

Who can access the Deschutes and where?

Access on river a complicated question

BY TIM TRAINOR

Redmond Spokesman

Joel Barker was fishing the Deschutes River outside Terrebonne early this summer, starting at the Borden Beck Wildlife Preserve and working his way downstream.

As he made his way to the next hole, Barker moved off public land into river that was surrounded on both sides by private property. At the edge of the river, a recently erected sign made him stop mid-cast to debate whether he could legally continue his pursuit of trout.

The sign read:
This sign marks the end of public access on trails and river. No entry beyond this point.

The private property extends to the center of the river on both sides.

This property is under video and photographic surveillance.

Trespassers WILL be prosecuted.

Barker thought he had the right to fish the river through private land, but the sign confused him and he decided against it.

And he isn't the only one confused about where his recreational rights end and the rights of the landowner begin. State



A sign downstream of the Borden Beck Wildlife Preserve outside Terrebonne stating that private property extends to the center of the Deschutes River on both sides.

law is vague about what qualifies as trespassing on the Deschutes, as well as other rivers throughout Central Oregon.

The confusion dates all the way back to 1859, when Oregon was first admitted as a state. At the time, all land underlying waterways that were used, or could be used, to transport goods and people became state-owned property — what is termed a “navigable river.”

However, back in 1859, no specific waterways were identified that met — or failed to meet — this navigability standard. That means that over the last century, it has been left to

the State Land Board (and at times the judiciary and the legislature) to make the determination on a case-by-case basis in Oregon.

But no determination has ever been made on the Deschutes River, or the Crooked River for that matter.

The first step in that process is a navigability study request. According to Liane O'Neill, communications officer for the Department of State Lands, the organization “has been approached by a local group in the last couple of years with questions about a navigability study” on the Deschutes. However,

O'Neill said that no navigability study request has officially been requested as of press time.

The Deschutes River Conservancy said it has not requested a study and has no stance either in support or opposition to defining the river's navigability.

Though the Deschutes is not officially a navigable waterway, recreational users still have some rights.

Current guidance from the Oregon Department of State Lands for rivers that have not been deemed navigable is that that people “may float down publicly-owned waterways and they may stand or walk upon



The Deschutes River downstream from the Borden Beck Wildlife Preserve outside Terrebonne. A nearby sign states that private property extends to the center of the Deschutes River on both sides.

the beds or banks of the river below the ordinary high water line.”

According to Oregon's Public Use Doctrine, anyone may float a river that is large enough to accommodate a boat, even if that water is not defined as publicly-owned. People may float that river while fishing, recreating, navigating, or other legal uses.

They may also use the beds and banks of the waterway below the ordinary high water line for water-dependent activities, such as swimming and fishing.

But to get to the river, water users have to be careful. In order to access the water from land above the ordinary high water line, water users must be on public land or receive permission from a private landowner.

Otherwise they could legally be trespassing.

In the case of the signage downstream of Borden Beck, the person who posted the sign may indeed “own” the beds of the river within their tax lot. Surveillance of the river may be legal as well.

Sgt. Jayson Janes of the Deschutes County Sheriff's Office said that the office does respond to calls of trespassing along the Deschutes and elsewhere in the county, where public/private property lines can sometimes be fuzzy. He recommends, “If you are not certain a portion of land is open to the public, it is safest to stay off of that land until you can confirm it is public land,” said Janes. “Many of the public trails along the river are pretty well marked.”

Residents debate future of 700 acres

BY ZACK DEMARS

CO Media Group

A public hearing Wednesday focused on a seemingly simple question: Should a plot of rocky land northwest of Redmond be considered “farmland”?

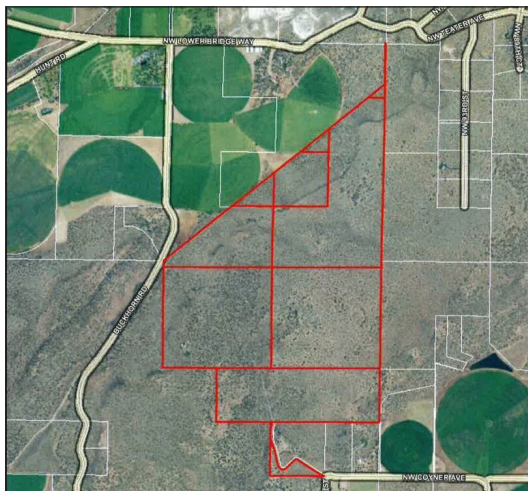
Deschutes County Commissioners heard hours of testimony both for and against an application to allow potential low-density housing development on just over 700 acres of land off Lower Bridge Road. The hearing Wednesday pitted concerns about housing availability against issues of water use, farmland affordability and rural development.

The application, submitted by 710 Properties, LLC, would change the land, owned by Eden Central Properties, LLC, from an exclusive farm use zone to a rural residential one. That would open the door for the landowner to apply to build a subdivision on the property with up to 71 homes, but commissioners decided Wednesday they would make a final decision on the rezone at another meeting on Sept. 28.

The process has attracted significant attention from nearby landowners, farmers, conservation groups and other area residents, many of whom filled the meeting room and online queue to make comments Wednesday.

Central to 710 Properties' application is their argument that the property doesn't meet the state's definition of “farm use,” a burden they have to meet in order to justify the change in zoning. To make the point, Ken Katzaroff, an attorney for the owners, relied on expert reports showing the property's soils aren't fit for growing crops and that the water use impact of new homes would be negligible.

“My point is we've done the work, we've looked at what our potential farm use is, what our potential agricultural use is if we want to go broader. But at the end of the day, the state law test is whether you're doing one of those uses for the purpose of actually making a profit,” Katzaroff told commissioners at the con-



Map courtesy Deschutes County

Roughly 700 acres of land zoned for farming near Terrebonne could be rezoned for rural residential use.

clusion of the session's public comments. “What the experts say, and what the evidence shows is that we can't here.”

A county-appointed hearings officer, who considered evidence and arguments about the legality of the change, issued a report in June finding that the application met that burden and that commissioners should approve the application.

Still, a number of commenters Wednesday took issue with that analysis.

Carol Macbeth, an attorney for Central Oregon LandWatch, argued to commissioners that the property could, in fact, be used to sustain a profitable farm.

“Farm uses are possible,” Macbeth told commissioners. “A greenhouse is possible without any use of the soil, poultry would be possible, there's all these things that one could do that don't require good soils. They may require water, but water, again, is available

to the property.”

Katzaroff rebutted Macbeth's suggestion by arguing the cost of obtaining water rights had to be considered when determining that a farm could be “profitable,” and that doing so for the property would be prohibitively expensive.

A number of comments came from nearby property owners concerned that wells dug for the 71 new homesites would impact the wells on their property. Some noted that, due to drought and other causes, their wells are already approaching their lowest level or need to be dug deeper to keep water pumping.

Those wells would be considered “exempt” under state law, meaning all 71 could pump up to 15,000 gallons of water for domestic use a day without needing to mitigate that use by returning water back to the Deschutes Basin.

“My pump is currently one foot off the bottom of my well. That's getting pretty close to none,” said Kim Campbell, who lives north of the property. “If you're going to put a subdivision south of me, it could easily affect my well, and everybody else's wells that are these shallow wells.”

In response to water concerns, Katzaroff pointed to a consultant's study, which concluded that “measurable interference with existing wells is unlikely to occur” with the drilling of 71 new wells.

Commissioner Phil Chang was the board's chief skeptic of the rezone application, echoing arguments the property could be farmed and that new homes could impact the water supply.

A number of other commenters, some wearing “every home counts” buttons, expressed support for the proposal, citing the region's need for new housing and the developers' plans to use solar power and donate some proceeds from development to nonprofits.

The comment period for the application closes Aug. 24.

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Search turns up fentanyl in couple's hotel room

BY TIM TRAINOR

Redmond Spokesman

A Redmond couple was arrested Wednesday, August 17 after a search turned up fentanyl at their Village Squire Motel room.

Michael Meston, 32, and Katelynn Davis, 24, were booked on multiple charges. Meston was charged with having an outstanding warrant and Davis charged only with a probation violation. According to police, the investigation is ongoing and additional charges may follow.

According to the Deschutes County Sheriff's Office street crimes unit, police were investigating Meston “for the sales of fentanyl pills imported from Portland and later distributed within Deschutes County.”

At 5 p.m. August 17, detectives executed a search warrant at the hotel where Meston lives with Davis, his girlfriend.

According to police, the search found “evidence of the sales of counterfeit oxycodone pills containing fentanyl.” Detectives also found user amounts of both methamphetamine and fentanyl.

Both Meston and Davis were taken to the Deschutes County Jail.

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Gompers Distillery offers visitors gobs of fun

Redmond-based Gompers Distillery adds local flair to cocktails with its brand of gin

BY NICK ROSENBERGER

Redmond Spokesman

It would be hard to find a more fitting business than a gin distillery built in the junipers of Redmond, yet Gompers Distillery does just this — and offers good times in a Roaring 1920s-themed setting.

Gin, which gets its herbal and floral taste from juniper berries, is almost always used in mixed drinks and rarely served by itself, said Michael Hart, who owns the distillery with his wife Jessica. This was problematic.

“I always liked the final depth and complexity of gins,” Michael said. “But I never found one I could do anything I want with.”

Options from popular brands like Tanqueray or Beefeater were missing something, and none were versatile enough for what the Harts wanted.

“One gin was good with a gimlet and one with a martini, but I never found one that I could drink neat or on the rocks and not have my eyes rolling back to my head,” Michael said.

A decade ago, as the couple decided on a drink for the night, Jessica Hart wondered what it would be like

to create their own. Michael laughed for about 15 seconds, then realized it might actually work.

They knew exactly what they wanted in a gin. The difficulty was creating it — especially with zero knowledge of distillation or the spirits industry.

Michael said he and Jessica surrounded themselves with people who knew the industry and got to work, spending about two years getting the taste just right and passing all the bureaucratic red tape. Part of that time was spent coming up with the spirit, he said, while the other part was spent refining it to make sure it had a beautiful, almost roller coaster-like quality.

“You get the juniper, you get the lavender,” he said. “So it's complex but it's straightforward.”

This complex taste comes from the juniper berries picked from the Harts' farm outside Bend, where they also grow lavender for the gin — which gives the spirit a peppery finish thanks to the volcanic soil of the area. The golden pears they source from Hood River lend it a smoother feature.

Whatever someone tries to do with their gin, Michael said, they'll be complimenting it rather than trying to cover up the local flavors.

These local accents are all the more important as breweries and distilleries have boomed in popularity across the

United States in the last decade. Since the beginning, however, Michael and Jessica knew they wanted the distillery to be in Redmond and for it to be the city's first.

“We love the people in Redmond,” Jessica said. “We love how people are more easygoing here.”

In 2015, they hoped to locate the distillery at the First National Bank in downtown Redmond, but those plans fell through. Then, Jessica found out she was pregnant with the couple's first child.

Four years later, they found their current building in the Jackpine Industrial Complex in northeast Redmond. They opened in April 2019.

“That ended up being perfect for it,” Jessica said. “It was just being built so we were able to customize it the way we needed it.”

The space and distillery take inspiration from Jessica's grandfather, Herman Gompers, who was forced into hiding after Hitler invaded the Netherlands in World War II. He was captured by the Nazis twice and escaped twice, eventually fighting in Israel's War of Independence as a demolitions expert. After running a bakery business in Israel, Herman and his wife, Deborah, moved to Los Angeles where they started a popular bakery and served celebrities like Frank Sinatra.



Nick Rosenberger/Spokesman

A Gompers bottle sits ready to be filled with local, handmade gin.

The 1920s-inspired interior is decorated with objects from Herman's past, such as some of his clock collection and pictures of him refereeing renowned Brazilian soccer player Pelé.

Like many businesses, however, sourcing has been a thorn in their side since the COVID-19 pandemic disrupted the supply chain and meddled with their ambitions to produce more as supplies such as bottles became scarce.

“Being a small, family-owned, hand-crafted distillery ... we don't have the money like other big distilleries that can just be like ‘I'll buy up all this glass,’” Jessica said. “It's getting better, but hopefully it will be a lot smoother than it has been the past two years.”

Despite supply-chain hiccups, the Harts are already working on future spirits in addition to their Gompers Estate Gin, Gompers Old Tom Style Gin and Gompers Vodka. Residents of Redmond can expect a navy strength gin — meaning gin with 114 proof or 57 percent alcohol content — and a whiskey bourbon. However, they're still testing the whiskey.

“I always feel like you can't release anything until it's what you want to drink,” Jessica said. “It's not quite there.”

Additionally, they offer a daily free drink to veterans and first responders to acknowledge and appreciate their service. There is also a secret room on site for Gompers club members. They're working on creating a members-only game room upstairs where they will host events such as a corn hole competition. Membership costs \$125 per year on a rolling basis.

“We're trying to make it as fun as we can,” Michael said.

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