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CCA Intervenes in Water Rights Lawsuit to Protect Ranchers

This week, CCA, working with the Pacific Legal Foundation, filed an amicus brief in support of a lawsuit filed by the California Farm Bureau Federation against the Department of Fish and Game. The lawsuit challenges that regulatory programs implemented in the Shasta and Scott River watersheds are not consistent with current law.

CCA was joined by Siskiyou County and the Siskiyou County Flood Control District in filing the amicus brief to ensure – as the amicus states – “...that the ability to divert water by use of historical water rights is not unreasonably constrained by the overzealous implementation of environmental statutes, including Section 1602 of the Fish and Game Code.

Section 1602 of the Fish and Game Code was adopted in 1961 by the legislature with the intention for DFG to regulate gravel mining. The lawsuit contends that Fish and Game Code Section 1600 was never intended to allow DFG to regulate water rights or the simple opening of a head gate to divert water under regulatory programs authorized by Section 1602 of the Fish and Game Code. This fundamental shift in the interpretation of the law has already created burdens on ranchers in the Scott and Shasta River watersheds and could potentially impact farmers and ranchers in other parts of the state.

The lawsuit seeks to clarify the original intention of the law and relieve farmers and ranchers from having to obtain new costly permits to divert water. For more information about the lawsuit or CCA's support, please contact Justin Oldfield in the CCA office at justin@calcattlemen.org.

Update on Williamson Act Legislation

Today, Assemblymember Jim Nielsen (R-Biggs) amended his Assembly Bill 2530 to reflect a funding proposal that is being supported by the California Farm Bureau Federation. The bill provides that if a county that is party to Williamson Act contracts received less than one-half its subvention funding from the state, it may opt to amend the terms of the existing Williamson Act contracts and take back 10 percent of the property tax savings of the landowner. These provisions will sunset in 2017, and will be up to individual counties on whether or not to amend contracts to take back 10 percent of landowners' current savings.

In a recent call with CCA officers and local association presidents, the consensus was to advocate for the lowest amount of a landowner fee possible, request a sunset on the landowner fee so the policy can be reviewed during better budget times, and ask that each county have the decision to participate, thereby preventing a blanket statewide fee.

The proposal, as it is currently drafted, does allow each local association to continue to lobby their board of supervisors in order to keep Williamson Act contracts as they are, and provides a 5-year sunset to counties that opt to implement the fee. CCA is neutral on this proposal and will continue to advocate for full funding in the remaining days of session and while the budget is still being negotiated. For questions or comments, please contact Matt Byrne or Dawn Clover in the CCA office at (916) 444-0845.

Biologics Bill Gains Passage in Senate

Assembly Bill 1709, authored by Assemblymember Connie Conway (R-Ventura), gained passage out of the Senate today. The bill has been significantly amended to address CCA's concerns regarding assurance that biological products currently licensed by the California Department of Food and Agriculture, such as the anaplasmosis vaccine, will continue to be available while the products are transitioned to a United States Department of Agriculture license. The bill also provides added assurance that CDFA will continue to work with an advocate for upcoming products, which have not yet been licensed by the state, but are of importance to the livestock industry.

The bill now goes back the Assembly for concurrence in amendments taken in the Senate. Should you have questions, please contact Dawn Clover by e-mail at dawn@calcattlemen.org.

CDFA to hold Sustainable Food Discussion

The California State Board of Food and Agriculture will lead a discussion on feeding a growing world population — merging increased agricultural productivity with poverty reduction, health and wellness, and sustainability at its Wednesday, August 25, 2010 meeting in Sacramento. The meeting will be held from 10 a.m. to 2:30 p.m. at the California Department of Food and Agriculture, 1220 ‘N’ Street – Main Auditorium, Sacramento, CA 95814.

The state board will hear from a variety of key speakers from across the nation, including: Jason Clay, World Wildlife Fund; Neilson C. Conklin, President of the Farm Foundation; Jeff Dlott, SureHarvest; Michael Scuse, USDA Deputy Undersecretary for Farm and Foreign Agricultural Services; Howard-Yana Shapiro, MARS, Inc., and Pamela Ronald, University of California, Davis.

“This discussion will challenge public perceptions and educate all of us on the future of agriculture within this state and across the nation,” said President Al Montna, California State Board of Food and Agriculture. “We need an all-inclusive production system with local producers on one end and intensive agriculture on the other. Feeding our state, our country and the world will require both large and small operations operating efficiently, sustainably and concurrently.”

The California State Board of Food and Agriculture advises the governor and secretary of food and agriculture of findings as they impact agriculture and consumer needs. The board conducts forums that bring together local, state, and federal government officials, agricultural representatives and citizens to discuss current issues of concern to California agriculture.

The meeting schedule for next week will be attended by CCA staff and members are welcome to attend.

CCA -Opposed Legislation Moves to Assembly Floor

Senate Bill 565, authored by Sen. Fran Pavley (D-Agoura Hills), remains eligible to be heard on the Assembly floor in the remaining days of session this month. SB 565 provides the State Water Resources Control Board with new authority and resources to investigate and prosecute unauthorized diversions and uses of water, and increases penalties for failing to report water diversions and uses.

CCA will continue to vigorously oppose this legislation in the halls of the Capitol. For inquiries, please contact Dawn Clover by e-mail at dawn@calcattlemen.org.

It’s Never too Early to Book your Hotel Room for the CCA/CCW Convention!

The 2010 CCA/CCW Convention and Tradeshow is just around the corner! This year’s convention and tradeshow will be held Nov. 17-19 at John Ascuaga’s Nugget in Sparks,

Nev. The meeting will feature policy, production and profitability and promises to be filled with education, entertainment and much more to keep you on the tip of your game!

Hotel reservations can be made now by calling John Ascuaga's Nugget at 1-800-648-1177 and by requesting the California Cattlemen's Association room block, you will receive the reduced rate of \$70/night for the West Tower or \$80/night for the East Tower. Complete convention registration materials and a schedule will be available soon.

Sponsorship opportunities and exhibitor spaces will go fast, so be sure to secure yours! For more information about the convention and tradeshow contact Chaley Paulson at (916) 444-0845 or by e-mail at chaley@calcattlemen.org.

CCA Encourages Members to Review Water Diversion Reporting Requirements

Even though the July 1 Surface Water Diversion and Use reporting deadline has passed, CCA would encourage members who have yet to file their statement of diversion for 2009 to do so as soon as possible.

The law does not provide the State Water Resources Control Board (State Water Board) flexibility to alter the July 1 reporting deadline that has been in law since 1966, however, they do recognize that there are additional water users who have not reported and are still learning the process of doing so. Communications with the State Water Board have indicated they understand and recognize the difficulty in getting the word out about the reporting requirements statewide and the difficulty diverters have had accessing information and assistance in a timely manner.

The reporting law adopted by the California legislature in 1966 requires those that divert water from California's lakes, rivers, streams, creeks or pump water from known subterranean streams to report water use to the State Water Resources Control Board using a Statement of Diversion and Use. The reporting statute applies to all water diversions, including adjudicated and riparian water rights. Certain exemptions exist for diversions that are already being reported under a stockpond registration or by a watermaster and for diversions of less than 25 acre-feet/year from a spring that does not flow off the property.

Until recently, there was no consequence associated with non-compliance, however, following the adoption of water legislation passed by the state legislature and Governor Schwarzenegger last year, a series of fines were established for water diversions that are not reported on an annual basis as currently required by state law. A \$1,000 fine will be assessed for not reporting followed by a 30-day correction period. Following the correction period, failing to register fines will be assessed at \$500/day. Additional fines have been added for accidental and willful misstatements.

CCA has been working diligently to provide information on how to comply since the beginning of the year and will continue to assist members on how to report diversions

over the next few months. More information on the reporting program and the reporting form can be accessed by visiting the CCA Web site at www.calcattlemen.org.

Members are encouraged to either contact the State Water Board directly at (916) 341-5300 with questions or by contact Justin Oldfield at justin@calcattlemen.org or by calling the CCA office at (916) 444-0845.

Cattle Fax Weekly Market Highlight
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The fed cattle market was sharply higher this week as cattle sold \$3 to \$5 higher. In the South cattle sold in a full range of \$98 to \$100 with the bulk at \$100. In the North, sales were recorded at \$97 to \$100 and mostly \$155 dressed. Trade volumes were active in all regions. The boxed beef market gained ground as well with many buyers seeking to finish buying Labor Day needs and finding offerings in short supply. Feeder cattle values picked up \$1 to \$2 on the week while calves were steady to \$3 higher. Slaughter cows were steady to as much as \$3 higher. Corn prices continued to move higher this week.

Help Your Business and Your Industry by Joining CCA Today

Do you like what you see here? Are you interested in participating in these important efforts and receiving additional publications about California's beef cattle industry? If you're not yet a member, you can lend your support by joining the California Cattlemen's Association (CCA) today. CCA is the only membership organization in California dedicated solely to looking out for the interests of ranching families and California's cattle industry.

CCA staff and officers work every day to ensure that our members have a known voice in Sacramento and in Washington, D.C. CCA defends your private property rights; works towards preserving private and public rangeland; protects the health of California's cattle herd; and provides scholarships to help the next generation of ranchers remain in the industry.

Joining this critical effort is simple for cattle producers, landowners and supporters of the industry. Call Stevie in the CCA office at (916) 444-0845 or email requests for membership information to stevie@calcattlemen.org.

This newsletter is a publication of the California Cattlemen's Association.
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