

# Family Farm Business

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what he wanted to do.

But the representative didn't tell him if a permit was necessary, and Masser wasn't advised. "I never got a response from (SRBC) until July 16, 1991," Masser said.

### Late Correspondence

In fact, Masser received a letter dated July 16, 1991, from Robert Bielo, former executive director of the SRBC.

In the letter, regarding the use of water for irrigation, Bielo stated that the commission took no action "to either approve or disapprove the project." In fact, in the six years since an SRBC representative came to the farm, nothing was done by the staff.

In his letter, Bielo requested an update on the irrigation use at the Masser operation and, though he included the statement, "We appreciate your cooperation concerning the above matter ...," Bielo wanted the information in writing within the month.

"Since we have received no word from you regarding the project (installing center pivot systems) status, we ask that you provide an update regarding your irrigation operation ..."

What was requested was:

- a detailed description of current irrigation practices;
- details of practices used prior to Jan. 23, 1971, which was the grandfathering of agricultural use;
- a location map showing from where water was being taken and to what fields it was being applied;
- estimates on the maximum and average daily total and consump-

tive use (the amount of water that plants transpired, or evaporated during the irrigation process) during the irrigation period;

- the amount of any intended increase in water use;
- any available data (facts) on the farm's historic water use.

Masser said he was upset with the letter.

Not only did the agency not provide any information or direction to Masser, it waited six years before following up on Masser's initial effort to let them know what he was doing.

On top of it, the agency now wanted Masser to act quickly to get the SRBC all the detailed data it wanted — data that would require a good amount of time and cost to research and compile.

Masser responded that the only water he was using or intended to use was that which was used by the operation prior to the agency's January 1971 grandfathering cutoff.

The agency is different now, Masser said.

In recent months, the SRBC has more or less publicly apologized for the confusing state under which it had been operating.

In fact, that confusion and uncertainty has been cited as a strong reason for the commission's attempts to restructure all of its piecemeal regulations in a comprehensive, interlocking document and to simplify the process as much as possible.

Masser said he agreed.

In fact, he became involved with efforts to improve the agency's regulations after attending public

hearings the SRBC held in 1991 at state Game Commission headquarters in Harrisburg.

That hearing was held to gather public comment on the agency's proposal to implement consumptive use regulations and fees for those who, in effect, were hastening the evaporative (or other) loss of water from the river.

Human activities, such as using river water to generate electricity, can create large, unnatural losses of river water, because it is vaporized into the atmosphere and out of the basin.

Support for regulating these activities has been wide (except of course from those who are being regulated).

However, agricultural organizations and individuals objected strongly to the commission's proposal when it had also targeted the loss of water from the river that comes from irrigating farm crops and watering livestock.

Those consumptive use regulations went through several years ago with a waiver for agriculture and public water suppliers. Agricultural representatives involved generally considered the debate over farmer water use dead.

However, when the commission proposed last year to consolidate the entire package of commission regulations, commission staff re-proposed including agriculture, though with 50-percent discounts, etc.

A new set of hearings were held.

That consumptive use proposal would have made water users come up with some acceptable form of emergency water storage, or some offsetting conservation practices, or to pay for the drought-use. It also proposed some registration fees.

Because of the public outcry, and the strength of several arguments that farmers do more to benefit the river's water flow than it consumes, the SRBC has for now set aside its proposed consumptive use regulations, but has vowed that it will not repropose any fees upon the agricultural registration, or use, of water.

In the meantime, Masser has been involved in presenting agriculture's side of the issue to the commission, which has changed staff and commissioners over the years.

The commission has an agricultural advisory committee, and Masser currently chairs. He became involved in 1991, after attending the hearings.

He said that while the previous commission and staff had virtually disregarded agricultural committee concerns, the current commission and staff is listening.

The agricultural advisory committee, including Masser, has been meeting and helped devise the SRBC regulations for registration of water use.

This is half of the regulations and this is the half that is being supported by the agricultural industry in Pennsylvania and Maryland. New York, however, has caused some tension within the agricultural community.

According to published reports, and those involved in the hearing process, the position of the New York basin community is that the SRBC has no right to make them register their water use. It is seen as a threat to their independence and rights to water.

Masser said that this is a mistake.

The registration has been requested by the SRBC, because it

needs to know how much water is being pulled out of the ground, out of the streams and ultimately out of the flow of the river.

According to Masser, those in agriculture should take this opportunity, before January 1996, to register the use of their water with the agency, because it is in their best interest.

There is no cost, there is not, nor will there be a charge, and the agency needs the information in order to manage the flow of the river.

Those who don't register may well eventually find that neither the government, nor courts, will acknowledge the historic use of water on a farm if it has not been documented.

And the outlook is that eventually the need to document those water uses on a particular farm will be requested.

Eventually, barring some disaster that reduces human demands on the flows of the river, or some miracle of technology that reduces people's uses of water (it has only been increasing), some interests will be denied access to water.

"I think registration is a good thing. It gives us documentation of water use, a historical record. And although there are no guarantees to water use, it at least gives us consideration in future policy," Masser said.

"That's why I went to the SRBC in 1984, I wanted to let them know what I was doing.

"Water is a limited resource. If agriculture doesn't deal with the issue now the issue will deal with agriculture later, and then we won't be in a position to have too many options."

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