

Case 5

In the arid western U.S., water is the source of numerous highly antagonistic political disputes. Simply put, demand far exceeds supply, with tensions between competing interests escalating in dry years.

The Klamath Basin of Oregon is the site of such a conflict between farmers, ranchers, tribal fisheries, wildlife refuges, and federal agencies. Tensions heightened during the summer of 2001, when drought substantially lowered the level of Upper Klamath Lake.

In accordance with the Endangered Species Act, in order to protect a species of sucker fish in the lake, the federal government decided to cut off irrigation water to farms and ranches that depend on the flow from the Klamath River. According to *The Oregonian*, the economic losses for that year are estimated to be as high as \$134–\$250 million. Critics of the decision assert that the real threat to the long-term survival of the endangered species of sucker fish is not the lower water levels, but instead is fertilizer which runs off from agricultural fields into the watershed and causes high levels of nutrients in the lake and river, supporting algae blooms.

Local Native Americans and commercial fishing interests supported the federal government's decision and opposed the farmers and ranchers, citing the need to maintain historic fishing treaties and usage. In the spring of 2002, a group of ranchers formed the Klamath Basin Rangeland Trust with the goal of regaining their collective water rights. The alliance was praised by Interior Secretary Gale Norton and President Bush as a locally managed solution. A group of farmers and irrigation districts also sought an injunction in federal court to prohibit dam operators from depriving them of water.

Yet despite the conservation measures that were already implemented to protect the integrity of the riparian ecosystem, by September 2002, the lowered water levels and resulting warmer temperature of the river led to a devastating outbreak of crowding and disease which killed 20,000–30,000 salmon and wiped out the fishing industry for that year. It became obvious that there simply wasn't enough water to cover the demands of both agriculture and fishing.

This dilemma led to increasing efforts by the federal government to break the deadlock by purchasing water rights from coalitions of farmers and ranchers in order to develop a "water bank"—a sustained higher lake level in the Upper Klamath. Taxpayer advocates criticized this solution, however, by pointing out that the plan cost taxpayers \$189 per acre-foot of water, or six times the average regional value and twenty times the value of water from pastures in other parts of Oregon.

Klamath basin water rights have also been tied up in litigation in the last several years, as interest groups seek to establish their respective precedents for water-use. The cases have done little to establish a binding legal precedent for any particular group, but the

courts have placed the authority to adjudicate these competing claims with the Oregon Department of Water Resources. The outcome is still uncertain, but one thing is for sure: the resolution depends on something other than the weather.

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