

Master Marketer Newsletter

<http://mastermarketer.tamu.edu>

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Master Marketer Highlights

Happy New Year!

In keeping spirit with the New Year and being thankful for the many opportunities we have been provided, Master Marketer would like to give a New Year's Thank You to the 2015 Master Marketer sponsors. With their support, we have taught workshops year-round to bring you the latest in market news and provide up-to-date trends while using current data and connecting professionals throughout the field. This year we are celebrating 20 years of Master Marketer! Having graduated over 1100 participants, we could not have had this successful run without the continued support from our sponsors.

Along with *Texas A&M AgriLife Extension Service*, funded grants have been provided by *Texas Corn Producers*, *Texas Farm Bureau*, *Cotton State Support Committee-Texas*, *Texas Wheat Producers Board*, and *Texas Grain Sorghum Board*. This support not only goes towards the yearly program itself, but also towards the entire Master Marketer system entailing multiple websites, newsletters, fact sheets, and other sources for delivery of risk management education materials. Make yourself at home and browse through the following said websites, Master Marketer is always available at your fingertips:

*Visit Basis.tamu.edu for the Master Marketer webpage that serves as a cash price data set for corn, sorghum, wheat, soybeans and cotton. Prices are posted weekly as an average per region and date back to the last 15 years with some going back as far as 1976. When retrieving data, cash prices, futures prices, and basis values can be downloaded into an Excel worksheet and are viewable through both the table and chart display features.

*Next time when your browsing Facebook, make it valuable...check out [Facebook.com/AgriLifeMasterMarketer](https://www.facebook.com/AgriLifeMasterMarketer). The Master Marketer Facebook Page serves as an "online" marketing club where we welcome interaction and feedback. Be sure to "like" our page so we can bring you the latest in market news and program announcements.

*Some of our best educational tools are located in the Risk Management Library at <http://agecoext.tamu.edu/riskmanagement>. This guide is a series of economic fact sheets written by Extension Specialists from Texas A&M and Kansas State. Arranged by topics, you are sure to find additional information in areas you deem as most needed. Often used in the Master Marketer class, these easy-read fact sheets and curriculum guides serve as a "refresher" long after participants have graduated from the program.

Cotton...On the Road Again

Dr. John Robinson, The Texas A&M AgriLife Extension Economist for Cotton Marketing, will soon be making his way throughout the south for scheduled cotton outlook presentations and marketing workshops. Please join us at a meeting near you for the latest in cotton market updates. For more information, contact the local county extension agent or Dr. John Robinson at (979) 845-8011 or jrcr@tamu.edu

January 20: Stanton, TX
Multi-County Extension Cotton Meeting

January 26: Spearman, TX
Multi-County Extension Cotton Meeting

January 28: Childress, TX
Red River Cotton Conference

February 6: Hereford, TX
Deaf Smith County Cotton Meeting

February 10: Memphis, TN
Cotton Incorporated Futures and Options Workshop

February 18-20: Amarillo, TX
Master Marketer Program - Cotton Session

February 24: Maricopa, AZ
Cotton Incorporated Futures and Options Workshop

April 1: Lubbock, TX
Cotton Incorporated Futures and Options Workshop



Guest Column: Texas Agricultural Law - What To Watch in 2015

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As everyone is recovering from the New Year celebrations and getting back to the grindstone, I thought it would be fun to highlight a few of the major ag law issues to watch in 2015.

Water Disputes Unfortunately, this issue will likely top the list every year for the near future. Across the country we are seeing more and more water-related disputes. In addition to the issues outlined in my 2014 Year in Review post, there are two additional issues I think will be in the forefront this year.

Water pipelines. With the San Antonio Water System's approval of a pipeline that will carry water from rural Bureson County to the City of San Antonio, litigation is almost sure to follow. A similar proposal is currently pending before the New Mexico State Engineer, which will almost certainly result in a heated contested hearing.

"Waters of the United States." The EPA proposed definition of "waters of the United States" under the Clean Water Act resulted in extensive controversy and comment against the rule, led by the agricultural industry. In total, over 500,000 comments were received. The comment period closed in November, and the EPA will now consider each of the comments received and determine if modifications are needed before the rule becomes final. Farm Futures outlined many of the comments made by agricultural groups here. It will be interesting to see the EPA's final version of the rule. To be sure, if the concerns of the public—including those of production agriculture—are not adequately addressed, litigation is likely.

Local Fracking Bans Local fracking bans passed across the country will likely move from the ballot box in 2014 to the courtroom in 2015. Here in Texas, two lawsuits have been filed against the Denton fracking ban, passed in November. The Texas Oil and Gas Association and the General Land Office seek to have the ban declared invalid as it is pre-empted by state law. An even broader statute was passed in Mora County, New Mexico and is currently being challenged in New Mexico federal court. Plaintiffs there include mineral owners and the Independent Petroleum Organization of New Mexico. This is an important legal issue and its resolution could impact rural landowners and mineral owners.

Agricultural Protection/"Ag Gag" Laws Seven states have now passed agricultural protection statutes, known as "ag gag" laws. Two of these statutes—Idaho and Utah—are currently being challenged in federal court. A ruling on the constitutionality of these statutes could come this year, and because this involves a federal constitutional issue, these cases could eventually end up before the United States Supreme Court.

Underground Trespass In Texas, two cases are currently ongoing that raise interesting and important issues about underground trespass and oil and gas. Although these cases involve Texas law, they may offer a foreshadowing of issues that could arise in other states. It is likely that at least one of these cases will be resolved in 2015.

Disposal Well Case. In *EPS v. FPL Farming*, the Texas Supreme Court is considering whether a disposal well company can be held liable for trespass if the water injected some 8,000 feet below ground crosses property lines. Oral argument in this case occurred last February, so a decision could be forthcoming at any time.

Horizontal Drilling Case. In *Lightning Oil Company v. Anadarko E&P Onshore*, a different issue of underground trespass was raised: did Anadarko trespass on the mineral estate if they drill a horizontal well through property on which another company holds the mineral rights, to reach property on which Anadarko holds the mineral rights. Although this case is only at the trial court level, it is very interesting and has the potential to greatly impact the law related to modern oil and gas production. (Continued on Page 3)

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The Endangered Species Act There are several disputes related to the Endangered Species Act that will likely be before courts in 2015.

Aransas Project v. Shaw. This case involves the alleged 2012 death of 23 endangered whooping cranes in the Aransas Wildlife Preserve in South Texas. Plaintiffs, an environmental group, sued the Texas Commission on Environmental Quality, alleging that by issuing permits for diversion of water upstream from the preserve, the TCEQ caused the death of the cranes, constituting a violation of the Endangered Species Act. Although the trial court found for the plaintiffs, the 5th Circuit reversed, finding no proof of causation between the TCEQ's issuance of permits and the death of the birds. Recently, the 5th Circuit voted 11-4 against rehearing the case en banc. The plaintiffs plan to appeal to the United States Supreme Court next year.

Lesser Prairie Chicken. After the lesser prairie chicken was listed as threatened in 2014, numerous lawsuits were filed against the Fish and Wildlife Service. Environmental groups filed suit claiming the FWS should have listed the species as endangered. Conversely, several states and industry groups filed suit claiming the species should not have been listed at all. These lawsuits are pending and will likely be heard by federal district judges this coming year.

PETPO v. USFWS. A federal judge in Utah limited the scope of the Endangered Species Act in this case involving the Utah prairie dog. The judge found that because the species was found only within the bounds of Utah and had no substantial impact on interstate commerce, that it was beyond the reach of the ESA. This decision provides an interesting question about the scope of the ESA, and will almost surely be appealed to the 10th Circuit.

It appears that 2015 will continue to be a busy year for agricultural law. I look forward to keeping you up to date on the current issues and welcome any requests or suggestions for blog posts in the coming year at <http://agrilife.org/texasaglaw/home/>

Choice Website

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Over the last 18 months, Extension Economists and industry participants have been involved in an applied research project looking at the economics of aflatoxin risk management. The project is partially funded by the Southern Extension Risk Management Education Center. Aflatoxin contamination has been a perennial problem for Texas corn producers, merchandisers and end-users. However, in recent years producers have begun using a new technology (atoxigenics), as a way to potentially reduce aflatoxin contamination levels in the corn they are producing.

agecoext.tamu.edu/resources/aflatoxin/

Visitors to the website can learn more about the economics of aflatoxin risk management from the two Extension Fact Sheets on the website. A downloadable Excel spreadsheet has been developed and placed on the website also, so that producers can download the spreadsheet to conduct their own analysis. The spreadsheet is designed so that producers can enter their own yield, cost and insurance information, and run their own simulation analysis to determine the cost-effectiveness of treatment in their specific situation.

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If you would like to receive this newsletter by email,
or have any other questions about the Master Marketer System,
please contact Emmy Williams at emmywilliams@tamu.edu or (979) 847-6143.

An archive of newsletters can be found online by visiting
<http://agecoext.tamu.edu/programs/marketing-programs/master-marketer-program/newsletters/>

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