



WATERWATCH
Protecting Natural Flows in Oregon Rivers

INSTREAM

Spring 2025 Newsletter

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40
years



Staff



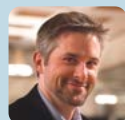
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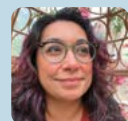
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*WaterWatch's mission
is to protect and restore
streamflows in
Oregon's rivers for fish,
wildlife, and the people
who depend on
healthy rivers.*



WaterWatch founders Audrey and Tom Simmons

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WaterWatch of Oregon publishes
Instream three times annually.
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Front Cover Photo:
Aerial view the McKenzie River
by Nicholas J. Klein.

WaterWatch Transitions



IN MEMORIAM

We are sad to report WaterWatch board member David Cooper died on Nov. 19, 2024. A Milwaukee native and graduate of Marquette University, David and his wife made stops in Madison and Denver before their arrival in Portland, where they raised their family as David spent the next three decades of his legal career at Kolisch Hartwell working as an IP attorney on trademark and copyright assets. A lifelong environmentalist, David worked on wetland preservation with the state of Wisconsin, and later served on the board of the National Coast Trails Association before arriving at WaterWatch of Oregon. The staff and board of WaterWatch offer our deepest sympathies and heartfelt condolences to David's family, friends, and colleagues, and our sincere thanks for his service and support of WaterWatch.



MOVING ON

Steph Hayes has moved on from her role as a staff attorney with WaterWatch of Oregon, where she represented the organization on the Lake Abert collaborative process and lent assistance on a number of important WaterWatch matters. Steph earned her J.D. and LL.M. summa cum laude in environmental law from Lewis and Clark, and we are grateful for Steph's service and legal input during her time with WaterWatch. We wish her continued success.



Stream of Consciousness



Neil Brandt
Executive Director

Dear River Lover,



Neil Brandt
Executive Director

Despite persistent threats of federal rollbacks to bedrock environmental statutes, slashing of key federal agency personnel, and unprecedented attacks on our nation's conservation legacy, we at WaterWatch are nevertheless celebrating our four decades of work and success in 2025. Despite the chaos coming out of Washington, D.C., we see strong, lasting opportunities to continue our efforts to protect and restore Oregon's rivers through our advocacy in largely state-governed processes here in Oregon. I am honored and humbled to lead this incredible organization as we build upon our four decades of victories for Oregon's rivers.

WaterWatch was formed in 1985 when Tom and Audrey Simmons joined forces to address Oregon's decades-long habit of giving away new rights to use water — a public resource — for free, without considering the impacts on our rivers or fish through processes dominated by agricultural, municipal, and industrial interests.

This situation was not unique to Oregon. Across the West, rivers frequently ran dry under antiquated water laws that failed to meaningfully consider the needs of rivers, fish, wildlife, or the public interest in water. To address this dramatic imbalance between private and public uses of water, Tom and Audrey founded WaterWatch of Oregon. For 40 years, WaterWatch has pushed back against the major inequities of Oregon's antiquated prior appropriation water rights system, and has given a voice to Oregon's rivers for the fish, wildlife, and people that depend on healthy rivers to survive.

Today, we've grown to a team of 11 expert staff members that work in every river basin in Oregon to fight for flows in our rivers, streams, lakes, wetlands. We fight for the water that belongs to us — the public — to remain in streams rather than be diverted for extractive interests. Yet even today, it remains legal to drain our rivers dry, and there are many such extractive interests that seek to do so. In a climate-changed Oregon, the need for WaterWatch's advocacy is more pressing than ever.

WaterWatch is also building upon our victories from last year. We are advocating for Oregon's recently adopted groundwater allocation rules to ensure they are firmly implemented by the state and are not rolled back or weakened. We will continue to remove obsolete dams, and ensure the completion of the Pomeroy Dam removal project on the Illinois River, which has improved access to over 100 miles of high-quality habitat for several endangered fish species.

We will support Oregon's adoption of new instream water rights, advocate for conservation values in four collaborative processes, continue to watchdog all water permits issued by the state and intervene where appropriate, and work in the Oregon legislature to pass bills that support healthy rivers (for more, please turn to page 13). In short, WaterWatch will be there to lend our voice to Oregon's rivers in 2025 — and beyond.

Our three issues of *Instream* in 2025 will feature articles highlighting the past, present, and future of WaterWatch, beginning with an interview with founding board member and conservation heavyweight Bob Hunter on page eight in this issue. Indeed, as we celebrate our 40th anniversary, we have a lot of ground to cover as WaterWatch's list of wins begins right out of the gate with the passage of the 1987 Instream Water Rights Act and continues through each decade with even more impactful accomplishments for Oregon's waters.

Enjoy this issue, and stay tuned for a packed summer issue of *Instream*, along with additional opportunities this year to join us in celebration of WaterWatch's four decades of service, leading up to our 40th anniversary gathering and annual auction Nov. 1st.

Thank you for supporting WaterWatch and our ongoing advocacy for healthy Oregon rivers this year as we celebrate our 40th anniversary.

For rivers,

Neil Brandt

Executive Director





Winchester Dam Removal *Closer Than Ever* as Legal Battles Continue

Photo: Jim McCarthy

In February, WaterWatch and our allies Steamboaters and Pacific Coast Federations of Fishermen's Associations (PCFFA) secured formal permission to participate in a state fish passage enforcement proceeding which may ultimately determine the fate of the 135-year old Winchester Dam, a privately owned former hydropower structure near Roseburg commonly known as the biggest fish killer on the North Umpqua River.

The groups are intervening in support of native fish runs and the Oregon Department of Fish and Wildlife (ODFW), and against dam owner Winchester Water Control District's legal challenge to a recent ODFW order requiring the installation of new and improved upstream and downstream fish passage facilities at the dam in compliance with state law. We are jointly represented in this case by public interest environmental law firms

Earthjustice and Crag Law Center, as well as the Law Office of Karl G. Anuta.

Construction costs for new fish passage facilities at the aged dam are expected to approach \$100 million. The most recent comparable fish passage upgrade in the North Umpqua subbasin, at PacifiCorp's Soda Springs Dam, cost upwards of \$70 million. In contrast, estimates for Winchester Dam removal range between \$3 and \$6 million.

This contested case is the latest in the years-long, high-profile back-and-forth between a WaterWatch-led statewide coalition of fishing, conservation, and whitewater groups and the dam District over the dam's poor management and ongoing harm to the North Umpqua. The District's governing board previously rejected our coalition's 2019 offer to contribute \$10,000 in engineering services to improve the dam's fish ladder

function, and then a subsequent 2020 offer to remove the decaying dam at little to no direct cost to the District. WaterWatch's formal offer to remove the dam still stands.

Meanwhile, the longstanding federal case against the dam owners brought by WaterWatch, Steamboaters, and PCFFA over the dam's harm to threatened Oregon Coast coho listed under the Endangered Species Act goes to trial in April. The issues in this federal case overlap substantially with the issues in the state fish passage enforcement case the same groups joined in February.

Also set for a hearing in April is the state contested case over the fines issued by the Oregon Department of Environmental Quality against the Winchester Dam owners and TerraFirma Foundation Repair, Inc., the primary contractor for the 2023 repairs at the 450-foot wide, 17-foot tall, 135-year old structure. TerraFirma's owner is also the president of the dam District's governing board. Last year, WaterWatch and our coalition allies successfully intervened in this proceeding to ensure accountability for those responsible for the environmentally catastrophic repairs at the dam. The groups intervened in the case on behalf of the river, water quality, fish, and wildlife, and are represented by Crag Law Center.

Winchester Dam is the highest ranked privately-owned structure on ODFW's 2019 Statewide Fish Passage Priority List, where it is noted for impeding passage for spring Chinook, fall Chinook, summer steelhead, winter steelhead, cutthroat trout, and Pacific lamprey, as well as coho. The previous highest ranked privately-owned structure on this statewide list, Pomeroy Dam on the Illinois River near Cave Junction, was removed by WaterWatch in 2024 through an agreement reached with the landowner.

The North Umpqua River is vital to Oregon's economy and quality of life, but faces serious challenges due to dams, climate change, population growth, and other impacts. Winchester Water Control District's fish-killing, dangerous, and obsolete dam provides no flood control, hydropower, or water supply function except to back up the river for a private waterski lake. Thanks to your support, WaterWatch is working to remove this dam and end the needless harm it causes to invaluable natural resources. ■

CREATE YOUR LEGACY FOR OREGON'S
RIVERS AND WATERWAYS
BECOME A RIVER DEFENDER TODAY.

RIVER DEFENDER

As our climate continues to warm and becomes more unpredictable, the stability and health of our rivers and water has become one of our long-standing concerns.

You can help secure a healthy, climate resilient and equitable water future for our Oregon rivers and creeks, native fish populations, wildlife, and communities by pledging to become a WaterWatch River Defender today.

Our River Defender program is for advocates like you who love our rivers and waterways and are committed to supporting WaterWatch through their estate planning.

Legacy giving isn't just for those with high net value. Anyone who loves fishing, rafting, paddle boarding, hiking and camping along our landmark rivers can take part and provide meaningful support for the future of WaterWatch.

Join a community of visionaries committed to healthy rivers and climate resilient waters. Become a River Defender with WaterWatch now.



Give the gift of healthy, climate resilient waters for fish, wildlife, and future generations of Oregonians by including WaterWatch in your will or estate planning. You can also direct estate gifts to WaterWatch's endowment fund, which invests in WaterWatch's future.

To learn more about planned giving and the different options available, contact **WaterWatch Development Officer Jesse Robbins** at jesse@waterwatch.org, or at (503) 295-4039 ext.111

Bob Hunter — Reflections on WaterWatch Beginnings



One of WaterWatch of Oregon's founding board members and long-time staff attorney, Bob Hunter participated with WaterWatch's founders, Tom and Audrey Simmons, in the early discussions leading up to the organization's establishment. As part of our 40th anniversary archival project, *Instream* recently spoke with Bob about the early years of WaterWatch, and the years leading up to, and after, the passage of the landmark Instream Water Rights Act in 1987.

"We didn't have much in the way of membership or any paid staff at first," said Bob, "we just had Tom and Audrey as volunteer staff, I did some pro bono legal work, and we had an amazing network of lawyers, law professors, water experts, fish experts, legislators, agency folks and conservationists that Tom and Audrey assembled for advice and guidance."

"People couldn't resist coming to Audrey and Tom's Hillsboro home, Horse Heaven, for stimulating discussions on water law and policy, and to indulge in Audrey's gourmet lunches. I drove up to Hillsboro at least one weekend every month, but for periods when we were getting off the ground or working on legislation it was every weekend."

It was during these meetings and conversations at Horse Heaven that it became clear a statewide organization was necessary to address needed changes to Oregon's water law and policy. Audrey came up with the name, WaterWatch of Oregon, and the organization was formed in 1985.

"In the early 1980s Tom and I became concerned about Rogue River steelhead and salmon spawning tributaries drying up too early as a result of water diversions, which resulted in greatly reduced fish production," said Bob.

"We did a thorough review of Oregon's water code and realized it allowed people to apply for, and get, a water right to divert water out of the stream without any assessment on how the diversions impacted streamflows and fish. A lot of our streams were over-appropriated and in really bad shape as a result, so we started to talk about changes that could be made in the law, and the need to have a law that specifically protected, or provided a mechanism, to ensure protection for streamflows. We started working on the concept of a water right to especially protect water instream."

"With the formation of WaterWatch and Audrey's extensive contacts in the state legislature from her work with the League of Women Voters, Tom and I went to work on drafting the instream water right bill. Thanks to Audrey, Tom, and Doug Myers, our lobbyist, and key support from then-Senators John Kitzhaber, Senator Bill Bradbury, and Representative Carl Hosticka, we managed to get the bill introduced and passed. I was president of the Rogue Flyfishers at the time and we managed to get many of the sportfishing organizations in Oregon to support and sign onto the bill. At that time the opposition, i.e. the agricultural industry and other water users associations, weren't that powerful or well organized."

According to Bob, the passage of the Instream Water Rights Act was a "game changing" moment. "That was our major legislative kickoff. It was the first major victory and success WaterWatch had, and it was unique throughout the West. Very cutting edge."

"The other thing that developed around that time was Tom and Audrey attended all the Water Resources Commission meetings. Per the WaterWatch name, the idea was to monitor allocations and decisions and policies of the state agencies that dealt with water resource allocation and management."

"Having a group of skilled advocates watchdogging water resource agencies, and then influencing those agencies' allocations and policies and continuing to work not just at the agency level but at the legislative level, watchdogging all the bills that affected water and streamflow was a big deal," said Bob. "Over time, we also got better and better people onto the Water Resources Commission. In fact, we got a commission that ultimately resulted in the updated groundwater allocation rules last year."

Bob's younger brother Dave, then a few years out of Harvard Law School, served as WaterWatch's first executive director. "We had enough money to pay him for one month. Then we didn't get some funding we'd hoped for, so Dave wound up working free for an entire year. Charles Wilkinson later helped get us some Ford Foundation money, which was our first multi-year grant."



Bob guides a float through the Savage Rapids Dam site.

"With that, we were able to start hiring staff," said Bob. "We hired Karen Russell, and she started to look at all water permit applications and became our watchdog. She was diligent. She watched everything the state did, and protested every water right application when there wasn't a determination of whether or not water was available. Her efforts finally resulted in another one of our early successes when she was able to get the Water Resources Department to develop a policy in which they would run a water availability analysis before issuing a new water right."

"If water wasn't available during any month that someone wanted to divert water, that application would be denied. That helped stop the spigot where water rights kept being issued from the department, even if the water wasn't there and we were just digging a deeper and deeper hole. That was significant."

"We were also able to bring on Jeff Curtis as the next executive director and he was instrumental in turning WaterWatch into an effective, professional, staff-driven organization with more stable funding."



Bob at the Savage Rapids Dam removal site.

According to Bob, another early case that was uncovered as a result of WaterWatch's watchdogging involved Boeing. "The state had leased thousands of acres to Boeing in the Boardman area. This acreage was unique, with native grasslands that housed a number of bird species, plus a rare ground squirrel. Boeing was supposed to put in a plant but didn't, and instead subleased it to CAFOs, i.e. the big cattle operations, that needed to divert water out of the Columbia for their operations growing feed and feeding the cattle."

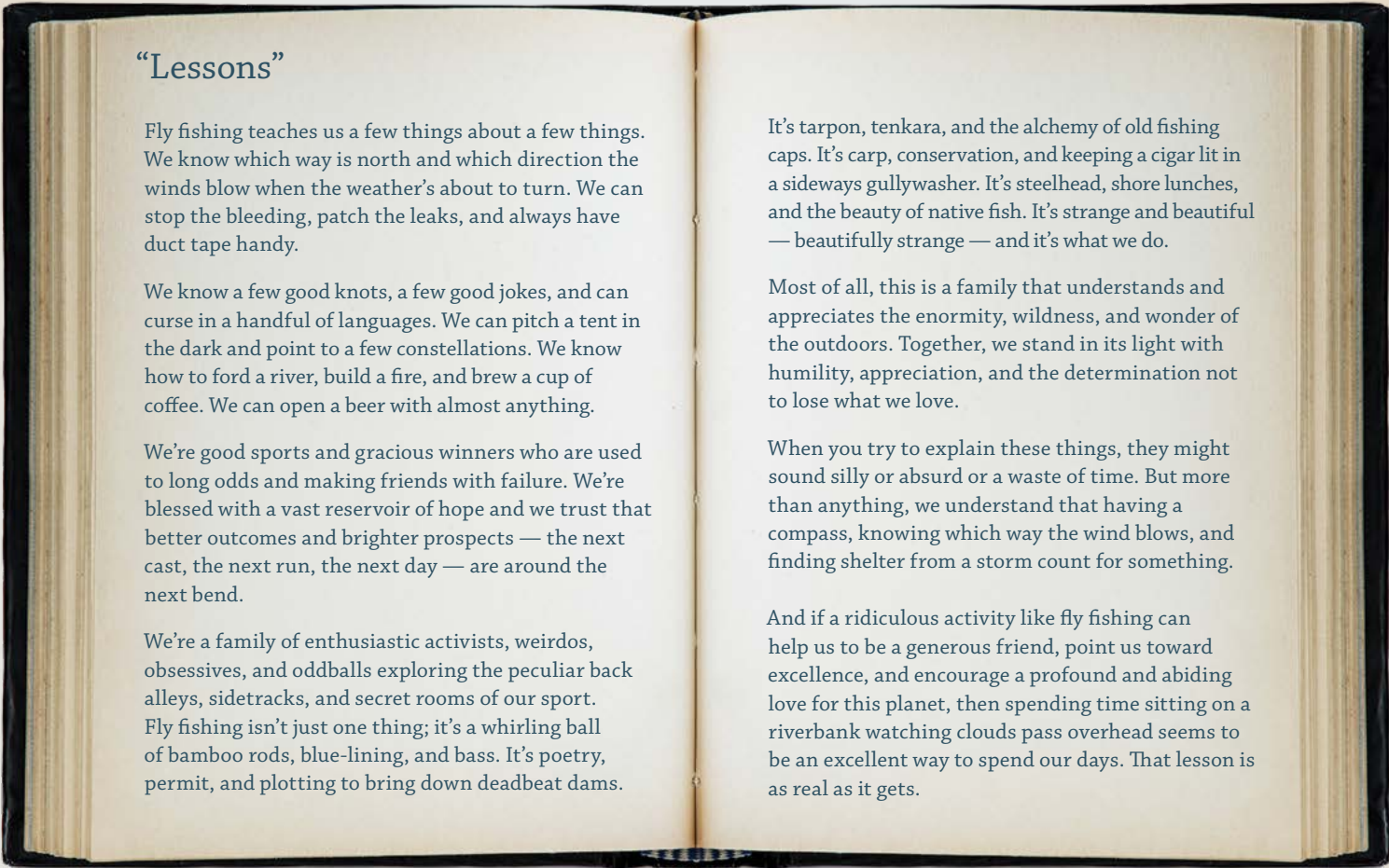
"Karen protested all their water right applications, and in the end there was this great settlement where a good portion of the native grasslands were transferred to The Nature Conservancy for permanent protection, and water right diversions were reduced out of the Columbia. We established some really good precedent there, and the operations were limited. It was an all-around success on multiple levels."

"These watchdog efforts and the mission of the organization have been huge," said Bob. "Not only have we stopped bad things, protested, or engaged on matters to create settlements for better outcomes that mitigated some of the harm water withdrawals made, but just by being there we stopped a lot of bad things from happening."

"Before long it was clear harmful appropriations wouldn't go unchallenged because we'd see it. WaterWatch brought some transparency to the agency, and while it didn't stop all the harmful decision-making, it influenced things and stopped many bad projects before they even began. And at the time we were only just getting started." ■

Lessons from Author and Angler Steve Duda

Last summer, Seattle-based author, angler, musician, and conservationist Steve Duda and WaterWatch’s Jesse Robbins visited bookstores and readers in Beaverton and Bend — and even made an appearance on KOIN-TV’s *AM Extra* morning program in Portland — to share Steve’s new book *River Songs: Moments of Wild Wonder in Fly Fishing* and discuss fly fishing and river conservation. The following is an essay from the book, with several questions posed to Steve.



Excerpted from *River Songs: Moments of Wild Wonder in Fly Fishing* (August 2024). Published by Mountaineers Books. All rights reserved. Reprinted with permission. Available for purchase at [Mountaineers.org](https://www.mountaineers.org) and anywhere books are sold.



Photos: Tommy Hough



Photo: Gary Calicott

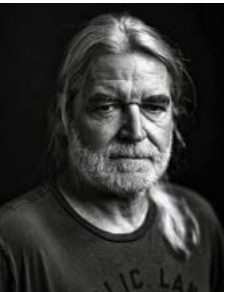


Photo: Ed Sozinho

You grew up in Michigan, but moved to Washington in the 90s. What is it about the Pacific Northwest that you enjoy?

I grew up in the suburbs of Detroit. It's really flat so you tend not to even notice the landscape. Out west, landscapes are part of our daily existence. I see Rainier from my window. I smell the Salish Sea. Rivers are never far away. One thing I love about knowing a river is the ability to mark the seasons by its changes. How much water is in it? What bugs are emerging? What species of salmon are moving up? I think all these things bring us closer to our home waters and the Earth. I'm grateful for that connection. It's a good thing to love a river.

Why do you fly fish?

I stumbled into it and never really stumbled out of it. I can say that it has been a refuge for me during many parts of my life. It has been a common ground upon which I've celebrated my friends. It's been a lookout that's allowed me to appreciate the wonder of nature. It inspired me to create art, and it spurred me to conservation.

What do fly fishing and writing have in common?

It's probably not what people think – they're both frustrating, there's a lot of failure involved, they can be grueling, people think you're crazy for doing it, nobody believes anything you say, they compel you to mumble to yourself, they make you doubt your life choices, they're unglamorous, they lead to obsessive behavior, they both encourage bad habits. It's a lonesome road...be careful.

What's your favorite river in Oregon and why?

I have difficulty singling out rivers as good, better, best. All rivers are good rivers. Without fibbing, my favorite river is the one I'm on. I know that sounds like a cop-out, but it's true. If I'm forced to name names, I'm going to go with the Deschutes. I have a ton of great memories on that river. [Editor's note: all Deschutes-lovers should see Steve's essay "Slide!"]

In your opinion, how can anglers support and steward the waters they love?

There's no shortage of ways to show love to your river. Start with your home water and do something. Do anything. The best place to start is with your talents — what do you do well? Can you use that to help your favorite river? The answer is probably yes.

WaterWatch Back in Trial to Protect Grave Creek



Proposed mining pits along Grave Creek and Shanks Creek, with nearby homes that would be impacted. Map courtesy of Friends of Country Living.

WaterWatch went to trial in March regarding a water right for a proposed large-scale open pit mine along Grave Creek in Sunny Valley. A popular put-in for boaters, Grave Creek is an important stream for salmon, steelhead, and lamprey that flows into the Rogue River at the upper end of its Wild and Scenic reach.

The proposed aggregate mine, Sunny Valley Sand and Gravel, which was originally planned as a gold mine, would entail excavating at least eight pits 40 to 80 feet deep — including a solid band of about a half dozen along the bank of Grave Creek within 50 feet of the water.

An extensive amount of water that simply is not available in this cherished Southern Oregon stream, or is already spoken for including to meet the instream water right, would be needed to run the mine.

According to an application filed by the company with OWRD, the mine's water use would require 3,000 gallons per minute (6.68 cubic feet per second) five days a week, eight hours a day, 50 weeks per year. There is a long history of attempts to secure water permits stretching back at least until 2012 — those have largely failed due in large part to concerns raised over the lack of water.

In addition to the impacts to the streamflow, water quality, fish and wildlife of Grave Creek, there are significant concerns regarding the potential to affect the many domestic wells that residents of this valley rely upon for drinking water. Recent headlines regarding domestic wells contaminated with manganese near an aggregate mine in Crook County, which now involve our governor and federal senators, elevate the concern for residential drinking water impacts.

When the mine owner applied for a water right transfer to revive an old irrigation right to use for mining, WaterWatch challenged OWRD's preliminary approval. Among other issues, WaterWatch previously went to trial over OWRD's proposed decision to allow this transfer to injure the instream water right that it holds in trust for the people of Oregon. We were back in trial in March on this matter to fight for the rule of law regarding reviving old water rights and to protect the stream and the public interest. ■

Bridge Creek Ranch Diversion Update



Photo: Brian Posewitz

WaterWatch recently completed a contested case hearing seeking to prevent a water right transfer from exacerbating low streamflows in Bridge Creek, a tributary to the John Day River with important habitat for threatened steelhead. Bridge Creek Ranch, an affiliate of Papé Machinery that owns and operates Painted Hills Reservoir, wants to move the point of diversion for several of its water rights off Bureau of Land Management (BLM) property to avoid a BLM requirement, intended to protect steelhead, that requires diversions to stop when flows in Bridge Creek are below 10 cubic feet per second.

WaterWatch argued, in part, that allowing Bridge Creek Ranch to move the point of diversion without being required to follow the instream flow condition would be contrary to requirements that water right transfers not "injure" other existing water rights, including instream water rights, or result in "enlargement" of water rights. Closing briefs in the case are due this spring, and a decision from an administrative law judge is expected after that. ■

Safeguarding Streamflows in Water Right Transfers



An unintended regulatory loophole in Oregon's water transfer laws allow old water rights to serve new uses, move to new diversion points, or change the place of use without any environmental review, effectively nullifying Oregon's ability to protect instream values on hundreds of streams across the state.

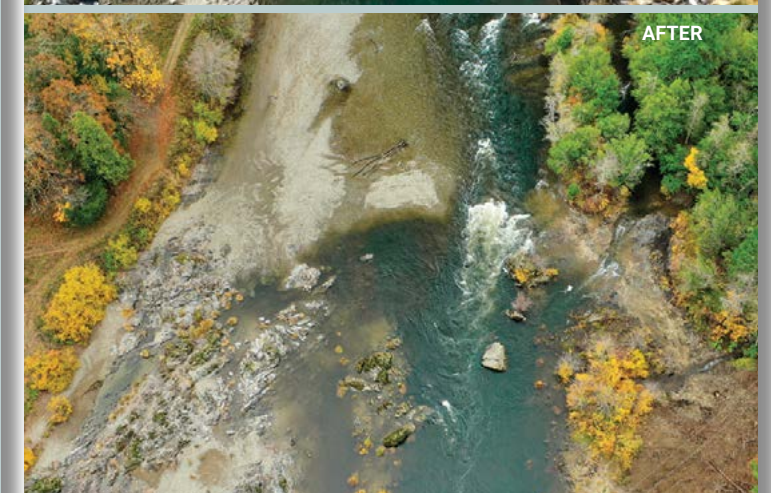
Currently, transfer applicants only need to show that a proposed water right change won't harm other water rights or lead to an increase in use. As a result, on the hundreds of stream reaches across Oregon that don't have established water rights to protect fish, wildlife, and recreation, the Oregon Water Resources Department can't consider the effect of these proposed transfers on instream values, even if a transfer would completely drain a fish bearing stream.

To address this ecologically harmful loophole, the Oregon Water Partnership brought what is now SB 427 to the 2025 legislative session. If passed, SB 427 would protect Oregon's streams by establishing a new "no diminishment of flow" standard in Oregon's transfer review statutes.

Because most of Oregon's streams are over-appropriated most months of the years and aquifers are declining across the state, more and more extractive water users are turning to transfers to fuel new use. As reliance on water right transfers grow, the need to address this gap in the law becomes more pressing.

A Feb. 25th hearing on the bill in the Senate Natural Resources and Wildfire Committee saw a whopping 300 people submit written testimony in support of SB 427. Thank you to all of our WaterWatch members for showing up for this! As the bill winds its way through Salem we'll update you on its progress, and ultimate result, in our 2025 legislative round-up this summer. ■

Chinook Spawn in Former Pomeroy Dam Reservoir Site



Photos: Crystal Nichols

This past fall, Oregon Department of Fish and Wildlife biologists found fall chinook salmon spawning in a stretch of the Illinois River previously submerged under the Pomeroy Dam reservoir pool. This development came just a few months after WaterWatch removed the 10-foot high, 270-foot wide concrete structure from this Rogue Basin tributary, and replaced its irrigation diversion function with two fish-friendly pumps.

The former dam had no constructed fishway and had impeded access to 100 miles of spawning and rearing habitat, which made it the state's highest priority for fish passage correction in the Rogue, and among the highest priorities for dam removal in Oregon. WaterWatch's multi-faceted Pomeroy project continues this year with improvements to on-ranch irrigation systems and local roads designed to eliminate barriers to native migratory fish. ■

WaterWatch in the COMMUNITY

Big Turnout for Daniel Coe at Portland Filson Store




Thank you to cartographer Daniel Coe for his fascinating presentation on Feb. 18th at the Portland Filson store in the Pearl District, with additional thanks to Daniel for the prints he provided of his Rogue River LiDAR cover photo from the fall 2024 *Instream* cover for use in future WaterWatch prize packages. Thank as well to the team at Filson for the generous use of their space, and providing a spread of food and beer from area establishments for our attendees. Find photos from our Daniel Coe event at [WaterWatch.org](https://www.waterwatch.org) or our Flickr account.

Holiday Shoppers Join WaterWatch at Portland Patagonia Location

WaterWatch executive director Neil Brandt and communications manager Tommy Hough spent the afternoon of Dec. 19th at the Portland Patagonia store. The two spoke with holiday shoppers about WaterWatch's mission and campaigns, shared copies of previous *Instream* issues and WaterWatch's 2024 accomplishments report, helped gift wrap purchases, and answered questions on groundwater, dam removals, and water rights.



WaterWatch at the Women's Adventure Film Tour



Thanks to everyone who stopped by the Aladdin Theater in Southeast Portland on March 9th for the Women's Adventure Film Tour. WaterWatch board president Mary Lou Soscia, administrative assistant and graphic designer Monet Hampson, and communications manager Tommy Hough spoke with attendees about WaterWatch's 40th anniversary and our ongoing campaigns, and our work to preserve Oregon's world-class rivers and fly fishing.

To stay in the loop on future events: Visit our website events calendar at [WaterWatch.org](https://www.waterwatch.org)



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Questions? Email Development Officer Jesse Robbins at jesse@waterwatch.org





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WATERWATCH OF OREGON



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