

Notes from the CEO

By John Krist

Many Farm Bureau members may still be confused regarding the recent news that they are required to file reports with the state if they divert surface water or pump groundwater from certain sources. Although the July 1 reporting deadline has passed, California Farm Bureau Federation is strongly encouraging members who have yet to file their statement of diversion for 2009 to do so as soon as possible. CFBF also will be conducting a workshop in Carpinteria on Aug. 5 to answer questions farmers and ranchers may have about the new law.

The workshop is being hosted by the Santa Barbara County Farm Bureau, but Ventura County members are welcome to attend. It will be at 1 p.m. at the home of Rick Shade, 5000 Foothill Road. Please RSVP by calling (805) 688-7479 or by emailing farmsbc@hwy246.net. For driving directions, call (805) 866-3030.

The following information is drawn from a guidance document and additional memos provided by Danny Merkley, CFBF's director of water resources.

The reporting rule is a result of the comprehensive package of water bills passed last year, Senate Bill 8 by Sen. Darrell Steinberg, D-Sacramento, requires all surface water diversions to be reported, with a few exceptions (see below). Even before this legislation passed, Section 5101 of the California Water Code required statements of diversion and use, but there were no legal consequences for failure to report. Now, there are.

Since 1966, California law has required those who divert surface water or pump groundwater from a known subterranean stream to file a Statement of Water Diversion and Use, or diverters to file an application to appropriate water with the State Water Resources Control Board, Division of Water Rights.

The new law removes some exemptions and assesses fines on diverters who fail to submit the required reports, and for willful misstatements, and/or tampering with monitoring equipment. The

new law also appropriates \$3.75 million to the State Water Resources Control Board for 25 new staff positions to manage water diversion reporting, monitoring and enforcement.

A Statement of Water Diversion and Use is required to be filed if water is diverted and used under a claim of riparian entitlement to the natural stream flow. A valid riparian claim is a vested right that is superior to any permit or license issued by the State Water Resources Control Board to appropriate water. A Statement of Water Diversion and Use is also required for pre-1914 water rights.

Failure to file a statement for each diversion that occurred after January 1, 2009, may be subject to civil liabilities that carry a maximum fine of \$1,000 plus \$500 for each day the violation continues after 30 days of the State Water Board notification of the violation.

The State Water Resources Control Board has no flexibility with the July 1 reporting deadline. However, it does recognize that there are additional water users that are now required to report under the new law and who are still learning the process of doing so. The state board also understands and recognizes the difficulty in getting the word out to diverters statewide about the reporting requirements and the difficulty diverters have accessing experts in a timely manner to accurately estimate 2009 diversions, or to determine if they are pumping from a known subterranean stream.

The State Water Resources Control Board has a four-part test that it uses to make a subterranean stream determination: 1) a subsurface channel is present; 2) with a relatively impermeable bed and banks; 3) the course of the channel must be able to be known; and 4) groundwater must be flowing in the channel. Whether groundwater is subject to the board's permitting authority under this test is a factual determination. Water that does not fit this test is "percolating groundwater" and is not subject to the board's permitting authority.

Although subterranean streams have not been completely identified or mapped in all areas of California, Ventura County is not believed to have any that meet the state qualifications. Additionally, groundwater pumpers in Ventura County who report their extractions to United Water Conservation District, the Fox Canyon Groundwater Management Agency or the Ojai Valley Groundwater Management Agency are specifically exempt from the reporting requirements. As a result, it is unlikely that any groundwater pumper here is required to file.

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Proper lifting helps cut down on back injuries

By Mike Klimenko

Back injuries are high on the list of leading causes of lost time from work among agricultural workers in California. In fact they are so common that four out of every five adults in America experience back pain at one time or another.

But until a person actually suffers a back injury, he or she doesn't really grasp how painful and debilitating these injuries are and how difficult they are to overcome. Many of these injuries could have been avoided if people were more aware of how the back functions and how to safely lift bulky or heavy loads.

Back injuries frequently occur when heavy or bulky loads are lifted improperly. While the weight of an object to be lifted does contribute to possible injury, the chance of injury increases significantly if the back is twisted or the arms are outstretched. Whenever possible avoid lifting heavy objects without assistance.

If it is necessary to lift, be sure to use proper techniques. Let your legs do the work, move straight up and down, keep your back straight and bend only at the knees. It is important to hold the load close to the body and to avoid lifting and twisting simultaneously

Keep these lifting tips in mind and share them with others on your farm or ranch:

- Whenever possible, avoid lifting. Use lift-assist devices or slide items on the same level rather than lift them.
- If it is necessary to lift, be sure to use proper techniques.
- Use carts to move loads from one location to another. Keep the path clear and make sure the cart in good working order.

Another contributor to back pain occurs more frequently among farmers and ranchers. That is bodily stress that is caused by vehicular vibrations, whether it's while operating a harvester or being jolted around while bouncing along a farm road in a pickup truck.

Here are some ideas that might help:

- Position the seat forward so that your knees are bent. If the tilt of the seat

can be adjusted, change the angle slightly every so often.

- Place a cushion at the small of your back to ease pressure on the lower back.
- Change your sitting position frequently or get out and walk around for a few minutes every hour or so.
- Grip the steering wheel at the nine and three o'clock hand positions

to put your arms and shoulders in a more neutral position.

Back pain is a warning that something is wrong. It is important to recognize this warning and take steps to prevent a back problem from getting worse.

— Mike Klimenko is Farm Bureau group manager for State Compensation Insurance Fund. He may be contacted at mnklimenko@scif.com.

Another contributor to back pain occurs more frequently among farmers and ranchers ... bodily stress that is caused by vehicular vibrations ...

Notes from the CEO *(from front page)*

If you have not previously reported your surface diversions you must first file an Initial Statement of Water Diversion and Use for each point of diversion and it should identify the amount of water diverted each month in 2009. The Statement must be filed with the State Water Resources Control Board Division of Water Rights. Once a Statement is received at the state water board, it is reviewed and will be assigned a Statement Number and a password for future electronic reporting. If a Statement is inadequate, the division will notify you of the deficiencies. All correspondence concerning these Statements should refer to the assigned Statement Number.

Supplemental Statements are filed by the diverter at three-year intervals and must be filed with the Division of Water Rights prior to July 1 of that year. Changes in the name and address of the person diverting the water should be made on the Supplemental Statement, or may be made by using a Notice of Assignment form so that the division's database can be updated. If the location of the existing point of diversion as identified on the Supplemental Statement has changed, the new location must be identified. If there is a new point of diversion, a separate Statement must be filed with the division.

Situations in which a diverter does NOT need to file Statements of Water Diversion and Use include:

- A diversion from a spring that does not flow off the property on which it is located and from which the diversion does not exceed 25 acre-feet in any year;
- A diversion that is covered by a permit or license to appropriate water that

is on file with the State Water Resources Control Board;

- A diversion that is covered by a registration for small domestic or livestock stock pond uses with a storage capacity of 10 or fewer acre-feet, was constructed prior to January 1, 1969, and for which the State Water Resources Control Board issued a water right certificate;
- When a notice is filed with the State Water Resources Control Board for recording groundwater extractions and diversions in Los Angeles, Riverside, San Bernardino, and Ventura counties.
- A diversion that is regulated by a watermaster appointed by the Department of Water Resources and included in annual reports filed with a court or the State Water Resources Control Board by the watermaster, identifying the persons who diverted water and describing the general purposes and the place, the use, and the quantity of water that has been diverted from each source;
- A diversion that is included in annual reports filed with a court or with the State Water Resources Control Board by a watermaster appointed by a court or filed pursuant to statute to administer a final judgment determining rights to water, if the reports identify the persons who have diverted water and give the general place of use and the quantity that has been diverted from each source.

Several possible scenarios where members may benefit from additional assistance with their statements of diversion are:

- Diverters filed the Initial Statement of Diversion and Use, but are still unsure about some of the information submitted on the form.

(cont'd on next page)

HIRE Act offers new hiring incentives

By Bryan Little

President Obama signed the Hiring Incentives to Restore Employment (HIRE) Act on March 18. The bill grants employers an exemption for their 6.2 percent Social Security (FICA) payroll contribution for every new qualified employee hired after February 3, 2010 and before January 1, 2011. The exemption is effective for wages paid from March 19, 2010, through December 31, 2010.

The law also allows an income tax credit equal to 6.2 percent of paid wages to new qualified employees employed 52 consecutive weeks. The maximum credit will be \$1,000. This tax credit is available to be taken on the employer's 2011 income tax. Wages paid to the employee during the last 26 weeks must be at least 80 percent of wages paid for the first 26 weeks.

To qualify, a newly hired worker must certify with a signed affidavit that he or she has not been employed for more than 40 hours during the preceding 60-day period before the employee begins employment; is not being employed to replace another employee except one who quit voluntarily or was fired for cause; and is not "related"

to the employer under rules set forth in the U.S. Tax Code.

The IRS does not require employers to send in the affidavits, but requests that employers keep the affidavits with their payroll and income tax records.

On April 7, 2010, the IRS released its finalized version of Form W-11, which employers and employees can use to qualify for this exemption and credit. This affidavit can be downloaded at the IRS website at: <http://www.irs.gov/pub/irs-pdf/fw11.pdf>.

While the IRS has not yet issued guidance on the use of the HIRE Act new-hire payroll tax exemption and tax credit, it appears this could be a real benefit to agricultural employers because the tax credit provision does not require employees to be retained for 52 weeks nor does it require employees to be full-time.

— Bryan Little is chief operating officer of the Farm Employers Labor Service (FELS), an affiliated company of the California Farm Bureau Federation. Contact him at (800) 753-9073 or blittle@fels.net. FELS provides labor-management consultation, union avoidance, human resources education, compliance materials and products and workplace safety and health training for agricultural employers throughout California and Oregon. For more information, visit www.fels.net.

Notes from the CEO (from previous page)

- Diverters filed the Initial Statement of Diversion and Use, but the form was incomplete because more research was needed in order to provide complete information.
- Diverters were frustrated and confused and, therefore, decided not to file.

CFBF has actively researched questions brought to the organization by members in recent weeks and months, and will help to further clarify and provide additional information. In all three of these scenarios, members can and will benefit by gaining a better understanding of the information they must submit to be in compliance with the law and to avoid costly fines or – even worse – the possibility that they could lose their water rights.

ACP-HLB update

As of this writing, Asian citrus psyllid (ACP) still has not been detected in Ventura County. The nearest find continues to be in Van Nuys. The deadly disease transmitted by insect, huanglongbing (HLB), continues

its slow creep toward California. The U.S. Department of Agriculture reported recently that HLB was detected in four ACP specimens found in backyard citrus from the State of Sinaloa. Two HLB-positive psyllids were found in the city of Teacapan and two more slightly further north in the city of Mazatlan. Both of these sites are in coastal areas along the Pacific. Mexican authorities plan to carry out more exploratory surveys looking for symptomatic host plants in the area.

The state of Sinaloa is on the western coast of Mexico. It borders the state of Nayarit on its south and Sonora on its north. Up until now, the northernmost finds had been in Nayarit. The state of Sonora shares its northern border with Arizona. Mazatlan is roughly in line with the southern tip of the Baja peninsula.

Meanwhile, the Ventura County ACP-HLB Task Force continues to press on with its aggressive program of education and outreach. It has distributed utility inserts containing basic information about ACP to 135,000 county households so far. It has also enlisted

(cont'd on back page)

Member Benefits

TICKETS & DISCOUNTS

Farm Bureau members qualify for discounts on admission to many of Southern California's most popular theme parks and other attractions. To take advantage of any of these special offers, drop by the Farm Bureau office at 5156 McGrath St. in Ventura. You can also place an order and pay by phone, and have the tickets mailed to you. For more information, contact Cissy Perez-Haas at (805) 289-0155. Have your membership number handy. We accept Visa and MasterCard.

Aquarium of the Pacific — Adult (Age 12+): \$18.95 (save \$5); Child (age 3-11): \$10.95 (save \$1). Valid through 12/31/10.

California Adventure and Disneyland one-day Park Hopper — Adult (age 10+): \$86 (save \$11); Child (age 3-9): \$78 (save \$9). Valid 4/25/10 thru 1/3/11.

Knott's Berry Farm — Adult (48" tall): \$29.95 (save \$22.04); Junior (age 3+, under 48" tall): \$21.95 (save \$2.04). Valid through 12/31/10.

Knott's Soak City (Buena Vista, Chula Vista, & Palm Springs) — Regular Ticket (age 12+ yrs): \$21.95 (Save \$9.05). Junior Ticket (age 3-11) or Senior Ticket (62+) - \$19.95 (Save \$.04). Valid any 1 day of the 2010 season.

Legoland — General use ticket: \$51.95 (save \$15 adult, \$5 child). Triple Park General: \$62.95 (save \$24 adult, \$14 child) Valid through 12/31/10. Includes two visits to Legoland, including new Water Park opening Memorial Day weekend, and two visits to Sea Life Aquarium.

Magic Mountain — General use ticket: Adult (48" tall): \$25.95 (save \$29.04); Child (under 48" tall): \$16 (save \$11.50). Valid through 12/31/10.

Raging Waters — General Use Ticket: \$23 (Save \$13.99) (For all persons greater than 48" tall). Valid any 1 day of the 2010 season.

Regal Cinemas — Unrestricted tickets \$8.25 (regularly \$9.50 Sun.-Thurs, \$10 Fri.-Sat). Good at Edwards, Regal, Signature and United Artists Theaters. No expiration.

San Diego Sea World : "Two Days of Fun" — Adult (age 10+): \$57.95 (save \$11.05); Child (age 3-9): \$52 (save \$7). Valid through 12/31/10.

San Diego Wild Animal Park — Adult (age 12+): \$31.95 (save \$5.05). Child (age 3-11): \$23.95 (save \$3.05). Valid through 12/15/10.

San Diego Zoo — Adult (age 12+): \$31.95 (save \$5.05). Child (age 3-11): \$23.95 (save \$3.05). Valid through 12/15/10.

See's Candy gift certificate — One-pound box \$13.45 (Save \$2.65)

Six Flags Hurricane Harbor — General Use Ticket: (48" tall +) — \$19.95 (Save \$5.04). Child (under 48" tall) — \$14 (Save \$5.99). Valid any 1 day of the 2010 season.

Universal Studios: 3 Days are Less than 1 — General Ticket (Age 3 +) - \$59. Must process at the Annual Pass Center prior to entry. No blackout dates on first visit. Blackout dates subject to change. ID & finger scan required for park entry. Valid thru 12/31/2010.

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MISSION STATEMENT

We represent the collective interests of the agricultural industry, for the benefit of our members, in political and policy interactions with our urban and rural neighbors. We seek to be aggressive in promoting the interests of our members and are committed to the long-term success of agriculture in Ventura County.

FARM BUREAU OF VENTURA COUNTY

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Notes from the CEO (Continued from page 3)

the help of the Master Gardeners Program to distribute 25,000 informational door hangers to nurseries and garden centers.

Speakers continue to give presentations to community groups, civic organizations and elected officials. By the time you read this, a presentation on the disease and pest will have been given to every city council in the county except Oxnard's.

The Task Force has also begun Spanish-language outreach, starting with an extended interview on radio station KMLA.

A recent workshop for growers on commercial treatment and detection strategies was well-attended and very informative. The Task Force is planning additional workshops for organic growers and nursery/garden center employees.

As always, we welcome suggestions and inquiries about Task Force activities.

— John Krist is chief executive officer of the Farm Bureau of Ventura County. Contact him at john@farmbureauvc.com.

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