

# The Klamath Catastrophe

With their water shut off to protect endangered fish, 1,000 Oregon farmers and ranchers are being forced to fight for their livelihoods.

by Eric Grant

Oregon's Brent Cheyne is angry. He's angry because the water he uses each summer for irrigating crops and hay fields has been taken from him, and all that's left are dusty acres of uncertainty.

Federal authorities ruled in April that Cheyne and 1,000 of his farming neighbors in the Klamath Valley must go without 90% of their water this year to provide protection for endangered sucker fish and coho salmon.

The ruling, which came after several years of drought in the West, affects more than 220,000 acres of Klamath Basin farmland. In a normal year, the lands produce crops and livestock that account for more than \$100 million. Collective losses, if they encompass the decline in value of land turned barren for lack of water, could top \$500 million this year.

Now, because of the Endangered Species Act (ESA), Cheyne's future hangs in the balance. Without water, there is no way for him or the others to make a living.

"Everything we've done — my grandfather, my father and I — is 100% at risk. I'm repulsed and disgusted," says Cheyne, an Angus breeder whose family has ranches near Klamath Falls for three generations. "I'm beyond being angry about this anymore," he says. "You see stuff on some environmentalists' Web sites that talk about rural cleansing and the depopulation of the West."

No doubt, that cleansing is taking place with Klamath Basin water. Economists expect the real economic shakeout to begin this winter, when

banknotes come due. With little to no cash crops and wholesale liquidation of livestock, there won't be much money to pay off loans. When this happens, Cheyne expects to see many "for sale" signs for land that's worth a fraction of what it once was.

For Klamath Basin farmers, the ordeal has become a painful lesson in dealing with environmental regulation and the heavy hand of government. Cheyne thinks the Klamath catastrophe can and probably will happen again to farmers and ranchers in other parts of the country, wherever environmentalists and bureaucrats decide that the interests of endangered species precede those of human activities.

"Even though this year was a real water shortage, there was enough water to take care of the fish," adds Bill Thomas, a cattleman and Sacramento-based attorney involved in the crisis. "There was enough water to meet the basic needs of wildlife,

farming and to keep the refuges viable. The government simply didn't have the temerity to balance those interests."

## The situation

Most of the basin's water flows from the Cascade Mountains, with the majority of that water coming from Crater Lake National Park. Once in the basin, the rivers and streams move through what once was an immense series of shallow lakes and marshes on the valley floor. There are three interconnected basins. The largest is Upper Klamath Lake, next to the city of Klamath Falls. Downriver is the lower Klamath Basin and Tule Lake.

The Klamath Project, which began in the early part of the 20th century, drained the marshes and converted them into productive farmland. The project also helped construct a system of ditches and canals — arteries of life — to these farms.

Currently, there are about 20 water or canal districts that administer the project's water, adjudicating it to landowners and other interests.

It is often up to the state to determine who has the first right to the water, especially in a year as dry as this one. The state started that process 26 years ago. Beseated by lawsuits and protests by competing irrigators who could see their water rights eroding, this process is nowhere near completion.

World War I and World War II veterans largely homesteaded the region



Bill Thomas

PHOTO BY ERIC GRANT

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in the 1920s, 1930s and 1940s with land grants from the federal government. In fact, the basin is one of the last places in the country where such settlement and land development took place.

Even so, the issue over water — and who ultimately controls it — has remained unsettled. Over the years, the federal government, environmental groups, state and local governments, and Native Americans have contested ultimate ownership of the water. In all, there are about 700 claims to water in the Upper Klamath watershed, Thomas says. These claims overlap in approximately 5,600 places.

Since the Klamath Project is the only federal irrigation complex in the basin, it alone must meet the high standards of the ESA. It cannot reach those standards without enough water in the Upper Klamath Lake to support the endangered sucker fish, biologists have concluded.

### Protected fish

Protection of suckers and coho salmon became a high priority for federal biologists and environmental groups alike in the late 1980s. Both of the fish — including two subspecies of suckers — are listed under ESA protection.

The U.S. Fish and Wildlife Service responded in 1993 by developing a recovery plan. The agency estimated it would take \$7.7 million to bring the species back and predicted all the work would be finished by 2000. But today few pieces of the plan are in place. The cost far exceeds the original estimate, and federal biologists consider the sucker more imperiled than ever.

Ironically, suckers and coho salmon have competing interests themselves. While the salmon needs clear, cool water downriver from the basin to spawn (its spawning numbers in the river have now reached historical lows; biologists estimate 300,000 salmon died last year as a result of poor water quality), the sucker thrives in warmer, murkier water. In fact, historical population

studies of suckers show the fish have experienced their high-population years when the water was at its lowest levels, Thomas says.

The suckers, which can live up to 20 years and grow to 3 feet in length, scour the bottoms of lakes and rivers. By living long and producing as many as 250,000 eggs, the sucker outlasts droughts and makes the most of good years.

Suckers once were so plentiful that a cannery operated on Lost River. Farmers let the fish swim into their fields via canals and ditches, where the carcasses decayed into fertilizer. Native Americans and others caught them by snagging their bodies with hooks. Wildlife agencies poisoned suckers in nearby Lake of the Woods to make room for game fish. Dams cut off much of their spawning beds and even today divert millions of

newborn fish down irrigation canals to their death. Repeated algae blooms in the lake killed thousands of the fish in Upper Klamath Lake.

Federal biologists ruled that more Upper Klamath Lake water must flow into the river this year so coho salmon would not slide further toward extinction. That cut the water available for farms more than the sucker alone would have, Thomas says.

“The water the environmentalists are claiming for fish would already have run to the Pacific Ocean if not for our dam,” Cheyne says. “That water is stored because irrigators spent money to build a dam. Now they’re saying it lowered the lake level. That doesn’t make any sense at all.”

### Dry effort

In July, Interior Secretary Gale Norton released 74,000 acre-feet of “extra water” to farmers in an attempt to defuse the hard feelings. It did little to accomplish that goal.

In fact, environmentalists rushed to court requesting a restraining order that would

have prevented the extra water from being used by agriculture. They argued that because many of the wetlands in the Lower Klamath National Wildlife Refuge were drying up, the action threatened the bald eagles that go there each year to feed on the ducks and geese.

“This is the type of the crazy legal maneuvering that’s been going on,” Thomas says.

In the end, the extra water provided some relief, allowing Cheyne and others to green up some of their hay fields and pastures — but not enough to do much good. “We might get a week of feed off the pasture where we usually get six months of feed,” Cheyne adds. “We might get one cutting of 1 or 1½ tons of hay per acre, where I’ve averaged 6 tons sold plus the hay I’ve kept for feeding my cows.”

Cheyne’s cattle now are grazing on leased pasture that Cheyne normally would have cut for hay. “Because I was fortunate enough to get a piece of property with springs on it, for this year and next year, I can hold it together. After that, I don’t know,” he says.

Mark and Andra Campbell, who own Pipers Knoll Angus of Klamath Falls, moved there last year with about 60 head of registered Angus. They purchased 150 acres with a 40-acre pond.

They thought they had good water rights. But, on Labor Day 2000, their water got shut off just like everybody else’s, and their pond was one of the first to dry up. “Most of the farmers and ranchers understood it was a drought year and they wouldn’t get all of their water and they’d have to compensate for that,” Andra says. “Then it came down that we weren’t getting any water.”

The place they had kept their cows last year couldn’t feed them all summer this year, so the Campbells have had to find new pastures and had to move the herd several times throughout the season. They ended up running pairs on dry feed, so the cattle aren’t doing as well as they normally would.

It’s also been a hassle keeping their cows in one place. Hungry for green feed, they crawl through the fences in search of it. Andra says every second or third phone call she and her husband receive is a report that their cows are out. And recently one of them was hit on the highway and had to be destroyed.

As a result of all those things, the Campbells will be having a dispersal sale in October. “It’s the end of us being in the registered business, at least for now,” Andra says. “It’s going to be very hard. We’ve always



had Angus. But right now we're so frustrated, in a lot of ways, it will be a relief."

Finding a solution to the crisis in Klamath Basin will not be easy. But experts agree that local, state and federal governments, in cooperation with farmers and environmentalists, must address several key issues.

- ▶ Klamath Basin needs to look for new ways to boost water supplies in the coming years, perhaps through additional reservoirs (not a popular idea with environmentalists) or by drilling new wells.
- ▶ Klamath Basin needs to reduce water demand by retiring farmland, buying out water rights and improving water conservation.
- ▶ The interests involved need to settle and enforce overlapping water rights so no one takes more than their fair share.
- ▶ Legislators and the Bush administration need to reform the ESA to ease pressure on local economies.

### It's about power

"We're not going to solve this issue by going to court," Thomas says. "Relief will have to come from the Bush administration. They've got to reopen the bogus biology that supported the last administration that led to the decisions to shut off the water. Nobody is actively blaming the Bush administration for this indefensible wreck. But they'd better manage their way out of this, or next year they won't escape responsibility."

In the meantime, both Cheyne and the Campbells plan to hold on for as long as they can. "We're residents of Klamath Falls now. But I don't know if we can make it through another summer," Andra says. "For some people, it's been complete devastation. Not just for those in agriculture, but [for] everybody, because Klamath Falls is an agricultural town."

Cheyne, who calls the situation a "deathblow" for many in the basin, doesn't see the troubles going away. Farmers and ranchers are now trying to reclaim what the government decision has taken from them. That, he admits, may take years.

"The instant there is a solution agreed to, the environmentalists and their lawyers are out of a job. That's a huge problem there. This crisis is going to be an annual event," he says. "The same groups that sued to have the water shut off are now suing to have water

turned back on for the wildlife refuge because that's dried up."

Ultimately, he adds, this is not about fish; it's about power. And it's something that could happen anywhere at anytime, not just in the dry West. "However the Klamath Basin goes is how the U.S. will go," he concludes. "I have no optimism. None."

Campbell adds: "It's a matter of getting people to realize the ESA needs to be

changed. It's going to take a lot of work and a lot of money, and farmers and ranchers don't have a lot of money. We all need to get together, or there won't be any agriculture left in this country."



**Editor's note:** *In the November issue, which carries our environmental theme, freelancer Andra Campbell will provide an in-depth look at the water situation in California and Oregon.*