

# Marijuana growers face irrigation complexities

Federal facilities, other factors complicate irrigation

By MATEUSZ PERKOWSKI  
Capital Press

As Oregon's marijuana industry emerges from the legal shadows, growers are being confronted with regulatory hurdles regarding irrigation, experts say.

When cultivation of the psychoactive crop was criminal under state law, compliance with water rules was not the top-of-mind worry for growers.

Those who now want to participate in the legal marketplace for recreational marijuana, however, are finding that irrigation can pose an unexpected complication.

To qualify for commercial marijuana-growing licenses, growers will face the same issues with water rights as conventional farmers as well as problems that are unique to the crop, which remains illegal under federal law.

Earlier this year, aspiring hemp and marijuana producer Andrew Anderson of Bend, Ore., was notified by his local



Courtesy of Natascha Crater

Marijuana clones grow in containers under an indoor grow light. Growers who want to produce the crop indoors or outdoors must contend with water regulations now that recreational marijuana can be legally grown in Oregon.

irrigation district that federal authorities refused to allow their facilities to be used to deliver water for cannabis production.

Anderson said he hopes the matter will be resolved over time, but in the mean time he's drilling an agricultural well to ensure he can irrigate his crop.

"I don't think we'll ever get a chance to be part of an industry that goes from nothing to a giant conglomerate in a lifetime," he said.

The U.S. Bureau of Reclamation, which operates some water projects in the West, has said it doesn't intend to become an "enforcer" of federal

cannabis prohibitions, but it remains to be seen how marijuana and hemp production is treated by the agency, said April Snell, executive director of the Oregon Water Resources Congress, which represents irrigation districts.

Each irrigation district in Oregon is likely to have a dif-

ferent perspective on cannabis production, particularly depending on how reliant they are on federal facilities, Snell said at a recent cannabis workshop in Salem, Ore.

"They are like snowflakes. From a distance they may look the same but up close they all have their own characteristics," she said.

Cannabis growers can apply for their own water right to divert surface water for irrigation or use land with an existing water right — just like other farmers, they're subject to shut offs due to water calls from senior water rights holders, said Doug Woodcock, administrator of the Oregon Water Resources Department's field services division.

"Know your water rights," Woodcock said, noting that the right is specific as to the place and type of use.

Drilling a well also requires a water rights permit for agriculture in Oregon, though exemptions apply for domestic, industrial and commercial uses.

However, those "exempt" uses do not apply to growing a crop, such as marijuana, for profit, Woodcock said. "Irrigation is not part of the commercial exemption."

Medical marijuana growers often don't face such res-

trictions on groundwater because they produce the crop for personal use or cultivate it for others without an intent to profit, he said.

Commercial cannabis growers who want to cultivate the crop inside a warehouse or another property within a city can also buy water from the municipality, he said.

At this point, though, 29 cities and 10 counties in Oregon have decided not to allow marijuana production within their boundaries, while others remain undecided, said Rep. Ken Helm, D-Beaverton, who is a land use attorney.

People who want to grow marijuana in those undecided areas should become involved in the conversation with their local governments, he said. "The best place to start is the local planning department."

In counties that do allow marijuana production, only "exclusive farm use" zones allow the crop to be grown outright, said Katherine Daniels, farm and forest lands specialist for the Oregon Department of Land Conservation and Development.

Whether the crop can be commercially grown without restriction in industrial, commercial and residential zones will likely vary county-by-county, she said.



Courtesy of Oregon Department of Fish and Wildlife

OR 22, a male wolf that separated from the Umatilla River Pack in February, is pictured walking through a Northeast Oregon forest on Jan. 26. The lone wolf spent several weeks in Malheur County before heading from Grant County. It was shot south of Prairie City by a man hunting coyotes.

## Man reports shooting Oregon wolf while hunting coyotes on private property

By ERIC MORTENSON  
Capital Press

A Grant County resident in Eastern Oregon reported to Oregon State Police Oct. 6 that he shot a wolf while hunting coyotes on private property south of Prairie City.

Wolves are protected throughout Oregon under the state endangered species law and under federal regulation in the western two-thirds of the state. Killing them is not allowed except in defense of human life and, for authorized livestock owners, when wolves are caught in act of attacking livestock or herd dogs.

State police investigated, recovered the wolf's carcass and submitted a report to the Grant County district attorney's office for review, according to an OSP news release.

However, the Grant Coun-

ty DA's office said the case has been transferred to the Harney County prosecutor's office. District Attorney Tim Colahan said his cohort in Grant County has a conflict of interest because he knows the hunter's family, and asked Colahan to handle the review as a courtesy. Colahan said he is just now receiving case information from OSP and has not made a charging decision.

District attorneys in Oregon can present cases to a grand jury for possible indictment, bring charges themselves or decide the facts don't warrant prosecution. The man who shot the wolf was not identified.

The wolf, designated OR-22 by the Oregon Department of Fish and Wildlife, is at least the third to die in Oregon since late August, when the Sled Springs pair in Wallowa

County were found dead of an unknown cause. State police suspended their investigation in that case, saying they didn't have probable cause to say the deaths were due to human action and that the cause of death couldn't be determined because the carcasses had deteriorated.

State police said the wolf shot in Grant County was a male that dispersed from the Umatilla Pack. Young or sub-dominant wolves often leave their home packs to establish their own territory and find mates.

According to ODFW, OR-22 has worn a GPS tracking collar since October 2013 and dispersed from the Umatilla Pack in February 2015. He was in Malheur County for awhile, then traveled into Grant County. He did not have a mate or pups, according to ODFW.

**Online**  
Information about distinguishing wolves from coyotes is available at: [http://www.dfw.state.or.us/Wolves/docs/Wolf\\_Mngmt\\_Flyer\\_2011.pdf](http://www.dfw.state.or.us/Wolves/docs/Wolf_Mngmt_Flyer_2011.pdf)

## BLM tracks down online impersonator

Agency refuses to disclose information, citing personnel policy

By MATEUSZ PERKOWSKI  
Capital Press

The U.S. Bureau of Land Management has tracked down an agency employee who impersonated a retired BLM heavy equipment operator online, but will not identify the person.

Greg Allum, an Eastern Oregon resident once employed by BLM, recently informed Capital Press that his name was used to post comments on an article about the arson convictions of two Oregon ranchers.

Allum denied making the comments about Dwight and Steven Hammond, a father and son who were recently sentenced to five years in prison for setting fires on BLM property near Diamond, Ore.

The comments referred to the Hammonds as "clowns" and defended the actions of BLM in pursuing criminal charges against them.

After checking the Internet Protocol address used to make the comments, Capital Press found that they were

posted from a computer that belongs to the BLM.

The agency has identified the BLM employee who made the comments but cannot divulge any information about the person's name, location, position or possible disciplinary actions, said Michael Campbell, a public information officer for BLM.

The employee's actions violated the BLM's "robust social media policy," under which only authorized officials can represent the agency on social media sites, Campbell said.

If a BLM employee makes comments using a personal account, they must provide a disclaimer stating that their views don't reflect the positions of the agency, he said.

When asked if the BLM employee or another agency official apologized to Allum, Campbell said the agency would have no record of any personal contact between an agency employee and the retired worker.

Greg Allum said he has no comment on the BLM's response to inquiries from Capital Press.

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