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What's a River For?

Thousands of dead salmon, acres of dying crops, pesticide-poisoned birds: How the Klamath River became the first casualty in the West's new water wars

Bruce Barcott

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On the morning of September 19, 2002, the Yurok fishermen who set their gill nets near the mouth of the Klamath River arrived to find the largest salmon run in years fully under way. The fish had returned from the ocean to the Klamath, on the Northern California coast, to begin their long trip upstream to spawn; there were thousands of them, as far as the eye could see. And they were dying. Full-grown 30-pounders lay beached on shore-line rocks. Smaller fish floated in midriver eddies. Day after day they kept washing up; by the third day, biologists were estimating that 33,000 fish had been killed in one of the largest salmon die-offs in U.S. history.

The Yurok knew immediately what had happened. For months they, along with state experts and commercial fishermen, had been pleading with the federal government to stop diverting most of the river's water into the potato and alfalfa fields of Oregon's upper Klamath Basin. But the Bureau of Reclamation, the agency in charge of federal irrigation projects, refused to intervene. No one had proved, it argued, that the fish really needed the water.

When the die-off was discovered, federal authorities raced to send a flush of water downriver. But they didn't change their long-term policy -- using the Klamath's water to support farmers over fish, fishermen, and some of the most environmentally critical wildlands in the nation.

For the Bush administration, and for the advocacy groups that have joined the battle, the fight over the Klamath is more than a regional dispute. It's a bellwether signaling a key shift in the federal government's stance in a new generation of Western water wars. From Montana to New Mexico, conflicts over rivers, wetlands, and irrigation projects are pitting federal water rights against local and state governments and private interests. And in each case, the Bush administration is favoring farmers, ranchers, and developers over the rights of endangered species, Indian tribes, and the federal government itself. In the past year alone, administration officials have backed away from water policies designed to protect fish and birds along the Rio Grande and in California's Central Valley, given up their claim to protect thousands of acres of wetlands from being filled in for subdivisions and shopping malls, and moved toward ceding federal rights to water in several national parks and wildlife refuges.

"The administration sees water rights as property rights that come before other rights, including the right of ecosystems to exist," says Steve Malloch, executive director of the Western Water Alliance, a regional environmental advocacy group. "When faced with the choice between [environmental protection] and what they perceive to be inviolable property rights, they've made it clear what side they're going to come down on."

Nowhere have these issues played out more dramatically than on the 250-mile course the Klamath

takes from Oregon's arid high country to the redwood forests of California's northern coast. When the federal government was forced by the courts in 2001 to withhold irrigation water and keep the Klamath flowing, national property-rights groups rallied to support struggling farmers. A year later, when the administration took water from the fish and gave it to farmers, the salmon kill made the river a cause célèbre for environmental groups. At least four separate lawsuits, with plaintiffs ranging from fishermen to property-rights advocates to environmentalists, are challenging government policies on the river. And a National Marine Fisheries Service biologist has filed for whistleblower protection, arguing that, under pressure from "a very high level," his agency changed a key scientific report to justify withholding water from the fish.

Decisions in some of the cases are expected soon, just as another season of trouble gets under way on the Klamath. After a winter of meager snowfalls, another drought is likely. Someone will have to go without water again. And that, in this part of the world, is the one thing no one can afford.

The Klamath is born a cripple. The river begins in Klamath Falls, Oregon, at the southern outlet of Upper Klamath Lake, a body of water so shallow that a tall man could nearly cross it without wetting his hat. Before the river becomes a river, the U.S. Bureau of Reclamation's "A" Canal diverts half its water into a labyrinthine system of aqueducts that irrigate more than 1,400 farms and ranches. The falls? There are no falls, never have been. The town's founders invented the name to attract homesteaders.

This was what you found when you arrived in Klamath Falls a century ago: swamps everywhere, and birds thick as flies. The Klamath Basin, a high arid plateau the size of Connecticut, didn't get much rain -- about as much, on average, as the Texas Panhandle -- but what it got it kept, draining the runoff from surrounding mountains into three shallow lakes and a vast system of wetlands. Ten million birds paused to feed here during their migration from Canada to Mexico. Egrets, terns, mallards, pelicans, eagles, tundra swans, and herons browsed amid thickets of 10-foot-tall bulrushes known as tule (too-lee). The Klamath Indians pulled tens of thousands of sucker fish from the lakes every year. This was the Everglades of the American West.

Where some saw a thriving wetland, the U.S. Bureau of Reclamation saw farmland drowning under water. Starting in 1906, the Bureau drained and replumbed nearly the entire basin, building a complex set of canals that shrank Lower Klamath Lake and Tule Lake to one-quarter their original size and sending the water to irrigate thousands of acres of crops and pasture. After the farmers had their share, some of the water would drain into the Tule Lake and Lower Klamath National Wildlife refuges, and some would be pumped back into the Klamath River. Over time, a map of the project came to resemble a guide to the London Underground.

Thanks to irrigation, things hummed along for nearly a century. Homesteaders built farm towns along the Oregon-California border: Merrill, Malin, Tulelake. Teenage girls were crowned queen of the potato festival. Teenage boys hung out at the Tulelake bowling alley. A local historian proclaimed the Klamath Basin Project "one of the most successful government projects in American history."

But over those 100 years, any life that didn't grow in neat harrowed rows began to drain out of the basin. The Klamath Indians noticed first. The shortnose sucker, a staple of the tribal diet, began growing scarce in Upper Klamath Lake. Farther downstream, the coho salmon that provided sustenance to the Yurok tribe -- and to thousands of commercial fishermen along the coast -- all but vanished. Environmentalists successfully fought to have both fish protected under the Endangered Species Act. The tribes, whose treaties guaranteed them the right to harvest sucker and salmon in perpetuity, filed lawsuits demanding protection for the fish. By 1995, the Interior Department's regional solicitor -- the department's in-house lawyer -- issued an opinion reflecting the new legal reality: Tribes, and the endangered species they sought to protect, would have first right to disputed

federal waters. Irrigators would have to come second.

The Bureau of Reclamation, an agency created not to protect nature but to overcome it, was slow to implement the new priorities. But by the spring of 2001, it had no choice. A drought had struck the Klamath and a new lawsuit, from commercial fishermen along the coast, required that river levels be kept high enough for the fish. That meant withholding some of the farmers' irrigation water and sending it downriver -- at least until the drought broke.

The drought did not break.

"We were looking good going into 2001," says Dick Carleton. "We had our three tractors and potato equipment nearly paid off. Then we got word that the water wouldn't be coming." The 59-year-old farmer steers his red F-250 truck down a muddy track separating fields of alfalfa stubble. Carleton's farm sits three days' flow from the Klamath headwaters. He and his son Jim, 34, grow alfalfa and potatoes on 1,500 acres in Merrill, Oregon, 15 miles south of Klamath Falls. If you've eaten Campbell's cream of potato soup or snacked on Frito-Lay potato chips you may have tasted their crop. But you might not again. The Carletons are bankrupt.

"It's Chapter 12," Dick explains. "You don't lose everything, but you still owe your debts. Gives us a chance to regroup."

Without irrigation water, the Carletons lost their 2001 potato crop. Their bills piled up. A typical potato farmer can carry a \$300,000 loan just on his equipment. Multiply Dick Carleton by 1,400 (the number of local growers who depend on Bureau irrigation) and you end up with a lot of angry farmers.

By the summer of 2001, those farmers were making national news. They paraded their tractors through Klamath Falls and carried signs that said "Klamath Basin Betrayed." National property-rights advocates flocked to the basin, accusing the government of engaging in "rural cleansing." Western members of Congress held hearings in Klamath Falls and vowed to rewrite the Endangered Species Act. The farmers started a vigil at the "A" Canal headgate. When somebody surreptitiously opened the canal -- and local police refused to make arrests -- federal marshals were called in.

"I wasn't a political person before 2001," says Dick Carleton. "But I spent a lot of time up at the headgate." For the farmers, things grew desperate. Some started selling off equipment for 10 cents on the dollar.

Many farmers lashed out at the Bush administration for locking up their water. But behind the scenes, top officials at the Interior Department, which oversees the Bureau of Reclamation, were scrambling to keep the farmers in business. "The department was in no position to say, 'We're not going to comply with the law,'" recalls Sue Ellen Wooldridge, deputy chief of staff for Interior Secretary Gale Norton. "We tried to see if there was any flex" -- any wiggle room in the law that would allow delivery of irrigation water -- "and there wasn't."

Officials knew that the only way to change the irrigation plan was a new scientific assessment of how much water the fish needed. In October 2001, Norton asked a committee of the National Research Council to review the available research on the Klamath. Four months later, the committee delivered a draft report: There wasn't enough evidence, it concluded, to know exactly how much water was enough. Environmentalists argue that the document left out key studies of the river; the council says it is still working on a final report.

But if the committee's findings were ambivalent, the Bureau of Reclamation's response was

anything but. As long as science hadn't proved that low flows would harm the salmon, the agency announced, farmers would receive their full allocation of water. Wildlife experts -- especially those at the National Marine Fisheries Service, which is charged with protecting the salmon -- objected, but they were overruled. In a ceremony on March 29, 2002, with national TV cameras in attendance and farmers chanting, "Let the waters flow," Norton herself helped open the Klamath headgate.

The bureau's allocation to the farmers was so generous that by summer, irrigation ditches in Klamath County were overflowing with water, prompting Oregon state officials to complain about flooding. By September, dead salmon were washing up on the Yurok reservation. And the following month, Michael Kelly -- the National Marine Fisheries Service's lead biologist in the Klamath case -- filed a claim for protection as a whistleblower, charging that his superiors had changed a key scientific assessment, known as a biological opinion, in response to "political pressure." Environmentalists are now challenging the biological opinion -- the foundation for the Klamath irrigation plan -- in court. Kelly isn't speaking to the press while the claim is pending.

Throughout the controversy, the Interior Department has argued that its policy on the Klamath is driven by science; if the science changes, says Wooldridge, so will the irrigation plan. But the department's stance also reflects Interior Secretary Norton's own long-standing philosophy. The secretary cut her teeth working for the Rocky Mountain Legal Foundation, a property-rights group in Colorado where her boss was Reagan's controversial Interior Secretary James Watt, who once proposed selling off public lands, including some national parks. As Colorado attorney general in the 1990s, Norton frequently challenged the federal government's land and water rights in her state. Among her first actions at Interior was to appoint Colorado attorney Bennett Raley, who has represented cities and farmers in water disputes, as the assistant secretary overseeing the Bureau of Reclamation.

"There's a new wind blowing out of Washington," says Janet Neuman, an environmental law professor at Lewis & Clark College who, in the '90s, served on a federal water commission charged with evaluating Bureau of Reclamation policies. "At one point, the bureau was trying to move away from being perceived as being captive to [private interests]. Now they are pulling back from that."

In Colorado, for example, the administration has announced that it will not insist on its right to keep water flowing in the Gunnison River -- a move that would endanger the unique ecosystems of Black Canyon of the Gunnison National Park, but could allow the water to be diverted toward Denver's booming suburbs. And on the Rio Grande, Norton is backing the city of Albuquerque in its attempts to withhold water from the river, even if that means destroying the habitat of an endangered fish called the silvery minnow.

Similar conflicts are likely to erupt throughout the West, experts believe, as drought and booming development exacerbate the pressure on already overtaxed water systems. "The Klamath is looked at as symptomatic," says Neuman. "There but for the grace of God go many, many other basins where there has been decades of overcommitment of the water resources. Endangered species listings and irrigation demands and unmet tribal demands -- those circumstances exist in lots of places around the West, and all it takes is a particularly low water year to bring them to a head. It's just a matter of how low, and how soon."

"There -- in that tree," says Bob Hunter. "Northern harrier." The marsh hawk perches in a bare cottonwood tree, scowling at a flock of bufflehead ducks bobbing on the marsh. A flock of white swans flaps overhead, their long necks slanted like 737s at takeoff.

Hunter is a lawyer for the Oregon environmental group Water Watch, and today he is guiding me through some of the most bizarre wetlands in the nation's wildlife refuge system. "What you're

looking at is the only wildlife refuge in America that grows potatoes and hay," he says as we drive down a gravel levee road. To our left is the water of Tule Lake. To our right is an overwintering alfalfa field. Both are within the refuge's borders.

The peculiar setup goes back to the days of Teddy Roosevelt, who created both the National Wildlife Refuge System and the Bureau of Reclamation. The Klamath Basin became their battlefield. Reclamation engineers wanted it for farmland. Conservationists claimed it as a bird sanctuary. Over the years a compromise emerged that allowed local farmers to lease about one-third of the land in the refuges at Lower Klamath Lake and Tule Lake. To grow crops, they need irrigation water -- the "excess" water that would otherwise keep the wetlands wet.

For years, environmentalists have argued for an end to farming in the refuge: "If you take those 32,000 acres of lease land out of the irrigation loop," says Hunter, "that's more than 15 percent of the Klamath Project put back into the river -- at no cost to the government." In the '90s, the refuge's manager began doing just that, withholding water from the lease lands in drought years. But the Bush administration scrapped that policy last year.

If you imagine the Pacific flyway as an hourglass stretching from Alaska to South America, the Klamath marshes sit at its waist; 80 percent of all the migratory birds in the West stop here at some point on their journeys. "We don't really know if there's any other place in the United States that has the same significance for wildlife," says Wendell Wood, southern Oregon field representative for the Oregon Natural Resources Council. But since irrigation began a century ago, the number of birds in the basin has dropped by 90 percent, and those that remain -- including nearly 1,000 bald eagles -- find their breeding grounds drained and polluted. During the summer, many of the wetlands near Tule Lake turn into fields of cracked mud, even as the alfalfa fields next to them sprout a lush crop. At least 46 different insect- and weed-killing chemicals are regularly applied to the fields in the refuge, sometimes mixed in with irrigation water in a process called "chemigation"; the Bureau of Reclamation itself uses several toxic herbicides to keep irrigation canals weed-free. The refuge's longtime manager, Phil Norton, once said that when he first came to Tule Lake, he "couldn't believe they called it a wildlife refuge."

Not far from the refuge's duck ponds, on about 600 acres of what used to be Tule Lake, John Anderson grows alfalfa and mint. His father, Robert, won the land in a 1947 government lottery that offered World War II veterans the chance to be America's last homesteaders. "This was a thriving community back then," recalls Anderson, now 50. "Lot of neighbors, lot of kids around. Prices were better. Lot of folks got out of the business since then. At my church I'm one of the only farmers younger than 75." Sure enough, a stroll down Tulelake's dusty streets reveals a town whose decline began long before the 2001 water crisis. The bowling alley is shuttered, and the hardware store closes all winter. The only signs of life come from a small grocery store, a county ag extension office, and Tulelake High School.

Years ago, subsidizing water-intensive crops like potatoes in a region that gets only 18 inches of rain each year seemed like an efficient use of federal resources. But, John Anderson says, farmers can tell that the winds have shifted. "Americans have changed their priorities," he says. "Now they want rivers, wetlands, clean water, wildlife. I can understand that. But the American people should be willing to pay for it."

Anderson is among a growing number of farmers who support a seemingly simple solution to the water dilemma: What if the government paid some of the farmers to quit irrigating? A buyout of, say, 30 percent of the Klamath Project's 200,000 acres of irrigated land, at roughly \$2,500 an acre, would cost \$150 million. The scheme would remove a lot of claims on the river and could leave enough water for both the fish and the remaining farmers. Variations of the plan have been floated by numerous conservation groups and some members of Oregon's congressional delegation.

But when it comes to water in the West, it's appropriate to borrow from Faulkner: The past isn't dead here. It's not even past. Decades-old contracts and double crosses are recalled as if they happened last week. A century ago, farmers in California's Owens Valley took a water buyout and saw the lifeblood of their valley diverted to Los Angeles. Roman Polanski immortalized the scam in Chinatown. "Some of the Klamath pioneers," says Dan Keppen, head of the organization that represents the valley's irrigators, "moved here from the Owens Valley."

Keppen's group, the Klamath Water Users Association, is dead set against a buyout, which it says would simply usher in the end of farming in the basin. Last year the group successfully lobbied to block a \$175 million congressional aid package for the Klamath because some of the money could have been used to buy out farms. National property-rights groups, who oppose turning private land into public property, have resisted the idea, and so has the Bush administration. As one official privately notes, Secretary Norton feels that the federal land portfolio "is quite large enough, thank you very much."

As it leaves the Klamath plateau, the river drops into Northern California's woolly Siskiyou country, home to Bigfoot sightings, marijuana patches, off-the-grid rednecks, and long-toothed hippies. State Highway 96 follows its course past a string of abandoned mines, through former mill towns that now get by on fly-fishing and rafting tours. As the Klamath Mountains segue into the Coast Range, moist Pacific air creeps up the river valley in cottony mists. Moss overcoats wrap around trunks of toyon, the California holly that inspired the name Hollywood. Strengthened by dozens of winter streams, the Klamath throws up rapids and surfable waves that draw kayakers from hundreds of miles away. At the village of Weitchpec (Witch-peck), the green Trinity River joins the muddy Klamath, and the combined channel veers away from the highway. A one-lane road on the Hoopa Indian Reservation continues to shadow the river until finally it, too, gives out and the Klamath rolls on through the woods, for the first time truly wild.

But the water wars don't stop when you leave the river. A few miles from the Klamath-Trinity confluence, I knocked at a house that had a sign posted in its yard. "DYING 4 WATER," it said, over a drawing of a salmon. Duane Sherman Sr., the 33-year-old former Hoopa tribal chairman, invited me in.

"I'm dividing up this deer we killed a week ago," Sherman said, offering me a bite of venison jerky. "You see, Indians are nothing but extended family. This deer feeds my grandmother, my sister, my aunt," he said, nodding to three women chatting at the kitchen table, "and my nephews too." Two boys watched cartoons in the next room. "The salmon's the same way. Those fish aren't just our livelihood. If we don't fish, we don't eat."

Most of the 33,000 fish lost in last September's salmon kill were headed upriver toward the Trinity, where the Hoopa have fishing rights. (Their Yurok neighbors have rights along the lower 40 miles of the Klamath, from the mouth to the Trinity confluence.) Which means there's a lot more deer than salmon on the Sherman family table these days.

For more than a decade the Hoopa, along with the Yurok, state and municipal governments, and landowners up and down the river, have been working to restore the Klamath fishery, once among the most productive on the West Coast. Last year was supposed to be the first season it all paid off. Instead, the salmon kill left local communities with what one study estimates will be about \$20 million in losses, roughly as much as the farmers lost during the water crisis of 2001.

"I understand that the irrigators have a contract with the government," Susan Masten, the Yurok tribal chair, tells me over a plate of eggs at Sis' Diner, near the mouth of the Klamath. "The government also has a contract with us. And it was the first contract."

This is Masten's second water war. The Yuroks' federal agreements, which date back to the mid-19th century, guarantee them access to fish in perpetuity. But during the 1970s, tribal members battled the federal government and commercial fishermen for the right to set their nets. Federal agents with M-16s and riot gear occupied the reservation to keep tribal fishermen out of the river. A popular bumper sticker off the reservation read, "Can an Indian, Save a Salmon."

But over the years, the commercial fishermen have become the Yuroks' strongest allies. "After years of fighting with the tribes, we looked at each other and realized we had fewer and fewer fish to fight over," says Glen Spain, the Northwest regional director of the Pacific Coast Federation of Fishermen's Associations. "It's the same thing with the farmers. We're all workaday people trying to make a living. We understand the market forces driving the farmers down."

Like the farm towns farther upstream, the fishing communities on this stretch of coast are dotted with "For Sale" signs and shuttered family businesses. "From Fort Bragg, California, to Coos Bay, Oregon -- the range of Klamath River salmon -- we've lost 3,700 jobs and an \$80 million-a-year economy," says Spain.

But the fishermen haven't been cast as victims in this crisis -- not by the media, and not by the government. Their decline has come slowly, invisibly; they lack the ag industry's national lobbying muscle, or the property-rights movement's clout with the Bush administration. They are no more a political force than the ducks that land in the Tule Lake refuge.

Some rivers are so big you can't see them meet the sea. They simply fan out and merge with the tide. The amazing thing about the Klamath is that you can actually watch it pour into the Pacific. In Yurok country the river is a quarter-mile wide and quiet; at its mouth it narrows into a frightening rush that cuts between a sandbar and a rocky cliff and then it's gone, lost in the foam. Standing there in the teeth of a January storm, watching a flock of gulls wheel in the cold wind, I thought of the classic closing line in Chinatown: "Forget it, Jake, it's Chinatown." Some things, it suggests, are simply too murky to understand.

But the Klamath water war comes down to a single, very simple equation: too many takers, not enough water.

"When I was a boy," John Anderson told me as we watched dusk settle over fields north of Tule Lake, "the ducks and geese came here by the millions. You could hear the flocks roar at night. We've given up a lot of the life that used to be here. Sometimes I question whether it's been a good trade-off."

It wasn't a wholly bad deal. A nation got fed, the West settled, families raised. But the math never did add up, and it's now becoming clear what got shortchanged in the bargain.

Based in Seattle, Bruce Barcott is a contributing writer for Outside. In addition to this story about the battle over water rights on the Klamath River, Barcott covered the Pacific Northwest's salmon-farming industry in "[Aquaculture's Troubled Harvest](#)" (November/December 2001).

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