



WATERWATCH

Protecting Natural Flows in Oregon Rivers

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INSTREAM

Fall 2018 Newsletter



Yakama Tribe fall chinook dipnet fishing by USFWS

Stream of Consciousness: On the Cusp

By John DeVoe, Executive Director



I'm writing this column just eight days before the election. By the time you read this, the votes will be counted and Oregon's new governor will be chosen. The late legislator and long time water expert Bob Jenson used to say that no election

in Oregon had ever been won or lost on a water issue. While that may remain true for this election cycle, I'm not so sure about the future. Water is so critical to the state's cultural, ecological, and economic future that we may soon see a major state election turn on water.

Oregon's governor race is apparently quite close. But whoever

wins Oregon needs to move forward on water governance and reforms that will meet 21st century challenges across the state.

A 2017 report titled "California Water Governance for the 21st Century" out of Stanford Law School captures much of what WaterWatch has been saying with respect to Oregon for a long time: "Our current water governance system is reactionary rather than proactive; is implemented without verifiable, real-time data; prioritizes increasing water supply and water consumption while ignoring ecological thresholds; and treats water as a private commodity rather than the public, life-supporting good that it is." This system produces serious injustices that will

(Continued on page 2)



WaterWatch's mission is to protect and restore streamflows in Oregon's rivers for fish, wildlife, and the people who depend on healthy rivers.

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Jim McCarthy, Editor

(Stream of Consciousness: On the Cusp... Continued from page 1)

be exacerbated with climate change unless Oregon and other western states take action. Accelerated extinction, health and safety emergencies, stranded assets, and economic decline are just some of the threats Oregon faces unless we get serious about needed reforms and investments.

How can the next Oregon governor begin to secure our water future? Oregon already has protective legal doctrines that can be used to reduce wasteful water use and extend the supplies we already have. These doctrines must be enforced. Oregon needs to move forward to create new instream water rights to provide an ecological baseline for many streams that lack any form of protection. Oregon can invest in data to inform water decisions. I've written before about how the state lacks basic groundwater data. Oregon also has huge data gaps around surface flows, water diversions, pumping rates, and water uses. We simply cannot make sustainable water decisions for the future without adequate data. Basic water right enforcement is essential. Many water rights have, for example, water measurement conditions that are never followed or enforced. Oregon also lacks basic efficiency and conservation standards. In the future, no region of the state should be permitted to waste two thirds of the water diverted as is currently the case in parts of the Deschutes Basin. That's right, some irrigation districts in the Deschutes divert three units of water from the Upper Deschutes River to deliver less than one unit to any crop. Other areas of the state suffer from similar inefficiency. We can't tolerate this kind of injustice going forward just because the state long ago issued a water right allowing use of what today is known to be a wasteful amount of water for a specific use.

Beyond these steps, Oregon and the world need to address climate disrupting emissions which have already sparked changes harmful to farmers, rivers, fish, and wildlife. If the next governor – and Congress, and President – really cares about Oregonians, emissions must be addressed as a direct cause of abrupt and damaging changes to our water security and way of life.

Bureau's Failure Jeopardizes River Restoration

In 1961 the newly-built Bowman Dam choked off flows to the iconic Crooked River in favor of storing 155,000 acre-feet of water in the resulting Prineville Reservoir. While Congress declared that these stored waters were for the primary purpose of irrigation, local irrigation districts would eventually only claim about half.

Meanwhile, the dam, and related irrigation diversions, wreaked year-round havoc on the Crooked's fish populations. This in turn sparked a decades-long struggle by river advocates to protect the roughly 80,000 acre-feet of unused Prineville Reservoir water for the benefit of downstream fish and wildlife.

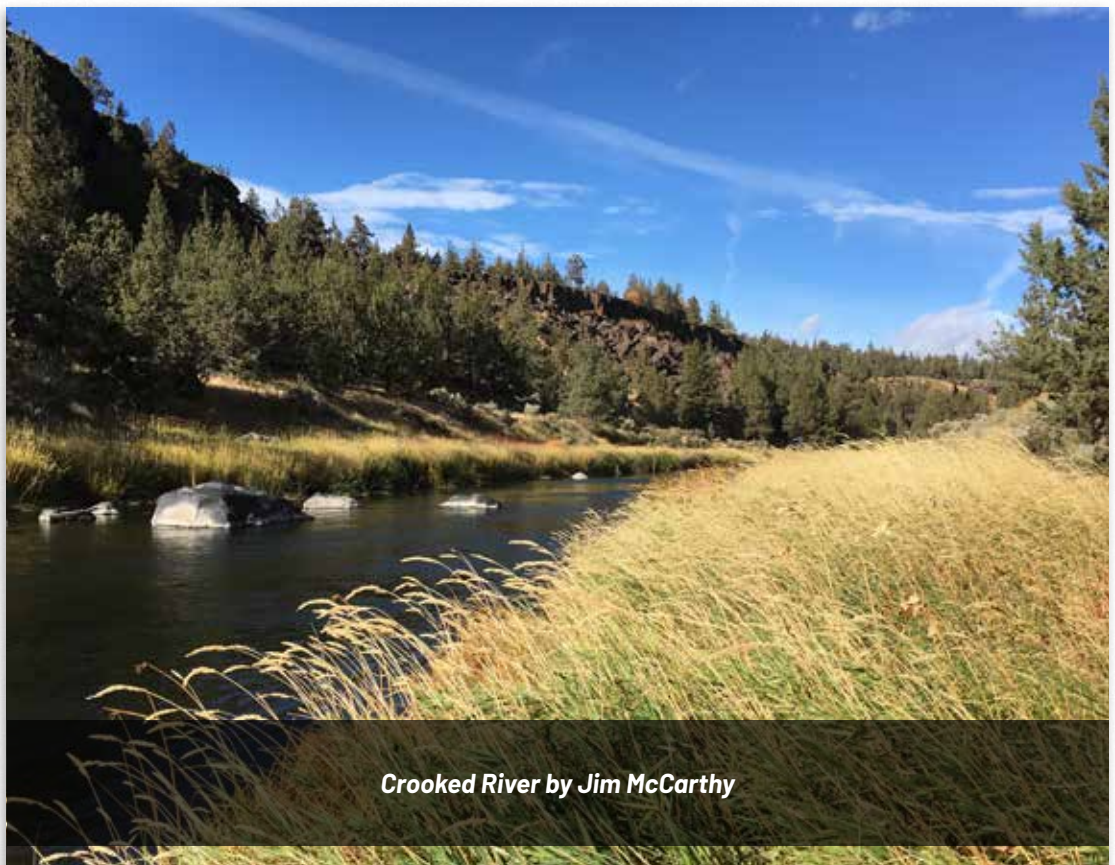
After many failed attempts, river advocates and irrigators struck a compromise: The 2014 Crooked River Collaborative Water Security Act. Through this compromise, irrigation districts with contracts with the Bureau of Reclamation as of 2011 were granted first dibs to stored water, the City of Prineville got 5,100 acre-feet of water to remain instream to serve as mitigation for new groundwater pumping, and downstream fish and wildlife got the roughly 80,000 acre feet of water remaining.

Under the Act, the Bureau of Reclamation – in consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service – is required to shape annual releases of this 80,000 acre-feet for the “maximum biological benefit of downstream fish.” Importantly, not only does the Act require the Bureau to release this water, it requires the Bureau to provide these flows for the full reach from Prineville Reservoir to Lake Billy Chinook.

The Act was operative upon President Obama's signature in 2014, but the Bureau has still failed to fully implement this law. While the Bureau is technically releasing water for fish, it has thus far failed to ensure that these flows stay in the Crooked River for the whole reach from Prineville Reservoir downstream to Lake Billy Chinook. The Bureau and the State of Oregon are looking the other way as water promised to Crooked River restoration under federal law is diverted to the fields of downstream irrigators.

Why has the Bureau failed to meet its obligation under the law? Despite plenty of rhetoric in the basin about following collaborative pathways, and the passage into law of just one such collaborative solution, local irrigation districts have convinced the Bureau to hold off on protecting this water instream.

It's time for the Bureau to stop obstructing the restoration of the Crooked River. This deal was brokered four years ago. The irrigators and the City of Prineville have their water. It is time for the Bureau of Reclamation to follow the law and for Crooked River fish to get their water.



Crooked River by Jim McCarthy

Water Briefs From Around the State

Advocates Back in Court to Defend 'Everglades of West'

WaterWatch, Audubon Society of Portland, and Oregon Wild are scheduled to return to federal court in Medford on January 8, 2019 for oral arguments in a lawsuit against the U.S. Fish and Wildlife Service for failure to follow the law in the creation of the Comprehensive Conservation Plan for the Klamath Basin National Wildlife Refuge Complex. Represented by Crag Law Center, this same coalition won a court order in 2015 to compel the agency to finally produce the long-overdue plan.

The groups allege that the plan fails to meet the purposes of the Klamath Basin Refuges to provide diverse habitats for migrating birds and wildlife. The plan ignores the implications of more frequent drought and climatic changes on refuge wetlands and the impacts that continued agribusiness leasing has on wildlife, water quality, and diversion of limited water resources away from wetland habitats. The Service failed to consider management alternatives that would ensure reliable water supplies to the refuges or would reduce the incompatible agribusiness leasing program on the refuges to ensure that wildlife conservation purposes are met. The plaintiffs are asking the court to declare that the plan violates federal law and to enjoin further agribusiness leasing on Lower Klamath and Tule Lake refuges.

The Klamath Refuges are some of the most important bird habitat in the Western United States. An estimated 80% of Pacific Flyway waterfowl utilize the wetlands during their migratory journeys and more than 260 species of birds have been observed on the refuges. Unfortunately the plan put forward by the Service fails to meet the requirements of the law to protect and restore these critically important wetlands. WaterWatch and our allies will continue to demand better for these invaluable public lands.



Comments Filed Opposing Jordan Cove Terminal and Pacific Connector Pipeline Projects

WaterWatch recently filed comments with the Oregon Department of Environmental Quality opposing water quality certification for the Jordan Cove Terminal and Pacific Connector Pipeline Projects proposed in southern Oregon. The applicants have stated that stream crossings in the Umpqua, Rogue, and Klamath river basins, in addition to crossings in other Oregon river basins, will be necessary for the completion of these projects.

We are greatly concerned that these projects will significantly harm these basins' important and valuable resources. The proposed projects would also degrade the significant investments made by so many stakeholders in the ongoing restoration of both the Klamath and Rogue river basins.



Your River Advocacy Worked!

Thanks to you, seventeen miles of the Nehalem River on the northern Oregon coast are on track for greater protections!

Oregon Department of Parks and Recreation found that this stretch of the Nehalem River meets the criteria for designation as a State Scenic Waterway. A big thank you to the over 1,300 Oregonians who sent in comments of support!

At the end of November, the Oregon Parks and Recreation Commission will decide whether to recommend the river's designation to Governor Kate Brown.

The State Scenic Waterway Act, voted into law by Oregon citizens in 1970 by a two-to-one margin, exists to protect Oregon's most beloved rivers. This visionary Act mandates that the highest and best uses of waters in State Scenic Waterways are for fish, wildlife, and recreation.

Once designated, the state of Oregon manages these waterways to protect their natural resources, scenic values, and recreational uses including instituting safeguards to protect instream flows, prevent dams, and protect native fish populations.

The Nehalem River is a favorite of boaters, anglers, and hikers, and provides important habitat to a myriad of fish species, including coho, spring and fall chinook, steelhead, chum, and sea-run cutthroat.

Please stay tuned as developments unfold by signing up for RiverAction Alerts at waterwatch.org.



WaterWatch in the Community

WaterWatch...

- ... Tabled at Rogue on the Fly in Merlin
- ... Attended the Nyberg Rivers New Seasons Market's fourth birthday party
- ... Spoke to undergraduate classes regarding climate change and rivers at Oregon State University
- ... Attended the Asian American Journalist Association Media Access Workshop in Portland
- ... Spoke at the Columbia River Townhall in Portland
- ... Spoke on a climate change panel at the combined Oregon and Washington Lakes Association Conference in Portland
- ... Spoke at the Willamette University College of Law
- ... Spoke on a panel on the Upper Deschutes River at the Deschutes Water Summit

Thank You Jeff Curtis!

Recently Jeff Curtis stepped down from the WaterWatch board of directors after three terms. Jeff's career has been truly expansive. A Southerner, Jeff is fluent in many languages including Farsi, in the dialects of Louisiana, and in the text of the Endangered Species Act – sections of which he drafted while serving as subcommittee staff in the U.S. House of Representatives.

Jeff's language faculties helped him establish many guiding principles at WaterWatch. Relationships he formed with Northwest tribes while working at the Columbia River Intertribal Fish Commission brought us a phrase that often succinctly captures WaterWatch's modus operandi: "chickens in the air, seat at the table." I've heard that Tim Wapato phrase Jeff Curtis borrowed at least a thousand times in my WaterWatch career. It's WaterWatch gospel now. Jeff was also prone to sum up a discussion about whether to engage in a certain river issue with a phrase I associate with his southern upbringing: "If you want the bacon, you have to go to the smokehouse." After hearing that closing argument, WaterWatch would resolve to join the fight.

As WaterWatch's first salaried executive director, Jeff had to deal with some founder's syndrome, but he took the reins of the organization. Jeff made some outstanding hires, transformed the organization's finances from being run "out of Audrey's shoebox" to actual accounting software. Jeff also secured a transformational Ford Foundation grant that took the



Jeff Curtis, second from left, with other WaterWatch board members in 2017

organization to the next level. While there were many critical substantive victories secured during Jeff's tenure as executive director, he'd tell you that he is most proud of securing health insurance for the staff. Jeff has always been a strong advocate for the staff.

Jeff has demonstrated real concern and caring for my well-being as executive director and for the organization as a whole. We shared a solid bond that only fellow executive directors can have. Our bond strengthened as we watched our high powered teenage daughters grow up. Jeff's influence is all over WaterWatch. Jeff will always be deeply embedded in our culture and success. It's been a true privilege to work with him. Thank you Jeff for all of your service to WaterWatch and Oregon's rivers.

Connect with WaterWatch on the Web!

Learn more about our work, become a member, or sign up for RiverAction Alerts at **waterwatch.org**.



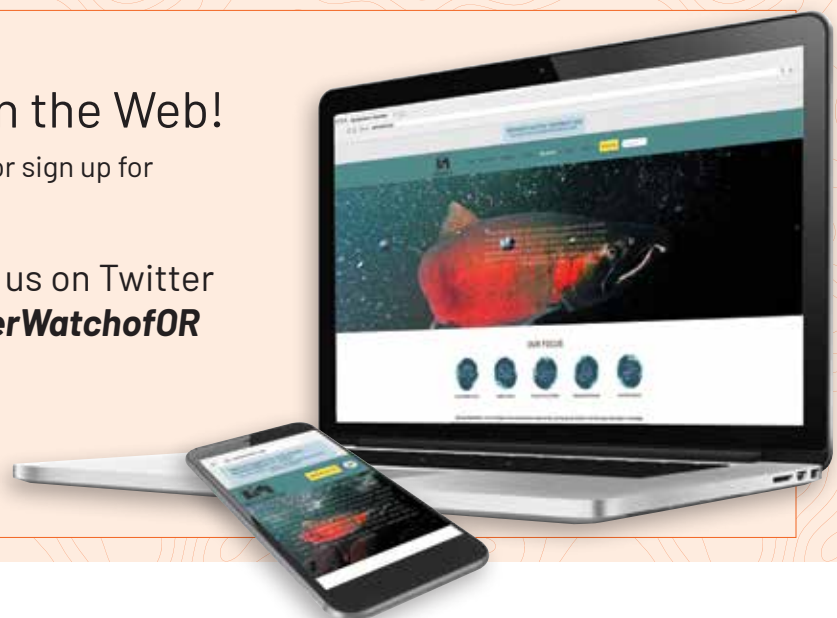
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Do you want to invest in the health of Oregon's rivers, aquifers, and wetlands? **Please donate now!**

We rely on the support of donors like you to watchdog, defend, and restore Oregon's waters. There are many options for giving. Donations large and small help protect and restore Oregon's waters.

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Make a one-time or reoccurring donation at
waterwatch.org.

Donate Securities

Donating securities (stocks, bonds, mutual funds, etc.) can be one of the most effective, and economical, ways to support WaterWatch.

Estate Planning

When you include WaterWatch in your estate plans, you help secure a legacy of healthy rivers in Oregon. We can help you find a plan that meets your needs and benefits Oregon's rivers long into the future.

Fred Meyer Rewards

Take full advantage of your grocery runs by choosing WaterWatch to receive a percentage of eligible shopping through Fred Meyer Rewards.

Telephone

Our Development Director, Molly, is available at (503) 295-4039 x0 to answer any questions, take a donation by credit card, or provide pertinent information regarding our many donation options.

Become a Monthly Donor

Monthly donations can be automatically deducted from your checking account or credit card. They keep your membership current and provide reliable support.

Workplace Giving

Many employers make it easy and efficient to donate through payroll contributions, and many will match your donation. Talk with your employer to find out if your workplace is able to help you support WaterWatch.

Donate Your Vehicle

WaterWatch accepts vehicle donations with Charity Connections, a non-profit vehicle donations program.

WaterWatch is proud to participate in the following programs:





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and auction benefit
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CHEHALEM

