

Columbia-Snake River Irrigators Association

Media Release

December, 15, 2015

Irrigators Challenge Illegal Cost Assessment Discouraging Private Sector Irrigation Development

The Odessa Subarea Irrigators, having fought for two years to build and finance their own irrigation distribution systems from the East Low Canal, are ramping-up litigation against the East Columbia Basin Irrigation District.

Represented by the Columbia-Snake River Irrigators Association (CSRIA), the Irrigators have filed a Summary Judgement Motion in Adams County requesting the Superior Court to declare the District's so-called "development fee" illegal. The "development fee" attempts to push the District's "normative assessment" program onto the Irrigators, even when they pay their own irrigation system capital costs.

The "development fee" is squarely at odds with cost assessments allowed under Washington State irrigation district law (RCW 87.03), where "common costs" must be separated from specific individual costs of service, with different benefits:

- The District has attempted assert that "everyone will benefit equally" from completion of all separate systems, but none of the systems provide for common water delivery—they are all separate pieces of hardware serving different acreages.
- The "development fee" is based on landowner "willingness to pay," to extract the maximum revenue stream for the District. Actual Irrigators costs were ignored.
- The District's so-called "normalization" scheme--ostensibly to equalize the cost of receiving Odessa replacement water, is arbitrary and capricious. It is an *ad hoc* choice injuring those whom CSRIA represents, as well as others seeking to build their own irrigation systems with their own money.
- The "development fee" is an attempt to subsidize the costs of other systems, well beyond any "common benefits" received by those paying the fee—it is an illegal assessment.

While the Irrigators have already secured financial backing to build System 1, about \$42 million, and associated lending commitments to build Systems 2 and 4, the District has been forced to abandon its initial, unsecured LID revenue bonding proposal. Instead, the District would have to now either bond against its total financial capability, or receive full capital payments up-front from landowners. The land owners are balking.

The Summary Judgement Motion is under the Irrigators' Injunctive Complaint already filed in Superior Court, and it falls on the heels of the litigation filed against the U.S. Bureau of Reclamation for failing to review adequately the Irrigators water service contract request.

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