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Agreement settles major water-right claims

YAKIMA - A major irrigation purveyor in the Lower Yakima Valley has agreed to divert less water from the Yakima River to settle its claims in the long-running Department of Ecology v Acquavella water-rights adjudication case.

The water rights are subject to approval by Yakima County Superior Court Judge Walter Stauffacher.

Under the settlement, the Sunnyside Division Board of Control and its members would receive an annual confirmed water right of 435,422 acre-feet. Parties to the agreement include the Sunnyside Division, the Washington State Department of Ecology (Ecology), the U.S. Department of the Interior for the Bureau of Reclamation (Reclamation) and the Yakama Nation.

"This settlement represents a major step forward in the 25-year-old Yakima adjudication, both in terms of water-rights and conservation efforts. It is a credit to all those participating in negotiations," said Tom Fitzsimmons, director of Ecology. "Money that would have been spent on arguing can be spent on making sure there's ample water for all of our needs."

"Sunnyside is by far the most complex claim before the Acquavella court. This settlement can act as a model for settling remaining claims in this adjudication," said Bill McDonald, Pacific Northwest regional director for the Bureau of Reclamation. "It also demonstrates the effectiveness of our approach of communicating, consulting and cooperating with all affected parties to further our shared conservation goals."

In the agreement, the Sunnyside Division waives its claim to some 23,098 acre-feet of irrigation water. The reduced demand on basin water supplies will allow Reclamation to better serve Yakima Project irrigators while improving conditions for fish.

Ross Sockzehigh, chairman of the Yakama Nation Tribal Council, said, "This agreement removes a major impediment to implementing water conservation under the Enhancement Act, which the Yakama Nation helped draft and get through Congress nine years ago. It guarantees that Sunnyside will help provide more water in the lower Yakima River to help support the fishery we share with the citizens of the region under our treaty with the United States."

By 2016, the Sunnyside Division will implement water conservation projects to achieve a total savings of 29,162 acre-feet per year, resulting in an annual water right of 415,972 acre-feet. One-third of the conserved water will be reserved for the Sunnyside Division, while two-thirds will augment Yakima River stream flows.

"This has been a long and tedious process, but it appears to be a settlement that satisfies concerns of all the parties relating to the Sunnyside Division water rights," said Jim Trull, manager of the Sunnyside Valley Irrigation District, the largest member of the Sunnyside Division. "From the Sunnyside Division's standpoint, it ends years of litigation over water rights and provides the opportunity to move forward with aggressive conveyance system improvements and water conservation measures."

As part of a water conservation plan, the division will construct three "re-regulating" reservoirs and will automate the Sunnyside Canal. Sixty-five percent of the funds will come from the federal government, while the Sunnyside Division and Ecology will evenly split the balance. The federal government has committed \$21 million for the improvements, and the state approximately \$6 million.

In the future, the parties also have set a goal to work cooperatively to implement a second phase of water-saving projects, with the goal of reducing diversions by an additional 16,500 acre-feet per year.

The Sunnyside Division encompasses nearly 100,000 irrigated acres and includes Benton Irrigation District, Grandview Irrigation District, Zillah Irrigation District, the cities of Prosser, Grandview and Sunnyside, the Konewock Ditch Company, the Piety Flat Ditch Company and the Sunnyside Valley Irrigation District, which represents the claims of the Granger, Home, Outlook, Prosser and Snipes Mountain irrigation districts.

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Broadcast version:

One of the Yakima Valley's largest irrigation divisions has agreed to divert less water and implement additional water conservation measures to settle its share of water in the long-running court case to determine Yakima River water rights.

According to the Washington Department of Ecology, the settlement represents a major accomplishment in the 25-year-old Yakima adjudication. It also is an important water conservation step under the Yakima River Basin Water Enhancement legislation passed by Congress in 1994.

If the water right is approved by the court, the Sunnyside Division will receive a firm right of some 435,000 acre-feet of water annually. The division represents nine cities and irrigation entities in the Lower Yakima Valley and nearly 100,000 irrigated acres.

Office of Communication and Education Ecology's Home Page:
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