

Oregon water law violations continue climbing

By MATEUSZ PERKOWSKI
Capital Press

SALEM — The number of water law violations in Oregon has continued climbing in 2022, building on a trend that state regulators have observed during the past five years.

So far this year, state water regulators have issued 50 notices of violation for unlawful irrigation and other problems, up from 40 in all of 2021 and five times as many as in 2018.

“They have increased dramatically in recent years, largely due to illegal cannabis,” said Ivan Gall, field services division administrator for the Oregon Water Resources Department.

Black market marijuana producers have been known to steal water, but OWRD has also encountered regulated cannabis growers who’ve run afoul of water law — for example, by using domestic water sources for commercial production.



Mateusz Perkowski/Capital Press File

Oregon water regulators have issued five times as many notices of violation so far in 2022 as in all of 2018.

Concerns about adverse impacts from marijuana and hemp production in Oregon have prompted legal reforms and increased funding for cannabis regulation, such as the \$5 million approved specifically for OWRD’s

water rights enforcement last year.

Employees from OWRD have been working in conjunction with law enforcement officers who destroy illegal marijuana plants and associated irrigation equip-

ment during raids, Gall said during a Sept. 1 meeting of the state’s water resources commission.

“That is by far the most effective way to get compliance with water law,” he said. The water rights enforce-

ment money was approved last year as part of an “unprecedented” investment in water resources, including funding for irrigation projects, drought assistance and basin studies, according to the agency.

Since last summer, OWRD has hired 27 new field services employees, including seven dedicated enforcement employees focused on cannabis, which has increased the division’s staff size by nearly 50%.

“We’re looking forward to some exciting times,” Gall said. “It’s really exciting to be filling these positions.”

Watermasters and other field services employees responded to 1,120 complaints and initiated 732 investigations last year, in addition to conducting more than 23,000 checks to ensure compliance with water rights rules.

The field services division also inspected more than 1,550 wells in 2021, finding construction deficiencies in about 15% of the newly-con-

structed ones, and about 160 of the 950 dams that come under state’s regulatory jurisdiction.

The expanded field services workforce will provide more “boots on the ground” and improve data collection at a time when water supplies are increasingly lacking, Gall said.

For example, in the past couple years, the state has experienced a serious problem with domestic wells going dry due to depleted groundwater levels.

“It doesn’t look like it’s going to get resolved in the short term, so I think that’s going to be an ongoing workload the agency will need to deal with,” he said.

Illegal water diversions by illicit marijuana producers have been relatively minor on an individual basis, but that doesn’t mean the issue is inconsequential, Gall said.

“Although small, in total they can certainly add up to problems, especially in times of scarcity,” he said.

State pays \$9M to women attacked by escaped Oregon prisoner

By NOELLE CROMBIE
The Oregonian

SALEM — The state has paid a total of \$9 million to two women who were attacked last year by a prisoner who walked away from a work crew and took off in a car belonging to one of the women.

The women still suffer from their injuries, said their attorney, John Coletti. One woman’s fractured arm has not healed, and one has trouble walking long distances.

Both have cognitive problems and severe post-traumatic stress disorder, “which has had a huge impact on their lives,” he said.

Jedaiah Lunn, 37, is accused of surprising the women as they foraged for moss and other plants along

a gravel road on April 14, 2021, at Gales Creek Campground in western Washington County.

At the time, he was on a crew based at the state’s South Fork Forest Camp in Tillamook County and slipped away from a job site in the campground.

The women were from Japan but living in Washington County, and the attack drew a sharp response from the Japanese government.

The consul general of the Consular Office of Japan in Portland asked Gov. Kate Brown how the state Department of Corrections had allowed a man with a long criminal record to escape.

In September 2021, five months after the assault, the governor temporarily shut down the work camp pend-

ing a review of its practices. The camp has since resumed work.

Despite reaching a settlement with the victims, officials with the state Department of Corrections and Department of Forestry still refuse to release basic details of what happened, such as how many state workers were on site when Lunn walked off and when anyone noticed he was missing.

The Oregonian emailed questions Wednesday, Aug. 31, to both agencies, but they issued statements declining to answer.

Internal emails The Oregonian obtained under a public records request show Washington County prosecutors urged Department of Corrections Inspector General Craig Prins to release

the information citing “the public interest in this case,” according to the documents. Prins ignored the advice. So, too, did the Department of Forestry.

Lunn beat the women with a large stick, according to court records, authorities and witnesses. The Japanese official said one of the women suffered a skull fracture and cerebral hemorrhaging and the other underwent four surgeries to address the complicated fracture of her arm.

Lunn stole a car belonging to one of the women. He was captured later that day on Sauvie Island.

The women last year sued the state, naming both the Corrections and Forestry departments as defendants. The Forestry Department

manages the camp under an agreement with the Department of Corrections. The camp is a minimum-security prison that houses about 200 inmates who are within four years of release. Men assigned there work on crews that perform forest management and disaster relief in Northwest Oregon.

According to court filings, the state agreed in June to pay one woman and her husband \$5.125 million and the other woman and her husband \$3.875 million. They are identified in court records by their initials to protect their privacy.

Coletti said Lunn’s criminal history should have disqualified him from working in what he described as an unsupervised program.

“They need to be far more

careful about who they let into this program,” he said. “This should have never happened in the first place.”

At the time he escaped, Lunn was serving a three-year sentence for a home invasion robbery in Multnomah County. He was convicted of second-degree robbery, a Measure 11 offense that comes with a mandatory minimum sentence. He had been slated for release next year.

Heidi Steward, acting corrections director, said in an emailed statement she hopes the settlement “will help the women heal their physical and emotional scars. This was a horrific crime, and we will continue to work closely with criminal investigators and prosecutors to ensure Mr. Lunn is held accountable.”

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