

# Washington

## Final adjudication of Yakima water rights upcoming

By DAN WHEAT  
Capital Press

YAKIMA, Wash. — Yakima River Basin water right holders have until Nov. 15 to review and object to a proposed final court adjudication of their water rights involved in a 40-year-old lawsuit.

Under the threat of drought in 1977, the state Department of Ecology petitioned for an adjudication to determine the legality of all claims for the use of surface water in the Yakima River Basin. The resulting court case, Ecology v. James Acquavella and others, began a thorough and binding review of all historical facts and evidence associated with each claim for rights to surface water use in the basin, including Yakima, Kittitas, Benton and parts of Klickitat counties.

Approximately 3,000 claims were researched by



Capital Press File

The Yakima River flows through Yakima Canyon between Ellensburg and Selah, Wash. In 1977, the state Department of Ecology petitioned for an adjudication to determine the legality of all claims for the use of surface water in the Yakima River Basin.

tributary by Ecology and reviewed by the court and parties.

On Aug. 10, Yakima County Superior Court Judge F. James Gavin entered a pro-

posed final decree including a draft schedule of rights detailing each of approximately 2,300 water rights confirmed in a conditional final order years ago and reflecting how

they have changed since then.

Water right holders may find the schedule online at [www.ecy.wa.gov](http://www.ecy.wa.gov) and find their water right by name, court claim number or certificate number. Copies of the draft schedule of rights are also available at the Yakima County Clerk's Office and at Ecology's regional office in Union Gap.

An open house is set for 5 to 7 p.m. Sept. 6 at Ecology's regional office, 1250 W. Alder St., Union Gap, for people to ask questions and learn more about the process.

The 2,300 conditionally confirmed water right holders include many municipalities and irrigation districts representing tens of thousands of people, said Joye Redfield-Wilder, an Ecology spokeswoman.

She said she doesn't know if the approximate 700 claims not confirmed were denied

and that some of them may have merged. Conditional confirmations began in 1989, she said.

The draft schedule of rights identifies the quantity of water in acre-feet and the rate of diversion in cubic feet per second to which each water right holder is entitled. The right establishes purpose of use, time of year, point of diversion and gives a legal description of the right's authorized place of use. Priority dates determine who gets water in drought years.

Washington law recognizes "prior appropriation," also known as "first in time — first in right." Tribes have ancestral rights that protect flows for fish. Settlers who filed claims showing they were putting an amount of water to beneficial use on or before May 10, 1905, were granted senior water rights. Rights awarded after that date

are junior and subject to first restrictions in drought years.

"Now water users have clarity about their water rights and stability on what they can expect going forward," said Polly Zehm, Ecology deputy director.

The litigation brought people together to settle claims and laid the foundation for the Yakima Integrated Water Management Plan to address water needs in a collaborative approach, she said.

After Nov. 15, all objections and responses will be posted on Ecology's adjudication web page. People will have until Feb. 13 to respond to those objections and responses and must mail any responses to the holder of the water right they are objecting to. Any party may reply to those responses by April 14. After that the court will enter a final decree establishing water rights.

## Environmentalists sue over water

By DON JENKINS  
Capital Press

Two environmental groups are suing Cargill Inc., alleging it is violating the Clean Water Act by releasing polluted stormwater from its animal feed plant in Ferndale, Wash.

Seattle-based Puget Soundkeeper Alliance and Bellingham-based Re Sources

for Sustainable Communities filed the lawsuit Aug. 7 in U.S. district court.

The groups claim Ferndale Grain released stormwater that's too cloudy and has too much zinc and copper after heavy rains. The water is discharged into a ditch that flows into larger waterways and eventually Puget Sound,

according to the suit. The allegations are based on water-quality tests submitted by the company to the state Department of Ecology.

A Cargill spokesman said in an email that the company has worked for several years with the Department of Ecology and the city of Ferndale to comply with regulations.

## WSDA fines irrigation district manager

By DON JENKINS  
Capital Press

The Washington State Department of Agriculture has fined a former Cascade Irrigation District manager \$450 for an errant herbicide application that damaged a pear orchard in Central Washington.

The penalty against Rich-

ard Lee, finalized Aug. 14, was the third fine issued by WSDA related to the April 1, 2016, spraying of weeds along a canal maintenance road southeast of Ellensburg.

The herbicide settled on dust and then blew into a 22-acre pear orchard owned by the district's board vice president, Ben Kern, and caused

damage initially estimated at \$220,000 to \$300,000.

Kern said Monday he has yet to reach a settlement with the district's insurance company. The spraying also harmed the block's 2017 crop, he said.

"It definitely reduced this year's crop well over 50 percent," Kern said.

## Researcher expects continued growth in use of winter peas

By MATTHEW WEAVER  
Capital Press

A researcher and a farmer agree that winter peas use less water than other crops, add nitrogen to the soil and help combat grassy weeds in a crop rotation with wheat.

Farmers and researchers have been looking for an alternative crop to winter wheat for a long time, said Bill Schillinger, director at the Washington State University research station in Lind.

He recently published a paper on the potential of winter peas for dryland farmers in the journal "Frontiers in Ecology and Evolution."

Schillinger compared a winter pea-spring wheat-summer fallow rotation to a winter wheat-spring wheat-summer fallow rotation. He put on 50 pounds of nitrogen fertilizer an acre for winter wheat, but none for winter peas.

In Ritzville, pea yields averaged 2,200 pounds per acre over seven years, compared to 73 bushels per acre for winter wheat.

Spring wheat that follows winter peas has higher yields because winter peas introduce nitrogen into the soil and don't



Matthew Weaver/Capital Press File

Bill Schillinger, director of the Washington State University dryland research station in Lind, Wash., says winter peas are economically comparable to winter wheat in crop rotations.

use as much water, he said. In Ritzville, spring wheat yields averaged 34 bushels per acre after winter peas and 31 bushels per acre after winter wheat over seven years.

Potential winter pea markets include food aid, cover crops and pet food, Schillinger said. Farmers receive 10 to 20 cents per pound.

Schillinger's research team used the edible pea variety Windham, which, he said, is not the best fit for the market. Newer varieties have better qualities.

Winter pea production has increased each year, and Schillinger foresees demand taking off. The state has 20,000 winter pea acres, but

he believes it could double — and then double again.

Ritzville farmer Ron Jirava worked with Schillinger, raising 20 acres of winter peas last year and increasing to 50 acres this year. He plans to grow 300 acres next year.

Winter peas helped Jirava control goatgrass.

Jirava expects more grower acceptance for winter peas.

"If they don't, I'm going to be kind of flabbergasted, because they're so easy," he said. "I can plant my peas, it could rain an inch and a half on them and they're going to come up."

Jirava recommends farmers know the ground's chemical history. Some herbicide residuals hurt winter peas, he said.


Jirava said winter peas cost a little more for seed than wheat, but don't require fertilizer and even leave some left over in the soil.

"The yield we've seen has made me comfortable enough to (say), 'This is a good tool for goatgrass and cheatgrass control,'" he said. "We've got all these different 'tools in our toolbox' — that little catchphrase. We might as well make use of all of them."

### SUMMER SAVINGS

12 month waiver -OR- 3 years at 1.9% -OR- 5 years at 2.9%

All financing on approved credit. See dealer for list of qualifying units for financing specials.

TRACTORS	TRACTORS	TRACTORS
 <p><b>JD 5085M</b>, 2016, 417 hours, cab, MFWD, 16X16 PR trans., dual mid remotes, 3 rear remotes.....<b>\$55,800</b> Fall River Mills #GG400287</p> <p><b>JD 8270R</b>, 2014, 871 hours, premium cab, IVT, MFWD, 5 remotes, A/T ready, 800-38 duals, 600-30 frt tires.....<b>\$240,000</b> McMinnville 91340</p> <p><b>JD 5075E</b>, 2016, 183 hours, ROPS, MFWD, 9x3 trans., 25CV's, JD H240 NSL loader, 16.9-28 tires.....<b>\$42,500</b> Hillsboro GG100418</p> <p><b>Case IH 290</b>, 2011, 2714 hours, deluxe cab, MFWD, PS trans., 5 remotes, 380-54 rear duals, 380-34 frt duals.....<b>\$124,900</b> Walla Walla BRD02229</p> <p><b>JD 8530</b>, 2006, 9856 hours, premium cab, IVS, ILS, 4 remotes, 480-46 rear duals, 380-34 frt duals.....<b>\$88,500</b> McMinnville OD001850</p>	 <p><b>JD 7230</b>, 2011, 4827 hours, premium cab, IVY, MFWD, mid valve for loader, 2 remotes, 480-42 singles.....<b>\$74,000</b> Donald 27614</p> <p><b>JD 8370R</b>, 2015, 1056 hours, premium cab, ILS, IVT, full auto track, rear 620-46 duals, front 480-34 duals, all new.....<b>\$295,000</b> McMinnville FD101233</p>  <p><b>Challenger MT595B</b>, 2008, 1900 hours, susp. cab, susp. MFWD, CVT, 4 remotes, 480-46 singles, 380-34 frt singles.....<b>\$82,500</b> Madras T079072</p>	 <p><b>JD 7230R</b>, 2010, 3022 hours, premium cab, PS trans., TLS axle, front 3pt and PTO, 4 remotes, 710-38 singles.....<b>\$139,000</b> Tangent AC000101</p>  <p><b>JD 9360R</b>, 2013, 596 hours, premium cab, PS trans., 4 remotes, bareback 520-42 duals, front weights .<b>\$211,200</b> Madras DP008265</p> <p><b>JD 9420</b>, 2003, 5284 hours, premium cab, PS trans., 4 remotes, bareback, 800-38 duals, front weights.....<b>\$115,000</b> Tangent OP011006</p> <p><b>Case IH 195</b>, 2009, 5740 hours, deluxe cab, MFWD, PS trans., 3 remotes, 480-42 rear duals, 380-30 frt tires.....<b>\$69,500</b> Fall River Mills ABH40541</p>
TILLAGE	TILLAGE	TILLAGE
 <p><b>JD 637 disk</b>, 2008, 14' tandem disk, rigid frame, 24" blades, nice unit.....<b>\$10,500</b> Madras 7X012715</p>  <p><b>JD 2210 cultivator</b>, 2014, 28' folding field cultivator, C shanks, rear tine harrow.....<b>\$45,000</b> Donald D0755492</p>	 <p><b>Great Plains TC5111 tillage</b>, 2015, 16' vertical tillage tool, rigid frame, rear clod crumbler, like new.....<b>\$34,900</b> Madras A1758X</p>  <p><b>Wilrich V957DD ripper</b>, 14' 9" shank disk ripper.....<b>\$25,000</b> Merrill 457580</p>	 <p><b>Landoll 7431 tillage</b>, 2013, 26' wing-fold vertical tillage, rear clod crumbler.....<b>\$39,500</b> Harrisburg J1203522</p>  <p><b>Case IH 730C ripper</b>, 2010, 16', 7-shank disk ripper, shear bolt triop, real rolling basket, 22" blades.....<b>\$37,900</b> McMinnville H0037240</p>
COMBINES	COMBINES	COMBINES
 <p><b>JD 9770 combine</b>, 2010, 2232 hours, rotary, small grain, JD 615P BPU platform.....<b>\$156,500</b> Salem A0738937</p> <p><b>JD 9670 combine</b>, 2008, 2046 hours, rotary, small grain, 615P BPU platform, sidehill cleaning shoe.....<b>\$185,000</b> McMinnville 05725903</p> <p><b>Case IH 2188 combine</b>, 1996, 4691 hours, rotary, small grain, 1015 BPU platform.....<b>\$55,000</b> Harrisburg C0193663</p> <p><b>JD 5680</b>, 2013, 1002 hours, small grain, 35% Rahco leveler, no platform.....<b>\$361,400</b> Colfax 755718</p>	 <p><b>JD 5670</b>, 2014, 464 hours, small grain, A/T ready, Pro Drive, JD 615P belt pickup platform.....<b>\$290,400</b> Merrill 765545</p>  <p><b>JD 9670 combine</b>, 2008, 2747 hours, rotary, small grain, 615P BPU platform, sidehill cleaning packages.....<b>\$153,195</b> Salem 05726119</p> <p><b>JD 5680</b>, 2013, 881 hours, small grain, 35% Rahco Leveler, 635F platform and cart, A/T ready.....<b>\$388,700</b> Four Lakes 755668</p>	 <p><b>JD T670</b>, 2009, 1148 hours, small grain, conventional separator, grass seed combine.....<b>\$175,000</b> Donald 0A084501</p> <p><b>Case IH 2188 combine</b>, 1997, 5133 hours, rotary, small grain, 1015 BPU platform.....<b>\$55,000</b> Harrisburg C0195413</p>  <p><b>JD 5680</b>, 2012, 664 hours, small grain, 35% Rahco leveler, 635F platform and cart, A/T ready.....<b>\$347,600</b> Walla Walla 747035</p>



**Pape Machinery**



ai products

Pape Machinery is a proud partner with AI products and offer aftermarket parts for all makes and models of agriculture equipment.

19 Ag & Turf locations in Oregon, Washington, Idaho & Northern California.

541-681-5363

papemachinery.com



## WESTERN PACKAGING

Your Future is Our Future...






WE SPECIALIZE IN BULK BAGS!

**BAGS:**

- Seed Bags
- Fertilizer Bags
- Feed Bags
- Potato Bags
- Printed Bags
- Plain Bags
- Bulk Bags
- Totes
- Woven Polypropylene
- Bopp
- Polyethylene
- Pocket Bags
- Roll Stock & More!

**HAY PRESS SUPPORT:**

- Hay Sleeves
- Strap
- Totes
- Printed or Plain
- Stretch Film
- (ALL GAUGES)

**WAREHOUSE PACKAGING:**

- Stretch Film
- Pallet Sheets
- Pallet Covers

**LOCATIONS:**

Albany, Oregon (MAIN OFFICE)

Ellensburg, Washington

**CONTACT INFORMATION:**

Phone: 855-928-3856

Fax: 541-497-6262

[info@westernpackaging.com](mailto:info@westernpackaging.com)

CUSTOMER SERVICE IS OUR TOP PRIORITY!

www.westernpackaging.com