

Irrigators fight plan to count flood releases against water rights

By SEAN ELLIS
Capital Press

BOISE — Treasure Valley irrigators are prepared to go to court to stop the state's plan to count flood control releases on the Boise River system against stored water rights.

Idaho Department of Water Resources officials say the plan would bring the Boise system into compliance with state water accounting law.

Not doing that, they say, would adversely affect some irrigators' stored water supplies and could result in the state surrendering legal control over the water to the federal government.

But Treasure Valley irriga-

tors say the plan goes against established Idaho water law and violates a 62-year-old agreement governing flood control releases they have with the Army Corps of Engineers.

When the three reservoirs on the Boise River system reach a certain level in the winter, water is released to prevent flooding of Idaho's largest urban area. As snow melts, the reservoirs fill again.

But some years, such as during a drought, the reservoirs don't completely refill.

The IDWR's plan "is convoluted, it's confusing and it's contrary to established Idaho water law," said Daren Coon, secretary-treasurer of Nampa & Meridian Irrigation District.

He said the department's plan could result in senior water right holders not having enough water later in the growing season, when they need it most.

NMID and other water delivery entities in the valley are fighting the proposal through the IDWR's administrative process.

"If we're unsuccessful there, then we'll definitely go to court," Coon said.

Growers with senior storage rights would be impacted the most by IDWR's plan, Coon said, because their storage rights are satisfied first as reservoirs fill in the spring and those flood control releases would count against their rights.

The Boise system's arrangement with the Army Corps regarding flood control releases was challenged during Idaho's Snake River Basin Adjudication, a legal process that sorted out more than 150,000 water rights.

The courts have ruled that the IDWR director has discretion to determine what constitutes the filling of a storage water right and the department believes that under Idaho water law, water right holders are required to take the water when it's available to them, said IDWR Deputy Director Mathew Weaver.

"If they let that go, it's lost to them," he said. "The water is then available to the next

person in line who will put it to beneficial use."

The department believes flood control releases should count against stored water rights, Weaver said. "Should (senior water right holders) be able to get a second fill ahead of junior water right holders getting a first fill?"

Roger Batt, who is representing several farm organizations and irrigators in the Treasure Valley on this issue, said that because the water is released during the winter, the irrigators with the rights to that water never got a chance to use it.

Flood control is not considered a beneficial use. "So why would the department be counting it as water that has

been put to beneficial use?" he said.

Lyle Swank, watermaster of the upper Snake River system, Idaho's largest water district, agrees with the IDWR and said the Boise system's stance could result in the federal government, the largest water right holder in the system, determining how the water is used.

But Pioneer Irrigation District Manager Mark Zirschky said the IDWR's plan violates the state's "first in time, first in right" water law and irrigators are prepared to fight it in court, if necessary.

"The water in those reservoirs up there is our bread and butter. We will protect it at all costs," he said.



Tim Hearden/Capital Press

Manton, Calif. 4-H member Caleb Ramos, 11, walks his steer, Percy, away from a washing area at the 2014 Tehama District Fair in Red Bluff, Calif. The fair is changing its dates from early fall back to summer beginning in 2017.

Youth groups applaud Tehama fair's return to summer in 2017

By TIM HEARDEN
Capital Press

RED BLUFF, Calif. — Agricultural youth groups are applauding the local fair board's decision to move the Tehama District Fair's dates from late September to July beginning in 2017.

Tehama County 4-H director Lynn Strom and others requested the move to attract more participants in livestock activities and to prevent youngsters from having to raise their animals through the hot summer months.

"A summer fair means that members and their families who raise animals for fair are free to take vacation and have a break in responsibilities once the animals are sold in July," Strom said in an email. "It also means that dedicated 4-H volunteer leaders can enjoy some down time before 4-H ramps back up again in the fall."

Strom said the move will enable 4-H and FFA members to play fall sports, including football, volleyball and soccer, and concentrate on other school activities.

The fair board approved the move after sending emails earlier this year to vendors and other participants to gauge interest and offering an online survey asking fairgoers if they'd rather return to July.

The festival was held in July or early August for

many years until 1999, when the board moved it to September to avoid the triple-digit heat that often accompanies summer in the Sacramento Valley. However, afternoon highs in Red Bluff still sometimes reach triple digits in late September.

Since moving to the fall, the Tehama fair has tried several measures to bolster attendance. It hosts a field trip with some 900 schoolchildren with lessons centered around what they see and do at the fair, and in 2007 it began offering free admission on the first day to bring in more families — and more business for vendors.

The Tehama fair is one of many in California that have changed their dates in recent years for various reasons. The most notable of those was the California State Fair, which moved from the two weeks leading up to Labor Day to July in 2010 to attract families before children have to return to school.

Fair season in California is almost year-round, having started Feb. 13 with a pair of small festivals in Southern California and ending with a Ridgecrest fair that closes on Oct. 26. However, changing school schedules have prompted some fairs to adjust their dates, Western Fairs Association executive director Stephen Chambers said.

Mobile farmers' market caters to neighborhoods

By SEAN ELLIS
Capital Press

BOISE — The Boise Farmers Market is teaming up with the city of Boise on a program that will make fresh produce more affordable and available to people in low-income neighborhoods.

A mobile farmers' market will take produce grown in the Treasure Valley directly to six neighborhoods in Boise where many people don't have ready access to fresh fruits and vegetables.

Boise City Council members unanimously voted June 2 to match the first \$10 of Supplemental Nutrition Assistance Program purchases made by buyers at the mobile market, which debuts June 8.

That means a person who swipes their SNAP card for \$20 at the mobile market will be able to purchase \$30 worth of produce.

"Those that struggle the most economically have the most difficult time affording fresh fruits and vegetables and getting them in their diet," said City Councilman T.J. Thompson, who proposed the financial match. "By (increasing) their buying power, this will allow them to put their money toward purchasing healthier foods. Plus, it also helps our local farmers."

People in those low-income neighborhoods are often the



Submitted photo

A re-purposed refrigerated trailer is shown at the Boise Farmers Market May 23. The BFM is teaming up with the city of Boise to bring this mobile market to six low-income neighborhoods throughout the week. The city will match the first \$10 of food stamp purchases made by low-income buyers at the mobile market.

least able to afford fresh fruits and vegetables, said BFM Director Karen Ellis.

"Hopefully, we're going to be reaching a lot of people that are not able to get to the market," she said. "It will be a great opportunity for the customers and it's another income stream source for our vendors at the market."

The mobile market, which is a re-purposed refrigerated trailer, will follow a Parks and Recreation Department mobile recreation van into the neighborhoods Monday through Thursday and set up nearby.

"We'll set up a mini farmers' market at those locations for ... two-hour increments," said BFM vendor Janie Burns, who helped organize the program.

While the parks and rec van is providing kids free activities, "We'll be conveniently nearby, selling produce," she added.

Besides partnering with the city of Boise, the BFM is also joining forces with the University of Idaho's SNAP education program, which teaches people how to use fresh produce.

Two graduate students will study the impact of the program.

"We're looking at this as a new wholesale market for our farmers," Burns said. "This is like a triple-quadruple win. We're really excited about it."

The BFM will purchase produce from its farmers at wholesale prices and sell it at retail prices through the mobile van.

"Farmers can sell stuff without having to be there," said Purple Sage Farms Production Manager Mike Sommer, who will provide produce for the mobile market. "This is something that could be and should be done by other markets, too."

Scaled-back GMO mediation bill advances

Oregon legislation altered significantly from original version

By MATEUSZ PERKOWSKI
Capital Press

SALEM — A bill aimed at encouraging mediation over biotech crop disputes is poised to become law in Oregon, but the original idea has been scaled back substantially.

An amended version of House Bill 2509 is headed for a vote on the Senate floor after earlier passing the House despite some unexpected push-back from critics of genetically modified organisms.

Under the initial version of the bill, a farmer who refuses to engage in mediation but then loses a lawsuit over a biotech crop dispute would have to pay the opposing party's legal bills.

Although HB 2509 quietly passed the House with-

out attracting controversy, it met with resistance in the Senate, where GMO critics pounced on it as being unfair to non-biotech growers.

Friends of Family Farmers, Our Family Farms Coalition and the Center for Food Safety argued that growers shouldn't be forced into mediation that could prevent them from obtaining timely legal relief if they're threatened with cross-pollination from GMOs.

Critics also objected to the lack of time and cost limits on mediation, claiming it could become prohibitively expensive and thus discourage growers from approaching neighbors with concerns.

The Oregon Department of Agriculture's oversight of the mediation program was also called into question, since some GMO critics claim the agency is biased in favor of genetic engineering.

An amendment to HB 2509, recently adopted by the Senate Committee on Envi-

ronment and Natural Resources, gives farmers the option of seeking mediation through ODA or the USDA.

The time and cost of mediation is capped at four hours and \$2,500, and the threat of liability for the opposing party's legal expenses is removed from the new version.

Instead, if a lawsuit is filed, a judge "may impose sanctions" against a farmer who refuses mediation and "may consider that unwillingness when determining whether to grant or deny a preliminary injunction."

These changes have convinced Friends of Family Farmers, which is closely involved in legislative negotiations over GMOs, to drop its opposition to HB 2509.

The group was nervous about the attorney fee provision because biotech companies like Monsanto and Syngenta have tremendous legal resources they could deploy to aid biotech growers, said Ivan Maluski, its

policy director.

"I don't think you need to encourage people toward mediation with stiff penalties," he said.

While Maluski acquiesced to HB 2509, he said it's "laughable" to consider the bill an important step in state oversight of GMOs.

He would prefer the legislature adopt a proposal that would create control areas where biotech crops are subject to restrictions, such as isolation distances.

"The legislature has really accomplished nothing significant on this issue so far," Maluski said.

The Oregon Farm Bureau, which opposes stricter GMO regulations, is still supportive of HB 2509 even though it's been toned down, said Katie Fast, vice president of public policy for the group.

"It doesn't have as many teeth to push people into mediation" but the bill will still hopefully help them to find ways to coexist, she said.

Experts warn of 'buggy' year in Northwest

By JOHN O'CONNELL
Capital Press

It's already clear to Mountain Home, Idaho, farmer Jeff Harper that skimping on insecticides won't be an option this season.

Following a mild winter, entomologists and crop advisors say an array of pests arrived much earlier — and often in greater numbers — in Northwestern farm fields this spring.

Last season, for example, Harper limited spraying for potato psyllids, which spread zebra chip disease in spuds, to a single common trouble spot. This sea-

son, he's poised to spray far more potato acres, following the recent discoveries of the small, winged insects in Twin Falls County, including three captured on traps by a host plant infected with the *Liberibacter* bacterium that causes zebra chip. Harper has also seen more aphids than he's ever encountered so early in the season.

"The bugs are going to be a bigger issue than they were for sure last year, and we're stepping up our spray programs in areas where we've had problems," Harper said. "I raise alfalfa, and I had to spray way early for bugs, and I've never, ever

had to do that." J.R. Simplot Co. crop advisor Aaron Wolleson has seen both aphids and wire worms in fields unusually early.

"It has been a buggier year so far, and that soft winter didn't help us," Wolleson said.

Andy Jensen, an entomologist who manages the Northwest Potato Research Consortium, believes warmer soil temperatures led armyworms and cutworms to emerge early.

In the Columbia Basin, Jensen suspects a pale-green caterpillar called cabbage looper has blown in early on winds originating

from the south and could be "a big deal" this year for spud growers.

He believes resident psyllid populations got an early start due to early leaf growth on host plants during a mild winter. Jensen recorded the first leaves on bittersweet nightshade — a favorite of psyllids — during the first week of March this season, compared with the first week of April in 2012. Jensen said aphid populations in the Boise area have also "exploded," likely overwintering on roses, peach trees, garden plants and weeds.

High aphid numbers are especially concerning given that they spread potato virus

Y, which has been found in abundance in Oregon commercial spud fields this year.

"I have never seen this much PVY in commercial fields," Oregon State University Extension entomologist Silvia Rondon said, adding cases are likely originating from tainted seed.

Jensen noted aphid predators also got an early start, and aphid populations will likely crash.

Nationally, University of Maryland researchers Bill Lamp and Dilip Venu-gopal and Queens College researcher Mitch Baker have concluded a changing climate has led potato leaf-

hopper — a damaging pest of spuds in the Eastern U.S. — to arrive 10 days early in fields compared with 62 years ago.

Though Idaho has no potato leafhoppers, Venu-gopal warned, "We think this might be similar across many migratory pests, and our agricultural systems need to be prepared for that."

The researchers had to extend individual state extension offices for the historical insect arrival data. Venu-gopal has asked USDA to consider compiling such insect data in a common database to facilitate future research.