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After seven years, fish-protection pact signed

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ELLENSBURG — Amidst congratulatory comments Tuesday on the signing of the Manastash Creek agreement, landowner-farmer Lynn Brown expressed a warning about the future implementation of the plan to make agricultural irrigation from the creek more fish friendly.

“We’re putting our water on the line in all this,” said Brown, also a Kittitas County Conservation District Board member, to fellow farmers and state and federal agency officials gathered in Ellensburg for the signing. “Losing our irrigation water is like being fired from a job.”

Brown said he was supportive of the joint effort but reminded the assembled group “the work has just begun” to actually plan for and construct fish passage structures, fish screens, consolidated irrigation water diversion points and carry out on-farm water conservation projects.

He warned that the state and federal agencies need to follow through with their commitments to irrigators and maintain an attitude of “trust, integrity and cooperation” to make the improvements a reality.

The agreement is the result of nearly seven years of monthly negotiations involving irrigators dependent upon water from the creek and federal, state and Yakama Nation officials and representatives of the Washington Environmental Council, or WEC, a statewide nonprofit citizen advocacy group.

The WEC in February 2001 called for a joint effort to address fish-passage barriers, low-water flows and unscreened irrigation diversions that negatively affected summer steelhead runs, a species protected by the federal Endangered Species Act, or ESA. The steelhead in the Yakima River system has been declared threatened under ESA provisions.

The WEC also said at that time it intended to file a federal lawsuit against irrigators and the state if progress wasn’t made.

Progress has been made, but it has taken years of negotiations and legal wrangling to sort out water right concerns and come up with a voluntary plan.

Dale Dyk, a Kittitas Valley farmer and member of the Manastash Creek Steering Committee that developed the pact, estimated local water-right holders spent \$75,000 to \$100,000 on attorney fees to deal with water right complications during the seven-year period.

Dyk, after the signing, said it was relief after “being under the gun of a threatened lawsuit” for seven years.

Good-faith negotiations made it possible to “dodge that bullet,” he said, whereas some irrigators in Oregon and northwest Washington have had to shut off their water because of conflicts with the ESA.

As a result of the lengthy process, Dyk said WEC officials and local agricultural irrigators have gained strong, mutual respect for each other and better understanding of broader issues each faces.

He said without the assistance of the WEC, irrigators wouldn’t have been able to achieve the construction projects now slated for fall 2008 that protects fish and allows irrigation to continue.

Tom Tebb, head of the state Department of Ecology’s water resources program in Yakima, said the agreement “breaks down several barriers, people barriers as well as fish barriers.”

“We were able to come together and see the greater vision for successful water management — a revitalized Manastash Creek and preservation of important water resources for Manastash water users.”

Dale Bambrick, the Eastern Washington chief for the federal National Marine Fisheries Service, said he was optimistic about the potential for returning “robust flows” back to the creek as a result of the agreement and future alternatives yet to be considered.