

The Bulletin (www.bendbulletin.com)

Published Aug. 19, 2017 at 12:02AM

Guest column: County and state should support efficient irrigation



An irrigation wheel line. (Joseph Ditzler / Bulletin file photo)

[View larger image](#) | [Buy photo](#)

I first learned about water law in the early 1970s as a young associate attorney at Gray, Fancher, Holmes, and Hurley (now Bryant Lovlien & Jarvis) where Brad Fancher gave me a brief tutorial on water law and sent me off to attend the Arnold Irrigation District (AID) monthly board meetings.

Over time, I became familiar with irrigation district hydrology and the need for water in our growing community. Later, as an elected member of the Oregon Senate, I sponsored and helped to enact legislation that assisted rivers in the Deschutes Basin and across the state of Oregon. I learned the value of collaboration to effect more efficient irrigation, ensuring an adequate water supply for the shared public interests in instream flow and healthy stream systems. Recently, the attorneys of Bryant, Lovlien & Jarvis, PC have been retained to represent the interests of the Tumalo Irrigation District (TID), in addition to AID.

The challenge of modernizing aging irrigation systems

Irrigation is no longer as simple as moving water from Point A to Point B. With advancements in technology, increased environmental awareness, and a population that continues to grow at a rapid rate, there is a critical need to modernize aging irrigation infrastructure to move water with greater efficiency and responsibility.

In the case of TID, which manages more than 80 miles of canals that provide water to 667 patrons irrigating more than 8,100 acres, this is by no means a quick, easy, or affordable task; the need to seek alternative funding sources and partners in modernization is paramount.

A private project with substantial public benefits

That is exactly what two local families — Eric and Brianna Cadwell and Harris and Nancy Kimble — are attempting to accomplish with their collective plan to develop a partially reclaimed surface mine on more than 160 acres immediately northwest of Bend's urban growth boundary. The project is simple: a small rural-residential subdivision centered around two large ponds intended for fire protection, aesthetics, and private recreation. The public benefit is substantial: a fire protection resource for the entire area and a significant infrastructure improvement for TID that can be managed to increase late-season in-stream flows.

The ponds are lined to prevent seepage, making them a more efficient means for storing water than the Upper Tumalo Reservoir. Equally important, the ponds could be used to help TID better manage its irrigation delivery system, a critical need as it continues to pipe and otherwise modernize its aging system.

Water stored in the ponds can also be held longer and released when live stream flows from Tumalo Creek and the Deschutes River are low, when additional in-stream flows are needed to protect fish, or when TID otherwise needs more water to keep its system full to ensure farmers get water when they need it. In the future, the ponds may also be

used to recapture water released during winter to benefit the Oregon spotted frog.

More to gain from collaboration than conflict

The Cadwells and Kimbles seek to accomplish much more than a residential development west of Bend. They seek to build a partnership that would improve irrigation efficiency and infrastructure while providing both public and private benefits. Their efforts should be encouraged, not hindered. The county and state should support projects that promote modernization and conservation and provide critical infrastructure for TID, Deschutes County, and the community at large.

Based on four decades of experience navigating the waters of business, real estate, and water law, pursuing a public-private partnership is rarely the quickest, easiest, or least expensive path toward realizing a vision of this magnitude. But it is the right path, and one that should be encouraged and supported.

— *Neil Bryant is an attorney in Bend and a former state senator.*