

ECHO

Water district patrons drop suit against water resource department

Suit against Westland Irrigation District ongoing

By **GEORGE PLAVEN**
East Oregonian

A group of patrons suing the Westland Irrigation District for allegedly misappropriating water has dismissed a related lawsuit against the Oregon Water Resources Department.

According to plaintiffs, the Westland Irrigation District is systematically cheating smaller farms of their senior water rights in order to benefit a few larger farms with junior rights. They filed a lawsuit against the district last year, along with a second lawsuit against the OWRD, which claimed the local watermaster should have intervened.

While the case against Westland Irrigation District is proceeding in Umatilla County Circuit Court, the case against OWRD was

dismissed with prejudice on Sept. 22. By state law, distribution of water from an irrigation district is under the exclusive control of the district and its board of directors, "unless the watermaster has been requested by the district to distribute the water."

In his declaration to the court, District Watermaster Greg Silbernagel said his authority over Westland Irrigation District is confined to regulating the flow of water from the Umatilla River into the district at its point of diversion, the Westland Diversion Dam near Echo.

Michael Haglund, an attorney representing the plaintiffs, said they were pleased to clarify exactly what role the watermaster can play relative to water distribution within the irrigation district.

"It is now clear what his authority is," Haglund said.

Mike Ladd, region manager for the OWRD in Pendleton, issued a brief statement saying the agency appreciates the court's decision.

The case against Westland, however, continues to move forward in circuit court after it was dismissed in federal court earlier this year. Though a trial date is not yet scheduled, Haglund said they hope to resolve some key legal questions before the 2018 irrigation season.

Plaintiffs include ELH LLC, owned by Patrick and Dixie Echeverria; Oregon Hereford Ranch LLC, owned by Doug and Don Bennett; Paul Gelissen; Maurice and Lucy Ziemer; Craig and Cynthia Parks; and Richard and Kristine Carpenter. Together, they farm 1,244

acres of land with water rights from the Umatilla River and McKay Reservoir dating back to 1903.

They argue Westland is violating their senior water rights and instead engaged in a misappropriation scheme favoring L&L Farms, Eagle Ranch and Amstad Farms — three operations with junior rights and more than 5,000 acres of farmland. Rather than distribute water on a "first in time, first in right" basis, the plaintiffs claim that the three larger farms are allowed to over-pump water during irrigation season, while the district has failed to properly monitor usage.

"It's supposed to be a priority system," Haglund said.

The plaintiffs are seeking \$2.9 million in damages.

Contact George Plaven at gplaven@eastoregonian.com or 541-966-0825.

PENDLETON

MaySon's owners plan to close store on Main Street, move out of town

By **ANTONIO SIERRA**
East Oregonian

Come Saturday, Pendleton's only old-fashioned general store will close for good.

According to a letter posted on the front window of the 369 S. Main St. shop, MaySon's last day will be Saturday.

In the letter, owners Keith and Christina May wrote that opening MaySon's was a bucket list item for them five years ago, but now they want more time to enjoy their retirement.

"Roughly, 60 percent of our customers are from out of town and they could have kept us going for years to come, but working seven days a week through the tourist season and having little time to visit family and friends around the world has taken a toll," they wrote.

In an interview on Thursday, Keith May elaborated on their decision.

May said the store, which sold novelty goods, antiques and the Prison Blues Correction Connection line of clothing, was a success and he and his wife had fun running it.

The couple plans to spend time traveling in the short-term, but staying in Pendleton isn't in their long-term plans either. The couple has put their striking Main Street home on the market, but May declined to say where they intended to move.

May's impending departure from Pendleton marks an end of an era for a man who became one of the city's foremost historians.

A retired elementary school teacher, he wrote several books on the history of Pendleton and Eastern Oregon, covering topics like the origins of Pendleton's street names, the city's architectural history and the Oregon

Trail. Additionally, May wrote the historical descriptions featured on many of the downtown buildings, led walking tours of Pendleton's historic homes and was a guest on the Live Wire radio program.

May ran unopposed for a Pendleton City Council seat in 2010 and represented the North Hill from 2011 to 2014. He spent much of his tenure as the chairman of the Pendleton Development Commission, the governing body in charge of the city's downtown urban renewal district.

Despite his local résumé, May said it was "awkward" to answer a question about what he would miss about Pendleton, claiming an *East Oregonian* editorial called him a "loser."

In a 2015 op-ed, the editorial board was critical of May and other local officials who wished to ban marijuana sales, writing, "their cause is a lost one."

May said he also has gotten into recent conflicts with a couple of local organizations, although he declined to elaborate further.

"I doubt anyone will miss me," he said.

May had originally considered selling MaySon's instead of closing it, but the building owner, Pendleton Underground Tours, has other plans for the space, which sits at a prime location at the intersection of South Main Street and Emigrant Avenue.

Pendleton Underground Tours Executive Director Brooke Armstrong confirmed that her organization had plans for the space, but declined to comment further.

Contact Antonio Sierra at asierra@eastoregonian.com or 541-966-0836.



Staff photo by Jade McDowell

Tractor and car collide on Canal in Hermiston

A collision between a Dodge Neon and a tractor blocked traffic on Canal Road near Christley Lane outside Hermiston about 5:30 p.m. Thursday, resulting in one person being transported by ambulance from the scene. No further details were available Thursday evening.

BRIEFLY

'Hard firefighting' defeats stubble field blaze north of Pendleton

PENDLETON — Eight firefighters, 750 gallons of water and a lot of effort Wednesday afternoon curtailed a wind-whipped stubble field blaze near Helix.

The East Umatilla County and Helix rural fire protection districts at about 2:50 p.m. responded to the fire off Gerking Flat Road. East Umatilla Fire Chief Dave Baty credited the all-volunteer crews with their willingness to come to the community's need. The Pendleton Fire Department, where Baty is a captain, answered the call for mutual aid, and the Oregon Department of Forestry also sent a unit.

Swirling wind caused the fire to get out of control, according to a report from the East Umatilla district. Eight firefighters in all took on the fire, and Baty said three farmers proved to be a tremendous help, using their disc harrows to create fire lines.

"I saw some pretty good, hard firefighting done," he said.

Water supply was tight, with tankers providing 750 gallons. Baty said shovels, not hoses, were the main firefighting tool.

Crews kept the fire to about 50-60 acres, according to the report, and no structures burned and no one was injured. The last personnel left the scene a little after 7 p.m.

Open burning resumes Sunday in Pendleton

PENDLETON — Pendleton Assistant Fire Chief Shawn Penninger announced open burning returns Sunday in the city and some surrounding areas.

The city banned open burning during the summer. Penninger



Photo contributed by East Umatilla County RFPD
A Pendleton firefighter worked Wednesday to put out a stubble fire near Gerking Flat Road.

explained the improvements in weather conditions allow for open burning in Pendleton, the Rieth Water District and the fire districts of Lower McKay Creek, McKay Dam, and Riverside.

Open burning is any outdoors burning, including burn barrels, backyard burning, and yard debris generated from that property. Special permits are available for free from the Pendleton Fire Department to burn fields, trash, demolition waste and more. Bonfires also require a permit.

Pendleton prohibits burn barrels within the city limits, according to Penninger, but fire districts allow the use of the barrels, but only on "Green Days." You can call the city's burn line at 541-966-0327 to find out a day's burning status.

Penninger warned it is "against the law to conduct any open burning that unreasonably interferes with enjoyment of life or property, creates a public or private nuisance, or is a hazard to public safety."

For a complete list of burning regulations, visit the Pendleton Fire Department at 911 S.W. Court Ave., or visit the department's website at www.pendleton.or.us/fire-ambulance.

Young farmers harvest autumn fun

WALLA WALLA — Farm tours, dinner and dancing are featuring during a celebration of harvest.

The mission of the Washington Young Farmers Coalition is to recruit, support and promote young farmers in the region. Farmers, ranchers and friends of all ages are invited to attend the Washington Young Farmers Coalition Harvest Mixer. The event is Sunday, Oct. 8 with dinner, music and dancing from 5-10 p.m. at Welcome Table Farm, 1812

Old Milton Highway, Walla Walla. Those planning to attend are asked to bring a dish to share. Roast beef will be served and craft beers will be available.

In addition, the event includes a pair of farm tours — at 2:30 p.m. at Hayshaker Farm and 4 p.m. at Welcome Table Farm.

For more information, contact info@washingtonyoungfarmers.org or visit www.washingtonyoungfarmers.org.

PENDLETON FARMERS MARKET

Fall Festival

silent auction
food & drink
live music & dancing

with JD Kindle and the Eastern Oregon Playboys

Saturday September 30

social hour: 4:00 pm
light dinner: 5:00 pm

HERITAGE STATION MUSEUM COURTYARD

tickets \$25 per person

Purchase at market booth on fridays, from any PFM Board Member, or call 541-969-9466 or 541-377-0132

All proceeds from the Fall Festival support the Pendleton Farmers Market