

Supreme Court decision in WSU golf case long in coming

By Nicholas K. Geranios
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SPOKANE — Golf is slow, but this is ridiculous.

The state Supreme Court in May 2013 heard arguments in a case involving the use of water from a declining aquifer to irrigate Washington State University's new golf course. Nearly two years later, the court has yet to issue a decision.

In the lawsuit, opponents of the WSU golf course that opened in 2008 contend that the school is mining a declining aquifer that is the main source of water for the entire Pullman region to benefit an unneeded amenity.

University officials say their use of the water is lawful.

A spokesman for the state Department of Ecology, the defendant in the case, said the delay is unusual. "Our assumption is the complexity of the case is the reason for the delay," agency spokesman Dan Partridge said.

Scott Cornelius of Pullman, who brought the lawsuit against the agency, said "water law is extremely complicated and it gets more complicated every year."

An official for the Supreme Court declined to speculate on when the ruling might be released.

The new course was intended to improve the school's golf teams, provide a laboratory for students in turf grass courses and give boosters and alumni a new reason to visit the campus. But the course was controversial from the beginning because of its drain on scarce water in the dry Palouse region of eastern Washington and northern Idaho.

The arguments centered on whether the state should have allowed the university to alter water rights to use them to irrigate the golf course.

The Washington state Department of Ecology failed to first consider whether those rights should have been relinquished for non-use, said Rachael Osborn, an attorney for the Center for Environmental Law & Policy.

The water rights in question were issued to WSU in 1962 for domestic and community domestic use and for stock watering. Osborn said the water wasn't intended for municipal use.

But Sarah Mack, an attorney for WSU, argued before the court that the university's water right was always claimed for municipal use, even if it wasn't labeled that way.

"The university used the water for the exact same purpose from the get-go, in one integrated campus water system," she told the court.

The state argued that water rights for municipal water supply purposes are exempt from relinquishment.

"WSU has acted in a lawful and responsible fashion in managing its water rights to attain its objectives as a state educational institution," the state argued in court filings.

The Center for Environmental Law & Policy has said the Grand Ronde Aquifer, from which the course gets its water, has been dropping by more than half a foot per year. That imperils the drinking water source for the city of Pullman, nearby Moscow, Idaho, and the University of Idaho, the center contended.

The center is suing on behalf of Cornelius, the Palouse Water Conservation Network and the Palouse Group of the Sierra Club.

Washington State University officials note that they have made extensive water conservation efforts elsewhere to reduce the total amount of water the school is using.

But Cornelius said that doesn't change the fact that a golf course is a poor use for water.

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