

Flooding takes toll on Union County farmers

■ Heavy rain in late May caused the second round of major flooding this year

By Dick Mason

The (La Grande) Observer

LA GRANDE — A cruel encore by Mother Nature is creating turbulence for local farmers.

Many Union County farmers are facing considerable challenges after being struck by a second major flood in four months when heavy rainfall in late May caused the Grande Ronde River and Catherine Creek to jump their banks.

“It has been a double whammy this year,” said Union County farmer Tim Wallender.

Wallender lost between 10 and 15 acres of garbanzo beans and 10 acres of bluegrass because of the flooding. Because of road flooding, he couldn’t get to the fields to pump water off his waterlogged acres. He plans to begin pumping water off the land and back into the Grande Ronde River as soon as he can.

It is too late to replant much of the crops he lost with marketable ones, so Wallender is considering his options.

“All I can do is plant a forage crop like oats or barley for my livestock,” Wallender said.

Bill Merrigan, the general manager of Blue Mountain Seeds of Imbler, said the full extent of the flooding in Union County is not known because crop plants are obscuring the standing water on many fields.

“You can’t see it unless you walk right up to it,” Merrigan said.

He fears the flooding may be worse than it appears since it can’t be seen from a distance. Merrigan said he cannot believe Union County has been hit with two major



Dick Mason / The (La Grande) Observer

Seth Hassinger, left, and his brother Jed Hassinger, examine the pump they are using to remove flood water from a wheat field on their family’s farm between Cove and Alicel.

floods in such a short span.

“Farmers must feel like they have a target on their backs,” he said.

Phil Hassinger’s 1,200-acre family farm, 7 miles northwest of Cove and operated by his sons, Jed and Seth, is among those the flooding hit hard.

The Hassinger farm’s levy along Catherine Creek began to collapse the morning of Sunday, May 24, threatening to ravage an 80-acre field that had a 50-acre peppermint crop. Phil Hassinger learned of the breach from son Jed.

“Early Sunday morning Jed raced on his motorcycle from an area of the levee that contained a weak spot. I knew from his body language we were in trouble. Jed confirmed that a breach in the levee

was pouring at least 50,000 gallons of water each minute onto the vulnerable mint crop,” Phil Hassinger said.

There was no time to spare.

“It was 7:30 a.m. We knew if we didn’t do something quickly we would lose the peppermint field,” he said.

He, his wife, Trudy, and their sons put out a request for help, and it was answered in heroic fashion.

“People from all over came. Soon we had all of the people we needed. In four to five hours we sealed off the levy,” Phil Hassinger said.

A key portion of the work involved bringing filled sandbags in boats and then rowing them downriver to the breach.

The extraordinary hands of assistance the Hassingers received will not soon be

forgotten.

“It was an incredible (Memorial Day) weekend,” Jed Hassinger said.

The Hassinger farm escaped major damage but it did take on so much water that extensive pumping must continue for the next several weeks.

Phil Hassinger said in the 40 years he has had his farm, he has never had to deal with two major floods in a year. Jed Hassinger, who grew up on the farm, said flooding seems to be a growing problem. He noted there also were major floods in 2019, 2011 and 2010. Each at the time seemed to be a once in a 50-year type of event.

Major flooding, Jed Hassinger said, appears to be increasing in frequency.

PHASE 2

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Although restaurants and bars are still required to space tables at least 6 feet apart, phase 2 does allow some flexibility depending on the types of booths.

Businesses, instead of the 6-foot spacing, can install a plexiglass or other “nonpermeable physical barrier that is easily cleaned if the barrier is at least 1 foot higher than head level for customers seated and at least 3 feet wide or at least the width of the booth if wider than 3 feet.”

But phase 2 continues to prohibit patrons from sitting at counters or bars “unless the counter faces a window or wall and at least 6 feet of distance is maintained between parties and/or staff behind the bar.”

Baker County Commissioner Mark Bennett said one of the major changes between phase 1 and 2 is that the latter increases the number of people attending events. During phase 1 the limit was 25 people.

Phase 2 increases that to 50 people for indoor gatherings and 100 people for outdoor gatherings.

However, phase 2 guidelines from the Oregon Health Authority also authorized up to 250 people in several categories of events or businesses, so long as the size of the outdoor venue or building allows for social distancing.

The categories with the 250-person limit include restaurants and bars, churches, indoor and outdoor entertainment facilities and fitness-related organizations.

Bennett said county officials have reviewed the guidelines, and it appears to them that the 250-person limit would apply to most events and businesses in Baker County, so that’s the numerical threshold the county is focusing on rather than the 50- and 100-person limits.

How long does phase 2 last?

During a press conference Wednesday announcing phase 2, Dean Sidelinger, the state epidemiologist, said phase 2 will be in effect for “several months.”

Previously, Oregon Gov. Kate Brown has said Oregonians shouldn’t

expect larger festivals and gatherings to happen at least until September.

But Bennett said he and other county officials are already working on a proposal that would further ease restrictions in counties with no coronavirus outbreaks — what he calls phase “2A.”

The initial idea, Bennett said, is that counties which continue to have few cases of the virus could potentially move into a new phase in about three weeks.

“We’re going to be pushing forward with a proposal,” he said.

County officials have not decided the specifics they’ll include in that proposal, such as increases in the number of people allowed at events or potentially reducing the dimensions of social distancing from the familiar 6 feet, Bennett said.

As of Friday, Baker County has had one confirmed case of COVID-19. That case was announced on May 6.

A total of 269 Baker County residents have been tested for the virus, according to the Oregon Health Authority.

Bennett said county officials will also be working with local school districts to ensure they have resources they need to meet yet-to-be-determined requirements for opening this fall.

Eltrym Theatre

Terry McQuisten, who owns Baker City’s only movie theater, said it might not be long before residents can again enjoy a film on the big screen.

“June 27 is our 80th anniversary, so I’m aiming to be open by then,” McQuisten said.

She wants to have a technician from Portland check out the Eltrym’s projectors, which have been sitting for three months.

Because studios aren’t releasing new movies right now it will be a challenge to find films that will attract audiences.

At least one new movie is supposed to come out in July, but McQuisten said she was unsure if it will be postponed. If new movies don’t come out, McQuisten said she still plans to open the Eltrym, and show classics instead.

In the meantime the theater is serving takeout popcorn and cotton candy on Fridays and Saturdays from 5 p.m. to 7 p.m.

Portland schools to drop police presence

By Gillian Flaccus

Associated Press

PORTLAND — Oregon’s largest school district said Thursday it will discontinue the use of school resource officers in its schools in the aftermath of the death of George Floyd.

The announcement makes it one of a handful of districts from Minneapolis to Denver that are taking a closer look at the role the police officers play in their schools.

Superintendent Guadalupe Guerrero

said on Twitter that Portland Public Schools needed to “re-examine our relationship” with the police in light of the national outrage over the death of George Floyd, who died after a white Minneapolis police officer pressed his knee into Floyd’s neck for nearly nine minutes.

The district of more than 49,000 students joins Minneapolis, which severed ties with its school resource officers on Tuesday. St. Paul, Minnesota, schools and schools in Denver are considering

doing the same as protests continue nationwide over Floyd’s death.

“The time is now. With new proposed investments in direct student supports (social workers, counselors, culturally-specific partnerships & more), I am discontinuing the regular presence of School Resource Officers,” Guerrero said in his tweet. “We need to re-examine our relationship with the PPB.”

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PROBATION

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Two other counts of first-degree sexual abuse and two counts of unlawful sexual penetration — which were dismissed during Baker’s February 2018 trial — were dismissed as part of the plea agreement.

Judge Lung Hung of Malheur County, as stipulated by the agreement, sentenced Baker to five years’ probation.

Should Baker fail to comply with the terms of his probation, he would face three more years in prison, with no credit for time served.

Baker was returned to the Baker County Jail on May 28 to be retried on three counts of first-degree sexual abuse because of a nonunanimous (10-2) verdict rendered by the jury during his trial.

Judge Greg Baxter, who has since retired, sentenced Baker to three consecutive mandatory minimum 75-month prison terms, a total of 18 years and 9 months.

But in April of this year, the U.S. Supreme Court ruled that nonunanimous jury verdicts are unconstitutional. Baker’s conviction was overturned and his case sent back to Baker County for possible retrial. Oregon was the last state to continue using the nonunanimous verdict system when the Supreme Court issued its decision.

During a Wednesday morning hearing, Judge Hung had denied Baker’s request for release from jail

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— **Greg Baxter, Baker County district attorney**

on his own recognizance and had ordered him held on \$150,000 bail, with release possible upon posting \$15,000.

The plea agreement was reached later that day. Baker was represented by Rob Raschio, a Canyon City attorney.

District Attorney Greg Baxter, the retired judge’s son, stated in a press release Thursday that upon learning that Baker’s case would be remanded to Baker County for retrial because of the Supreme Court ruling, he spoke with the victim, her attorney and other witnesses.

“The fact the events occurred five years ago, the fading of memories, rulings by the Oregon Court of Appeals affecting the evidence that could be offered, and, most of all, the trauma to the victim and witnesses in a retrial were all considered in deciding to retry the case or not,” Baxter stated in the press release.

Raschio said in a telephone interview Thursday that the plea

agreement took into account that the victim, who is Baker’s daughter, and her sisters, are in a safe place. They are in guardianship through the Department of Human Services foster care system.

“There is no particular reason for them to be put through another trial,” Raschio said.

Baxter also stated in a telephone interview Thursday that he and the victim agreed that the settlement provided a guaranteed conviction rather than taking a chance at trial where Baker could be acquitted.

“It gives us what we need to ensure the protection of the girls,” Baxter said.

Along with the additional prison time Baker faces if he fails to comply with terms of probation, his sentence requires that he register as a lifetime sex offender and enroll in and successfully complete a state-approved sex offender treatment program.

Other special conditions of Baker’s probation order him to have no contact with his daughters without permission of his probation officer. And he was ordered to pay all counseling, therapy treatment or medical costs related to the offense. Baker also was fined \$200 and ordered to have no contact with any children under the age of 18 without prior approval of his probation officer or the court.

During the week-long trial in February 2018, Raschio had filed motions requiring that Baker could

be convicted only by a unanimous jury verdict. Judge Baxter denied those motions.

The judge agreed with then-district attorney Matt Shirtcliff — who replaced Baxter as Baker County Circuit Court judge — who argued that at the time a nonunanimous verdict was allowed by Oregon law.

Looking back to the trial, Raschio pointed out that two people on the jury had reasonable doubt and could not vote to find Baker guilty of the crimes. He appealed the case to the Oregon Court of Appeals on April 10, 2018.

“I’m glad the Supreme Court now has come to the place where it says you have to have unanimity of mind to convict,” Raschio said.

He noted that Baker had been sent to prison for 18 years and 9 months on a 10-2 verdict.

“This is a man who served his country in two foreign wars (Iraq and Afghanistan) and suffered post-traumatic stress syndrome,” Raschio said. “He is entitled to some consideration for what he provided to this country.”

Baker’s mother also is terminally ill, Raschio said.

“This is what happens when these cases return after bad verdicts,” he said. “There is a true human story behind all of this.”

Before Baker’s 2018 sentencing, Raschio had filed motions seeking a new trial or a directed verdict of mistrial based on what he argued

had been due process violations during the trial.

He also sought a concurrent (served all at the same time) 75-month sentence on the three convictions.

During the trial, Judge Baxter agreed with Shirtcliff’s argument that Baker should serve consecutive sentences on the crimes, based on the vulnerability of the victim. Baker knew that his daughter, who was 13 at the time he was accused of sexually assaulting her, had been sexually abused by her stepgrandfather, Loren Profit, when she was 9 years old, Shirtcliff said.

Profit was convicted of first-degree sexual abuse in 2012 in a plea agreement with the District Attorney’s office. Shirtcliff said during Baker’s trial that the state would have sought more prison time for Profit had the girl been older and more capable of testifying.

District Attorney Baxter said Thursday that had Baker originally been sentenced to concurrent 75-month terms, rather than consecutive terms, he could end up serving about the same amount of time in prison if he fails to comply with terms of his probation over the next five years.

Baker had served one year in the Baker County Jail awaiting trial and little more than two years of his prison sentence at the Snake River Correctional Institution near Ontario before his case was reversed and remanded to Baker County.