

# Catherine Creek wolves kill calf

East Oregonian

UNION — Wolves from the Catherine pack in Union County are responsible for killing a 600-pound steer calf on private land near Little Catherine Creek, according to the Oregon Department of Fish & Wildlife.

The calf was discovered Monday by a rancher while flying to locate cattle for roundup from a large forested pasture. ODFW investigated the same day, finding numerous wolf tracks, scat and bite marks consistent with a wolf attack. GPS collar data also placed OR-24, of the Catherine pack, at the location of the calf near the time of death.

The latest predation comes just days after ODFW authorized the killing of four more wolves from the Harl Butte pack in Wallowa County following repeated attacks on cattle. ODFW confirmed the latest attack by Harl Butte wolves on a calf on Wednesday,

making it the tenth depredation by the pack since July 15, 2016.

The U.S. Fish and Wildlife Service is also seeking information on the poaching of OR-33 on the Fremont-Winema National Forest, northwest of Klamath Falls. OR-33 had been blamed for killing two goats, one sheep and injuring a third sheep over the course of three days in June 2016, east of Ashland.

Wolves are federally protected in Oregon west of highways 395, 78 and 95. The predators are managed by ODFW in Eastern Oregon, and have since been removed from the state's endangered species list.

Anyone with information about who shot OR-33 should call the U.S. Fish and Wildlife Service at 503-682-6131, or the Oregon State Police Tip Line at 800-452-7888. Callers may remain anonymous, and may be eligible for a \$5,000 reward for information leading to an arrest and conviction.

## BRIEFLY

### Pendleton City Council will consider banning tobacco use in parks

PENDLETON — A tobacco ban for all public parks will be considered by the Pendleton City Council at a meeting Tuesday.

The proposal would amend an ordinance that bans smoking at Rudy Rada Skatepark and extend it to all 22 parks, including the Pendleton River Walkway.

While supporters, which include the Umatilla County Health Department and the Pendleton Parks and Recreation Commission, say the law would mostly enforce itself, the Pendleton Police Department has vocalized concerns would be difficult to enforce.

The council voted down a proposal to ban smoking in parks without an enforcement provision at a September meeting.

The council will also discuss passing an ordinance that will add Pendleton Whisky Music Fest and Pendleton Bike Week vendors to the list of temporary businesses that must pay for a license.

During Round-Up, vendors with a permanent location in city limits are required to pay \$100 while vendors without one pay \$160.

The council will meet at 7 p.m. at the council chambers in city hall, 500 S.W. Dorion Ave.

### Unclaimed income tax refunds available in state fund

More than 7,000 Oregon taxpayers have almost \$1.7 million worth of tax refund checks that are now expired — but there is still a way to claim the money.

The window to reissue expired checks closed on Friday, but the money will be held in reserve in the Unclaimed Property Program administered by the Department of State Lands.

Each year Oregonians lose their tax refund checks or never receive them because their address is not up to date with the Oregon Department of Revenue. Each October the department sends expired check amounts to the Unclaimed Property Program.

The program holds not only expired tax return checks, but also utility deposits, inheritances, stock dividends, bill overpayments, insurance payouts and other unclaimed assets. The money, which passed the \$500 million mark in 2015, is held in the Common School Fund, generating \$35 million to \$50 million in interest for Oregon schools each year.

To search for unclaimed property, visit the oregonup.us website and search by name for businesses, organizations or individuals. Unclaimed assets located on the site can be received by following instructions provided online to prove the identity of the person claiming the funds.

Briefs are compiled from staff and wire reports, and press releases. Email press releases to news@eastoregonian.com

# FFA soil evaluation team headed to state

By GEORGE PLAVEN  
East Oregonian

The Hermiston High School FFA soil evaluation team is headed to state competition after taking first place in the Blue Mountain District contest Monday at Threemile Canyon Farms.

Leah Smith, Hermiston FFA advisor, said 137 students from local FFA chapters participated in the advanced and beginner soil evaluation career development events, including Hermiston, Pendleton, Echo, Stanfield, Heppner, Irrigon, Riverside, Weston-McEwen and McLoughlin high schools.

Only the top five members of the top two advanced teams can qualify for state, Smith said. For Hermiston, that includes seniors Dylan Westfall, Deven Hofbauer and Amanda Barron, junior Joseph Knight and sophomore Jayda Hoston.

The state competition will be held Monday in Elkton, located in Douglas County. Smith said the students will be leaving Sunday to make the five and a half hour trip.

Heppner High School placed second in advanced district soil evaluation, though advisor Beth Dickenson said the team will be unable to attend the state event. Instead, she said Heppner FFA will travel the following week to the National FFA Convention and Expo, Oct. 25-28 in Indianapolis.

Echo FFA also took first place in the beginner soil evaluation contest.

Learning about different types of soil is important for students to understand



Photo courtesy Leah Smith

Amanda Barron, Deven Hofbauer and Pake Schmittle participate Monday in the 2017 Blue Mountain FFA District Soil Evaluation at Threemile Canyon Farms.

why and how certain crops grow in certain areas, Smith said.

"A lot of them don't know why watermelons grow so well in Hermiston. It's because of the soil type," she explained.

Though only a few kids will go to state, Smith said the district competition provides an important learning experience for everyone who participates. Students head to each of four pits, including one practice pit, where they examine different layers of soil for characteristics such as texture, structure, color and water holding capacity.

"The students saw a lot of soil variation from pit to pit," Smith said.

Threemile Canyon Farms not only provided the venue and dug the pits, but Smith said employees also took students on a tour of the massive farm after the event, including the dairy operation and potato sheds. Threemile Canyon is one of the largest dairy farms in the country, with 26,000 milking cows producing 1.4 million pounds of milk per day.

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

## Potential pot producers seek dismissal of neighbors' lawsuit

### Neighbors fear grape damage from 'foul-smelling particles'

By MATEUSZ PERKOWSKI  
EO Media Group

McMINNVILLE — Aspiring marijuana growers in Oregon's Yamhill County have asked a judge to dismiss a lawsuit against their operation filed by neighboring landowners over potential odors.

The complaint was filed earlier this year against Steven and Mary Wagner, as well as their son Richard, who planned to grow and process marijuana on their property near McMinnville.

The Wagners argue that two of their neighbors, Harihara and Parvathy Mahesh, are barred from filing trespass and nuisance claims under Oregon's "right to farm" statute, which shields growers from such complaints.

Claims filed by their other neighbors — the Momtazi family, which owns nearby vineyards — should also be thrown out because the Wagners haven't trespassed or interfered with their land, according to defendants.

"You don't get to file a lawsuit with no facts, sheer conjecture, pure speculation about what will happen," said Allison Bizzano, attorney for the Wagners.

Oral arguments over the Wagners' motion to dismiss were held in McMinnville on Oct. 11 before Yamhill County Circuit Court Judge John Collins.

The damages alleged by the plaintiffs are not actionable in court because they're based on proposed activities that haven't yet

occurred, she said.

"Even if we assume there is an odor, there's no evidence it will travel over the plaintiffs' property line," Bizzano said.

According to the plaintiffs, the Wagners are not protected by the "right to farm" law because "foul-smelling particles" from marijuana will impermissibly harm wine grapes already growing on the Momtazi property and which have yet to be planted on the Mahesh property.

"They're in the zone of danger in how their grapes might be affected by the marijuana operation," said Richard Brown, the plaintiffs' attorney.

Oregon's "right to farm" statute doesn't immunize against complaints over "damage to commercial agricultural products" filed by other farmers, Brown said.

"It was about suburban encroachment on farms, and not about claims against one farmer by another farmer," he said.

The plaintiffs disagree their lawsuit is based on speculative injuries, arguing that judges can issue injunctions that stop future unlawful or harmful conduct.

"If the court allows them to develop the property

first, it's the equivalent of letting them pull the trigger," Brown said.

At this point, it's not necessary for the plaintiffs to prove what type of particles may affect grape skins and how far those particles will travel, he said.

To survive a motion to dismiss, it's enough for the plaintiffs to show the Wagners planned to grow and process marijuana — as evidenced by site plans submitted to Yamhill County, Brown said.

"They have a plan. They've announced they have a plan. We know they're going to do it," he said.

The Wagners countered that unknown events — such as wind direction — don't count as evidence that would justify an injunction against planting a crop.

"What if they want to grow lavender? What if they want to raise horses?" said Bizzano. "Nobody knows if it will ever impact the plaintiffs. They're just scared."

The plaintiffs initially sought a temporary restraining order against the Wagners' marijuana grow site and processing facility, but that request was denied earlier this year.

Even so, the Wagners failed to get approval for the processing facility from

the county government, so it appears that portion of the project isn't yet moving forward.

In the most recent version of a complaint proposed by the plaintiffs, their request for an injunction against the project seems to have been scaled back.

The proposed injunction would prevent the Wagners from growing marijuana within 400 feet of either plaintiff's property, instead of prohibiting them from cultivating it.

Another factor in the litigation is a road easement the Wagners have across the Mahesh property.

The Wagners claim they haven't unlawfully used the easement as claimed by the plaintiffs, since the easement terms don't restrict or prohibit farming operations.

The plaintiffs argued the judge could interpret the terms of the easement, much like he would a contract.

In this case, the illegality of marijuana under federal law also affects the easement's permissible uses, Brown said.

Easement terms can be evaluated based on reasonable expectations and community standards, he said. "The court has the authority to reasonably construe easements."

## OUT OF THE VAULT:

### Historical Vignettes from the East Oregonian

By Renee Struthers

A second look at the first draft of Umatilla County's history, from stories of crime and punishment to natural disasters to the odd and absurd.

EAST OREGONIAN

NOW AVAILABLE IN THE AMAZON KINDLE STORE.

**The DEADLINE is Fast Approaching!**

Now Connecting Businesses With Customers In More Ways Than Ever!

**PRINT ONLINE MOBILE APP**

[www.statewideyp.com](http://www.statewideyp.com)

**CALL TO PLACE YOUR AD TODAY! 888-442-8838**

5009 W Clearwater Ave Ste J, Kennewick, WA 99336 • Fax: 509-734-5362 • Email: support@statewideyp.com

**Don't Be The Only Business Left Out!**

Simply the Best Advertising!

McKay Creek Estates

## Caregiver SUPPORT

EDUCATIONAL SEMINAR SERIES

"Be The Best Caregiver & Feel Fantastic Doing It"

We understand the caregiver journey can be stressful and challenging. Our aim is to provide some clarity and support to caregivers helping seniors.

---

RSVP Today — FREE Caregivers Support Series

Thursday, September 21st at 2:00pm

Congestive Heart Failure (CHF) Facts

Caregivers can benefit from specialized training about CHF.

Thursday, October 19th at 2:00pm

Living Without Depression is Possible

You can help your loved one living with depression.

---

Thursday, November 16th at 2:00pm

Skip the Holiday Blues

Enhance your loved one's spirit during the holidays.

Thursday, December 21st at 2:00pm

Eating Is Essential to Promote Health

Learn to identify factors that may affect loss of appetite.

---

Location: St. Anthony Hospital, conference room #1: 2801 St. Anthony Way, Pendleton, OR 97801

Call us at (541) 276-1987 for more information or to reserve your seat(s). Hurry space is limited. Refreshments provided.

**McKay Creek Estates**

1601 Southgate Place • Pendleton, OR 97801

**Prestige Senior Living, L.L.C.**

[www.PrestigeCare.com](http://www.PrestigeCare.com)

## PENDLETON'S CRAFT CANNABIS BOUTIQUE

1733 SW Court Ave, Pendleton

Flower

Topicals

Edibles

Concentrates

and more

Open 7 days

A week

8-10

Mon-Sat

10-10

Sunday

Adults 21+ • Keep Out of Reach of Children • Do not drive while under the influence of Marijuana