

From California's land-use issues to southern Oregon's water issues, ranchers are finding it more and more difficult to survive the pressures of everyday life. Ranching lifestyles are changing due to increasing populations and environmental concerns forcing many ranchers to consider nontraditional ways of raising their cattle and to become more involved in local issues, such as zoning and irrigation rights. In this series freelancer Andra Campbell, who is herself a cattiewoman, takes a firsthand look at the issues faced by Western ranchers.

Part I:

A Summer of Misery for the Klamath Basin

Issues of overallocation, drought, tribal trust and downstream issues for fish habitat bring together diverse interests.

Commentary & photos by Andra Campbell

The basic need, the substance for anything growing, is water. Without water there are no crops, no livestock, no income and no livelihood. Just ask the people who reside in Klamath Falls, Ore., and the Klamath Basin.

Unfortunately, the water shortage with which they have had to contend hasn't been all due to Mother Nature. It has everything to do with the fight for who owns and controls this most important resource.

The struggle began years ago. 1826 marked the first time a white man left tracks in the Klamath Basin. After decades of hostilities with the Klamath tribes, the government ceded more than 23 million acres of land in south-central Oregon and northern California, and the tribes entered the reservation era. They retained rights to hunt, fish and gather in safety on the lands reserved for them.

In 1954 an act of Congress terminated federal recognition of the Klamath tribes as a tribe. The government purchased the 1.8-million-acre land base they had left. In 1974 the Supreme Court ruled that the Klamath tribes would retain their treaty rights to hunt, fish and gather and to be consulted in land-management decisions when those decisions affected their treaty.

Then, in 1986, they regained federal recognition as a tribe — though no land was returned.

The Klamath tribes claim the federal government took much of their existence. They are trying to restore their former lands and related resources, including water. In the meantime, other people moved into the Klamath Basin and established lives of their own — people who also need the water to survive.

Shared need

Water supply and water management in the Klamath Basin affects the Klamath tribes, farmers and ranchers. Basin-water users are involved in efforts to bring water supply and water demand into balance in order to resolve the water issues in the Basin by working on issues such as water storage, restoring wetlands and improving water quality.

Providing increased habitat for endangered fish in the lake and developing groundwater in California and within the Klamath Irrigation Project have been other objectives. All of those efforts provide more resources that could alleviate potential water shortages in dry months.

The Klamath Water Users Association was formed in the early 1950s to represent



the water and power interests of people in the Upper Klamath River Basin. In recent years they have focused on the Klamath Reclamation Project, which is located south and east of the city of Klamath Falls.

The Klamath Project was established by Congress in 1905 and is one of the nation's first reclamation projects. "The project was designed for irrigation and flood control and paid for by irrigators in the Basin," says Don Hagglund, past manager of the Running Y Ranch near Klamath Falls and a board member for the Klamath Water Users Association.

Today the facilities are operated by the Bureau of Reclamation (BOR) irrigation districts and serve approximately 230,000 acres of irrigated land in southern Oregon and northern California, which in turn produce crop values in excess of \$100 million annually. "There is a growing demand for uses of this project other than in agriculture," Hagglund says.

Cut off

Water quality and quantity in the Klamath Basin is a major problem that directly affects both tribal fisheries and the agricultural water supply. Over Labor Day weekend 2000, without warning, the BOR shut down most of the irrigation water in the Klamath Basin, basing its actions on the Endangered Species Act (ESA) and the obligation to protect tribal trust resources.

"The irrigation was cut off because of the minimum levels required in the lake for endangered sucker fish and [the] downstream flows required for endangered coho salmon," Hagglund says. "Pacific Power was 6 inches (in.) off in their measurement of lake levels, which put them close to the minimum level the BOR arbitrarily set for the suckers."

Hagglund says farmers and ranchers had no idea that there



► The Upper Klamath Lake remains full to the brim.

was a problem. According to the 1992 biological opinion, water levels in the lake should not fall below 4,139 feet elevation four years of 10, which has not happened.

"Plus, the BOR let us know over a three-day holiday weekend, when many people were out of town," he adds. "In the past they worked with us through the National Environmental Protection Act to figure out what the impact would be economically and socially. This time they worked with the ESA alone."

In past drought years, of which 2000 was not one, farmers and ranchers in the area worked with the BOR, assisting in the allocation and use of available water. Dave Solem, manager of the Klamath Irrigation District, says water was still needed to finish crops, such as potatoes, sugar beets, onions,

mint, alfalfa, grain, and grass for cattle, sheep and horses.

He says the hardship will be devastating for irrigators in the project and the community. "The amount of water needed is not large. ... The tragedy of ruining a nearly complete crop seems needless," Solem says.

The BOR claimed the action to shut off water last year in the Basin was required by law for sucker fish, coho salmon and tribal trust, and it was being dictated by the Clinton administration. The Klamath Irrigation District says the action lacked common sense.

The Klamath Drainage District says that, even if Upper Klamath Lake elevations went below the levels identified, the lake would have more than 100,000 acre-feet available for the fish than it did in drought years and

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► Ranchers were forced to turn cattle out onto grass pasture that hadn't been irrigated and to feed hay priced this year at \$120-\$150/ton. In a normal year, this ground would be green and lush.

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—Glen Spain

that a mere 500 acre-feet net consumption could have been sufficient to finish irrigating crops last season — including irrigated pasture for cattle. They ask if the BOR can show that lake elevations below 4,139 feet would hurt the ESA-protected sucker fish.

So far there has been no answer to this question or many others.

Another year

The spring of 2001 came, this time with southern Oregon facing a drought (the worst in 80 years), and the water wasn't turned back on. For the first time in the

history of the Basin, more than 170,000 acres of fertile land cultivated by family farmers is dry. The action by federal bureaucrats means more than the ruin of the 2001 growing season — it promises the permanent end to a way of life for many.

The biological opinions rendered by the U.S. Fish and Wildlife Service (FWS) for two types of sucker fish and from the National Marine Fisheries Service for the coho salmon designated that the lake remain full of water, which is considered "critical habitat" for those fish.

Not only does the lack of water in the Basin affect agriculture; it also affects 18,000 acres of national wildlife refuges and all the wildlife that live on farms and ranches in the Basin. The Basin has more than 80% of waterfowl that migrate along the Pacific Flyway and the largest population of wintering bald eagles in the lower 48 states. Ponds and ditches that rely on farm runoff for water have evaporated over the summer, turning into cracked-mud flats, leaving many birds and other wetland animals homeless.

Biologists originally called for more than 32,000 acre-feet of water for refuges — but they have not received any of that. Refuge wildlife received some water from Pacific Power that had been dedicated to power production.

"Avocets, egrets and other shorebirds lined up for the water as it trickled into an area at the heart of the refuge wetlands," says Phil Norton, refuge manager. "It's a start, but it's just a small start ... it's buying us time."

What happened?

On April 6, the BOR decision not to allow for any irrigation water was announced to a stunned community in Klamath Falls.

"Under the authority of the Endangered Species Act, the BOR relied on suspect biological opinions demanding that all available project water be applied to keeping Upper Klamath Lake levels and Klamath River stream flows unrealistically high for the sucker fish in the lake and coho salmon downstream," according to Water for Life Inc., an organization headquartered in Salem, Ore., whose primary goal is the protection of agricultural water rights through public education, agency administrative proceedings and legislative efforts.



► This motorcycle and ATV store was one of many businesses in the Klamath Basin to close its doors.



► Usually full after three cuttings of alfalfa hay, this barn is about 20% full after two cuttings. There won't be a third cutting this year.

Federal officials say the water cutoff was needed to maintain sufficient lake levels to meet ESA mandates to protect coho salmon and two other endangered fish, the Lost River sucker and the shortnose sucker.

Some salmon fishermen say excessive water diversions for agriculture — including past dry years — have harmed stream environments, causing \$70 million-\$80 million in losses annually and costing thousands of jobs in the coastal salmon industry, according to an article that appeared in the *Sacramento Bee* Aug. 22.

“In every year but this year, the government has made the fish bear the burden for a drought,” says Glen Spain, northwest regional director for the Pacific Coast Federation of Fishermen’s Associations (PCFFA). “This is the first time that the farmers have had to bear the burden.”

Representatives for 3,300 area Klamath, Modoc and Yahooskin Indians say the tribes used to harvest each year thousands of pounds of the migratory sucker fish before the two species began to vanish in the early 1970s. Now a single sucker fish is caught each year for ceremonial purposes. The tribes want enough water kept in Klamath lakes and streams for the species to recover.

Bud Ullman, a lawyer for the Klamath tribes, says the Indians are sympathetic to the plight of the farmers, but that nobody spent \$20 million for relief for the Indians.

The community rallied together at that point in time. They conducted the first bucket brigade and standing-room-only meetings, and they wrote letters and made phone calls. Signs were up everywhere stating “Call 911. Some sucker stole our water,” “No water. No crops. No food” and similar gibes.

People started showing up at the headgates, camping out under a huge tent with generators and barbecues.

On July 4, one of the headgates was opened to release water; however, the BOR shut it off. Three more times during the next week, a headgate was opened. On July 14, U.S. marshals were ordered to protect the headgates from any more tampering. But, by the next week, it was discovered that Upper Klamath Lake was — literally — full to the brim. There was an extra foot of water in the lake that had not been required by the Plan of Operations designated by the BOR.

Interior Secretary Gale Norton was



► The Running Y Ranch cut back on the number of cattle it took in over the summer because of the water situation in the Klamath Basin.

petitioned to release the water. She did, and the water flowed. That eased some of the tension in the Basin.

On Aug. 23, the water was shut off again by the BOR. It took less than a month for the 76,000 acre-feet (2.4 million gallons) of extra water in the Basin to be used. They said it would take 10 days for the water left in the canal to be used. Upper Klamath Lake remains full to the brim, and the Klamath River leaving Klamath Falls is full.

Temporary relief

For those farmers and ranchers who took the water that was available, it did help. Pastures greened up, ponds filled, and the ducks and geese returned. But mostly it renewed the frustration of farmers and the increasing desperation of parched wildlife refuges that haven’t received a drop.

Jeff McCracken, information officer for the BOR, says the water was used by many of the irrigators, some fields have greened up, a crop of alfalfa was cut by some farmers, and groundwater was replenished somewhat.

But for many of the 1,400 farmers, the water was no help. Crops either could not be planted this spring because of nonexistent bank loans or annual crops that had been planted withered. The natural drought and the federally-made drought have turned much of the Klamath Basin into a huge dust bowl.

Some relief is in sight, though, as Congress recently approved \$20 million in emergency aid for Klamath-area farmers. In the Tulelake region of northern California, state officials spent \$5 million to drill wells in hopes that underground aquifers could provide some water relief.

Most recently, the American Land Conservancy offered a plan for buying up land and water rights in the Basin that would include a new site for storing water to balance the needs of farming against fish and wildlife.

Rich McIntyre, owner of a Klamath Basin fishing lodge who is working with the conservancy, says that reducing the demand for irrigation water, increasing storage, and improving overall water quality would assure future water supplies for farming as well as for fish and wildlife — even in drought years.

The land and water right purchases would reduce demand on the project by about 67,000 acre-feet, or by about 17%. And, the extra storage would increase supplies by about 41%, according to the American Land Conservancy. This plan has not received an immediate response from the Klamath Water Users Association.

