

EDITORIAL

Action needed on water supply

Matt Lisignoli ran out of water last year for his pumpkin patch near Culver. He had the right to unused water, but the state couldn't move fast enough to help him.

Lisignoli has properties that exist in alternate realities. His Smith Rock Ranch is in Deschutes County and served by Central Oregon Irrigation District. His pumpkin patch near Culver is served by North Unit Irrigation District. He had unused water for his COID property. He was out of water from North Unit.

COID has senior water rights in the Deschutes Basin. Being at the front of the line, people served by COID get plenty of water. North Unit customers are junior water rights holders. They are at the back of the line and last year like Lisignoli, many of them were running short. The contrast is sharper still because many of the people served by COID operate hobby farms. North Unit is where more serious farming gets done.

Lisignoli tried to transfer his unused water from COID. The Oregon Water Resources Department moved slowly, in part because of regulations requiring public notice. Public notice is important, of course. In this case it meant it was another farmer from North Unit that helped Lisignoli save his pumpkin crop.

The water system in the Deschutes Basin was set up for another time. It still works — or rather is worked around. Years of drought further expose where it is weak. Fish, the spotted frog and other animals can struggle to survive with low flows in the Deschutes River. Farmers in North Unit have to wonder how much of their fields they can even plant.

Years of thin snowpack would bedevil any mountain-fed watershed. Oregon's legacy water system is an added drain on the ability to create solutions. The Oregon Business Council updated this year its report on Oregon's water future. And it is well worth a look.

Anyone who watches water in Oregon would probably tell you that the report doesn't offer much that was not already known. The ability to move water around to where it is needed needs to be more fluid. It's been hard, too hard to do things that just make sense, such as shifting water that is not needed by COID customers to North Unit. But the report does offer four suggestions that should be a starting point for legislators thinking about reform.

One size does not fit all in water. The state should allow more regional approaches to water management.

The state needs more and improved data about where the water is and where it is going.

State regulatory agencies need to be able to have the flexibility and be nimble enough to move quickly to solve immediate problems. Call that one the Lisignoli Reform.

Oregon should take additional steps to ensure water is affordable and equitably distributed.

One thing absent, of course, is tearing up Oregon's system of water rights, the doctrine of prior appropriation. Some would argue that the entire system should be uprooted. It would mean stripping away water rights. That would be an ugly, long and expensive fight. Go there and the hope of making any significant, helpful changes now would be long delayed.

Any reforms would also need to come with other guarantees. Protection of the health of rivers and streams and the creatures that live in them can't be neglected. The goal of any reform can't just be to make the system work better for irrigation or to serve the thirst of a growing population.

Oregon will be electing a new governor and new legislators this year. What do they think should become of Oregon's legacy water system? What do they propose to do about it? Ask them. Insist they answer. Unless you tell them you want change, we won't get a drop.

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YOUR VIEWS
County shouldn't waste time on unnecessary resolution

Editor's note: This is the letter the writer sent to Baker County commissioners.

I implore you to think heavily about this radical, conspiracy embracing, fringe group of extremists that wish you to consider anything! They propose a horrendous idea, please don't turn our beautiful county in to the laughingstock of the state. Baker County needs no toothless resolutions or illegal, meaningless designations, especially when being proposed by the same type of radical disgruntled American citizens that believe all the rhetoric and outright falsehoods tirelessly spewed by Trump and his adoring minions. These are people that condone the outrageous violence, insurrection and the murder of police officers on Jan. 6 as a necessary evil. Do your research and then tell me why you would have anything to do with these people? If anything I would move quickly to distance myself. Smart thing would be to cancel this misplaced discussion and move on to important and "legal" county business. It is not too late to save face with the other 90%+ of the citizens you should be representing. With the recent lifting of mandates every issue these "insurrectionists" have is now a moot point.

Thank you for your service and your valuable time.

Mike Meyer
Baker City

Supreme Court, not county, determines constitutional issues

Editor's note: This is the letter the writer sent to Baker County commissioners.

I have been following the BCU's attempts to turn Baker County into a Constitutional County, where the Constitutional issues would be decided by the county sheriff. Unless I am mistaken this task is assigned by the Constitution of the United States to the authority of the Supreme Court. I realize everyone has likes and dislikes of decisions made by the federal and state governments, and that is what the Supreme Court was organized to do, hear the arguments of both sides and

render an opinion according to their interpretation of the Constitution and fairness to all parties. I would like to insert an explanation of the Supreme Court's responsibilities I found. The Court and Constitutional Interpretation:

"The republic endures and this is the symbol of its faith."

— Chief Justice Charles Evans Hughes. Cornerstone address, Supreme Court Building

"Equal justice under law."

These words, written above the main entrance to the Supreme Court building, express the ultimate responsibility of the Supreme Court of the United States. The Court is the highest tribunal in the nation for all cases and controversies arising under the Constitution or the laws of the United States. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution.

Once again I reiterate the responsibility of interpretation of the Constitution of the United States lies with the Supreme Court, any one disagreeing with that has a constitutional right to argue that point in court.

You as county commissioners have taken an oath to uphold the Constitution of the United States, the decision on this resolution seems pretty clear to me.

Don Worley
Baker City

County has no reason approve redundant resolution

In reading the article about BCU and the adoption of their resolution by the Baker County Commissioners, number of questions arise. Are there examples BCU can cite of city, county or state officials violating their oath of office? Specifically, any action taken that has not been granted by statutes of the state? The resolution states "the following abuses will not be allowed or tolerated within Baker County." This suggests there are examples of abuses occurring that could and should be cited to support their resolution.

The notion that the state and federal constitutions are being circumvented by entities charged with enforcement of stat-

utes enacted by legislative bodies and not being successfully challenged in our courts is laughable.

Baker County Commissioners need to demand from BCU examples of city, county, or state government abusing lawful authority. Likewise, examples of violations, without judicial redress, of constitutional guarantees to which we are all entitled should be provided as well.

A final question relating to this folly is this: Which constitutional scholar at the county level will be the arbiter deciding the constitutionality of any issue that arises? I'm guessing there is a pretty sound reason why the clause stating "Baker County Commissioners proudly join the Constitutional Sheriffs and Police Officers Association and that the undersigned commissioners do hereby denounce any acts or agencies that promote the aforementioned practices" was omitted from the resolution. That leaves the responsibility to one or more of the commissioners to decide whether an issue violates the Constitution. Along with that enviable distinction will also come the notoriety of being responsible for the costs associated with any (and there will be) lawsuits that result. One needs to look no further than Harney County and the temporary adoption of their second amendment sanctuary ordinance. Once they were confronted with the costs of defending their ordinance they repealed it faster than you can say "I don't like facts."

Here's a helpful tip: Just because you don't like something associated with governmental administration does not mean it is unconstitutional. More likely than not the issue you object to has been scrutinized many times over, and has passed muster by people who actually are educated and versed in the constitution and the law.

Members of BCU have said that this resolution "does make a statement" while acknowledging that it "has no teeth." The county should think long and hard about the type of "statement" this fiasco makes about our community.

Bruce Nichols is absolutely correct. This whole issue is redundant and as a result unnecessary.

Randy Crutcher
Baker City

OTHER VIEWS

No-fly zone still an unwise escalation

Editorial from New York Daily News:

In arguing forcefully before Congress for NATO to institute a no-fly zone over Ukrainian airspace, President Volodymyr Zelenskyy did what any besieged head of state would do: He advocated for what he believes will safeguard his people. His dedication to his country's unyielding resistance to Russian aggression is admirable.

Yet President Joe Biden is not the president of Ukraine, and neither are the leaders of the NATO alliance, and they must make decisions that will best punish Putin and his forces without provoking a far wider and bloodier conflagration. Engaging in direct combat with the Russian military, likely sparking a hot war between nuclear-armed powers,

from where we sit remains a too-risky proposition.

It is in America's interest for the Russian president's demented campaign to be countered and turned back, as it's clear that allowing him to act on his expansionist designs has only encouraged him, and will do the same to other strongmen with territorial ambitions. The best way forward now is to continue with the two-pronged strategy of providing support for Ukraine's army and territorial defenders, and punishing Putin at home.

Biden's announcement of more than \$1 billion in security assistance to Ukraine might not be as flashy or cathartic as U.S. troops taking down the autocrat's warplanes, but it is crucial to preserving Ukraine's momentum. By all accounts,

American anti-aircraft systems, anti-tank weapons and other advanced weapons have been vital in preventing the quick victory Putin had expected. With them, Ukrainian fighters can themselves combat Russian air power.

Continued sanctions and the cutting off of Russia from world markets and financial systems is a longer game, and while it's hard to see the nexus between that and the bombs falling on civilian buildings in Ukraine, the truth is that the economic measures are already weakening Russia's economy, and with it, Putin's ability to prolong an increasingly unpopular war.

Cooler allied heads might not keep Putin from battering Ukraine, but for now, they can box him in and head off a world war.

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Oregon Legislature: Legislative documents and information are available online at www.leg.state.or.us.

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