

Washington

Judge to decide on motion to dismiss Bureau of Reclamation lawsuit

By **MATTHEW WEAVER**
Capital Press

A U.S. District Court judge will decide in the next two months whether to dismiss a lawsuit filed by group of Eastern Washington irrigators against the U.S. Bureau of Reclamation.

Attorneys for the Columbia-Snake River Irrigators Association and the agency made their arguments before Chief Judge Rosanna Malouf Peterson at a hearing Oct. 28 in Richland, Wash.

The irrigators association says the agency "arbitrarily de-

layed and blocked" a new water service contract for its privately funded \$42 million pipeline to deliver surface water from the East Low Canal to roughly 14,000 acres of farmland north of Interstate 90 in the Odessa Subarea.

The bureau has said that CSRIA's pipeline interferes with existing projects with the state Department of Ecology and three irrigation districts in the area.

James Buchal, an attorney representing the irrigators, said he expects a ruling within the next one to two months.

"Regardless of the ultimate

outcome of today's arguments and of this lawsuit, the Bureau of Reclamation has been and will remain open to working with proponents of private financing of groundwater replacement distribution works, whether from banks or bonds," said Dawn Wiedmeier, Columbia-Cascades area manager for the bureau. "Reclamation is well aware of the urgency of this farming economy rescue effort and is actively engaged in surmounting barriers to the provision of surface water relief to the Odessa area in a timely, cost-effective and sustainable manner, in com-

pliance with state and federal law."

Darryll Olsen, board representative for the association, said he felt Peterson was receptive to the irrigators' arguments during the hearing.

"Based on the questions she asked, she recognized there was substantial injustice in telling the region's farmers the Bureau of Reclamation could say no for any reason or no reason, and essentially never make up its mind to solve the problem Congress has told them over and over again to solve," Buchal said.

Mike Schwisow, director

of government relations for the Columbia Basin Development League, said Peterson did not go into the merits of the irrigators' proposal or the bureau's current work to replace declining aquifers with water from the Columbia River. The judge focused on issues related to case law and whether Reclamation was acting appropriately, Schwisow said.

The league supports the bureau's efforts and hopes the judge will agree with Reclamation's motion to dismiss, Schwisow said.

If the judge doesn't dismiss, the case would go on to the next

stage, Schwisow said. More court motions would likely be in store, he said.

The irrigators' lawsuit does not stall the East Columbia Basin Irrigation District's work on the East Low Canal, Schwisow said.

"I guess it confuses the issue," he said. "That would be the biggest concern. There is a clear plan that is being implemented, though."

The irrigators association has also sued the East Columbia Basin Irrigation District, alleging it will break state law if it finances the project with a uniform fee.

Irrigation district, development league continue work, seek funding

By **MATTHEW WEAVER**
Capital Press

The East Columbia Basin Irrigation District and Columbia Basin Development League are continuing to seek funding to help farmers replace water from a declining aquifer with Columbia River water.

Infrastructure improvements will continue through at least next May with current funding, said Levi Johnson, development coordinator for the irrigation district. Those activities include earthwork and installation of radial gates to improve existing check structures and construction of concrete siphon barrels.

The irrigation district plans to construct seven systems to deliver water to landowners. The district is handling improvements to its delivery system, including work on the East Low Canal. Landowners are expected to pay for their part of the system.

The irrigation district is using a \$26 million state grant for current work on the canal. Once that funding is spent, \$20 million in improvements will remain.

The systems will deliver water to roughly 70,000 acres of farmland. The entire system is estimated to cost \$290 million, Johnson said.

"The district is working hard to get that number as low as possible," said Mike Schwis-

Drought unlikely to impact Columbia River irrigation

Drought and climate change likely won't have an impact on the availability of water for irrigators in the federal Columbia Basin Project, a representative of the Columbia Basin Development League says.

The river basin will experience higher temperatures and more precipitation in the next few decades, but the headwaters in Canada are so far north that the amount of snowpack isn't likely to be affected, said Mike Schwisow, director of government relations for the league.

He was referring to a presentation by state climatologist Nick Bond.

Drought brings efficient water use into sharper focus, Schwisow said.

But "from a water supply standpoint, the project remains drought-resistant," he said.

The league met Oct. 27 in Moses Lake, Wash.

— *Matthew Weaver*

ow, director of government relations for the league.

The irrigation district is working on a \$20 million financing plan to allow continued construction of the first system and improvements on the East Low Canal.

Landowner meetings are planned in November for the remaining six systems to provide an update and financing information.

The district has provided landowners with draft contracts.

"A lot of these folks have not purchased or used federal water supplies, so there's a little bit of a learning curve there," Johnson said.

Farmers are interested in what it will cost them. The district's board of directors wants to identify the potential cost on the bond market, using "fairly conservative" estimates for capital, contingencies, inflation and interest rates, Johnson said.

Johnson said he welcomes feedback from landowners.

The board is also pursuing additional sources of state or federal funding, he said.

"That would be a huge burden off of our landowners, but right now we are trying to put together financing scenarios that would be able to survive on their own in the event that doesn't happen," he said.



Courtesy of U.S. Bureau of Reclamation

The drainage end of Cle Elum Lake on Sept. 9 is at 30,000 acre-feet of water compared to 436,900 acre-feet when full. The lake level was down 115 feet.

Yakima reservoirs lowest in years

By **DAN WHEAT**
Capital Press

YAKIMA, Wash. — The first winter storm should start turning the corner on water storage in five mountain reservoirs serving the Yakima Basin that are at their lowest levels in years.

Several inches of rain, and snow above 7,000 feet, was forecast for the Cascade Mountains at the end of October and the first few days of November.

"If this rain comes it should start the rebound to keep going through winter in the reservoirs," said Chris Lynch, hydrologist for the U.S. Bureau of Reclamation's Yakima Project.

The bureau manages water storage and flow through reservoirs, streams and rivers to provide irrigation water to 464,000 acres of farmland along 175 miles of the 214-mile-long Yakima River in the Kittitas and Yakima valleys.

At full capacity, the five reservoirs store a little more than 1 million acre-feet of water. Irrigators normally need another 700,000 acre-feet and

usually 2.3 million acre-feet is stored in mountain snowpack, according to the state Department of Ecology. But snowpack was far less this year because of drought and use of reservoir water, while rationed to junior water right holders, began earlier than normal.

As a result, the five reservoirs hit a season-ending low of 107,323 acre-feet of water on Oct. 27, compared to 330,000 last year and a 30-year average of 270,000.

Lynch and his colleagues at the bureau had hoped to maintain 135,000, but he said 107,323 "wasn't too bad for a drought year."

The low was 106,487 in the last drought year in 2005 and the record low was 51,680 in 1973, he said.

The irrigation season ended on schedule on Oct. 20, with Sunnyside Irrigation District being the last to shut down. Usually, the reservoirs turn the corner before then from rain. This October has been drier than normal, Lynch said.

The most visible of the five reservoirs is Keechelus Lake along Interstate 90, east of Snoqualmie Pass.

"People say they've never seen it this low, but they have. It's just been a while," Lynch said.

Nearby Kachess and Cle Elum lakes, not visible from the freeway, also are low. So are the other two reservoirs, Rimrock and Bumping lakes near White Pass. All together, the five are at about 10 percent of storage capacity.

Given how low they are and forecasts for another mild, dry winter, Lynch is concerned about the reservoirs and snowpack.

"I've heard from different meteorologists that the fall may be reasonably wet, but maybe not snow, and the winter from the first of the year on will be drier than average," he said.

El Nino years can be below average to near average precipitation, he said.

"When we're drained this far down it is a concern. It's harder to fill them. It makes us more nervous. We need the right balance between reservoir storage and snowpack," he said. "Last year, we got the reservoirs filled but didn't have much snowpack after April 1."

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Deputies fatally shoot Idaho rancher in crash involving bull

COUNCIL, Idaho (AP) — Idaho State Police officials say a rancher was shot and killed after exchanging gunfire with deputies at the scene of a crash between a passenger car and the rancher's bull.

Adams County sheriff's deputies responded to the report of a Subaru station wagon

hitting a bull just north of Council on Nov. 1. According to ISP, the injured bull began charging emergency responders as they worked to extricate the driver and passenger of the car.

Jack Yantis, the bull's owner, arrived at the scene carrying a rifle just as deputies decided to put the animal

down. An ISP spokesman says there was an altercation, and Yantis and the two deputies all fired their weapons.

Both deputies have been placed on paid leave. Their names have not been released.

Yantis died at the scene. One deputy sustained a minor injury.

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