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Acquavella Water Rights Case Ending After 25 Years

It's finally settled. After 25 years of hearing the name "Acquavella", the longest running water rights case in Washington state history is finally coming to an end for the Sunnyside Division Board of Control. What does that mean to us? It means that SVID and the rest of the Sunnyside Division members can stop spending an incredible amount of time and energy trying to get this case through the court system. The adjudication settlement is important because it validates the water rights within the Sunnyside Division. There are still some claims by others in the Yakima Basin to be resolved but the settlement of the Sunnyside Division removed a major portion of the remaining issues to be resolved.



BACKGROUND

Validates the Surface Water Rights in the Yakima Basin

**Initiated in 1977 by DOE
 40,000 Claimants
 6,062 Square Miles**

The case was named after the first person on the list, James Acquavella.

The Sunnyside Division Board of Control (SDBOC), Washington State Department of Ecology, U.S. Bureau of Reclamation and the Yakama Nation announced on May 8 that an agreement had been reached on the amount of water that could be diverted by the Sunnyside Division. A hearing schedule has been set with the expectation that Judge Stauffacher will approve the Settlement Agreement and enter a Conditional Final Order

stream of McDonald Road in Benton County. The equalizing reservoirs will allow for short term storage of surplus water and allow the release of water to meet changing demands. This will help alleviate fluctuations in the system and reduce operational spills. The check structures on the Sunnyside Canal will be reconstructed and automated. The addition of two new check structures is also planned. These improvements will allow for more precise flow of water in the Sunnyside Canal.

State and federal funding will provide 82.5 % of the funding for the conservation program. Currently the federal government has committed \$21 million for the improvements and the state will add an additional \$6 million.

The improvements are scheduled to be completed by 2016 when the next reduction in diversion amounts will be reduced to 415,972 acre feet. Two thirds of the saved water will be used to augment the flow of the Yakima River while the remaining third will be reserved for the Division's use.

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

What does this all mean? It means less time and energy spent on water rights litigation and more emphasis on system modifications resulting in better service to the Sunnyside Division landowners. ^W

on August 14, 2003. That entry will mark the end of the Sunnyside Division's defense of its water rights claims in the Acquavella Case. (To learn more about the adjudication process, check out the article on page 2.)

The Sunnyside Division encompasses 99,244 irrigated acres and includes Benton Irrigation District, Grandview Irrigation District, Zillah Irrigation District (City of Zillah), 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.

Under this agreement, the confirmed annual water right will be 435,422 acre feet per year. The Sunnyside Division will give up 23,098 acre feet of water from the Yakima River. To put this in perspective, last year the Division diverted approximately 422,000 acre feet.

An important part of the agreement, Sunnyside Division will implement a conservation program that includes plans for construction of three re-regulating or equalizing reservoirs and automating the control structures on the Sunnyside Canal. The locations of the three proposed re-regulation or equalizing reservoirs will be one near Punkin Center, one downstream of SR 241 and the third one up-

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On-Farm Loan Program Continues Through 2004 Irrigation Season



The RSBOJC On-Farm Loan Program was developed to assist landowners in complying with the RSBOJC water quality policies by offering a funding source to help finance on-farm irrigation projects. The irrigation improvements are focused on improving the quality of irrigation return flow by converting from rill irrigation to another approved application type.

The On-Farm Loan Program will continue funding irrigation conversions until November 2004 when funding will end. RSBOJC encourages all qualified landowners to take advantage of the On-Farm Loan program. If you are planning to utilize the funds for converting from rill irrigation, now is the time to apply. Applications will be accepted until the spring of 2004.

The maximum amount of funding per acre for Sunnyside Valley Irrigation District (SVID) landowners has increased from \$800.00 to \$1,200.00 per acre. Currently approximately \$2.9 million dollars is still available in the program for Sunnyside Valley Irrigation District (SVID) landowners. Approximately 4,800 acres have been converted from rill to more efficient methods over the life of the program which began in 2000.

The objective of the program is to assist farmers in upgrading their irrigation application type to achieve better utilization

Great opportunity to convert small farms and pastures with minimal investment costs.

of their water. The On-Farm Loan program assists farmers to transition from rill irrigation to a more effective application practice such as drip irrigation, micro spray, solid set, wheel line, center pivot, and pump back systems. Additional projects that would improve water quality may be submitted for approval on an individual basis. The basic structure for the On-Farm Loan Program includes the low interest rate of 1% with a four-year repayment cycle. The yearly payments are included in the water users' annual irrigation assessments.

For more information, please contact, Theresa Johnson, Sunnyside Valley Irrigation District (SVID) at (509) 837-6980. 

Water Supply Rationing Begins for 2003 Season

On July 7th, U. S. Bureau of Reclamation officials announced a three percent reduction in water allocations for the remainder of the 2003 irrigation season. Yakima Basin reservoirs are currently storing less than 90% of average. The lack of storage and almost no remaining snow pack means that irrigators with proratable water rights (junior) will receive 97% of the entitlement. The change in water allocation should not pose a serious problem but further rationing could be imposed if conditions do not improve. Irrigators are urged to continue their conservation efforts throughout the remainder of the irrigation season.



Sunnyside Valley Irrigation District water users should not notice a difference in water delivery at this level of rationing.

Revision of the Yakima Basin water supply forecast from the Bureau of Reclamation became necessary when the runoff forecast dropped below a level that can supply all water users and maintain the required flow in the Yakima River. Currently, very little snowpack remains and the precipitation for June was only 25% of average. So far the month of July has not produced any measurable precipitation and warm, dry conditions have further increased the needs of irrigators.

Chris Lynch, Bureau water management engineer, said changing conditions were responsible for the change in water supply forecast.

"We're estimating we'll be able to keep only 76,000 acre-feet in storage to build on next year," said Don Schramm, Sunnyside Valley Irrigation District (SVID) Assistant Manager-Operations. Schramm adds that Bureau officials usually like to see at least 350,000 acre feet in storage for carryover.

The National Weather Service predicts normal summer temperatures. It also calls for normal to slightly below normal precipitation over the next 90-days. 

What is Adjudication? How Does It Effect Water Rights?

The Sunnyside Division is in the process of finalizing its adjudicated water rights. So, what is adjudication and why is it so important? A general adjudication of water rights determines the validity and extent of existing water rights in a given area. An adjudication is a legal process, conducted through the superior court in the county in which the water is located. An adjudication does not create new rights, it only confirms existing rights. The adjudication process is common in many western states because of scarce water sources. The settling of these largely arid, dry lands historically have resulted in complex and sometimes controversial water rights.

Adjudication can benefit water users because it clarifies existing water rights. This provides greater certainty to the ability to use water and the extent of the water right. Adjudication helps the Department of Ecology (DOE) to authenticate in favor of senior water rights holders during times of shortage and controversy. It also provides more information to use when considering the impact of granting new rights and proposed changes to existing water rights. When the court confirms a water right in an adjudication (surface or ground water), it directs Ecology to issue a Certificate of Adjudicated Water Right.

In general, the process for an adjudication is as follows:

1. The area to be adjudicated is defined. For surface water, this area could be a stream drainage basin, a lake or other surface water body

2. Known water users or water right holders are notified of the adjudication by summons issued by the superior court.
3. A referee conducts an evidentiary hearing. Those claiming the right to use water appear at the hearing to present factual information through testimony and documents supporting their claim.
4. After the hearings, the referee issues findings and recommendations to the court as to which claims should be confirmed water rights and what priority date is associated with each right. The judge reviews the recommendations, and issues a final order in the matter. The order is called a decree.
5. In large complicated adjudications, such as the Acquavella case, the superior court judge can elect to hear certain claims (i.e. the federal government, Tribes, and major claimants) and refer other claims to the referee for hearing.

Eighty-two small drainage systems in the state have been adjudicated. Seven adjudications are currently ongoing, with petitions filed to adjudicate 39 more. Only a small portion of Washington's 165,000 water right claims have been adjudicated and there is no current timeframe to adjudicate the remaining claims. At the end of the adjudication process, the only water rights legally recognized are those confirmed by the adjudication process. 

Commonly Asked Questions

I irrigate from a shared delivery, as do many of my neighbors. If we all irrigate at the same time there may not be enough water. What can I do?

- Recognizing the situation is a major step in the right direction.
- If everyone on the same delivery takes water at the same time there is usually only enough water to run one or two standard sprinklers on each acre.
- Plan in advance. Remember that water ordered today, will be delivered the next week day.
- Understand and respect the rights of all who have an interest in the water. Try to understand the effect your taking of water may have on others. Make appropriate decisions.
- Consider organizing with your neighbors to set up a staggered irrigation schedule, so that everyone is not irrigating at the same time.

I think there should be more water in the delivery. I am concerned that someone is using too much water. What can I do?

- Verify that there should be more water. The ditch rider will be able to help verify the amount of water ordered for your delivery. Check to ensure that everyone on the delivery has ordered water. Lower flows could simply be the result of someone irrigating before the water level has been adjusted for new water orders.
- If you pump from a drain and low flow levels are the result of withdrawals by upstream neighbors it may be possible to work out a schedule that will meet everyone's needs and maintain a flow in the delivery.
- Do not get into a confrontational situation with your neighbors. If relations are already tense or suspect, it may be better to get a third party neighbor or irrigation district representative involved that can assist as a neutral party.

I have an irrigation system that works well. What more can I do?

- Step back and review your entire operation. Look for improvements that will reduce your water use or ensure that you are using only that amount which is needed.
- Inspect your system when it is operating and make sure there are not any leaks. If any are found, repair them. Check your system frequently.
- Use gauges to measure how much water is being applied and if it is the intended amount. Consider using enough gauges to determine how evenly you have irrigated.
- Watch your system to ensure that the application rate does not exceed how fast the ground will accept it (infiltration). If it does, you will see runoff. Not only is this a waste of water, but you are also not getting the full benefit of the application.
- If you have a system where the pipes are moved between irrigations, try to allow the pipes to drain back into storage, if possible.

My pipe has a break and needs to be repaired. What should I do?

- Call the SVID office to turn off your water delivery to avoid additional damage or erosion.
- Verify whose repair it is to make. SVID does not repair private lines. In most cases the responsibility of the district ends at the water delivery box. The ditch rider or a district engineer can help determine the responsible party for the repair.
- If you need assistance in repairing the pipe, please contact one of the many irrigation businesses within the valley for assistance with repairs, supplies and costs. 

Jim Powers Retires After 28 Years



Jim Powers (right) is congratulated by James Trull, District Manager at his retirement party.

After working for Sunnyside Valley Irrigation District for 28 years, Jim Powers announced his plan to retire. His last day working on the Upper Division crew was May 30, 2003.

He came looking for a part time job and stayed 28 years. Since the day Jim began working for SVID on April 1, 1975, he has seen many changes to the irrigation district. When he was first hired, everyone was stationed out of the Sunnyside yard and could be assigned to any area within the district. He has been working out

of the Upper Division for most of his 28 years. Jim's duties have included riding ditch, driving truck, spraying and mowing weeds, applying aquatic weed control, and working on various construction projects.

Powers and his wife Joyce currently live in Outlook. Jim's immediate retirement plans includes spending some time preparing their home for sale. Although Jim and his wife, Joyce have lived in Sunnyside most of their lives, they plan to retire to the Deer Park area north of Spokane.

They have one son and one daughter—Randy (32) and Stacy (23). His son currently lives in Mead and his daughter will be moving to Spokane shortly to attend nursing school. He is looking forward to spending more time with his family. He also plans to take up fishing again.

After working at SVID for 28 years, Powers says he'll really miss the employees once he does retire. "I've enjoyed just about everyone I've worked with over the years," he said. Asked why he was retiring now, Jim replied, "I've seen a bunch of guys come and go. It's time for the younger guys to have their turn."

Sunnyside Valley Irrigation District would like to thank Jim for his 28 years of hard work and dedication. 

Home Irrigation District Merger Approved

Home Irrigation District merged with the Sunnyside Valley Irrigation District in March. Because of its size, many people had never heard of Home Irrigation District before the plans for merger were announced.

Home Irrigation District (HID) was a 186 acre irrigation district organized to serve the original townsite of the Town of Granger. It was surrounded by lands in Sunnyside Valley Irrigation District (SVID). As the town grew it had some residents served by HID and others by SVID.

The election to approve the merger was held on March 6, 2003. Then on March 11, 2003, operations were handed over to the Town of Granger.

So how is this merger going to affect operations at SVID? Most people will not even notice the change. Home Irrigation District merged with SVID which in turn established a billing agreement with the Town of Granger to maintain the facilities and landowner accounts for the former HID and SVID lands within the Town of Granger. SVID currently bills the Town of Granger, who handles the day to day contact with the water users.

If very little changed, why merge? The merger allows HID to benefit from the economies of scale for service and improvements. It also consolidates more of the water users in the town of Granger into one central office of operation. 



Did You Know?

- ◆ Ditch riders make water delivery every week day.
- ◆ Paying your bill does not turn on your water. Use the automated system to order water.
- ◆ Turning your water on or off can be done by calling the automated system. 837-8611, 837-2223, 837-3115, 837-5040, 882-4343, 877-2122, 854-1540, 588-5521, 837-3115
- ◆ Water delivery ordered today will be delivered the next weekday.
- ◆ Water delivery cannot be changed over the weekend. Only emergency service is available.
- ◆ Water can be ordered on the website. http://www.svid.org/order_water.htm
- ◆ It's easier to assist a customer if they know their lateral and delivery. It's located at the lower right hand corner of your bill.

The Sunnyside Valley Irrigation District publishes **THE WATERFRONT** biannually for landowners. All articles, letters and other items submitted to Sunnyside Valley Irrigation District (SVID) for use in SVID's landowner newsletter become the property of SVID which is authorized to use any item submitted, without payment or compensation to the person submitting the item, in any newsletter or other publication of SVID. SVID reserves the right to edit all items submitted. Douglas Simpson, Chairman. Robert Golob, Dave Michels, John Newhouse, Douglas Vining, Directors. Officers: James W. Trull, District Manager; Donald Schramm, Assistant Manager; Patricia Bailey, Secretary-Treasurer. Address comments to: Melodie Smith, Editor, P.O. Box 239, Sunnyside, WA 98944.

Staying Safe Around The Canals



Canals are green, cool, inviting... and deadly. Thousands upon thousands of miles of irrigation canals weave through Washington, especially in the central part of the state. Designed to transport water to crops and lawns, they are hazardous places, especially to children. People think canals are public rights of

way, yet actually they are private property.

Originally the canals were on farm land, far from the urban areas. With the ongoing development of residential areas on agricultural tracts, many families now have the enticing waterway bordering their homes.

Unlike a river, which may have a sloping or shallow area along the shore where swimmers can get out, canals have smooth vertical banks, 7' to 15' high, made of concrete or earthen materials. There is no shallow area to move to for safety.

As the water travels, it passes by head gates. Here, the main water is channeled into side canals, creating a situation where a person can get caught in the suction near the gate and be taken down under the water. In some places the canal moves underwater through underground pipes.

Water in the canal moves fast, at an average speed of two to five feet per second. Take a situation where a parent watching a child near the canal turns away to answer the phone. With a rate of three feet per second, in 60 seconds the child can be moved at least 180 feet down the canal's path. Turn away for two minutes and the child is 380 feet down the canal.

During the spring and summer when it gets hot, the water in the canals look like a great place to cool off—but it is not. They are extremely dangerous as the water is very cold and moving swiftly. Once in them, they are difficult to get out of, even for a strong swimmer. Keep a safe distance away and never let children play near canals. 

Canals look inviting,
but they are dangerous.

2003 Ditch Rider List

Below is a list of the ditch riders for the 2003 Irrigation Season as well as their major lateral delivery numbers. This information is located on your annual assessment.

BEAT 1 - RANDY JENKINS

HEADGATE TO 22.56 MAIN CANAL INCL. KONEWOCK, PIETY, 11.83 - 11.98 - 13.02 - 13.91 - 14.17 - 15.28 - 16.72 - 16.82 - 17.32 - 17.50 - 18.83 - 19.67 - 20.44 - 20.64 - 21.06 - 21.22 - 21.26 - 22.12 - 22.56

BEAT 2 - TIM WALSH

MAIN CANAL 22.60 TO 29.38 - 22.83 - 23.08 - 24.35 - 24.73 - 25.24 - 25.47 - 25.76 - 26.79 - 27.09 - 27.53 - 27.69 - 28.07 - 28.28 - 28.60 - 28.90 - 29.38

BEAT 3 - JIM CAMPBELL

MAIN CANAL 29.58 TO 34.59 - 58.58 - 29.68 - 29.94 - 30.16 - 31.23 - 31.65 - 32.18 - 32.769 - 32.77 - 33.21 - 33.74 - 34.10 - 34.42 - 34.59 - SN 0.91 - SN 1.15 - SN 1.41 - SN 2.15W - SN 2.39 - SN 3.00 - SN 3.35 - SN 5.84 - SN 5.95

BEAT 4 - JIM RICE

MAIN CANAL 34.60 - 39.79 - 34.60 - 34.99 - 35.22 - 35.51 - 35.97 - 36.15 - 36.52 - 36.74 - 36.98 - 37.37 - 38.95 - 39.01 - 39.077 - 39.08 - 39.70 - 39.79 - SN 6.62 - SN 7.29 - SN 7.43

BEAT 5 - HECTOR FONSECA

OLD OUTLOOK I.D. (30.20) OLD GRANGER I.D. (23.10) OLD SNIPES MT I.D.

BEAT 6 - AARON KNIGHT

SN MAIN 6.42 - SN 6.50 - SN 8.38 to end - SN 9.04 - SN 9.06 - SN 10.21 - SN 10.61 - SN 11.43

BEAT 7 - NICK GONZALEZ

39.90 to 49.55 MAIN CANAL - 39.90 - 40.20 - 40.86 - 42.33 - 42.44 - 43.23 - 44.30 - 44.38 - 45.43 - 46.76 - 47.14 - 47.81 - 47.90 - 48.25 - 48.84

BEAT 8 - CHAD SMITH

49.79 to 51.71 MAIN CANAL - MATHISON Subsystem - 49.90 - 50.04 - 50.52 - 51.18 - 51.26 - 51.36 - 51.71

BEAT 9 - GARY BARNETT

RYDER - ROCKY FORD

BEAT 10 - DWIGHT FRENCH

51.87 to 55.05 MAIN CANAL - PROSSER Subsystem (gravity) - 51.87 - 52.53 - 52.90 - 53.81 - 54.01 - 54.12 - 54.55 - 54.90

BEAT 11 - JAMES TRUMBLE

55.19 to 60.00 MAIN CANAL & Pumps - 55.19 - (N. PROSSER Pump) - 59.30 - (SPRING CREEK Pump) - 55.56 - 55.91 - 56.07 - 56.46 - 57.53 - 58.75 - 59.17 - 59.30 - 59.31 - SP CR 59.31 - BN 59.32

BEAT 12 - RON SEARCY

MABTON