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U.S. NEWS Updated April 19, 2013, 6:59 p.m. ET

Oregon Water Fight Revives

Landmark 2008 Pact to Aid Region Remains in Limbo as a New Drought Hits

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By JIM CARLTON



Joe Kline for The Wall Street Journal

Tribal-council member Jeff Mitchell stands above Sprague River near Chiloquin, Ore. The Klamath Tribes have first dibs on water in the area.

KLAMATH FALLS, Ore.—One of the most bitter water wars in the West is erupting again.

This past week, the Klamath County Commission in southeastern Oregon and Gov. John Kitzhaber both declared a drought emergency to help make farmers eligible for federal subsidies to alleviate any losses. The agricultural county of 70,000 has been dealing with unusually dry conditions for the past four months, with farmers and ranchers saying they face potentially crippling water cutbacks by federal agencies.

"If they shut water off here, there could be some violence," said Tom Mallams, a rancher and member of the Klamath County Commission. The drought declaration "will help defuse some of the tensions—I hope, anyway."



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The move is the latest attempt to quell water concerns in the 6,135-square-mile county of rugged sage and timber land, where one of the West's most heated water wars broke out in 2001. At the time, federal officials shut off irrigation to thousands of acres of farmland in Oregon and California to protect endangered fish during another drought. In the aftermath, federal marshals had to be called in to stop angry farmers from reopening locked irrigation gates.

The squabbles resulted in a landmark 2008 agreement to end the fighting, including a provision by PacifiCorp, a [Berkshire Hathaway](#) BRKB +2.21% Inc.-owned utility based in Portland, Ore., to remove four dams on the Klamath River by 2020. The agreement was unique because it brought many of the warring parties to the negotiating table, including PacifiCorp, the U.S. Interior Department and California and Oregon. At the time it was signed, many looked at the agreement as a model for resolving other water disputes in the West.

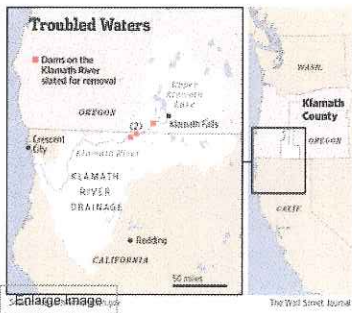


Joe Kline for The Wall Street Journal
A view of the J.C. Boyle Dam near Keno, Ore. The dam is listed for removal under the Klamath Basin Restoration Agreement.

But in the five years since, the agreement has hit stumbling blocks, showing how difficult it remains to settle Western water disputes, even after the feuding sides have come together. And the recent dry conditions have renewed water tensions over who gets what. This past week's drought declaration was partly an attempt to help protect mostly ranchers not covered by the 2008 agreement.

One big issue hindering the 2008 agreement is that the deal's provisions have yet to be approved by Congress. The pact is languishing amid resistance in the Republican-held House to nearly \$1 billion in projected federal costs to meet key goals, such as restoring wetlands.

In Klamath County, the agreement also has faced local opposition to dam removal among residents who believe it would reduce water further in the basin. In addition, locals who oppose the 2008 deal have risen in power. Last year, Mr. Mallams—a rancher who said the agreement favored farmers' water rights over ranchers' rights—was elected to the three-member Klamath County Commission. The commission, which had signed the 2008 agreement, voted last month to withdraw its support for the deal.



Mike Ielmorini, 66 years old, manager of the River Springs Ranch, said he opposes the 2008 deal because the agreement gives his 7,766-acre spread no guaranteed water rights during a drought.

The deal "kind of kicked us to the curb," said Mr. Ielmorini, who added that he faces reducing his cattle herd from 1,050 cows to 350 by this summer if the ranch's irrigation is cut off.

Still, Steve Kandra, 58, a third-generation Klamath farmer who signed the 2008 agreement, said the deal ensures that he and other growers get at least some water in a dry year, as opposed to being cut off entirely, as he was for several weeks in 2001.

"We're really motivated to fix the problems, because we've been whacked," said Mr. Kandra, who raises crops, including alfalfa and wheat, on about 750 acres of farmland in Oregon and California.

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U.S. Bureau of Reclamation officials, who help oversee water supplies, said they don't foresee cutoffs to irrigators this year. Oregon officials said water users in the agreement will still follow a plan of divvying water so everyone gets some. While the agreement hasn't been passed by Congress, the state considers portions of it valid, said Richard Whitman, natural-resources adviser to Mr. Kitzhaber, a Democrat.

Deal or no deal, one winner is the Klamath Tribes of the Klamath, Modoc and Yahooskin people. Last month, Oregon ruled in a case that the 3,680-member tribes hold "time immemorial" water rights in much of Klamath County, meaning they get priority over anyone else.

Tribal officials said they plan to abide by the agreement's provisions that they won't play that trump card, in return for fisheries restoration and the return of land from a former reservation if the measure passes Congress.

Oregon, California and Interior officials all say they are still pushing for the legislation.

"We've invested years and years in this and thousands of hours of discussion," said Jeff Mitchell, a member of the tribal council. "We're not going to just walk away from it."

Write to Jim Carlton at jim.carlton@wsj.com

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