

# Idaho Water Board to review rental pool rules

By JOHN O'CONNELL  
Capital Press

POCATELLO, Idaho — Idaho Water Resource Board officials say increasing demands on the state's reservoir storage supply have necessitated revisiting the rules governing water rental pools, especially for the Upper Snake system.

Water Board Chairman Roger Chase, of Pocatello, said the rental pool system was meant to provide a temporary solution for irrigators with a one-time need for water, but he's concerned some users are viewing it as a long-term fix.

"We're going to move forward because it's a problem we have to look at to make sure we don't create a bigger problem," Chase said. "I anticipate we'll have a working group — one of our subcommittees — look at it and have it on our board meeting agenda in November or January."

Lyle Swank, watermaster of the Upper Snake water district, said his system's rental pool consists of water for Bureau of Reclamation flow augmentation and a common pool with 50,000 acre-feet provided by the various storage holders, and is available for lease when a user runs short.

He believes it was the nation's first rental pool when the state Legislature created it in 1979. Its lease rates are based on demand. Any user who is adversely affected by the rental pool is first in line to lease from it during the following year.

Swank said some top concerns include recent interest in using rental pool water to irrigate new land and requests to lease rental pool water outside the basin.

"One of the issues is there

are people wanting to use the rental pool for additional new development at a time when other groundwater users are cutting back," Swank said. "It doesn't seem to make a lot of sense to some people."

Swank believes the rental pool should prioritize leases intended to further the success of a recent water call settlement between the Surface Water Coalition and junior groundwater users.

In recent years, Swank said all of the available rental pool water has been leased. Furthermore, 141,000 acre-feet of water was leased privately this year, further stressing the storage system.

Those who lease water privately will have their rights be last to fill during the following season.

Lynn Tominaga, executive director of Idaho Ground Water Appropriators Inc., said his organization shares the board's concerns about irrigating new ground, noting there's a pending application for a new water right that would be supplemented with privately leased or rental pool water. Tominaga explained groundwater rights are the lowest priority for rental pool leases, and even a 2016 surface right would take precedent over a more senior well user's request.

"If they allow this to happen — break out new ground with a very junior water right — will there be other entities that will do the same?" Tominaga asked.

Rexburg farmer Jeff Raybould, who serves on the water board, explained the Committee of Nine, which advises on water operations in the Upper Snake, also has a subcommittee that annually reviews rental pool rules and will coordinate with the board's committee.

# Proposed rail-to-trail project unnerves Oregon farmers

## Growers concerned about conflicts with farm practices

By MATEUSZ PERKOWSKI  
Capital Press

CARLTON, Ore. — Farmer Scott Bernards has more than one reason to be nervous about bicyclists and joggers regularly traveling a stretch of abandoned railroad next to his field.

With the negative attention given to pesticides in recent years, converting the decommissioned railroad into a hiking and biking trail could complicate spray operations, Bernards said.

"What if I don't even see them?" he said.

Expecting him and other farmers to shut down sections of the proposed 17-mile "Yamhelas Westsider Trail" between Gaston and McMinnville when applying pesticides is also unrealistic, Bernards said.

"I never know exactly when I'm going to spray," he said.

As the "rail to trail" proposal gains steam among Yamhill County officials and supporters, several local farmers have been pushing back against the project.

A chief concern is the reaction that urban trail users will have upon encountering common farming practices to which they object for environmental or philosophical reasons.

"Farming is hard enough without people from Portland telling us what to do," said Chris Mattson, whose property is bisected by roughly 1,000 feet of the railroad.



Mateusz Perkowski/Capital Press

Farmer Scott Bernards speaks about why he's nervous about the potential conversion of an abandoned railroad into a hiking and biking trail next to one of his fields near Carlton, Ore.

Aside from potential conflicts with farm operations, Bernards, Mattson and other growers are worried about the prospect of increased trespassing, fire danger and vandalism.

Mattson said he's fenced off his property abutting the railroad because of problems with teenagers drinking, riding all-terrain vehicles and dumping trash on his property.

If the railroad becomes an official trail and attracts even more visitors, Mattson said he's worried it will be inhabited by transients the way the Springwater Corridor Trail in Portland was. It is now known for homeless camps.

Supporters of the rail-to-trail proposal say these concerns are overblown given the rural nature of the area.

"This is not Springwater," said Ken Wright, a winemaker in Carlton who supports the project.

The nearby 21-mile

Banks-Vernonia State Trail — an abandoned railroad purchased by the state more than four decades ago — hasn't caused increased crime or attracted transients, he said.

"It's more of a visceral reaction than a reality," Wright said. "Those concerns are not justified by history."

Conflicts between trail users and landowners also haven't materialized, he said. "There have been no issues with farming practices up there."

New visitors to the area would spend money on restaurants and lodgings, strengthening Yamhill County's business community, Wright said.

Clearing brush from the overgrown railroad track would actually reduce fire hazards, and volunteers could help with the work to contain costs, he said.

There's also a legitimate reason grant dollars from the Oregon Department of Transportation should be invested

in the project: Bicyclists who already use Oregon Route 47 are regularly killed on the narrow state highway, he said.

"They don't want bikes on these roads. It's just death waiting to happen," Wright said.

Roughly \$2.3 million in grants has been raised in support of the project, which is also in contention for \$1.2 million in grants from the state Department of Transportation, he said.

Yamhill County officials have offered to purchase nine miles of the railroad from its current owner, Union Pacific Railroad, but those negotiations are ongoing, Wright said.

Capital Press was unable to reach a representative of Yamhill County as of press time.

The Oregon Farm Bureau has argued that Yamhill County commissioners should first complete the land use process and issue a conditional use permit for the trail before spending money on the land.

The Farm Bureau disagrees with the county's view that it would be premature to begin the land use process before the county buys the railroad, said Mary Anne Nash, public policy counsel for OFB, in a letter to the commissioners.

"Constructing a bike path near agricultural lands creates a host of potential conflicts and liability concerns which the county has yet to address," the letter said. "These concerns should be addressed before the county invests more resources in this project."

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