

Irrigation district accused of cheating farmers

By MATEUSZ PERKOWSKI
EO Media Group

Several growers in Northeast Oregon are accusing the Westland Irrigation District of cheating them out of water to benefit larger farms.

A federal complaint claims the district unconstitutionally deprived the plaintiffs of water and seeks \$2.9 million in damages as well as an injunction requiring the Westland Irrigation District to enforce the plaintiff's water rights and properly deliver water.

Plaintiffs include ELH LLC, Oregon Hereford Ranch LLC, Paul Gelissen, Maurice and Lucy Ziemer, Frank Mueller, Craig and Cynthia

Parks and Richard and Kristine Carpenter.

Mike Wick, the district's general manager, said it would be premature for him to discuss the lawsuit.

"Our board hasn't had a chance to meet to discuss the complaint," he said.

The Westland Irrigation District will hold a special executive session about the litigation that's scheduled for July 5 in Echo.

According to the complaint, the district "facilitated large scale theft" over the past six years from 10 farms with senior water rights, which own between 58 acres and 837 acres each, to deliver water to three operations with

more than 5,000 acres.

The lawsuit claims those three farms with junior water rights — L&L Farms, Eagle Ranch and Amstad Farms — diverted more water than they were allowed.

The district used several methods to make the over-pumping possible, including fraudulent accounting and improper contracts, the complaint said.

"Defendant's misappropriation of plaintiffs' senior water rights has deprived plaintiffs of the opportunity to double crop their farms and shifted that lucrative opportunity to junior water rights holders in violation of Oregon water rights law."

Capital Press was unable to reach a representative of L&L Farms.

David Prior, whose family owns of Eagle Ranch, said he hadn't heard about the litigation.

"We don't have any information because we're not in the lawsuit, so I can't comment," he said.

Skeeter Amstad, whose family owns Amstad Farms, said it's too early for him to comment on the lawsuit but said his company is transparent in its water use and has done nothing wrong.

"We work extremely hard to get water through all the legal channels," he said.

Dixie Echeverria,

co-owner of plaintiff ELH LLC, said she was alerted to the problem when her company didn't receive all the water to which it was entitled during the spring.

Westland Irrigation District didn't provide answers to her questions and the Oregon Water Resources Department's local watermaster refused to intervene in the dispute, she said.

The lawsuit was filed to ensure senior water rights in the district are protected, Echeverria said.

Litigation filed by farmers against their own irrigation district is rare, according to an Oregon water law attorney who didn't want to be named.

An irrigation district's board of directors is supposed to ensure proper water allocations, but these governing bodies are often dominated by the largest landowners, the attorney said. "That's potentially a problem."

If the board's directors refuse to take action or are accused of wrongdoing themselves, farmers have few alternatives aside from litigation, the attorney said.

State watermasters regulate at the point of diversion from a public water source, but they aren't involved in internal water distribution, the attorney said. "They leave that to the district to manage."

MISSION

Powwow barbecue serves up chow with helping of tradition

By PHIL WRIGHT
East Oregonian

Toby Patrick has a few rules for his annual barbecue.

Elders park up front, servers make sure everyone gets all the food they want, and hamburgers or hot dogs are a big "no."

Patrick and his family put on a free barbecue at their home on Lavador Lane in Mission for drummers, dancers and others coming from the annual Wildhorse Pow Wow. Saturday marked the 10th year for the barbecue. He said the event grew out of his parents' celebrations of his July 5 birthday — this year he turns 47. But he also created this to involve family and honor and respect the tribal teachings his mother, father and elders passed to him.

"I'm going to show hospitality for the visitors, the travelers, all the people who come to our home land," he said. "That's all within the teaching of who we are and where we come from as Indian people."

Preparation started weeks before, with tough work clearing off thistles and weeds from around the home. Patrick, his wife of 28 years, Julia Johnson, their daughter, Susie Patrick, 14, and close relatives and friends pitched in, from grunt work to making food to serving it. Without the family, he said, there would be no barbecue.

"The way my mom and my dad and aunts were," Patrick said, "was keeping family together."

Come Saturday morning, they have tables and chairs set up inside a large awning that casts shade, cases of water and soda pop chilling in coolers, and beef roasts, pork shoulder and salmon ready to grill. Sides also abound, with macaroni and potato salads, fruit and fry bread.

And not a hamburger or hot dog in sight.

Patrick and his friend, Brian Goatsen, the barbecue's pit master, used to work the powwow circuit together as drummers. Food on the road often ended up as bologna sandwiches, they said, and when they were invited to barbecues, there was a certain, well, consistency.



Toby Patrick and his family for a decade now have held a free barbecue at his home in Mission for drummers, dancers and travelers attending the annual Wildhorse Pow Wow. The event honors traditions of Indian people, he says, and provides some good times and plenty of home cooking for the 200-plus who stop in Saturday.



LEFT: Julia Johnson prepares fry bread Saturday for her family's annual barbecue in Mission. RIGHT: EllaMae Looney, 16, serves up fruit and fry bread Saturday at her family's annual barbecue. Her granduncle, Toby Patrick, has been hosting the barbecue for 10 years.



"I'm going to show hospitality for the visitors, the travelers, all the people who come to our home land."

— Toby Patrick

book shows early diners were mostly local, from Mission and Pendleton, but several were from central Washington and a few from Arizona. Folks have come from as far as Minnesota and Nebraska, Patrick said, but so far the most distant travelers were from Canada. They drove 27 hours to get here, he said.

The family also runs plates full of food to friends and family that have to work and can't make it.

The food is hearty, and so is the camaraderie. Folks keep coming, and Patrick and his clan would have it no other way. The whole thing, he said, is no different than anything else you learn in life.

"What you put into it," he said, "is what you get out of it."

29-year-old TRCI inmate dies in local hospital

UMATILLA — The Oregon State Police are investigating the death of a 29-year-old inmate early Sunday at Two Rivers Correctional Institution in Umatilla.

Rigoberto Corona-Avila, of Salem, was taken to a nearby hospital at 3 p.m. Saturday where he died at 6:32 a.m. Sunday.

Neither the hospital where Corona-Avila died nor the cause of death were listed in a press release from the Oregon Department of Corrections, and a call to the prison wasn't immediately returned.

Corona-Avila had been in custody since December 9, 2010 on two counts of sex abuse — one in the first degree and one in the second — and one count of fourth-degree felony assault. His earliest release date was January 3, 2017, exactly six months after his death.

The press release stated that next of kin had been notified but no other details are available.

This is the sixth inmate death reported by TRCI since Feb. 27. The other five were natural deaths, according to Rudy Stefancik, the Umatilla County medical examiner.

TRCI opened in 2000 and houses about 1,800 male inmates.



Corona-Avila

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