

# Feds complete title transfers to S. Idaho irrigation districts

By BRAD CARLSON  
Capital Press

The Minidoka and A&B irrigation districts now own their conveyance infrastructure and land following a Jan. 8 title transfer by the U.S. Department of the Interior.

The U.S. Bureau of Reclamation recouped construction costs through decades of payments by customers of the southern Idaho districts.

The 2019 John D. Dingell Jr. Conservation, Management and Recreation Act sped up the title-transfer process for eligible projects.

Minidoka Irrigation District Manager Dan Davidson said the district now plans to work with groundwater users who want to do "soft conversions," which convert groundwater withdrawals to surface irrigation.

"We've got a few of them on schedule to take some irrigation water next season," he said.



Minidoka Irrigation District

**Dan Davidson of Minidoka Irrigation District at a main check structure. The district has taken ownership of the infrastructure and land.**

The conversions will aid Eastern Snake Plain Aquifer recovery by reducing groundwater withdrawals while providing a long-term financial benefit to the district, Davidson said. Groundwater users must reduce withdrawals under a 2015 settlement with a coalition of surface-water users.



A&B Irrigation District

**Dan Temple, manager of the A&B Irrigation District. The ownership of infrastructure will allow the district to be more efficient.**

"Then we want to look into some possible recharge locations and start recharging water for the aquifer," he said. The Idaho Department of Water Resources oversees the ESPA recharge operation.

A&B Irrigation District General Manager Dan Temple said decisions can be made faster now that

the facilities are locally owned.

"With the title transfer, it's going to improve efficiencies and eliminate an additional layer of administration," he said.

A&B still contracts with Reclamation for water, but now the district can make decisions about day-to-day system operations. It previously needed the agency's approval, which Temple said could take up to several months.

"For example, a water user comes in and wants to make a facility change like moving a small canal from the center of a field to the edge," he said. "The district can potentially respond and OK that within a day."

Both districts operate and maintain part of Reclamation's Minidoka Project, which supplies irrigation water from five Snake River reservoirs in southeastern and south-central Idaho.

The Minidoka Irrigation District, in Minidoka and Cassia counties, is taking ownership of facilities

and about 403 acres in support of the Project's Gravity Division, Reclamation said. The district irrigates 77,214 acres through canals, laterals, pipelines and drainage systems. It has operated and maintained the facilities since 1916.

A&B, based near Rupert, is taking ownership of its facilities and about 1,020 acres in support of the Project's North Side Pumping Division. It irrigates 82,600 acres. It has been operating and maintaining its facilities since 1966.

Sen. Jim Risch, R-Idaho, said in a Reclamation release that Idaho farmers and ranchers "have long struggled under overly prescriptive regulations dictating water use as they work to feed the country."

Rep. Russ Fulcher, R-Idaho, said residents "understand their resource and infrastructure needs, and deserve this responsibility. I always believe local control and ownership leads to better management."

## DEA seeks dismissal of hemp lawsuit

By MATEUSZ PERKOWSKI  
Capital Press

The U.S. Drug Enforcement Administration is asking a federal judge to dismiss a lawsuit that accuses the agency of exceeding its authority with new regulations on hemp products.

The DEA claims the Hemp Industries Association's complaint follows the wrong procedural path for challenging the regulations, which may limit the amount of psychoactive THC in hemp extracts.

The agency recently scored a legal victory in the case after U.S. District Judge James Boasberg refused to order the DEA to clarify the meaning of the rules, which the hemp industry argues have threatened its survival.

Hemp stopped being regulated as a controlled substance under the 2018 Farm Bill, while marijuana, the mind-altering form of cannabis, remains illegal under federal law.

Cannabis must contain less than 0.3% THC to be considered hemp, but the DEA has also applied that threshold to concentrated substances derived from the crop.

The Hemp Industries Association argues that extracting cannabidiol, or CBD, from hemp necessarily results in interim substances with more than 0.3% THC, though they're ultimately diluted below that threshold in consumer products.

In recent years, CBD extracts have become a major reason that farmers have planted the crop, as they're touted for having anti-inflammatory benefits and other healthful properties.

According to the Hemp Industries Association, the DEA's regulations would criminalize CBD extracts during the manufactur-



Fletcher Farms Hemp Co.

**A field of hemp grows in Oregon. The U.S. Drug Enforcement Agency has requested that a judge throw out a lawsuit challenging its regulations for the crop.**

ing process, which would "effectively destroy the burgeoning hemp industry."

The lawsuit claims that DEA lacks the authority to regulate intermediate hemp materials this way under the Controlled Substances Act and the 2018 Farm Bill.

In a court filing, however, the Hemp Industries Association requested that DEA fully explain the scope of the regulations, which would "guide whether plaintiffs should file for a preliminary injunction or instead dismiss this case for lack of a case or controversy."

The hemp association argued that DEA has made "unclear statements" and "heightened confusion" about the impacts of its regulations on intermediate hemp products, despite opportunities to clarify its intentions.

For that reason, the plaintiff asked for a court order requiring the agency to explain exactly how the rules would be applied to such hemp concentrates, which could have rendered the lawsuit moot.

The judge recently denied that motion because

such "expedited discovery" would be inappropriate under administrative procedures for enacting federal policy.

If the plaintiff's "maneuver" were allowed, anybody could then use the same approach to "force the agency to develop a policy position and support it with legal arguments," the judge said. "That would be a problematic loophole."

The DEA has now asked the judge to throw out the case entirely because the proper venue for challenging the regulations is before the U.S. Court of Appeals for the D.C. Circuit.

The Hemp Industries Association has also filed a petition for that appellate court to review the DEA's regulations, but claims that legal action serves a different purpose.

The petition for review aims to overturn the regulations, while its lawsuit seeks an injunction and "declaratory relief" that hemp processors cannot be held criminally liable for generating the intermediate substances, the plaintiff said.

## Longtime WSU soil, oilseed expert retires

By MATTHEW WEAVER  
Capital Press

Bill Pan was sold the first time he saw the rolling hills of the Palouse.

He said he was excited to work in a region "with some of the most productive soils and cropping systems."

The longtime Washington State University soil and oilseed researcher and professor retired Dec. 31 after 36 years.

"It just felt right," he said, noting he'd gotten his various research, programs and the many students and young faculty members he'd mentored to a point where he felt comfortable stepping aside.

Pan started out researching ways to improve root development and nutrient use in dryland wheat systems, then branched into irrigated potato systems.

In the early 2000s, he began working with oilseeds as part of the bioenergy movement, which evolved into an extension and applied research program, supported by the state legislature.

Pan and his team of researchers were tasked with helping farmers find financing, supplies and information to provide oilseed grains



Bill Pan

for the growing food oil market.

That led to acreage gains over a decade, making it economically viable

to sustain the Viterra canola processing facility in Warden, Wash.

Asked about his successes, Pan lists several:

- Mentoring students to be new agricultural leaders.
- Providing leadership in fostering the oilseed movement.
- Developing the concepts and science that led to building the Columbia Pulp straw processing facility in Starbuck, Wash.
- Providing leadership for the Soil Science Society of America from 2017 to 2020, including as president in 2019.
- Working with others to boost the state soil health initiative to protect and build soils as an essential natural resource that supports food security and the ability to adapt to and mitigate climate change.

Pan trained more than

30 graduate students, with many remaining or returning to Washington to take leadership positions, said Rich Koenig, chairman of WSU's Department of Crop and Soil Sciences and one of those students.

"By any measure, Dr. Pan's achievements place him at the top of his field," Koenig said. "Throughout his career he worked on over a dozen crops important in Washington, including wheat, barley, canola, various biomass/bioenergy crops, forages, corn, potatoes, and even a few weeds. He was famous for his ability to form productive collaborations with plant scientists, plant breeders, animal scientists, engineers, modelers, and of course other soil scientists."

"He's a listener," said Karen Sowers, executive director of the Pacific Northwest Canola Association and another former graduate student. "He's always been a trusted source of information for farmers."

Pan plans to remain in Pullman with his wife, Vicki McCracken, associate dean of WSU Extension.



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