

Oregon spotted frog lawsuit settled

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Environmentalists have agreed to settle a lawsuit that accused Central Oregon irrigators of violating the Endangered Species Act by harming the Oregon spotted frog.

The Center for Biological Diversity and Waterwatch of Oregon filed two complaints against the U.S. Bureau of Reclamation and five irrigation districts — Arnold, Central Oregon, Lone Pine, North Unit and Tumalo — that were consolidated earlier this year.

The environmental groups asked U.S. District Judge Ann Aiken for an injunction that would drastically alter the operation of the Crane Prairie, Wickiup and Crescent Lake reservoirs, which the districts depend on.

In March, Aiken denied that request, holding they did not meet the high burden of proving such an injunction was necessary, which led to months of settlement discussions.

Under the deal submitted to Aiken on Oct. 28, the irrigation districts have agreed to keep minimum flows in the Upper Deschutes River at 100 cubic feet per second in autumn and winter, up from 20 cubic feet per second in some past years.

The increased flow level is intended to provide a more stable water supply for the frogs, which were declared a threatened species in 2014.

The Bureau of Reclamation, which operates the dams that regulate water flows, has also agreed to complete an already-underway “consultation” on irrigation system impacts to Oregon spotted frogs. The irrigation districts formally committed to other changes they’ve voluntarily implemented this year.

The deal requires approval from Aiken to become final.

Irrigators hope the settlement will give them some breathing room until more permanent plans to conserve water and improve conditions for the frog are implemented.

“It’s a step in the right direction. It doesn’t solve the long-term problem,” said ShanRae Hawkins, spokeswoman for the irrigation districts.

By the time the settlement expires on July 31, 2017, the irrigation districts and the Bureau of Reclamation expect to have completed a “habitat conservation plan” for the frog, which would provide irrigators protection under the Endangered Species Act.

Conservation measures will require heavy investment in piping and lining canals, reducing seepage and allowing water to be distributed more efficiently, she said.

The Tumalo Irrigation District expects the settlement will cause it to forgo 42 percent of the water it stores in Crescent Lake, according to a letter sent to irrigators by Kenneth Rieck, the district manager.

However, if the region experiences an adequate water year over winter, the district should still be able to deliver 70 percent of normal flows, he said.

“This was not an easy choice, but the (district) board believes this settlement is in the best interest of the district,” Rieck said.

The Central Oregon Irrigation District voluntarily left 35,000 acre-feet of water in the Crane Prairie reservoir this year for frog habitat instead of pulling water for irrigation and reducing the level to about 20,000-25,000 acre-feet, said Craig Horrell, its district manager.

Because the district left all of its stored water in the reservoir, it was forced to reduce deliveries by 20 percent, Horrell said. The district also owns in-stream water rights, which provided water for irrigators.

If the coming winter again results in insufficient water supplies, the district may need to cut deliveries short again in 2017, he said.

In an average water year, though, the settlement terms should not impact deliveries, Horrell said.

Now that the district anticipates more stored water will be released, it can also adjust its management of the reservoirs to mitigate negative effects, he said. “Knowing what we know now, we can plan for it better.”