

Water districts close on Rangen trout farm purchase

Buying property ends groundwater users' obligations under water call

By JOHN O'CONNELL
Capital Press

HAGERMAN, Idaho — Idaho groundwater districts have closed on an agreement to purchase the Rangen Inc. trout farm, ending their obligation to pump spring water to the facility to mitigate for a water call.

The agreement, which closed Feb. 14, has also made it possible for Idaho Ground Water Appropriators Inc. to resolve a separate water call in the area, using the \$4 million, 1.8-mile pipeline IGWA built in the winter of 2014 to deliver up to 9.1 cubic feet per second of spring water to Rangen.

Rangen is the fourth trout farm IGWA has purchased —



Carol Dumas/Capital Press

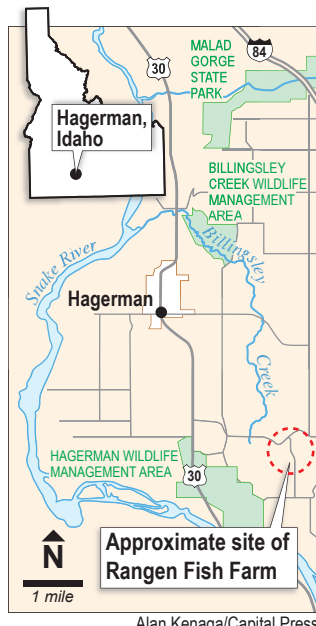
The purchase of the Rangen Inc. trout farm ends the obligation of Idaho groundwater districts to provide water to the Hagerman facility to mitigate a water call.

and the third it still owns — to resolve aquaculture calls regarding spring flow declines due in part to irrigation wells throughout the Eastern Snake Plain.

The Rangen purchase price is confidential. The property includes 60 acres, three homes, raceways, a fish hatch house, a greenhouse and a research building.

“We’ve eliminated all of the groundwater (call) threats, except for one, and we’re close to a deal on that,” said IGWA Executive Director Lynn Tominaga.

IGWA attorney T.J. Budge said members of 10 groundwater and irrigation districts will cover the purchase price, with districts east of a geologic feature near American



Alan Kenaga/Capital Press

Falls, known as the Great Rift, bearing a smaller portion of the cost. Budge explained a recent court decision allowed the Idaho Department of Water Resources to reinstate a so-called trim line at the rift, which limited the Rangen call to users to the west based on the long time it would take for

a minimal volume of water to reach Rangen’s spring following well curtailments to the east. He said the eastern districts viewed participation as an “insurance policy” in case a future decision ends the use of trim lines.

IGWA is leasing the Rangen facility back to its previous owners until late March or early April to allow them to finish raising fish to satisfy a contract with Idaho Power. Budge said IGWA is in discussions with several parties interested in buying or leasing the property, with a subordinated water right to protect groundwater users.

Budge said the existing pipeline could be used to deliver supplemental water to the operation that ultimately leases or buys Rangen.

IGWA also plans to build a lateral from the pipeline to supplement volume in the Sandy Ponds, which are filled with operational spill water from the Northside Canal. Three farms that filed a deliv-

ery call against groundwater users in the early 1990s have been irrigating with Sandy Ponds water to offset their declining spring flows. Levels in the ponds have been dropping lately due to Northside’s improved operational efficiency.

Tominaga said the owners of the three farms could have taken a hard-line approach and sought to curtail but have prioritized finding a good solution for everyone instead.

Budge said IGWA has also reached a settlement averting a call by Buckeye Farms, which operates a hunting club downstream of Rangen on spring-fed Billingsley Creek, requiring water to flood marsh land and raise crops to attract wildlife. He said IGWA plans to give the club’s owners an unspecified amount of money to help them implement a solution to find supplemental water, such as digging a well or pumping the club’s downstream water right to where it’s needed.



J. Scott Applewhite/Associated Press

Supreme Court nominee Neil Gorsuch, escorted by former New Hampshire Sen. Kelly Ayotte, walks on Capitol Hill in Washington. His Western roots are encouraging to natural resource attorneys who hope his experience will inform environmental cases affecting agriculture.

Western roots expected to inform Gorsuch’s perspective

Trump nominee expected to bring skepticism of federal bureaucracy to Supreme Court

By MATEUSZ PERKOWSKI
Capital Bureau

The Western roots of U.S. Supreme Court nominee Neil Gorsuch are encouraging to natural resource attorneys who hope his experience will inform environmental cases affecting agriculture.

As a native of Colorado, Gorsuch has direct knowledge of the vast Western landscape and the natural resource economy that depends on it, said William Perry Pendley, president of the Mountain States Legal Foundation.

The nonprofit organization litigates cases over property rights and federal land in the 10th U.S. Circuit Court of Appeals, where Gorsuch has served as a judge since 2006.

“It’s not just theoretical that somewhere in the mountains are cowboys who run sheep and cattle,” Pendley said of Gorsuch’s perspective.

Most of the eight justices on the nation’s highest court are from states without massive federal land holdings, he said. Four are from New York, two are from California, one is from New Jersey and one is from Georgia.

“We have today a bicoastal Supreme Court,” said Pendley. “They really don’t have an understanding of federal land issues. ... They do not teach these issues at Harvard and Yale.”

If confirmed, Gorsuch is likely to review lawsuits over the Endangered Species Act, sage grouse regulations and federal power under the Clean Water Act, which are percolating in lower courts, said Karen Budd-Falen, a natural resources attorney who practices in the 10th Circuit.

“His cases were based on what the law says, not, ‘What

I think the law should say because I’m a judge,’” said Budd-Falen.

The 10th Circuit encounters many environmental cases unique to Western states, as does the 9th Circuit, she said.

However, the 10th Circuit has a reputation for being more sympathetic to conservative viewpoints, so natural resource industry lawsuits are more likely to be filed within that jurisdiction while environmental lawsuits are more commonly filed in the 9th Circuit, Budd-Falen said.

“That is absolutely the way this works,” she said.

Gorsuch appears skeptical of the extent of the federal government’s authority and the obligation of the courts to defer to the executive branch’s legal interpretations, said Jim Burling, director of litigation for the Pacific Legal Foundation, a nonprofit law firm that focuses on property rights.

“I’m optimistic Gorsuch understands the concern people have about the growth of the administrative state,” Burling said.

In one recent opinion, for example, Gorsuch wrote critically of the ability of “executive bureaucracies to swallow huge amounts of core judicial and legislative power and concentrate federal power in a way that seems more than a little difficult to square with the Constitution of the framers’ design.”

Burling acknowledged that the deference federal courts accord to the executive branch can work in the favor of natural resource industries, such as when the government agrees with them on the science in logging and grazing cases.

However, there’s a danger in granting the executive branch too much leeway in interpreting the authority of federal agencies, he said.

“They arrogate a lot of extra power to themselves,” Burling said. “It becomes a problem when they use this deference to gain more power than Congress intended.”

Cultural changes help growers prevent herbicide resistance

By MATTHEW WEAVER
Capital Press

Growers have several options for preventing weeds from becoming resistant to herbicides.

Drew Lyon, weed science professor at Washington State University, recommends farmers use practices that limit the introduction and spread of weeds, such as crop rotation and sanitation.

“If you’re growing the same crop, you’re always using the same techniques and over time, you select for the weed biotypes and weed species that do well,” Lyon said.

Farmers have been slow to adopt new practices because of the cost of making the changes, Lyon said. But with low wheat prices, more growers may be willing to consider alternative crops, he said.

“In general, they’re still using the same rotation they were using 10 or 20 years ago,” he said. “That’s the rotation that’s gotten us the weed problems we have today.”

New herbicides are also being introduced. Syngenta recently released Talinor, a post-emergence wheat and



Matthew Weaver/Capital Press

Washington State University weed professor Drew Lyon participates in a discussion about herbicide resistance concerns Jan. 24 during the Weed Science Society of America’s listening session in Pasco, Wash.

barley herbicide designed for broadleaf weed control. It includes the company’s newest cereal herbicide, bicyclopyron, combined with bromoxynil.

Herbicide resistance is a big concern, said Don Drader, agronomy service representative with Syngenta in Moses Lake, Wash.

“It takes a lot of years to develop a new herbicide, and it seems like there are fewer and fewer being developed and made available into the marketplace,” he said. “Whenever we

see an issue arising where we think we’re having resistance, we encourage the grower and retailer to do heavy-duty scouting.”

Syngenta and other manufacturers are always looking for new modes of action, Drader said.

“It’s harder and harder to find that molecule that’s going to give us the control we want and also be environmentally friendly,” he said. “We’re always searching and it’s taking more dollars every year. We

continue to look, and we’re not finding them as quickly today as maybe we did 15 to 20 years ago.”

WSU’s Lyon and Ian Burke, an associate weed science professor, recommend that farmers not count on a lot of new herbicide modes of action to be developed soon.

But as glyphosate resistance increases in corn and soybean production areas, Lyon believes chemical companies will invest more into research and development.

Tree fruit growers talk pedestrian orchards, varieties

By DAN WHEAT
Capital Press

WENATCHEE, Wash. — About 400 non-citrus tree fruit industry people from the U.S. and other countries saw what may be Washington’s only pedestrian apple orchard during the 60th annual conference of the International Fruit Tree Association.

A pedestrian orchard is one with trees short enough that pruning, training, picking and management tasks can be done by people standing on the ground, eliminating ladders and work platforms.

Conference goers toured such an orchard at Auvil Fruit Co. in Orondo, north of Wenatchee, where the company’s orchard manager, Del Fei-

gal, said it saves about 10 to 12 percent in farming costs. Water and nutrient management control tree growth. The goal is 100 bins per acre with 25 percent less fruiting area.

Scott McDougall, co-president of McDougall & Sons, Wenatchee, who was on the tour, said the Auvil block is the only pedestrian orchard he knows of and that time will tell if it’s a good way to go.

In the past, industry researchers have said growers can’t afford to lose fruit production they reach from ladders and platforms.

McDougall said all major Washington apple growers are making new and replanted orchards compatible with mechanization and robotic apple picking. The former is ongoing

and the latter is expected to start in 2018.

Two days of conference tours included Divis Orchards in Brewster, Robison Orchards in Chelan, orchards in Mattawa and Royal Slope and McDougall’s new Legacy Orchard east of Wenatchee.

McDougall said he increased his trees per acre from 1,452 to 1,815 by switching from spindle trees to a V-trellis system, allowing greater tonnage faster. Growers averaged 40 to 50 bins per acre with old systems but now get 80-plus bins per acre with high-density plantings.

He said he cannot afford to plant regular, commodity varieties with his new plantings costing \$60,000 to \$65,000 per acre. He’s planting his managed

varieties of Ambrosia and Envy and will plant Cosmic Crisp, the new Washington State University apple.

With Honeycrisp expected to increase from an 8 million-box crop to 15 million to 20 million within three to four years, the price will fall and Honeycrisp will evolve into a high-elevation apple to achieve best color, McDougall said.

Two days of conference meetings were held at the Wenatchee Convention Center where horticultural practices, harvest tools and managed varieties were discussed. The Feb. 19-23 conference included IFTA’s first Women’s Network event to highlight work of women in the industry and provide an opportunity for them to network.

Wash. wine industry pioneer Terry Flanagan dies at age 79

By DAN WHEAT
Capital Press

WENATCHEE, Wash. — Terry Flanagan, a pioneer in the northcentral Washington wine industry, died of cancer Feb. 22 at age 79.

Flanagan, of Wenatchee, founded Ryan Patrick Vineyards, named for his sons, in the late 1990s on his father’s farm near Quincy. His father, Sid Flanagan, was a state representative for 24 years.

“Dad traveled to Italy when he worked for Pirelli Tires in the 1970s. He thought wine grape regions there were similar to the upper Columbia Basin, so he came home and talked



Terry Flanagan

to granddad about it,” said Ryan Flanagan, Terry’s son.

Terry Flanagan planted his first wine grapes in 1996, the third grower to do so in the Quincy area, and founded his winery in 1999.

“Dad really put his mind to things and worked hard to achieve them. He was pretty goal-oriented and wanted to make fine wine,” Ryan Flanagan said.

Terry Flanagan influenced his brother-in-law, the late Jack Jones, to convert some of his Quincy-area potato and onion farm to vineyards starting in 1996.

Ryan Patrick Vineyards grew to become one of the region’s largest boutique wineries, producing about 10,000 cases annually. Patrick Flanagan became winemaker in 2003, a year before his death in an auto accident.

The family sold the winery to Milbrandt Brothers in 2012 but kept 65 acres of vineyard. The Ryan Patrick label is still going at more than 15,000 cases annually.

Ryan Flanagan manages the family vineyards and Spanish Castle, Evergreen and Ancient Lakes vineyards for Milbrandt Vineyards.

Terry Flanagan is survived by his wife, Vivian, son Ryan, daughter Kerry Ward, son Bart Flanagan, and other family members.

A service was set for 11 a.m. March 3 at Holy Apostles Catholic Church in East Wenatchee.