



Oregon

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MEMORANDUM

TO: Water Resources Commission

FROM: Phillip C. Ward Director

SUBJECT: Agenda Item I, July 28, 2005
Water Resources Commission Meeting

Grants Pass Irrigation District Consent Decree

I. Issue Statement

The Commission is asked to join a stipulated order to extend the deadline in the 2001 federal court consent decree to allow Grants Pass Irrigation District to divert water at Savage Rapids Dam until November 1, 2006.

II. Background

In 2001, the Commission was party to an agreement in federal court that settled pending litigation and allowed the Grants Pass Irrigation District (GPID) to continue diverting 52.3 cubic feet per second (cfs) of water while it worked toward water conservation and removal of Savage Rapids Dam. A copy of the 2001 consent decree is provided in Attachment 1. That agreement included a deadline of November 1, 2005 for diversion at the dam. After that date GPID would have to rely on pumps for diversion of water. The agreement also included other performance standards the district needed to meet. Due to the uncertainty of federal funding, the agreement also included a Force Majeure whereby the court could extend the deadline for diverting at the dam one year to November 1, 2006 if GPID complied with the conditions of the court decree.

III. Discussion

Based on information from the parties involved in the settlement agreement, GPID met its duties and obligations outlined in the agreement. Those duties and obligations included such things as an average season water use target of 130 cfs during the 2005 irrigation season; continued lobbying efforts to secure federal funding; allowing access to its facilities for pump installation and dam removal work; and compliance with the consent decree and incidental take permit.

The district averaged about 130 cfs diversion for the 2004 irrigation season and is in position to meet that goal in 2005. GPID engaged a lobbyist to seek federal support per the agreement. They allowed access to district facilities to facilitate pump installation and dam removal.

The most recent information from the Bureau of Reclamation indicates the pumps will not be operational until 2007. The one year extension will allow the district to continue using the dam to divert water into the delivery system during the 2006 irrigation season. The other parties involved in the original agreement support extending the consent decree one year to allow operations in 2006.

IV. Summary

The new pumps will not be installed and operational for the 2006 irrigation season. The consent decree allowed GPID to divert at Savage Rapids dam until November 1, 2005. Without a one year extension of the agreement, GPID will not be allowed to divert water during the 2006 irrigation season. GPID met its duties and obligations under the agreement and should be allowed to continue diverting water through November 1, 2006, as provided by the consent decree.

V. Recommendation

Staff recommend the Commission join a stipulated order substantially in the form of the draft in Attachment 3 to extend the deadline in the consent decree one year to allow GPID to divert water at Savage Rapids Dam until November 1, 2006.

Attachments:

1. Copy of Consent Decree
2. Stipulated Order to Extend Deadline in Consent Decree

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