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Association/Irrigators Defend Klamath Water Rights

The Klamath Water Users Association, Sunnyside Irrigation District and a Basin family farmer file motion to intervene in Hoopa Valley Tribe litigation.

Klamath Falls, OR - Today the Klamath Water Users Association (KWUA) filed a motion to intervene in litigation brought by the Hoopa Valley Tribe against the U.S. Bureau of Reclamation and National Marine Fisheries Service for alleged violations of the Endangered Species Act. KWUA made the filing jointly with the Sunnyside Irrigation District near Merrill, Oregon and Ben DuVal, a family farmer from Tulelake, California. The action is just the latest in KWUA's long history, dating to 1953, of defending the water rights of Klamath Project districts and irrigators.

"Litigation has proven to be a useless tool in solving problems on the Klamath River, but as long as there are those who choose that venue to attack my livelihood and my community, I will fight back," said DuVal, who also serves as President of Modoc County Farm Bureau.

The Hoopa Valley Tribe's complaint seeks declaratory and injunctive relief, primarily in the form of a new federal biological opinion and restricted flows to the family farms and ranches in the Klamath Project. Local irrigators are skeptical of the plaintiff's purposes.

"We're back to attacks on irrigated agriculture as the pretend solution for all of the Klamath River's problems," said Sunnyside Irrigation District patron Tim Parks. "This is a 10 million acre watershed yet this litigation goes after 1% of those acres because it's easy to sue the Klamath Project. I don't think bankrupting our farm will save one fish."

Brad Kirby, President of KWUA noted that the Association could no longer remain idle and witness this attack on its membership. We will protect the interests of our members, the people that live, farm and raise families in this area and the communities and business who receive tremendous benefit from irrigated agriculture," he said.

KWUA Executive Director Scott White said that the lawsuit alleges disease rates of salmon in the lower Klamath River in recent drought years are higher than agencies assumed when they endorsed Reclamation's proposed approach for operating the Project in 2013.

"If disease is affecting fish harvests, that deserves attention and constructive problem-solving," he said. "Litigation undermines that solution-driven approach."



Kirby also pointed out that there are other affected interests not heard from in this case. “One entity that stands to lose immensely from this litigation is the Lower Klamath National Wildlife Refuge,” said Kirby. “When more water is directed downstream, the refuge suffers too. It isn’t just about fish.”

While the federal agency defendants in this lawsuit are the targets of this litigation, the potential impacts of the court’s decision could have serious ramifications for the districts and farming families served by the Klamath Irrigation Project.

“With this action, KWUA hopes to become a party to the lawsuit by joining and uniting with the defendants,” said White. “We want to work with the Bureau of Reclamation in this case to defend our family farmers and strongly resist this litigious threat to our community,” said White.

KWUA is a non-profit corporation, formed in 1953, that advocates for rural and suburban irrigation districts and other public agencies and the individual farm and ranch families in the Klamath Project.

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