

California to dismiss \$1.4M fine against irrigation district

By SCOTT SMITH
Associated Press

FRESNO, Calif. (AP) — Water regulators recommend dismissing a historic \$1.4 million fine issued at the height of California's drought last summer against a group of Central Valley farmers accused of taking river water that didn't belong to them.

It marks a sharp reversal to the first of such fines against a district with claims to water that are a century old. Entities with those rights have long enjoyed immunity from cut-backs.

In a draft order, the State Water Resources Control Board said May 26 that its prosecutors failed to prove its case against Byron-Bethany Irrigation District.

The case should not have dragged on this long, said attorney Dan Kelly, who represented Byron-Bethany, a district that serves 160 farms east of San Francisco.

"The prosecution team certainly held this out as a test case, something that would teach everyone not to ignore the state water board," Kelly said. "The fact that they didn't have sufficient evidence to prove what they were alleging is troubling."

The water board also recommended dropping a similar civil case against West Side Irrigation District, which serves farmers near Tracy. State officials had not proposed a fine for West Side.

The turn-around raises several questions, said attorney Jeanne Zolezzi, who represents West Side.

"There's a real question whether the state board is the policeman of how much water is in the river and who should be able to take it," said Zolezzi, noting that has historically been left to the courts to decide.

After the state issued its complaints, both districts asked for a hearing.

The state's prosecutors presented the case in March, and two state water board officials overseeing the hearing abruptly halted it before the districts could present their cases in defense.

The draft order dismissing the cases says the water enforcement officials couldn't explain the basis for alleging that the district took more water than they had a right to take.

State Water Board spokesman George Kostyrko said the allegations appeared to be true when they were first made at the height of California's drought, when hundreds of farmers throughout the state were being ordered to stop taking river water.

A fair and impartial hearing process showed otherwise, he said.

"This happened during a fourth and very crucially dry year in California," he said. "It appeared that some parties had been taking water that didn't belong to them."

The full State Water Resources Control Board must approve the dismissals before they become final.

Attorneys for both districts said they will seek damages and attorneys' fees from the state in court. For Byron-Bethany, Kelly said that will be more than \$1 million.

Rural school extends invitation to students

By ERIC MORTENSON
Capital Press

PORTLAND — A tiny Eastern Oregon school has an invitation for Portland high school students: Come stay with us for a semester and learn about ag and science.

The program, which will begin next school year with eight Portland girls visiting the first semester and eight Portland boys arriving for second semester, is a deliberate attempt to span the urban-rural divide. And Oregon does not get more rural than the Burnt River School in Unity, Ore., about 50 miles east of John Day.

The Burnt River School District has a single building, a K-12 charter school. In the 2015-16 school year — they're already out for the summer — the district had 34 students. Fielding an eight-man football team last fall required an alliance with Prairie City School. Cattle ranching is the primary way to make a living in the area.

District Superintendent Lorrie Andrews also serves as school principal, teaches personal finance and careers, helps seniors with their portfolios and advises the yearbook kids. She's been there 30 years. "Time for me to go, huh?" she jokes.

She's been working on Burnt River's invitation to Portland for a couple of years, with noteworthy help from state Rep. Greg Smith, a Republican from Heppner, state Rep. Cliff Bentz, a Republican from Ontario, and Baker County Commissioner Mark Bennett. Now they are ready to try it.

"It is something we've thought a lot about," Andrews said. Burnt River has a "great school and an excellent staff," she said, but the district's enrollment has declined for several years. Twenty-eight of the school's 34 students are high school age.

"We were just thinking we need to think outside the box,



Courtesy of Burnt River School District

The entire student body and staff of Burnt River School poses on picture day in September 2015. The Eastern Oregon school invites Portland high school students to stay for a semester and learn about agriculture and science. Lorrie Andrews, the superintendent and principal who also teaches careers and personal finance, is on the far right.

so to speak," Andrews said.

Over the May 21-22 weekend, Portland Public Schools sent an email to its high school families, telling them of the opportunity to take part in the Burnt River Integrated Agriculture/Science Research Ranch program, or BRIARR.

On Monday, May 23, Andrews responded to 23 emails about the program. A bunch more arrived Tuesday.

Portland students will get a semester of hands-on learning in what Burnt River describes as a "variety of natural resource settings." They'll learn about animal production science, sustainable rangeland science and forest restoration studies, and do water quality monitoring with the Powder Basin Watershed Council.

She said it made sense to extend the invitation to Portland, by far the state's largest urban center. The city has more than 49,000 students in 78 schools, including 10 high schools.

"We were thinking there probably are students out there who would enjoy a rural experience and a small

school experience at the same time," Andrews said. "I think it's a way to bridge that divide. I think there are a lot of misconceptions in both directions. I think we can all learn from one another. Kids are usually open to that."

Attracting more students helps the district's budget. The Oregon Department of Education pays school districts a standard per-student amount of \$7,100, and that funding will follow the Portland students to Burnt River School. The students will be hosted by local parents, but the details haven't been finalized.

Andrews said the district is engaged in several alternative ways to stay viable. The school became a charter school so it could offer "distance learning," and attract students outside the district who attend class by Skype, the online system. The district also has successfully hosted foreign exchange students over the years, Andrews said.

Burnt River partners with other institutions. Blue Mountain Community Col-

lege, in Pendleton, put on a short-term welding class for Burnt River kids. Welding, GPS use and small engine maintenance will be offered as mini-courses next year, and Andrews hopes to have a mobile livestock artificial insemination lab visit the school. She's talking to Treasure Valley Community College about an equine science unit.

Students can take college credit courses, and the district pays for it, she said.

"It's important," Andrews said. "It's a priority for the school board to have students prepared to go on, even though we're so rural."

The district will interview applicants in June, looking for students who will be the right fit for Unity, population 75.

"If it's important to you to spend a lot of time at the shopping mall or the movies, this isn't the place for you," Andrews said. "Because that's not where we are."

Application forms and a brochure are available on the district's website: <http://burntriver.k12.or.us/home>

Vinegar company fined for spill in Washington river

By DON JENKINS
Capital Press

Fleischmann's Vinegar Co. has been fined \$10,000 for spilling concentrated vinegar on March 4 into the White River in Pierce County, according to the state Department of Ecology.

The 10,000-gallon spill was caused by a faulty valve at the company's Sumner manufacturing plant, according to DOE. The company has replaced the valve, the agency said.

The river was high at the time of the spill, minimizing the environmental effects, according to DOE. There were no reports of dead fish.

Efforts to obtain a comment from the California-based company were unsuccessful.

The vinegar that spilled was twice as strong as household vinegar. The company reported the spill the day it occurred.

DOE has authority to issue a \$10,000 fine for each violation. In deciding to levy the full amount, the agency considered the Sumner plant's history, a DOE spokeswoman said.

Fleischmann's was fined a total of \$24,000 in 2014 by DOE. The company was fined \$4,000 for spilling about 2,000 pounds of concentrated vinegar onto the ground and another \$19,000 for violations found in follow-up inspections.

The vinegar spilled when corroded steel hoops on a 49,000-gallon wooden storage tank failed. The vinegar was contained in two storm-water ponds. DOE learned about the spill from an anonymous tip.

Fleischmann's can appeal the latest fine to the Pollution Control Hearings Board.

According to the company website, Fleischmann's is the world's largest industrial vinegar producer and has manufacturing plants across the country.

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