime. He spent several summers fishing with his father in Alaska.

Timo was loved by so many. He had a beautiful open smile that seemed to show his inner joy and peace. He will be remembered by his kind sweet spirit, one liners and generous heart.

He was a devoted husband, father and grandfather. He was a good neighbor and friend. Whether it was building a deck, loaning tools, giving fatherly advice or snow shoveling. He loved making pancakes for his grandkids and made it a point to cheer them on in their sports. He and Ronye had many wonderful travels and RV trips. He had a special fondness for Kauai where they went often. He longed to go there again.

He is survived by his wife, his two brothers, Esa and Pekka of the Portland area, his three children, Lynn Hanks of San Ramon, CA, Sheryl Bryant of Bend, and Mikko Patokoski of Beaverton, his stepsons, Scott Seaton of Bend and Bryan Seaton of Portland, and of course, his 8 grandchildren and 4 great-grandchildren. The most important thing to him was his family.

His legacy will live on in all those that were touched by Timo. He was always on time but never in a hurry. He was steadfast and loyal and he loved unconditionally. He was a most loving, fun and supportive partner. He often said "Everything will be all right." His life was cut too short for us but we believe he finally found his peace.

Aloha, Timo, Rakkkaus.

A celebration of life will be held later this year. Please visit Baird Funeral Home website, [www.bairdfh.com](http://www.bairdfh.com), to share condolences and sign the online guest book.

Remembrances can be made in his name to Partners in Care Hospice House or the Central Oregon Humane Society.

## OBITUARY

*Sylvia Grace Hatton*

July 2, 1933 - February 5, 2021

Sylvia Grace Hatton of Bend passed away at OHSU Hospital in Portland on February 5, 2021 after suffering a stroke. She was born July 2, 1933 in Brownhills, West Midlands, England, to Cyril and Elizabeth Harvey. She married Raymond R. Hatton on February 7, 1953, who preceded her in death in 2015.

Sylvia grew up in Hammerwich, England with her older brother Geoff and younger sister Sheila. After marrying Ray in Hammerwich the two of them moved in 1956 to Moscow, Idaho where Ray attended the University of Idaho on a track and cross-country scholarship. After Ray graduated, he and Sylvia moved in 1960 to Sacramento. It was there where their son Peter was born, and then their daughter Janice. In 1969 the family moved to Bend, Oregon where Sylvia lived until her passing.

Sylvia prided herself as a diligent probate paralegal who, for one month shy of 50 years of working at Karnopp Petersen law firm, continued to enthusiastically work until her passing. Her satisfaction in her work was complemented by her delight in sharing time with family who she adored. She took great pleasure in spending her free time in Camp Sherman at the family retreat or on the coast in Manzanita. Whether working, enjoying her tea, chatting, planting and tending her flowers on the deck, watching the birds, or planning a future adventure with family and friends, Sylvia embraced an existence that emulated a zest for life, an innate curiosity about her world and bottomless reservoir of kindness.

Among her many endeavors and legacies, she was a world class Master's badminton player, who medaled in the World Games in Alberta, Canada in 2005, and in Sydney, Australia in 2009. She also edited and typed all 10 books about Central and Eastern Oregon written by her husband Raymond R. Hatton.

She is survived by her sister Sheila Seager of Port Coquitlam, British Columbia; her son Peter and his wife Tana of Bend; her daughter Janice Hatton and her husband Charlie Wilshire of Bend and Eugene; her grandchildren Eric Hatton (and his wife Chrissy); Michael Hatton (and his wife Ashlie); Brenden Hatton (and his wife Celia Oney); Alyssa Hatton DeWees (and her husband Jacob); Kiersten Hatton, and Tia Hatton; plus five great grandchildren and her many nephews and nieces. She loved them all dearly.

We will miss her and love her forever.

A celebration of Sylvia's life is scheduled for Monday, June 28, 2021, at 5:30 pm at Awbrey Glen Golf Club, 2500 NW Awbrey Glen Drive, Bend.