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7 [Proposed] Amicus Curiae Siskiyou County

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9  
10 UNITED STATES DISTRICT COURT

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12 NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

13 THE KLAMATH TRIBES, a federally  
14 recognized Indian Tribe,

15 Plaintiff,

16 vs.

17 UNITED STATES BUREAU OF  
18 RECLAMATION; UNITED STATES FISH &  
WILDLIFE SERVICE; NATIONAL MARINE  
FISHERIES SERVICE,

19 Defendants,

20 and

21 KLAMATH WATER USERS ASSOCIATION,  
22 SUNNYSIDE IRRIGATION DISTRICT, and  
BEN DuVAL,

23 Defendant-Intervenors.

Case No: 3:18-cv-03078-WHO  
[Related Case Nos. 3:16-cv-06863-WHO and  
3:18-cv-03078-WHO]

**DECLARATION OF JAMES E. SMITH  
IN SUPPORT OF AMICUS CURIAE  
COUNTY OF SISKIYOU, COUNTY OF  
MODOC, KLAMATH COUNTY, AND  
THE MODOC TRIBE IN SUPPORT OF  
DEFENDANTS UNITED STATES  
BUREAU OF RECLAMATION ET AL.  
AND DEFENDANT-INTERVENORS  
KLAMATH WATER USERS  
ASSOCIATION ET AL.**

**DECLARATION OF JAMES E. SMITH**

I, James E. Smith, declare as follows:

1. I am employed by the County of Siskiyou (“County”) as Agriculture Commissioner/Sealer. I have been employed by the County in this capacity since December 21, 2015. Prior to this, I served as the Branch Manager of the Tulelake Office as Senior Deputy Agriculture Commissioner. Unless otherwise stated on information and belief, I have personal knowledge of the facts stated herein and, if called as a witness, could testify competently thereto.

2. In my capacity as Agriculture Commissioner/Sealer, I am responsible for protecting and promoting agriculture in the County, and providing leadership in developing policy on important issues facing County agriculture. My duties include ensuring the quality of fruits, vegetables, and eggs, as well as overseeing quality control, marketing services, plant health and pest prevention, inspection and certification services, and pesticide enforcement and permitting. As such, I am familiar with the farming practices, agricultural production, and irrigable land within the County’s borders. I am also familiar with the impact that a lack of water will have on the agricultural community in the County.

3. I have reviewed the Klamath Tribes’ Motion for Injunction, ECF No. 13, filed in the above-captioned lawsuit. I submit this declaration in support of the County’s amicus brief.

4. If the injunction that the Klamath Tribes’ seek is granted, it would halt delivery of water to nearly 185,000 acres of highly productive, irrigable farmland in the Klamath Basin. At this point in the season, farmers have already made their planting decisions, having invested thousands of dollars per acre to produce high quality crops. The region that would be most impacted by the injunction contains rich soil, ideal for crops such as barley, wheat, oats, alfalfa, potatoes, strawberries, onions, mint, horseradish, lettuce and carrots. If the injunction is issued, these crops will never be harvested, because the farmers will have no water. Farmers, including County citizens, will consequently suffer devastating losses, impacting their livelihood and ability to provide for their families.

5. The County receives payments in lieu of taxes for 13,000 to 16,000 acres of U.S. Fish and Wildlife Service, Tulelake National Wildlife Refuge leased lands. This land typically

1 generates between \$300,000 to \$400,000 a year for the County's general fund. In fiscal year  
2 2017/2018, the County received approximately \$415,000 from these lands. These funds are  
3 derived from farmers' lease payments. The injunction could cause the County to lose this  
4 revenue if farmers, having lost their crops, are not able to make their lease payments, or  
5 withdraw from leases due to lack of water.

6 6. The County also receives personal property taxes for wheel lines and sprinklers  
7 that it may not receive if the injunction is granted because farmers, having lost their crops, are  
8 not able to make these payments.

9 7. In the near term, property values will also decline significantly without water.

10 8. The long term effects of the lack of water include devastation to small agricultural  
11 businesses located within the County, which will further reduce County revenue for the  
12 foreseeable future.

13 9. Approximately \$84 million of the County's agricultural value is derived from  
14 crops irrigated by the Tulelake Irrigation District ("TID"). TID irrigates approximately 64,000  
15 acres, out of the approximate 220,000 acres irrigated by the Klamath Project. I estimate that  
16 approximately 1200 jobs would be directly impacted by the non-irrigation of TID.

17 I declare under penalty of perjury under the laws of the United States of America that the  
18 foregoing is true and correct.

19  
20 Executed June 27, 2018, at Yreka, California.

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23 \_\_\_\_\_  
24 James E. Smith  
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