

RIVER

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The most basic explanation for the Powder's recent rise — from 150 cubic feet per second (cfs) on April 27, measured near Wade Williams Park in south Baker City, to 371 cfs on May 10 — is that farmers need the water to irrigate their crops and pastures, Colton said.

"Things are growing down here," he said on Wednesday morning, May 12. "It can't wait."

Mark Ward is one of those farmers, and he concurs with Colton's assessment.

"We've got to have the water," said Ward, whose family grows peppermint, potatoes, alfalfa, wheat and silage corn in Baker Valley. "There's a lot of water coming down the river, but we can't save that water for July. If you kill the crop now there's no use for the water later."

Colton said water that flows into Phillips Reservoir, and water that's stored in it, irrigates about 42,000 acres.

He said the owners of that land have two types of rights entitling them to use that water for irrigation.

"Freeflow" rights are for water in the Powder River, and to fulfill those rights, Colton said he basically pretends the reservoir doesn't exist, releasing water from Mason Dam in volumes necessary to meet the demand.

Freeflow rights all have "priority" dates, some dating to the 1860s, and the holders of the oldest rights have first priority for the water.

But the reservoir, which started filling in 1968, also



Jayson Jacoby/Baker City Herald

The Powder River flows beneath the Bridge Street bridge Wednesday morning, May 12.

has "storage" rights, all of which have the same date, Colton said.

What's unusual about this spring, he said, is that because consistently cold nights have largely prevented the mountain snowpack from melting, the amount of water flowing into the reservoir, primarily from the Powder River but also from tributaries such as Deer Creek, has been below average.

The volume of the Powder River at Hudspeth Lane, just above the reservoir, has peaked at 126 cfs, on May 2, and has been below 100 cfs for most of the spring.

In 2019, by contrast, the Powder River's flow exceeded 200 cfs for much of April and May, including peaks above 310 cfs on several days in mid-May.

With those volumes, Colton

said, he can fulfill downstream water rights and still store some water in the reservoir.

But 2021 is quite a different year.

On Wednesday morning, May 12, the Powder River at Hudspeth Lane was running at 83 cfs.

The outflow from Mason Dam, meanwhile, was 377 cfs.

Little wonder, then, that the amount of water in Phillips Reservoir had dropped from 16,400 acre-feet on May 1 to 14,791 acre-feet on May 11.

(One acre-foot of water would cover one acre of flat ground to a depth of one foot. One acre-foot equals about 326,000 gallons.)

To meet irrigation demand and fulfill water rights, Colton said he has to release both freeflow and storage water.

Ward said he's grateful that

the reservoir exists, shrunken though it is.

"It would be a much more dire situation if we didn't have the reservoir," he said.

Colton said the current situation, with much more water coming out of the reservoir than is flowing in, won't last much longer.

Newly seeded crops are gaining a foothold and won't need so much water until later in the summer, he said.

Colton expects to reduce the outflow from Mason Dam as early as this Saturday, May 15. By later in the month the Powder River's volume in Baker City likely will be half what it is today.

At the same time, the mountain snow eventually will melt, boosting the volume flowing into the reservoir and causing the reservoir level to begin to rise, he said.

COMING IN ...

Volume of the Powder River measured at Hudspeth Lane, just above Phillips Reservoir, in cubic feet per second:

- APR. 15: 50.27
- APR. 20: 83.04
- APR. 25: 88.87
- APR. 30: 102.70
- MAY 5: 109.30
- MAY 10: 89.64

Source: Bureau of Reclamation

... GOING OUT

Volume of water being released from Phillips Reservoir into the Powder River, in cubic feet per second:

- APR. 15: 65.84
- APR. 20: 152.61
- APR. 25: 149.16
- APR. 30: 200.71
- MAY 5: 216.52
- MAY 10: 370.88

Source: Bureau of Reclamation

Colton said earlier this spring that the reservoir won't fill this year, given the significant deficit from last year.

As of Wednesday the reservoir was at 20% of its capacity.

'A month of wind'

Ward said the demand for irrigation water has been higher than usual, and earlier than normal, due in part to persistent gusty winds.

"The wind has just killed us," he said. "We've had a month of wind, and not a gentle breeze. It's just sucked the water out of every crop out there."

The soil-desiccating effect of the wind has been exacerbated by a lack of rainfall, Ward said.

March was the second-driest since at least 1943 at the Baker City Airport, with just 0.14 of an inch falling. April's total of 0.57 was also below the monthly average of 0.80.

RESERVOIR

Volume of Phillips Reservoir, measured in acre-feet. The reservoir is at full pool at 73,500 acre-feet:

- APR. 15: 16,342
- APR. 20: 16,510
- APR. 25: 16,611
- APR. 30: 16,342
- MAY 5: 16,403
- MAY 10: 15,190

Source: Bureau of Reclamation

On April 7, Baker County Commissioners approved a drought emergency declaration and sought state and federal aid for the county.

COUNCIL

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Councilor Jason Spriet asked Bennett about the effects of the pandemic on hospitals in Boise.

"I think I heard Mark mention that we sent our severe COVID cases to Boise. Was there ever a time when they were overwhelmed?" Spriet asked.

Bennett said that in early January, St. Luke's and Saint Alphonsus were near capacity.

Staten said local patients who had severe symptoms were taken to one of the Boise hospitals because they have specialized equipment not available at Saint Alphonsus Regional Medical Center-Baker City.

Spriet followed with another question.

"Do you feel that, what has happened in Oregon since we're, I feel like hopefully we're in the downslide of this whole thing, do you feel like how this was handled was at all appropriate? Do you think these lockdowns had prevented or helped our community prevent the spread of the virus?"

Staten's response: "I'm coming at it from a public health perspective and the health and wellness of all of our

people, and so I really can't speak to that. From a public health perspective, it's evolved; science has evolved from what we did a year ago, from what we did 14 months ago, from what we know today and it certainly has evolved. In public health we just do our best to, as recommendations change, we change with them," Staten said.

Councilor Lynette Perry asked whether contact tracing showed that people have been infected while dining in restaurants.

"In these case investigations, we ask those questions — where have you been?" Staten said. "And we honestly, in our case investigation, have not found that it's to a specific restaurant. And we go off of what people tell us to the best of their ability."

Staten said she believes outbreaks in individual businesses stemmed from people bringing the virus into the business.

"In contact tracing and investigations people are honest but they may forget where they have been," Staten said.

Perry pointed out that state guidelines are particularly strict for restaurants.

Mayor Kerry McQuisten said that during a February meeting with

officials from the Oregon Health Authority (OHA), they said the state agency had bought information from credit card companies to get data about residents' restaurant visits.

"That's what they said their data was," McQuisten said.

Bennett said the county from the start of the pandemic has sought to pinpoint the actual sources of infections.

"Nancy's team did, has done, and continues to do excellent investigations in contact tracing," Bennett said. "So we have pushed and pushed and pushed all over the county that, let's identify the areas where this is occurring and work on that rather than a blanket approach because this is devastating to primarily our food industry, but the rest of the communities," he said.

Perry asked about deaths attributed to COVID-19, and how many of those people had been infected within 60 days of their death.

"It bothers me that they're being listed as a COVID death as opposed to a heart attack when the heart attack is actually what killed them," Perry said.

Bennett said that if the virus further weakens someone's immune system, it is a contributing factor.

"Maybe it's not exactly what killed them but it might have led to that path," Bennett said.

Staten agreed that COVID-19 can be a contributing factor.

"So, they maybe have had COVID, they may die of pneumonia, but a contributing factor was COVID-19, because they had tested positive," Staten said. "Now, who's to say, did that speed up their death? We don't know but that could be a contributing factor. Or it could be the main cause of death and that's determined by the medical certifier which would be the physician."

Perry asked if it is true that hospitals receive additional money based on the number of COVID-19 patients they treat, or for having a COVID-19 death.

"I don't believe that to be true with what I know but I'm not the authority," Staten said.

Councilor Shane Alderson asked if any positive cases could result in one person being counted as a case more than once.

Staten said people who test positive are counted only once — including people who are deemed a presumptive case and then later test positive.

"We take that very seriously and

early on, I started keeping track because I wanted to know," Staten said.

Councilor Joanna Dixon posed a situation of a person who tests positive the first week of a month and then returns the fourth week of the same month and tests positive again.

"It's counted once," Staten said. "If the same person tests positive twice, but with more than 90 days between positive tests, both would count as a case. She said the county has had only a few such instances."

Dixon also asked about situations in which a person tests positive after being vaccinated, what's known as a "breakthrough" case if the positive test happens more than two weeks after a person has been fully vaccinated.

"We've had a few," Staten said. "According to OHA data, as of May 3 there had been 17 breakthrough cases in a region that includes Baker, Morrow, Umatilla, Union, Wallowa and Malheur counties."

Perry asked Staten why, when Perry was vaccinated, there were no COVID-19 tests offered.

Staten said a team of state officials did offer testing at three of the vaccination clinics the county had at Baker High School.

Legislature approves bill extending grace period for past-due rent

By Peter Wong

Oregon Capital Bureau

Gov. Kate Brown's signature awaits a bill that gives tenants more time to pay past-due rent stemming from the coronavirus pandemic and protects their future ability to rent.

The Oregon House sent Senate Bill 282 to the governor on a 39-17 vote on Tuesday, May 11.

Tosha Morgan-Platt — who lives in Portland with three children, one of them with disabilities — was among the tenants who submitted testimony in favor of the bill. She lost her job during the economic downturn that resulted from the pandemic more than a year ago, and subsequent work has not helped her earn enough to eliminate \$3,000 in past-due rent.

The bill allows Morgan-Platt and others an extended grace period until Feb. 28, 2022 — instead of June 30 — to pay past-due rent going back to April 1, 2020. It does

not forgive any rent, and it requires renters to be current on payments after July 1. But it would extend until Feb. 28, 2022, a moratorium on evictions for nonpayment of rent during the pandemic.

"This is a huge weight off my shoulders and will give me or my landlord enough time to apply for rental assistance to cover the back rent," Morgan-Platt said in a statement furnished by Stable Homes for Oregon Families. "There are so many Oregonians in similar situations who lost jobs or income during COVID through no fault of our own and are still struggling to catch up. As Oregon continues to face a statewide housing crisis and our communities are suffering, SB 282 is going to be a lifeline to protect us from eviction."

Rep. Julie Fahey, a Democrat from Eugene and chairwoman of the House Committee on Housing, said the bill banks on millions coming in state and federal aid to ten-

ants and landlords.

"It is a reasonable compromise bill that sets the stage for a more equitable recovery," Fahey, the bill's floor manager and chief sponsor in the House, said. "By passing this bill, we can ensure

that Oregon tenants and landlords can get the full benefit of rental assistance coming to our state and help prevent the fallout from the pandemic following the most vulnerable Oregonians for years to come."

A Dec. 21 special session of the Legislature extended the evictions moratorium from Dec. 30 to June 30, and also set aside a total of \$200 million for assistance — \$150 million for landlords and \$50 million for tenants.

The Oregon Department of Housing and Community Services reported to the House committee on May 4 that \$40 million was paid from the landlord compensation fund in the first round in March.

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