

## FRESHWATER FISTICUFFS IN COURT

Timber barons can speculate on trees, land barons can speculate on selling properties but the West is not supposed to have water barons. It's illegal under Western water law to speculate on water. An Oregon administrative law judge has ruled a private company would be speculating on the waters of the McKenzie River if granted its application for 22 million gallons of water a day out of the river.

On April 27, the judge recommended to Oregon's Water Resources Department that Willamette Water Company's water right application be denied.

Administrative Law Judge James Han wrote in his ruling that "the preponderance of the evidence established" that the company's application was speculative because it had no contracts to sell water, had not shown it would obtain them in the future and was applying for more water than it could show it would put to "actual beneficial use."

WWC said it would sell water to rural communities such as Cottage Grove and Creswell, but the judge wrote that Willamette Water Co. didn't show it had land-use compliance for water lines and other needed facilities.

The conservative majority on the Lane County Board of Commissioners voted in October 2011 for a resolution in support of the water bid. Commissioners Pete Sorenson and Rob Handy voted against it.

"I think round one goes to the river, but we don't control how many rounds this fight will go," says John DeVoe, executive director of WaterWatch of Oregon. The group has been fighting WWC's permit application for 34 cfs (cubic feet per second), which was filed in 2008, for several years.

Judge Han's proposed order will go to the Water Resources Department (WRD), which could choose to reject or amend the order. A decision is expected soon.

DeVoe says he hopes that the WRD "will see the wisdom in the judge's order and act accordingly."

WaterWatch attorney Lisa Brown says that though the argument had more nuances, "At the core of it we just argued there's not a need for this water and that type of speculative proposal is not allowed under the code."

If the permit is denied, WWC could still appeal that ruling. The company's attorneys did not respond to a request for comment before deadline.

Willamette Water Co., which currently has a small 4 cfs permit and serves Goshen, was purchased by Greg Demers in August 2006. In a December 2009 Water Utility Annual Report, the corporation listed two stockholders — Demers and Melvin McDougal. Greg Demers was listed as the company's president, and Jeff Demers as the director of operations. WWC has shared administration, offices and other goods and services with Frontier Resources LLC, which Oregon's Corporation Division says is made up of Greg and Jeff Demers, as well as Ed King of King Estate Winery. The Frontier and WWC currently share a mailing address, according to the corporations division.

The McDougals and Demers own thousands of acres of land around Lane County and are involved with a dispute with Lane County over their company's (Lost Creek Rock Products) mining of Parvin Butte (see story this issue).

— Camilla Mortensen

## THE KEYS TO CAPSTONE

As the City Council's vote on the 10-year Multiple-Unit Property Tax Exemption (MUPTE) for the proposed 1,200-student Capstone project nears, Eugeneans are piping up about potential impacts on the livability of downtown and the surrounding neighborhoods.

One of these elements is a plan to protect the residents of Olive Plaza. Barbara Goldberg lives in the 12-story apartment complex for low-income seniors, located next door to what could become housing for 1,200 college students. Goldberg stresses that she and her neighbors aren't vilifying the "normal, exuberant behavior" of college students, but they fear that even after the 12-hour-day, six-day-per-week construction phase is over, the large-scale student housing is just "not a good match" for a building of elderly people, many of whom have compromised respiratory conditions or other health issues and can be unsteady on the sidewalks.

Goldberg says that if the Capstone project is built, it needs to be done in a way that recognizes the huge obstacles the neighboring seniors would face if forced to find other affordable housing. Goldberg suggests that air conditioners with HEPA filters would be a start during the construction phase, followed by the strict enforcement of noise issues and sidewalk rules prohibiting bikes and

skateboards. "How can Capstone declare a successful project if we're miserable?" she asks.

Sherrill Necessary, a downtown neighbor, supports the project with reservations, and says she's heard similar concerns from other neighbors. "If you take care of Olive Plaza's concerns, you've addressed the concerns of other residents," she says.

Necessary says she likes the fact that the Capstone project will cover surface parking lots and add people to the area instead of cars, and she thinks retail will naturally follow the students into downtown. Still, she says that to make it a "good project for all," the city has to learn from other communities and the West University neighborhood to prevent problems.

Paul Conte, a neighborhood advocate, says that amending the MUPTE and/or city code to include standards of facilities, video monitoring, staffing, lease terms would help protect the Capstone project's neighbors, but to make it work, those standards "need to be legally enforceable." He says other provisions might need to be made to prevent the expansion of the Bermuda Triangle into residential neighborhoods.

Jamin Aasum, an architect who lives in the South University neighborhood, says he's concerned about the huge influx of students into downtown at once, especially when what Eugene is "longing for is a real downtown that caters to the whole community." Aasum says he can't imagine that this particular project would be in Eugene's long-term plan.

"It's another example of people wanting so much for downtown to be developed they just jump at anything and not really have a vision for what should be there in 20 or 30 years," he says.

Zechariah Heck, a UO senior double majoring in political science and planning, public policy and management, says he can see the project revitalizing downtown Eugene and providing much-needed downtown housing, but he's concerned that a student-only facility isn't ideal.

"I think this project can be a net positive for the whole community, but with that said, there's different ways that this could be going about," Heck says, "and one would be just taking down the whole student housing and having the developer look for a focus on mixed housing, and that would alleviate concerns about having a monoculture."

For more on Capstone and the MUPTE, see wkly.ws/19j and eugencat.org

— Shannon Finnell

## SPORTS

### EMERALD CITY ROLLS OVER SAN FRANCISCO

Saturday, April 21, the Emerald City Roller Girls all-star Skatesaphrenics took on the San Francisco ShEvil Dead in Eugene. Using strong pack control to pile on the points during the ShEvil Dead's many trips to the penalty box, the Skatesaphrenics dominated from start to finish winning 206-102.

Prior to the bout, there was concern ShEvil Dead might feast on the brains of Emerald City scorers, but the opposite proved to be true. Emerald City scorer-in-zombie-makeup Bullet Brains feasted on the ShEvil Dead defense racking up a game-high 86 points. She was aided by great blocking from Emerald City President Rex Havoc (pictured), who finished with 24 attacks on ShEvil Dead jammers. ShEvil Dead's scoring was led by Al Gory, but the inconvenient truth was her 49 points were not nearly enough to help her team to a victory.

The second bout of the night was between two Emerald City home teams: the Andromedolls versus the Flat Track Furies. The Andromedolls used strong walls, anchored by co-captain Agent Orange, to stop the Flat Track Furies' scorers. Andromedolls rookie jammer Sham!Pain had a break-out game scoring 28 points. The Andromedolls earned a spot in the June 9 Emerald City Championship game with their 103-60 victory.

A portion of the profits from the bout went to support Lane County Animal Services, which was in attendance with adoption-ready pets. Lane County Commissioner Pete Sorenson, champion for LCAS and the Lane Events Center, blew the starting whistle for the first bout.

You can next catch the Emerald City Roller Girls in action May 19 at the Lane Events Center. Visit emeraldcityrollergirls.net for more info. — James Brains



Skatesaphrenic blocker Rex Havoc helps teammate Ophelia Melons (88) block the ShEvil Dead scorer Sweet Thunder (111 in black) while simultaneously giving Skatesaphrenic scorer Jala Pain Yo (44) a 'whip assist'