



IDAHO WATER USERS ASSOCIATION

Quarterly Newsletter



September 2016



A barge loaded with grain passes through the Lewiston railroad bridge from the Lewis-Clark Terminal on its way last year into the Snake River and on to the west coast. Grain barging is crucial to Idaho and Washington grain producers. See more on Page 2. (Photo by Scott Zuger, Lewis-Clark Terminal)

Make Plans Now For 33rd Water Law Seminar

A variety of important water and legal issue presentations will be on the agenda when the Idaho Water Users Association holds its 33rd Annual Fall Water Law and Resources Issues Seminar Nov. 3-4 at the Riverside Hotel in Boise.

“The two days will be filled with topics of high interest to the legal, technical and water management communities. I think this will be one of the best fall seminars we have had because we are fortunate to have top subject matter experts from around the nation on hand to provide folks with special insights into the various areas,” according to Norm Semanko, IWUA Executive Director and General Counsel.

The seminar program plus registration information for both the seminar and on-line hotel registration will be available soon on the IWUA website - www.iwua.org. For more information contact the Idaho Water Users Association at (208) 344-6690.

Mark Your Calendar

November 2, 2016 – IWUA Board Meeting – The Riverside Hotel – Boise

November 2, 2016 – IWUA Legislative Committee Meeting – The Riverside Hotel – Boise

November 3-4, 2016 – IWUA 33rd Water Law Seminar – The Riverside Hotel – Boise

November 14-16, 2016 – NWRA Annual Convention – Hotel del Coronado – San Diego, CA

January 24-26, 2017 – IWUA Annual Convention – The Riverside Hotel – Boise

February 14-17, 2017 – IWUA Ditchrider Workshops – Idaho Falls, Rupert, Jerome, Meridian

February 23-24, 2017 – Family Farm Alliance Annual Meeting – Las Vegas, Nevada

February 28 - March 2, 2017 – IWUA Applicator Recertification Workshops – Rupert, Jerome, Meridian

June 12-13, 2017 – IWUA Summer Water Law & Resource Issues Seminar – Sun Valley

Lewis-Clark Terminal Barge Shipments Now in Full Grain Harvest Time Operation



A grain barge is loaded at the Lewis-Clark facility in Clarkston. It takes approximately five hours to fully load the barge with grain (Photo by Scott Zuger, Lewis-Clark Terminal)

Grain barge loading operations at Idaho's inland seaport have been in full swing as Idaho and Washington grain producers harvest and ship their annual wheat and barley crops with 45 barges having left Lewiston during July and August.

"The harvest we are now completing is the largest on record. We have received over 11,000,000 bushels of grain of 2016 crop since July 6, 2016. We received over 10,500 semi-trucks carrying these bushels," said Scott Zuger, LCT General Manager.

The Lewis-Clark Terminal in Lewiston exported over 24 million bushels of wheat and barley in 2013-14, the largest crop handled to-date by LCT. In 2014, 49% of all U.S. wheat exports were handled along the Columbia-Snake River system. Of those, on average, 10% of all U.S. wheat exports go by barge through the Snake River dams.

Grain shipping through the terminal is so busy during harvest time that it is not uncommon for up to 350 grain trucks per day to pull into the LTC operations during July and August.

An informational brochure published by the Port of Lewiston quotes the Idaho Grain Producers as stating: "The existence of the Port of Lewiston and the dam-lock structures allow the use of barge transportation along the river system. This infrastructure is a major factor in why Idaho has a \$1 billion vibrant wheat and barley industry that helps serve as a backbone to the economy of Idaho and its many rural communities."

Port of Lewiston officials say 60 percent of Washington and Idaho wheat is shipped by barge—the most efficient and cost-effective method of export. Without river shipping, export costs would easily double for farmers, meaning far less revenue for local economies.



A loaded grain barge pulls away from the terminal headed downstream with its 120,000-bushel load. (Photo by Scott Zuger, Lewis-Clark Terminal)

The barge trip from Lewiston to Portland takes about 50 hours and passes through eight different locks. Each barge trip carries 120,000 bushels of grain. That much grain would require 120 truckloads if the same amount of grain was shipped via 18-wheelers using Northwest highways.

Barging also yields a major environmental result because barges produce 33 percent less emissions than railroad trains and 20 percent fewer emissions than trucks.

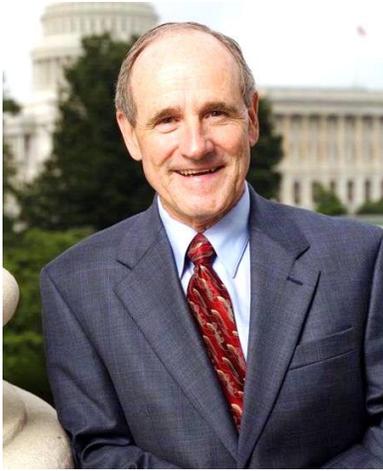
IWUA Hails Efforts By Senators Crapo, Risch To Push President For Relief from Burdensome Regulations

Idaho's largest water user group is applauding the state's two U.S. Senators for their efforts to get President Obama to support relief from the overregulation of pesticide users, including mosquito control authorities, so current and future threats to public health, including the Zika virus, can be addressed.

A filibuster by Senate Democrats has blocked legislation that would provide \$1.1 billion to fight the spread of the Zika virus. As the legislative debate continues, Sen. Mike Crapo and Sen. Jim Risch continue to advocate for inclusion of their bill, S. 1500, the Sensible Environmental Protection Act.

The bill is supported by a group of bipartisan Senators and would remove redundant, time-consuming and costly permitting requirements on the nation's pest control professionals as well as farmers, ranchers, municipalities, water users and forest managers.

"The S. 1500 legislation is crucial for Idaho water users' continued economic viability because it removes an abusive layer of pointless regulation from their operations. We are grateful to our two senators for their continued efforts to



Sen. Jim Risch



Sen. Mike Crapo

get it through the legislative process and on to the President's desk for signature," noted Norm Semanko, Executive Director and General Counsel of the Idaho Water Users Association.

Removing that unnecessary layer of time-consuming bureaucratic work is especially important given the focus on efforts to combat the spread of Zika because it reduces regulatory burdens on pesticide applicators and frees up staff time and budgets so we can focus on mosquito eradication instead of needless paperwork, the IWUA official added

President Obama opposes the regulatory relief provided by Crapo and Risch's bill. However, officials from his own administration at the Centers for Disease Control and Prevention and the Environmental Protection Agency recently announced that aerial insecticide applications are the "most important tool" for combating the spread of Zika on the U.S. mainland and territories.

Senator Crapo, along with members of the Senate and House, recently sent a letter to the President asking him to heed the recommendations of his administration's officials and reconsider his opposition to S.1500.

"Many Idaho businesses, communities, and irrigation districts are in need of support when it comes to focusing on mosquito eradication." said Senator Risch. "This legislation would make it so that all involved could focus their resources and energy on combating Zika, not navigating red tape and bureaucracy."

Palisades Dam Crest Temporarily Closed for Utility Construction

The Bureau of Reclamation has resumed construction activities at Palisades Dam to replace aging overhead utilities with an underground system.

For safety reasons, the limited access across the dam via foot, all-terrain vehicle, motorcycle or horse will be closed from Aug. 15 through the completion of the project, no later than Nov. 4.

Palisades Dam, 55 miles southeast of Idaho Falls, Idaho, was constructed by Reclamation in 1957 as part of the Palisades Project. It is a multipurpose facility that provides for irrigation, flood control, hydropower and recreation.

Magic Valley Irrigation Water Providers Sponsor Right-of-Way, Easement Outreach Effort

A group of irrigation water providers in the Magic Valley joined forces in late July to sponsor an intensive public outreach and information campaign designed to help area water users better understand the problems and solutions to the perpetual issue of right-of-way and easement encroachments.

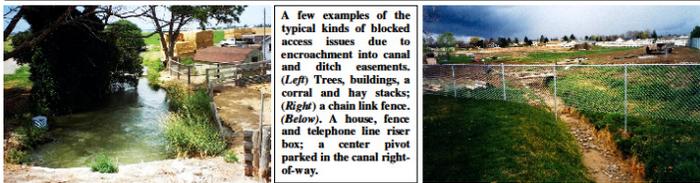
The campaign included the creation of a full-color brochure that could be provided to their patrons along with a letter asking the user to work with the irrigation entity to minimize encroachment issues. A major part of the campaign was the publication of a pair of full-page, full-color advertisements in daily, weekly and monthly publications including the Twin Falls Times News, the region's daily newspaper. One of the ads is shown below. The newspaper ads contained both text and photos that outlined the critical need for irrigation entities to have unrestricted access to canals and ditches to ensure safe and efficient, reliable water delivery.

Included in the ads were photos showing actual encroachment problems on canals in the Magic Valley area with an explanation of how the encroachment impacted the access needed by the irrigation entity.

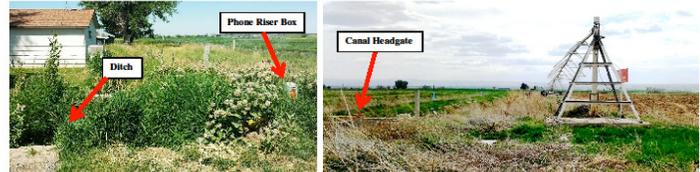
Canal & Ditch Easements and Right-of-Ways The Good and The Bad



This picture clearly illustrates the good and bad involved with irrigation maintenance easements. The easement on the left side provides access and is properly maintained. The right side of the canal cannot be maintained because there is a grain crop planted too close plus there is a buried irrigation mainline running down the middle of the easement with many risers (the arrow points to one) that would be damaged or destroyed if mowing were attempted. The bank is now dotted with trees and infested with weeds including Canadian thistle.



A few examples of the typical kinds of blocked access issues due to encroachment into canal and ditch easements. (Left) Trees, buildings, a corral and hay stacks; (Right) a chain link fence.



Two typical kinds of encroachments into the maintenance easement. (Left) An iron fence on the left bank blocks access for mowing or removing trees that are invading the canal. (Right) Corral poles prevent any access to the canal banks.



STOCK CAN CAUSE SERIOUS DAMAGE

Animals allowed into easement areas can cause serious damage to canal banks as shown in the two photos on the right. (Top) Cattle hooves have cut a groove in the canal bank allowing water to escape. (Bottom) Cattle roaming freely in the easement have caused serious damage to the bank of the canal.



KEY POINTS ABOUT CANAL AND DITCH EASEMENTS

- Easement areas are not public property and are not open to public use. Unauthorized use of these strips of land amounts to trespassing. Swimming in canals or laterals is very dangerous and not allowed. It also constitutes trespassing.
- Construction or other activities are not allowed in easement areas if they will interfere with the irrigation entity's access, operation, maintenance and repair activities.
- Be aware that the irrigation entity sometimes uses chemical weed killer as part of its regular bank maintenance. In these cases, every possible effort is made to make sure the spray is applied only in the easement. Weed burning may also pose a risk to structures, fences, landscaping or shrubbery that have encroached into the easement area.
- The owners or operators of ditches used for irrigation purposes are responsible for maintenance and repair of ditches to prevent damage or injury to property owners, whether on lands of the owners or operators of ditches or upon other lands.
- More information about rights-of-way and easements for irrigation districts, canal companies, etc. can be found in Idaho Code Title 42, Chapters 11 and 12.

Help Us Provide An Efficient, Reliable Irrigation Water Supply

Our mission is to make sure irrigation water is provided safely, efficiently and reliably to the people for whom it is entitled. The best way we can do that is to work together. If you will keep the easement areas free of obstacles along both sides of canals and ditches on your land we'll make sure we do our part.

Look at it as a partnership where both sides are working towards a common goal. If you have questions, call us; if you plan a project that involves an easement or right-of-way, call us first so we can help make sure any problems can be avoided. If there is a canal or ditch access problem on your land, let's work together to find a solution. It's the way good neighbors do things in this amazing place we call the Magic Valley.

This information is brought to you as a public service by members of the Surface Water Coalition, a group of Magic Valley irrigation entities whose employees are dedicated to the efficient and safe delivery of vital irrigation water to area water users both rural and residential.

The two ads included a listing of key points about canal and ditch easements to help educate area water users. Here are some of them:

- We have the right to deposit material on the ditch banks that has been removed during cleaning and maintenance and it is not to be removed from the banks.
- We have the legal right to remove anything that blocks the easement and to prohibit activities which unreasonably interfere with maintenance. This includes buildings, parking areas, fences, landscaping and other structures or activities.
- We may need to cut trees or remove shrubs from an easement area. Tree branches can droop or fall into the canal and obstruct water flows. Tree roots can actually rob the system of water. Tree roots can also cause seepage and result in eventual canal breaks.
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