

Marion County Extension Newsletter

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Texas Master Naturalist

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<http://txmn.org/cypress/>

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<http://marion.agrilife.org/>

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Opening thoughts

Hope all the hay folks are getting your first cuttings of rye and winter grass. 2012 start has been a great welcome after a horrible 2011. Have a feeling that year is one we will not soon forget. Pray that the rains keep coming through the end of the spring and summer. Read an article about el nino and la nina, it said that a shift has been made for more favorable conditions to come. Hope it is right. Plants should be doing well too. Watch your vegetable plants for bugs this year. With the early warm weather they should come out in force. Trees took a big hit this year with last years drought, especially the red oaks and oak trees in general, if you have dead ones there is information about that in this publication. Enjoy!

From the Garden

The Jefferson Christian Academy School has been very diligent with their growth of vegetables, fruit trees and buildings. They have built three green houses which are the nursery for the many things they plant in their gardens. With the rains causing problems early this year Robert Belew and the agriculture program have been making grow boxes to keep seeds from running to the creek. They have built upwards of 75 or more grow boxes, placed many of them in their gardens and sold a few to help pay for expenses. The biggest problem with so many grow boxes is the amount of dirt they purchase to go in them.

The boxes should insure good growing, less weeds, less bending to take care of the plants and picking and seed retention. The Christian Academy also uses their produce to off set the cost of food for the cafeteria. They grow a variety of vegetables including, pepper plants, squash, watermelons, potatoes both sweet and reds. The agriculture program at Jefferson Christian Academy and Agriculture Teacher Robert Belew really have a program that is the envy of most programs. Congratulations and Good Luck hope to see some of those products at the Jefferson Farmer's Market too.



Another Garden Success Story is Martha Maples and her giant cauliflower. She raised it at home in her small garden, yet everything in her garden including tomato plants grow and produce each year. Have not seen many cauliflower plants grown in Marion County, but broccoli, beans, squash, okra, and many plants grow well here. This cauliflower was not harvested and it is past that point, but beautiful non the less.



Cauliflower:

Plant in the Fall and Harvest in Winter

Varieties

Averda (green), Brocoverde, Cheddar (orange), Graffiti (purple), Imperial, Majestic, Panther (green), Snow Crown, Snowball Y Improved, Violet Queen (purple)

Soil Preferences

Fertile, medium textured, well-drained soils; can be grown on a wide range of soil pH (6.0 - 7.8) and is well suited to the higher pH level.

Optimum Growing Conditions

Cool temperatures: days 55-70°F, nights 45-55°F. Does not tolerate heat.

If you are interested in Growing anything come by and visit with the County Agent and get some useful information about your growing options and future harvests.

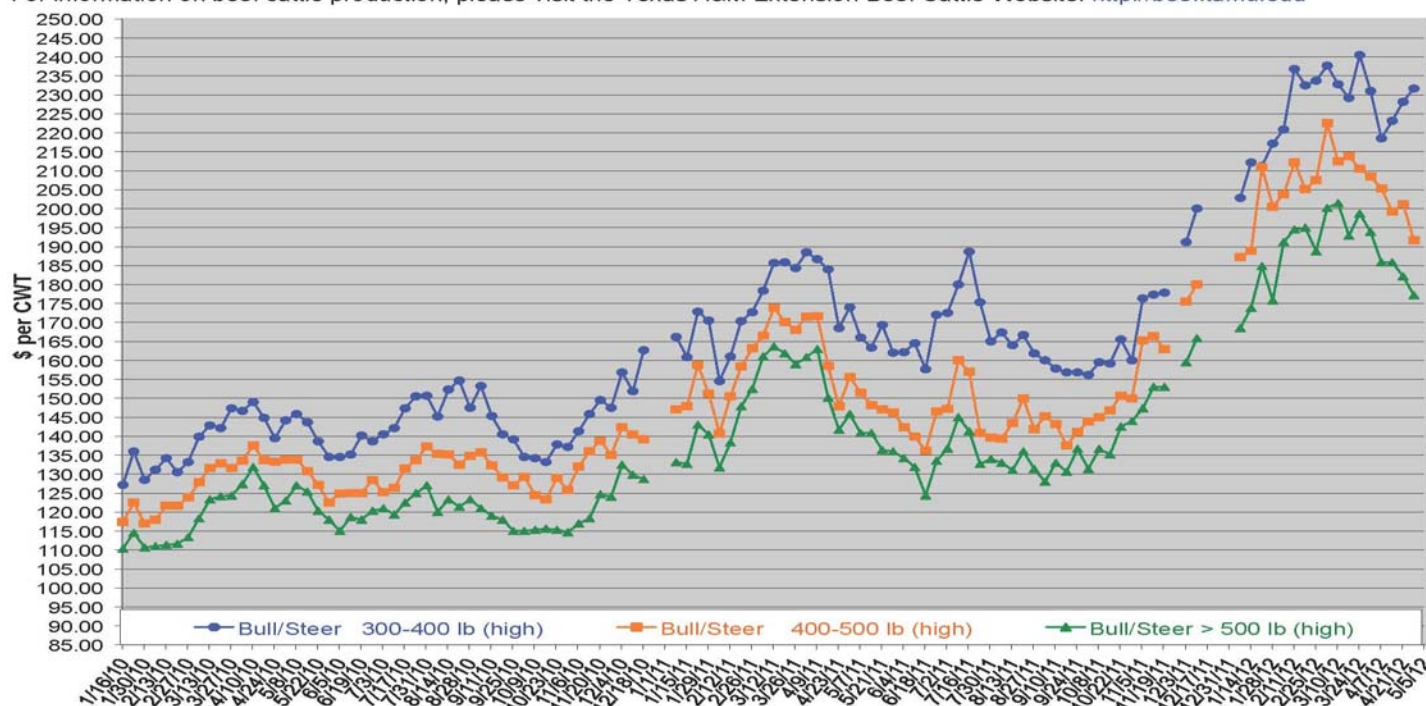
Beef Today

Calf Price Trends

Trend of Highest Prices Reported for Various Weight Calves, Average of 3 East Texas Livestock Auctions

For a weekly email copy of this chart, please contact your Local Texas AgriLife County Extension Agent

For information on beef cattle production, please visit the Texas A&M Extension Beef Cattle Website: <http://beef.tamu.edu>

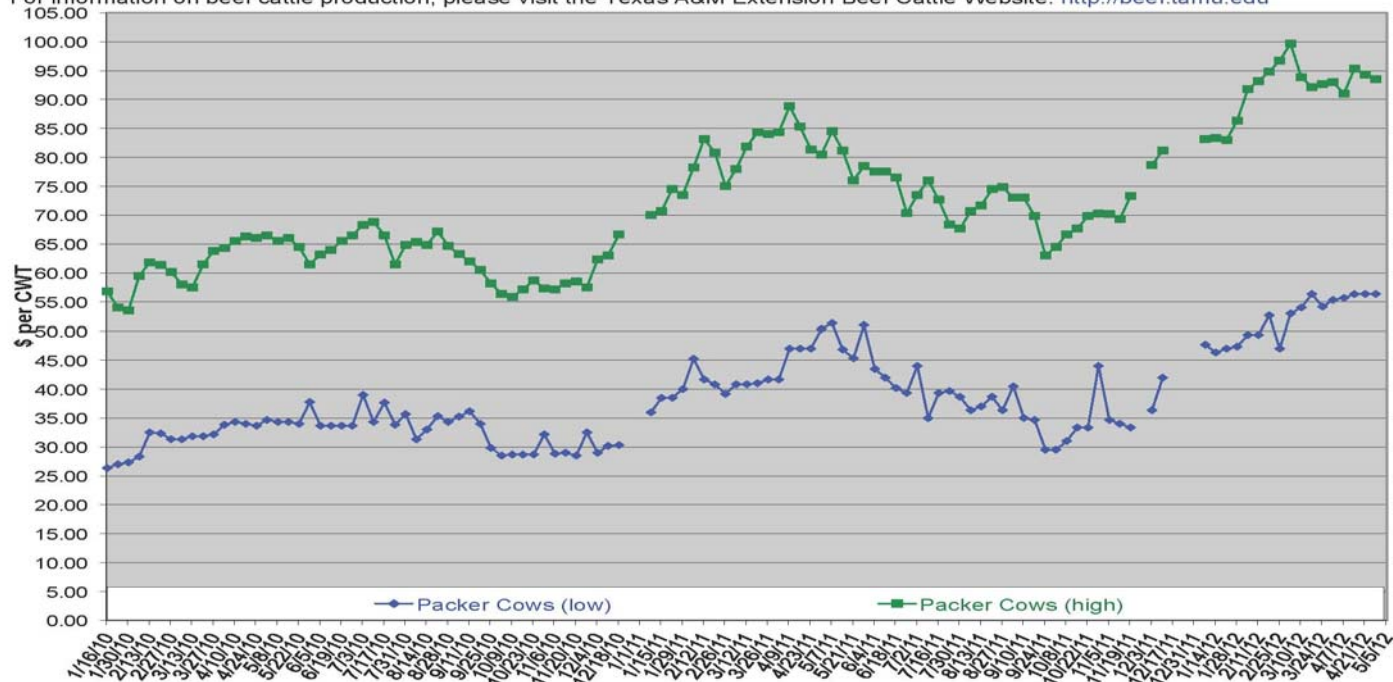


Packer Cow Price Trends

Trend of High and Low Prices Reported for Packer Cows, Average of 3 East Texas Livestock Auctions

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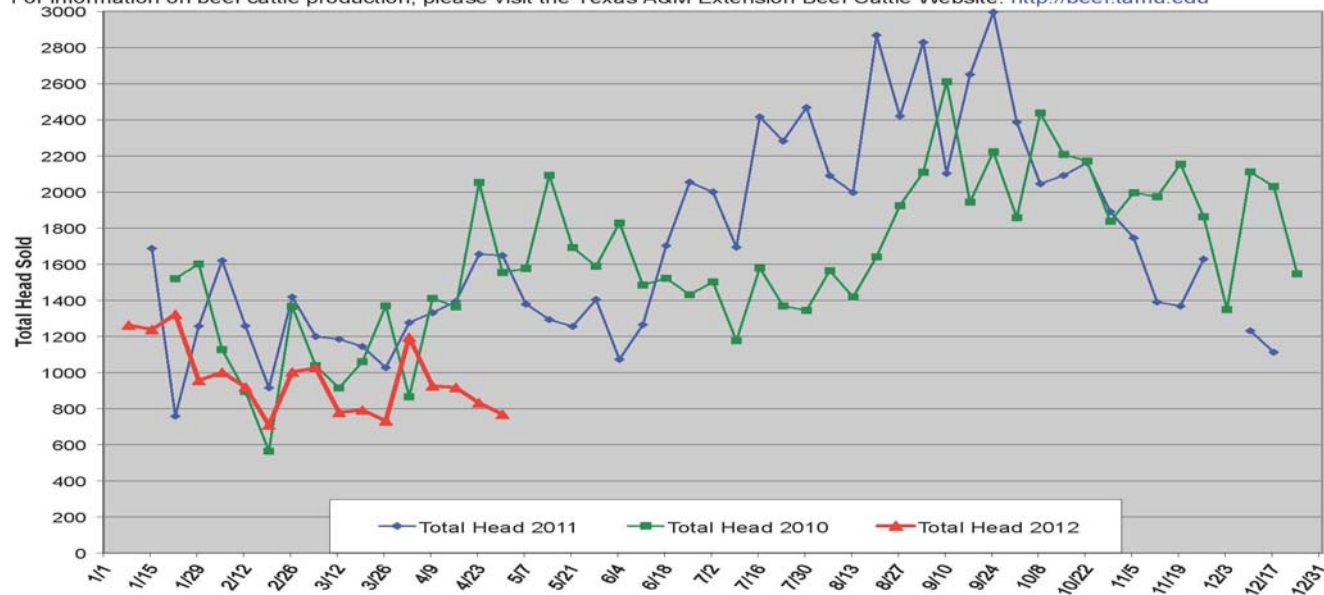


Total Head Sold Trends

Trend of Total Head Sold, Average of 3 East Texas Livestock Auctions

For a weekly email copy of this chart, please contact your Local Texas AgriLife County Extension Agent

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UPDATE Findings and Implications

Texas Supreme Court Decision on Edwards Aquifer Authority v. Day

On February 24, 2012, the Texas Supreme Court issued a long-awaited ruling in **Edwards Aquifer Authority v. Day**, deciding that Texas landowners have a constitutionally protected interest in their groundwater.

Findings

- With respect to government regulations, landowners have a constitutionally protected interest in groundwater beneath their land.
- In statutes establishing the Edwards Aquifer Authority and local groundwater conservation districts, the Texas legislature recognized that landowners have a property interest in groundwater.
- The regulations of the Edwards Aquifer Authority did not automatically deprive landowners of their constitutionally protected interests in groundwater. The Court sent the case back to the trial court to determine if “takings” occurred and if so, whether Day and McDaniel were entitled to financial compensation.
- The Court acknowledged that the Edwards Aquifer Authority correctly applied the law in awarding 14 acre-feet of groundwater per year to Day, based on their use during the statutory 20-year historical use period.
- The constitutionality of the “loser pays” statute was upheld—meaning that, if a landowner does not prevail in a lawsuit against a groundwater district, then the landowner must pay the reasonable attorney fees and court costs of the district.
- The rule of capture still applies in disputes between landowners over well interference from pumping.
- When groundwater flows to the surface from springs or seeps and enters a watercourse, that water belongs to the State and is no longer privately owned.

Implications

- The Court made it clear that its *Day* decision does not stop the Edwards Aquifer Authority nor a groundwater district from restricting groundwater pumping. The Court explicitly recognized that, *“in many areas of the state, and certainly in the Edwards Aquifer, demand exceeds supply. Regulation is essential to its conservation and use.”*
- “Takings” claims are based on the U.S. and Texas constitutions, which prohibit government from acquiring or over-regulating property for public purpose without payment of just compensation. This does not mean that the Edwards





Aquifer Authority and groundwater conservation districts cannot restrict a landowner from pumping; it means that the regulations must be reasonable and not excessive.

- The Texas Supreme Court requires trial courts to consider certain factors in “takings” lawsuits. Compensation is required when:

- government actions result in a permanent physical invasion of landowner property.
- regulations completely deprive an owner of the water’s “economically beneficial use.”

If these factors do not apply, then regulations to protect the aquifer must be balanced against the severity of the burden imposed on the landowner to determine if compensation is merited.

- Reasonable regulations of groundwater districts, even if they diminish the value of the landowner’s property, may not entitle the landowner to compensation.
- Based on the **Day** decision, groundwater conservation districts will probably re-examine their regulations with regard to the “takings” guidelines.

- Further legal scrutiny probably will be given to aquifer management regulations such as “desired future conditions” and the “50/50 Texas Panhandle depletion allowance.”

- Desired future conditions are determined by a process to quantify the condition of an aquifer that is desired at a specific time in the future. In most cases, a target is stated that limits the decline (drawdown) in the level of the aquifer. Groundwater district pumping limits must be consistent with desired future conditions to preserve groundwater for future generations.

- The 50/50 depletion rule adopted by the High Plains Underground Water District is the desired future condition for a portion of the Ogallala Aquifer. The rule limits landowner pumping in order to retain 50 percent of the water in the aquifer at the end of 50 years.

- The “loser pay” provision in groundwater district legislation and statutes of limitation may prevent additional test cases against the Edwards Aquifer Authority and other groundwater conservation districts from rising to the number that some predict.

- The rule of capture, often called the rule of the biggest pump, may still apply to landowner disputes over well interference. This legal rule essentially provides that, absent malice, waste or land subsidence, landowners may capture water from under their land and bear no liability to neighboring landowners—even if the pumping deprives the neighbors of water.

These statements are the opinions of the author and may not reflect the opinions of the Texas AgriLife Extension Service. This article is written for informational purposes only and not for the purpose of providing legal advice.

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Hypoxyton Canker and Oaks

<http://easttexasgardening.tamu.edu/homegardens/hypoxyton.html>

Hypoxyton Canker has been noted in the death of many oaks in the East Texas area over the last several years. This disease is not rare, but due to the stressful droughts of the last several summers, a large number of trees are being affected. The following is a description of hypoxyton canker in oak, taken from the Texas Plant Disease Handbook:

"Hypoxyton Canker (fungus - *Hypoxyton atropunctatum* and other *Hypoxyton* spp.): The disease is first evident as a dieback of one or more branches. The foliage of the diseased limbs turns yellow and dries. This dieback continues from branch to branch through the stem until eventually the tree dies. This may require 1 or more years depending upon the environment and amount of stress experienced by the tree. Near death or shortly after tree death the outer bark sloughs off and exposes large masses of brown, dusty one-celled spores (conidia). These spores are gone within a few weeks and a grayish surface is visible. This is covered with numerous black fruiting structures. Mature fruiting structures (perithecia) can forcibly discharge sexual spores (ascospores) for distances of 60 mm. They are then blown to surrounding trees where infection occurs again. Entry appears to be through injured surfaces on limbs or trunk. The fungus grows best at 86 degrees F but can grow at 50 and 100 degrees F.

Hypoxyton canker causes a dark brown discoloration of the sapwood. With age the infected wood is lighter in color and has black zones or patterns in the wood when observed in cross section.

Hypoxyton canker occurs primarily on trees which are or have been in stressed conditions. Trees which have been damaged by excessive fill soil are often attacked by this organism. It is also suspected to be a fungus that can invade on oak wilt-infected trees.

Control is achieved by maintaining the trees in a healthy condition. Avoid injury to the trunk and limbs and never apply fill soil around the trees. Chemical treatments would not be effective because the fungus is located within the tree."

Below are some photos showing the symptoms of hypoxyton canker on oak (click on image to enlarge).

There is also a good write-up on this disease with photos on the Texas Forest Service website
<http://txforestservice.tamu.edu/main/article.aspx?id=1262>

Upcoming events:



RABIES VACCINATION CLINIC SCHEDULE – 2012

Shots \$10.00 Donation per Animal

Saturday, May 19th 2012

West end of Marion County

9:00 am - 10:30 am

Kelly Park Community Center

10:45 am - 11:30 am

Crestwood Fire Station

11:45 am - 12:45 pm

*** Lunch Break ***

1:00 pm - 2:30 pm

South Shore Fire Station

Saturday, May 19th 2012

East end of Marion County

2:45 pm - 4:15 pm

East Texas Farm & Ranch Store, Jefferson

4:30 pm - 6:00 pm

Pic 'n' Pay Grocery, Hwy 49 & 43

Due to rising fuel cost we are setting up at these central locations this year. We hope this is not to much of an inconvenience for anyone. Please inform all your friends and neighbors, So we can get as many animals vaccinated as possible. **Thank You**

Brook Fry
CEA-AG/NR

Educational programs of Texas AgriLIFE Extension and Prairie View A&M University serve people of all ages regardless of socioeconomic level, race, color, sex, religion, disability or national origin. The Texas A&M University System, U.S. Department of Agriculture, and the County Commissioners Courts of Texas cooperating. Member of the Texas A&M University System and its Agriculture Program.

Kid's Fish Day is Always the First Weekend in June! (June 2) Hurricane Creek, Lake O the Pines. Registration starts at 8:00 A.M. Bring your kids out for a free lunch and gifts.



2nd Date Hay Production and Purchasing

Friday, May 11, 2012

Due to outstanding interest, the program scheduled for April 27th has reached capacity, consequently, we will be offering the program a 2nd time on May 11, 2012.

AgriLife Research and Extension Center, Overton, TX
Cost: \$60/ person, includes lunch and program materials
Register at: <https://agriliferegister.tamu.edu>; keyword: hay
Limited to the first 50 people to register

2 Pesticide CEUs Available (1 IPM and 1 general)

- 9:30 Check-in and pick up program materials (coffee, bottled water, and donuts provided)
- 10:00 Forage species differences: yield potential, cutting time, bale making characteristics, and forage quality (Dr. Vanessa Corriher)
- 11:40 Using the USDA web soil survey to select hay storage site locations (Dr. Jason Banta)
- 12:00 Lunch
- 12:45 Establishment of annual forages
Management and fertilization of annual and perennial forages (Dr. Vanessa Corriher)
- 1:45 Understanding forage quality and hay testing
Factors affecting forage quality (Dr. Jason Banta)
- 2:45 Break (bottled water and cookies provided)
- 3:00 Weed control (Dr. Vanessa Corriher)
- 3:30 Bale size and density
Pricing and cost per unit of nutrient considerations (Dr. Jason Banta)
- 4:15 Storage and feeding (Dr. Jason Banta)
- 5:00 Adjourn

Want to improve the efficiency of your cattle operation by producing or purchasing better quality hay that will result in little or no supplementation and less total feed costs? Have you wondered how forage species differ in yield and quality potential, and hay making characteristics? Are you curious about how bale size and density affect transportation and feeding costs? Have you had questions about hay testing or the different factors that affect hay quality? Would you like to learn tips to reduce storage and feeding losses? Are you curious how to use the USDA web soil survey to determine the best locations on your property for hay storage? **Dr. Vanessa Corriher, Forage Extension Specialist, and Dr. Jason Banta, Beef Cattle Extension Specialist, will answer these questions and many more.**

For more information on this program please contact Michelle Sensing @ 903-834-6191.



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“Improving Lives. Improving Texas.”