

WTWG Minutes for Monday, May 9, 2005 at 1:30 PM

Bob Barwin by phone	Tom Cowan
Dar Crammond by phone	Jim Davis
Richard Evans	Stephan Fanciullo
Kale Gullett	Justin Harter
Carron Helberg	Chris Lynch
Mark Johnston	Larry Martin
Joe Mentor	David Murillo
Bill Pope	Tom Ring
Jim Trull	Ron Van Gundy

Meeting was called to order at 1:35 PM by David Murillo after a brief discussion of thunderstorms, tornados, flash floods, and Bob Barwin stuck downtown because of it.

DM called for comments or corrections on the previous minutes, with no comments he said the minutes were approved.

Bob Barwin continued to the next agenda item by discussing the revisions he made to the Pendente Lite Order concerning metering. BB said that some parts were broadened, others were narrowed, and he tied the Order to the statutes. Jeff Schuster also sent a draft with the revision of the last paragraph to read “This Order does not apply to those portions of subbasins 23, 25, 27, and 29 located within the exterior boundaries of the Yakama Reservation.” The group continued with DC asking if it is a violation of the court order. Does this supercede the main stem order? No, it only supplements the order for the subbasins. Joe Mentor and Bob Barwin discussed who can enforce the order and that Ecology can only enforce its own order per WAC 173-173-050. JM continued that any party could request injunctive relief and felt you are creating a private cause of action. Bob explained Ecology wanted to make it consistent with the forms the water users would be using to report to Ecology. The group continued and agreed that the wording in the order needed to be changed from “any party” to “an aggrieved party”.

The group continued with the discussion of the Warren Act Contracts which includes the transfers for Smith and Bradbury (29 & 30). DC wanted input from the group. The group discussed this at great length. DC said that this is a fairly complicated transaction and is not a great fit for the WTWG. DC urged those who were not comfortable with the plan to speak up. Tom Ring commented that he was not comfortable with this proposal and this proposal appeared to be outside of “the box”. DC noted that although this transfer implicates many interesting issues, it was not a good fit. DC unilaterally withdrew the transfer proposal. The group would like to review Warren Act Contracts issues at a later date.

The group continued to the next agenda item by discussing SMID’s previous proposal. Jim Davis asked “what is the required minimum flow in the Selah Reach?” Chris Lynch explained it is in the IOP (Interim Operating Procedures) in Chapter 5. We subordinate to 400 with a target at 302 below Roza Dam, with SMID and Taylor Ditch being the

significant diversions. Jim Davis asked “is there a significant impact to moving 10 cfs seven miles upstream to Pomona?” The group continued to discuss how the river operates, above & below Naches, during flip-flop, and what the impacts will be later in the year. Stephan Fanciullo commented that the court documents show a permanent transfer and the discussion in this group is for a temporary transfer. This needs to be looked at yearly, as it affects operations and instream target flows. Once KRD goes off, which looks like early to mid August, it becomes even harder to operate. Tom Ring commented that these conditions need to be identified and also to look at maintaining SMID’s diversion below the Naches arm. DM and CL committed to providing Jim Davis with the specific conditions by email and TR asked to have it sent to everyone. JD noted that it was on the court agenda for Thursday, and DM said we will convey these conditions. Tom Ring stated we can not get a thumbs-up by Thursday. No decision, pending further documentation from Reclamation on the conditional language.

New proposal 2005-36 is the next agenda item for Finley Farms LLC. Bill Pope explained this proposal. They discussed WIG + 5, which is $19.1 + 5 = 24.1$, beginning June 1. It needs to be revised, also if it has been irrigated this year up to now, but BP indicated it has not been irrigated yet. TWSA neutral, 3 to 5, Reclamation gives the thumbs up as a temporary transfer. The group recommends proposal with a revision in the numbers.

New proposal 2005-37 for Buena Irrigation District is next. Bob Barwin explained the land is being fallowed and will go to court at the end of the month. The group had few comments with BB stating he will provide Chris Lynch a monthly table through October 31. It does not have any effect at Parker. The group recommended this proposal.

Dar Crammond talked about the draft proposal for land that Reclamation holds. This proposal is to fallow the land, reducing CU and asked the group if they have any serious misgivings. The group comments were in favor of this proposal. Carron Helberg stated the draft is currently at 10.5 AF and DC said he wants to go to 20 AF or more. Tom Ring commented that it looks good and table it for the next meeting.

The group continued by returning to the Warren Act Contract issue. Tom Ring said there needs to be a discussion outside the WTWG. The group agreed that after the water transfer process has slowed down, like end of summer or early fall, to return to this issue. DC said that it would become clearer as the U.S. case was presented in Acquavella.

The next agenda item, Carron Helberg commented that she received the maps for all the SVID to RID transfers. Tom Ring asked to have them brought to the next meeting.

Also the revised proposals for K&B Orchard, Ross Larson and Vern Larson have been sent out.

The meeting was adjourned at 3:30 PM.