

IGWA announces contract to buy Rangen trout farm

By JOHN O'CONNELL
Capital Press

TWIN FALLS, Idaho — Officials of Idaho Ground Water Appropriators Inc. say they have a contract to purchase the Rangen trout farm in Hagerman.

The purchase would put to rest a long-running water battle with Rangen while providing groundwater irrigators a pathway toward resolving other water conflicts in the valley.

IGWA attorney T.J. Budge said the sale hasn't closed, as the parties are still "working through the due diligence." The purchase price is confidential, Budge said.

Budge said groundwater districts believe the terms are fair and in both parties' best interests and that the sale should "further protect the agricultural economy."

"We think it's a good solution," Budge said. "It's unfortunate the same solution couldn't have been reached years ago, but that's how it works."

Rangen attorney Justin May did not return calls for comment.

The property includes about 60 acres, three homes, raceways, a fish hatch house and greenhouse and a research building.

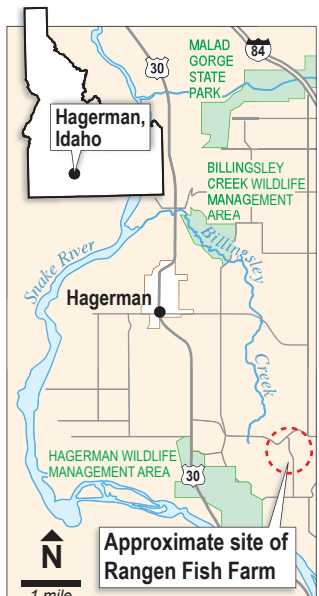
In 2000, several spring users started discussions with the state about declining spring flows. Rangen and other users filed delivery calls against junior groundwater users after the discussions failed. Rangen's call was deemed futile due to modeling uncertainty, until the state updated its groundwater model a few years ago.

To deliver up to 9.1 cubic feet per second of spring water owed to Rangen, IGWA built a \$4 million, 1.8-mile pipeline in the winter of 2014 from the nearby Magic Springs hatchery



Carol Ryan Dumas/Capital Press File

Raceways for fish are shown at the Rangen trout farm in Hagerman, Idaho.



Alan Kenaga/Capital Press

to Rangen's facility on Billingsley Creek. IGWA purchased the Aqua Life hatchery from the state to offer Magic Springs in exchange for the water.

The pipeline has been operating ever since, but the Idaho Supreme Court ruled in February that Rangen didn't have a proper water right to use 12 cfs it had been diverting from the so-called Bridge Diversion of Billingsley Creek and that IGWA, which filed for the right after making the discovery, had a valid claim to the water.

Before announcing plans to buy Rangen, IGWA had considered building a second,

shorter pipeline to meet its mitigation with Bridge Diversion water.

Budge said the existing pipeline may still be used to deliver water to Buckeye Farms, a hunting club that has a declining senior water right farther downstream on Billingsley Creek and has been in negotiations with IGWA to avert a call.

IGWA will also likely build a nearly half-mile extension from its pipeline to access the sandy ponds, which have supplied mitigation water via another pipeline to three farms with senior water rights, using operational spills from the Northside Canal.

Budge explained efficiency improvements within the canal system have reduced operational spills, and the pipeline could provide supplemental water during peak summer demand.

IGWA Executive Director Lynn Tominaga estimated the cost of extending the pipeline to the sandy ponds at \$250,000 to \$300,000. He said the cost of operating the current pipeline to Rangen is about \$100,000 per year.

Tominaga said IGWA has contacted University of Idaho, Idaho Department of Fish and Game and others who may be interested in buying or leasing Rangen, with a water right subordinated to protect groundwater irrigation.

New administration could mean end of WOTUS rule

By SEAN ELLIS
Capital Press

NAMPA, Idaho — The Trump administration could boost agricultural water users by tossing out the newly rewritten Waters of the U.S. rule, the head of the Idaho Water Users Association says.

IWUA Executive Director Norm Semanko said water users are challenged by a seemingly never-ending procession of new rules but he is hopeful that could change under President-elect Donald Trump's administration.

The list of regulations water users have to deal with "just seems to get worse every year," Semanko said Dec. 15 during the Treasure Valley Irrigation Conference.

"We don't know what (a Trump administration) portends for the future but hopefully some things will cut our way," he said.

Semanko said he's hopeful the new administration will end the Environmental Protection Agency and U.S. Army Corps of Engineers rule on the Waters of the U.S., which is now tied up in court.

Farm, ranch and water user groups worry the rule could greatly expand the federal government's authority over waters and adjacent land not currently subject to regulation under the Clean Water Act.

Semanko pointed out that Trump has said he would eliminate the rule. His pick to head the EPA, Oklahoma Attorney General Scott Pruitt, has filed a legal challenge against it.

Trump "thinks it's expansive and doesn't make sense, which most of us in the water world agree with," Semanko said.

He told members of Idaho's irrigation community to look for the new administration to voluntarily pull the rule, which means it would no longer be in effect.

But it's not enough to just get rid of the rule because the old WOTUS rule is vague at best, he said.

"We need a new rule and this (new) administration can do that," he said. "It won't be enough just to get rid of WOTUS. It will need to be replaced."

Semanko said the Trump administration might also provide some relief from the effects the Endangered Species Act has on water users, including the impact listed fish species have on water in California as well as the operation of the Columbia-Snake River system.

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WSDA issues fine for pesticide drift hitting motorist

State confirms mild illness

By DON JENKINS
Capital Press

A pesticide applicator was fined \$450 and had his license suspended for seven days for a drift incident that sickened a man driving past a Yakima County apple orchard, according to the Washington State Department of Agriculture.

Juan M. Romero of Tieton waived his right to a hearing,

and the penalties became final Nov. 28.

According to WSDA, the fine and suspension stemmed from a pesticide application March 24 at an orchard 2.5 miles east of Tieton owned by Z&O LLC. Romero was not at the scene, but a man working under his supervision was applying the insecticide.

A motorist reported that spray coming from the second or third row of trees hit his truck. The driver cleared the windshield with wipers and reported that the cab smelled like aspirin.

The driver suffered eye and breathing troubles, and the state Department of Health confirmed the man had a mild pesticide-related illness.

A WSDA investigator said the second row was about 32 feet from the road.

Samples taken from the truck tested positive for pesticide residue, according to WSDA.

Efforts to reach Romero were unsuccessful.

So far this year, WSDA has issued 13 penalties related to handling or applying pesticides.

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