

# Idaho Power goes to court, seeks property access for survey

Utility wants to survey Baker County properties for B2H powerline

By JAYSON JACOBY  
Baker City Herald

BAKER CITY — An Idaho-based utility is asking a judge to order the owners of five Baker County properties to allow the company to survey their land as part of its plan to build a major electric transmission line through Northeastern Oregon starting as early as 2023.

Attorneys representing Idaho Power filed civil petitions regarding two of the properties on Dec. 17 in Baker County Circuit Court, two others on Dec. 21, and one on Dec. 28.

Attorneys Timothy Helfrich and Zach Olson, of the Ontario law firm Yturri Rose, represent the company in each case.

The company has been working since 2007 on the Boardman to Hemingway project, a 293-mile, 500-kilovolt line that would run from near Boardman to Hemingway, near Murphy in Owyhee County, Idaho.

Although sections of the proposed route runs through public property — Idaho Power has received permission from the federal govern-



S. John Collins/Baker City Herald, File

The proposed Boardman to Hemingway power line would follow the route of an existing line that crosses Highway 86 between Baker City and the Oregon Trail Interpretive Center.

ment to do so — the line, as proposed, also would cross several dozen parcels of private land in multiple counties, including Baker, Union, Wallowa and Morrow in Oregon.

Idaho Power would have to pay private landowners for an easement to build the power line across their property. This would be a one-time payment, not an annual lease, according to the boardmanohemingway.com website.

Sven Berg, a corporate communications specialist

for Idaho Power, said the line would affect about 30 private landowners in Baker County, who combined own about 60 separate parcels.

### Court filings

The properties listed in the five recent court filings include parcels owned by Hans and Susan Finke, of Wilsonville, Justin and Savannah Gyllenberg, of Baker City, Dean, Rex and Susan Nelson, of Baker City, the Harrell Land and Cattle LLC, of Baker City, and Mike Ragsdale, of Baker City.

The parcels range in size from about 50.5 acres to 941 acres.

Savannah Gyllenberg said she and her husband have lived on their property for about seven and a half years. She said they received packages from Idaho Power a few months ago with forms to sign granting the company access, but the couple haven't had time to review the documents.

Gyllenberg said an existing Idaho Power transmission line crosses their property, and they have never objected

to company workers entering the property to maintain the line.

In each petition, Idaho Power states either the company or its contractor, Cornerstone Energy Inc. 21, acting on the company's behalf, has "contacted the Respondent several times to request access to survey, test, and sample the Property. Respondent has not granted Idaho Power access to the Property."

Berg said the company needs access to the properties to do a variety of surveys.

"Because construction on the B2H project is scheduled to start as early as 2023, Idaho Power must begin surveying, testing, and sampling the Property in 2022," each of the four petitions states.

### Denied access

Berg said Idaho Power typically sends three letters to each property owner before filing petitions in court.

"We prefer to work directly through landowners, and we encourage people (who are respondents in court filings) to contact us as soon as they can," Berg said. "We much prefer to handle it out of court. We don't want to force the issue in court."

Berg said the owners of about 65% of the private

land in Baker County that are along the line's proposed route have given Idaho Power access for surveys and inspections.

Of the remaining 35%, most have not responded to the company's requests, he said.

Two property owners have denied access to their land, Berg said.

He declined to say whether either of those property owners is among the five who are the subject of the company's court petitions.

The petitions seek access to the properties through Oregon Revised Statute 772.210, which states power companies can "enter upon lands for the purpose of examining, locating and surveying the line thereof and also other lands necessary and convenient for the purpose of construction of service facilities, doing no unnecessary damage thereby."

That law also enables power companies to acquire real property for the purpose of building and maintaining transmission lines.

The petitions ask a judge to grant Idaho Power access to the five properties, as well as a judgment for "Idaho Power's costs and disbursements incurred herein and for any other relief the court deems appropriate."

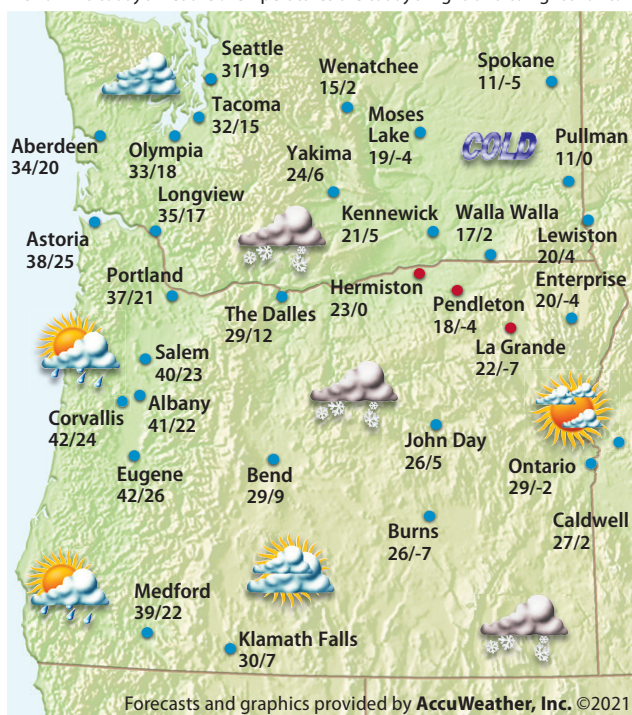
Due to technical issues, the weather graphic for Tuesday, Jan. 4, was not available.

## Forecast for Pendleton Area

TODAY	SATURDAY	SUNDAY	MONDAY	TUESDAY
Frigid; a little morning snow	Very cold with low clouds	High clouds and chilly	A little a.m. snow, then showers	Rain and sleet in the afternoon
PENDLETON TEMPERATURE FORECAST				
18° -4°	22° 12°	35° 30°	43° 32°	36° 30°
HERMISTON TEMPERATURE FORECAST				
23° 0°	20° 15°	26° 24°	39° 32°	39° 30°

## OREGON FORECAST

Shown is today's weather. Temperatures are today's highs and tonight's lows.



## ALMANAC

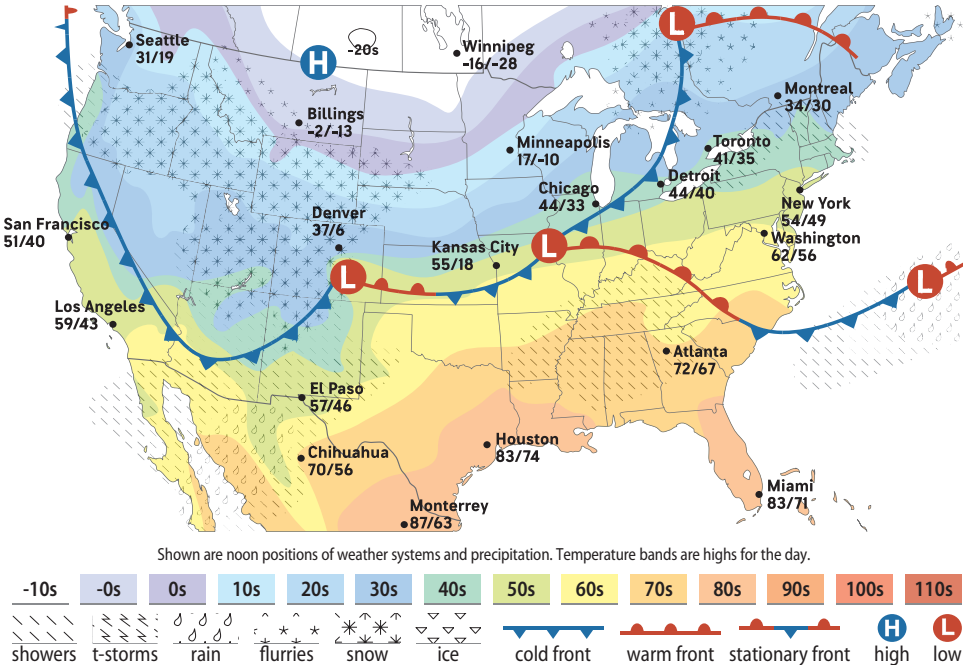
PENDLETON through 3 p.m. yest.			
TEMP.	HIGH	LOW	
Yesterday	33°	9°	
Normals	41°	28°	
Records	63° (1920)	-12° (1968)	
PRECIPITATION			
24 hours ending 3 p.m.	0.23"		
Month to date	1.94"		
Normal month to date	1.45"		
Year to date	9.32"		
Last year to date	13.27"		
Normal year to date	13.18"		
HERMISTON through 3 p.m. yest.			
TEMP.	HIGH	LOW	
Yesterday	32°	16°	
Normals	42°	28°	
Records	66° (1949)	-13° (1990)	
PRECIPITATION			
24 hours ending 3 p.m.	0.09"		
Month to date	1.73"		
Normal month to date	1.08"		
Year to date	6.80"		
Last year to date	4.57"		
Normal year to date	8.60"		
WINDS (in mph)			
Today	NE 4-8	Sat. SSW 3-6	
Pendleton	NNW 4-8	SW 6-12	
SUN AND MOON			
Sunrise today	7:36 a.m.		
Sunset tonight	4:21 p.m.		
Moonrise today	5:23 a.m.		
Moonset today	2:17 p.m.		
New	First	Full	Last
Jan 2	Jan 9	Jan 17	Jan 25

## NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)

High 91° in Cotulla, Texas Low -33° in Rolla, N.D.

## NATIONAL WEATHER TODAY



## Cattle, calves rescued in Imnaha snows

By BILL BRADSHAW  
Wallowa County Chieftain

IMNAHA — An investigation is ongoing into possibly neglected cattle — many of which had young calves — in deep snows on U.S. Forest Service land in the Upper Imnaha area, Wallowa County Sheriff Joel Fish confirmed Friday, Dec. 31.

Fish stated in an email the investigation was started after learning the magnitude of the situation Dec. 19.

"Wallowa County is moving toward seizing the Dean Oregon Ranch cattle for neglect, and we are investigating possible criminal charges," Fish said in the email.

Fish said the sheriff's office is "assisting with the retrieval of the cattle on the Forest Service grazing permits on the Marr Flat C&H Allotment. We have had deputies on snowmobiles assisting since that date."

There have been numerous volunteers helping in the rescue efforts, as confirmed by county Commission Chairman Todd Nash and volunteers with the Wallowa County Humane Society.

### Social media alert

One of the first widespread alerts came in a Facebook post by Craig Stockdale, who was one of the first to discover the cattle on the 200 Road south of Salt Creek.

"I just came upon them

snowmobiling," Stockdale said Jan. 1.

He said the post mobilized rescuers — both those out finding the cattle and those with facilities to care for the rescued livestock — and he has since taken it down.

Kathy Gisler Reynolds, a volunteer with the Humane Society, shared a post of the cattle Dec. 29. Photos posted on Facebook showed a cow up to its neck in snow and unable to move.

She listed several people who were involved in rescuing and caring for the cattle and their calves, calling some of them "heroes."

"Some were too weak to even move," she said of the cattle, adding that although rescuers were able to retrieve calves, a number of the adult cows had to be euthanized.

Stockdale and Anna Butterfield, who with her husband Mark, ranches northeast of Joseph, confirmed the cattle are on the Bob Dean Oregon Ranch managed by B.J. Warnock.

Dean lives in the Deep South and Warnock was not at liberty to provide contact information.

### The ranch

Warnock issued a statement on the situation by email Jan. 2.

"I am not aware of any plans or attempts to seize any assets," he said.

He also described the situation, explaining Dean Oregon Ranches cows were all purchased in Oregon and Washington and began arriving on Dean Oregon Ranches property in October 2020 and continued arriving through July 2021.

"The cows were a mixture of spring and fall calvers," Warnock said. "They were all acclimated to this climate, but not all acclimated to this specific terrain."

He also said the cows are not calving in the snow; the ranch's fall calving season was October through November.

He acknowledged bovine casualties in the recovery efforts.

"Despite the efforts of our crew and the community, 10 cows have been found unrecoverable," he said, adding that "1,548 Dean Oregon Ranches mother cows were successfully gathered by Dean Oregon Ranches crew before the snow. After the snow, 34 mother cows have been gathered through the joint efforts of our crew and the community. Of those, 26 were Dean Oregon Ranches cattle; the others were owned by neighboring ranches."

Warnock expressed his gratitude to fellow ranchers assisting in the recovery and said they plan to continue aerial searches and hope to bring in the majority of the remaining 29 mother cows.

## IN BRIEF

### Sex crimes trial in Union County set for May

LA GRANDE — A trial for a Cove man facing sex abuse charges was delayed to the spring.

The Union County Sheriff's Office on June 25 arrested David Normandy, 32, on a Union County warrant based on a secret indictment. The district attorney's office has charged Normandy with using a child in a display of sexually explicit conduct, second-degree encouraging child sexual abuse and 12 counts of first-degree sexual abuse.

The indictment detailed accusations of sexually explicit conduct with minors under the age of 14 between October 2014 and January 2020.

The Union County Circuit Court scheduled the 12-person jury trial to start Dec. 13 in La Grande. But Circuit Judge Thomas Powers granted a defense motion to postpone due to ongoing issues with discovery and unresolved pretrial motions.

The trial's new date is May 16. Powers also granted the defense motion for a lower bail, reducing the amount to \$150,000 and setting conditions for release, including prohibiting Normandy to have any contact with alleged victims, their mother and place of residence, and no contact with places where minors are known to congregate.

Normandy is set to appear in person April 22 for a settlement conference.

— EO Media Group

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