

WATER

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“Mother Nature doesn’t flood this property, it’s man,” he said. He estimates the excess water has cut the value of one of his South Fork Road properties in half. He points to draws on private property that were dry in the past and are now swamps. Some landowners are over-irrigating and running sprinklers for a week straight at times, he said. “The damage is done and I want damage to stop so I can do something to those properties,” Boren said. “At this time I can’t do anything with them.”

Reasons unknown

“The Oregon Water Resources Department knows that some residents are concerned about subsurface water in the South Fork Road area in Dayville,” Diana Enright, Public Information official for the Oregon Water Resources Department, said. “We have been to the area and talked to the landowner a number of times.”

She said the reason for the subsurface water is unknown, but said they were willing to work with watershed councils and soil and water conservation districts to find a solution.

“Unlined ditches, such as the Cummings Ditch, do leak, but the amount depends on soil conditions and ditch maintenance,” Enright said. “Piping or lining ditches reduces water loss.”

The ditch doesn’t appear to be using more water than is allocated either.

“The measuring device on the ditch indicates that the ditch company is within their legal limits of water use,” Enright said. “The last water use report submitted for the



Tim Briggs measures water draining from his property in Dayville. On Wednesday, Aug. 2 there were roughly 3 gallons per minute draining off his property.



Rich Boren gestures at an irrigation ditch in Dayville on Wednesday, Aug. 2.



Sprinklers run in Dayville on Wednesday, Aug. 2.

Eagle photos/Rylan Boggs

Cummings Ditch shows annual use of 2,130 acre-feet of water, which is within the city’s authorized water right.”

Soggy soil

Dayville resident Mary MacArthur said it’s hard to pinpoint what is causing the saturation. Without a study conducted by experts, she said

it would be hard to say if the problem came from over-irrigating, the ditch or something else.

She said the water is something that’s been dealt with without a problem for the last 50-60 years.

“If it’s on your property, fix it,” she said.

Boren isn’t the only resident dealing with soggy property. Tim Briggs

lives across the street from Boren, and his lot is heavily saturated.

To demonstrate the saturation, Briggs dug a 6-foot-deep hole in his lawn. It was a matter of days until the hole was overflowing with ground water.

On a hill at the edge of Briggs’ property, a pipe drains water from his property. There are about 3 to 6 gallons per minute coming off the property, according to Briggs.

However, it doesn’t appear any laws are being broken.

“We are not aware of any water laws that we enforce being broken on the Cummings Ditch,” District Four Watermaster Eric Julsrud said. “OWRD checks to make sure water is being put to beneficial use and meets the terms of water right certificate. We do not tell authorized water users how to irrigate.”

NITRO

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Warfighter Made is a nonprofit providing recreational therapy to ill, injured and combat wounded service members and veterans, also adapting and customizing the veterans’ vehicles to their injuries.

“We had some awesome military vets come ride along with us,” Rowland said.

Rowland, a Tennessee resident, is known as the engineering mastermind behind most of the stunts on MTV’s “Nitro Circus,” and he’s the mechanic for Travis Pastrana, a professional motor-sports competitor and stunt performer who is the main personality on the show.

Haberly joined the crew for part of the trip, showing them the way from John Day to Prineville.

Oregon State Police Sgt. Tom Hutchison gave the group an escort on the highway portion of the trip, from John Day to Laycock Creek Road.

“I wish Oregon was a little more lenient like the rest of the states,” Haberly said. “The side-by-sides and ATVs are as safe or safer than bicycles, motorcycles and Smart cars.”

Haberly said he’s been working with Salem for three years to try to relax the law that prohibits ATVs



Gregg Haberly, left, meets with Pleasant Cook, Hubert Rowland, Shana Lester and Steve McCann at his John Day Polaris business.

The Eagle/Angel Carpenter

and ATVs on highways.

He was happy with the trip to Prineville.

“It was a lot of fun, and we’d like to do it again with a local group,” he said.

Hubert said he was glad to meet up with Haberly.

“Riding with him was awesome as well,” he said. “Being with someone that knew the area, and showing

us some places he knew was great.”

Hubert and his crew, including cameraman Steve McCann, monster truck driver Pleasant Cook, also known as 4x4 Barbie, and Shana Lester made it to the coast Sept. 1.

“We went 5,000 miles in 29 days,” Hubert said. “(We saw) many beautiful parts of the country that no one sees except those that live there.”



Pleasant Cook “4x4 Barbie” is behind the wheel with Shana Lester in the passenger seat.

LAW

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The statutes deprive certain defendants of equal protection under the law and deny them the right to have accusations confirmed by a jury of 12 of their peers, according to Lambert’s petition.

“This law essentially eviscerates the idea that you are entitled to a jury of your peers when you are a black person who resides in Oregon, because statistically speaking, you are lucky if you get even one juror who is black, and that juror’s voice may just not count at all,” said Mat dos Santos, legal director of ACLU of Oregon.

Lambert was convicted of second-degree murder by a 10-to-2 guilty verdict in connection with the fatal shooting of a man in Louisiana’s Orleans Parish on March 22, 2013.

His lawyers supported their petition to the Supreme Court with research by Professor Aliza Kaplan and law student Amy Saack of Portland’s Lewis & Clark Law School.

Louisiana’s majority verdict system was introduced in the 1898 Constitution as part of measures designed to “establish the supremacy of the white race,” according to the researchers’ February article in the Oregon Law Review.

Likewise, Oregon’s law, passed by voters in 1934, was an anti-Semitic reaction to one juror holding out on convicting a Jewish man of first-degree murder in the death of Jimmy Walker, a Protestant white man, in 1933, the researchers assert. Instead, the Jewish man, Jacob Silverman, was convicted of manslaughter and spared a death sentence.

The U.S. Supreme Court upheld Oregon and Louisiana’s jury laws in 1972, but since then, the understanding of the detrimental effect of non-unanimous jury verdicts, especially on people of color, has increased, said Kaplan, director of the Criminal Justice Reform Clinic at Lewis & Clark.

“All of the social science points to why unanimous juries work out better and more fair and demonstrate why all voices need to be heard,” she said.

Clatsop County District Attorney Josh Marquis, a frequent critic of criminal justice reforms in Oregon, dismissed the researchers’ assertion that Oregon’s law is based on racism. The law offers benefits that criminal justice reformers overlook, such as fewer hung juries, he said.

And the law can mean a defendant no longer faces subsequent trials if a jury votes 10-to-2 for acquittal.

“In other words, in federal court what would be a hung jury could end up being an acquittal in Oregon,” Marquis said.

The law has a protection requiring a unanimous vote for a guilty verdict in the case of aggravated murder, while a defendant charged with the same crime can be acquitted with a vote of 10-to-2, he said.

The Supreme Court is scheduled to consider whether it will take the case Sept. 25.

PUBLIC EVENT AND CONVERSATION

ERA OF MEGAFIRES

Blue Mountain Forest Partners

HOW DO YOU WANT YOUR FIRE? HOW DO YOU WANT YOUR SMOKE?

Research Ecologist, Paul Hessburg, Presents a Multi-Media Event Created by North 40 Productions

Thursday, Sept. 21, 2017
6:30 p.m.
Grant County Regional Airport, John Day, Ore.

Megafires, wildfires over 100,000 acres, and the destruction caused by them is a serious and growing issue to our region. Our communities, homes, businesses, and our very way of life are threatened.

Let’s start having the conversations we need to have to protect our homes, forests, and livelihoods. Join us for a multi-media presentation on fire and what we can do to make it work for us.

06147

BABY STEPS
Birth & Beyond

We believe having a baby means so much more than just labor and delivery. Prenatal classes help parents feel calm and confident with the birthing process, while reducing the duration of labor. Parents also gain a profound awareness of the importance of their role. The first 1,000 days of a child’s life provide the foundation for success in school and in life.

This prenatal class will cover:

- Touring the family birthing unit
- Prenatal and postpartum nutrition
- Relief of common discomforts during pregnancy
- Creating a birth plan
- Stages of Labor & relaxation tools during labor

Please call **FAMILIES FIRST** to register, 541-575-1006

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www.bluemountainhospital.org

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