



In SPORTS, A5

Cougars claw Bulldogs

# Baker City Herald

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### QUICK HITS

#### Good Day Wish To A Subscriber

A special good day to Herald subscriber Dave Richards of Baker City.

#### Local, A8

STARKEY — Rocky Mountain elk in Northeastern Oregon may fall prey to climate change.

U.S. Forest Service research biologist Mike Wisdom and Casey Brown, a research biologist with the Oregon Department of Fish and Wildlife, are among a growing number of people who are concerned about the role climate change is playing in nature. Wisdom and Brown are helping conduct a Starkey Project study aimed at determining if climate change will hurt Rocky Mountain elk reproduction.

### BRIEFING

#### Haines Fire District board to meet on Sept. 13

The Haines Fire Protection District board will meet Sept. 13 at 7 p.m. at the main station, 616 Cole St. All residents of the district are welcome to attend. COVID-19 safety protocols will be in effect.

#### Red Cross plans blood drive in Baker City on Monday, Sept. 13

The American Red Cross has scheduled a blood drive for Monday, Sept. 13, 2021, at the Baker City Nazarene Church, 1250 Hughes Lane, from noon to 6 p.m. To schedule an appointment, call Myrna Evans at 541-523-5368, or go to redcrossblood.org.

### WEATHER

#### Today

93 / 45  
Sunny and hot



#### Wednesday

91 / 49  
Mostly sunny



The space below is for a postage label for issues that are mailed.



Lisa Britton/Baker City Herald

Donnie Tholen tosses a zucchini to his wife, Cheryl, from within their garden.

## Baker City couple transforms empty field into a thriving garden

By LISA BRITTON

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Donnie Tholen wades through the sea of pumpkin vines, then looks up with a grin.

He just found a white

pumpkin — a big one.

“Take a picture with your phone!” his wife, Cheryl, calls from beyond the patch, where her work clothes are safe from the spiny vines.

“He won’t go out there

unless he’s in heavy clothes,” she said on the evening of the first day of September.

After Donnie snaps a picture of the pumpkin, he leans down again and comes up with a zucchini. He tosses the veggie to Cheryl, then picks his way past the ornamental broomstick cornstalks waving high above his head.

This patch of earth hasn’t always been a swath of green.

The Tholens bought this empty lot near their east Baker City home in 2016.

“There was nothing. Absolutely nothing,” she said. “We called it ‘the field.’”

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## City’s water use drops



Baker City Public Works/Contributed Photo, File

Goodrich Lake, shown here in 2020, is one of Baker City’s two supplementary water sources.

By JAYSON JACOBY

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There’s likely more brown lawns than usual in these waning weeks of summer in Baker City, and Michelle Owen is grateful for those who sacrificed their usual lush turf.

Residents heeded the city’s advice and cut back on their water use during August.

Their voluntary action has helped avoid what could have been a much more serious water supply

crisis, said Owen, the city’s public works director.

“I’m so pleased with the way the community has pulled together to reduce their water consumption during this drought,” Owen wrote in an email to the Herald on Sept. 2. “The reduction of irrigation use clearly made a difference this year.”

Residents used 23% less water during August than they did during July, and 14% less than in June, according to city figures.

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## Landowner seeks dismissal of county’s road lawsuit

By JAYSON JACOBY

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The attorney representing Baker County in its lawsuit seeking to force a landowner to open a gated road in the eastern part of the county has filed a motion to extend by one week a deadline to respond to the defendants’ motion to dismiss the case.

Larry Sullivan, a Vale attorney, filed the lawsuit on the county’s behalf more than two years ago, on Feb. 7, 2019.

On Monday, Aug. 30, Sullivan filed a motion in Baker County Circuit Court seeking to extend, from Sept. 8 to Sept. 15, a deadline for the county to respond to the defendants’ motion for summary judgment — in effect, a request to dismiss the case.

The defendants — Timber Canyon Ranch LLC, Kennerly Ranches LLC and Forsea River Ranch LLC — are represented by Charles F. Hudson of Portland.

Hudson, of the Lane Powell firm, filed the motion for summary judgment on Aug. 19.

Sullivan, in his motion seeking an extension to respond, wrote that “The parties have continued settlement discussions since the settlement conference on August 6, 2021, and are making progress. Granting the requested extension will allow the parties to continue to pursue those discussions without spending time and attorney fees on a matter that may prove to be unnecessary. Defendants’ attorney does not

oppose this motion.”

The Aug. 6 settlement conference was closed to the public.

The Baker County Board of Commissioners decided in early 2019 to file the lawsuit.

The debate, though, dates to 2017.

That’s when Todd Longgood and the Dennis Omer Hansen Revocable Living Trust bought the property, formerly known as the H Hook Ranch, east of Lookout Mountain, in the upper portion of the Connor Creek drainage.

Although a road that passes through that property, which connects the Connor Creek and Daly Creek roads, had been generally open to the public since the mid 1980s, according to Hudson’s Aug.

19 motion, Longgood chose to install a locked gate on the road.

County officials objected to the road closure, and eventually chose to sue.

The county claims in its lawsuit that the road is a historic public route and that, based on a 19th century federal law, can’t be closed to public access.

Alternatively, Sullivan argues in an amended version of the lawsuit, four other roads that also pass through the private property could be designated as public rights-of-way.

Hudson, though, in his motion for summary judgment, contends that “The uncontroverted evidence demonstrates that the portion of the road

designated by the County as the “Connor Creek Road” that crosses defendants’ properties was created by private parties after the land had passed into private ownership.”

As a result, Hudson argues, the section of the road through the Longgood property can’t be legally designated as a public right-of-way.

The county’s case revolves around a resolution that county commissioners approved in 2002.

That resolution was prompted by a different property owner who locked a gate several miles to the east, near the Connor Creek mine along the Connor Creek Road a mile or so from where it starts at

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THURSDAY — GO! MAGAZINE ARTS AND ENTERTAINMENT GUIDE