

INSTREAM

Fall 2025 Newsletter



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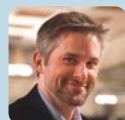
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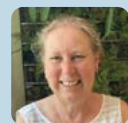
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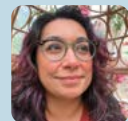
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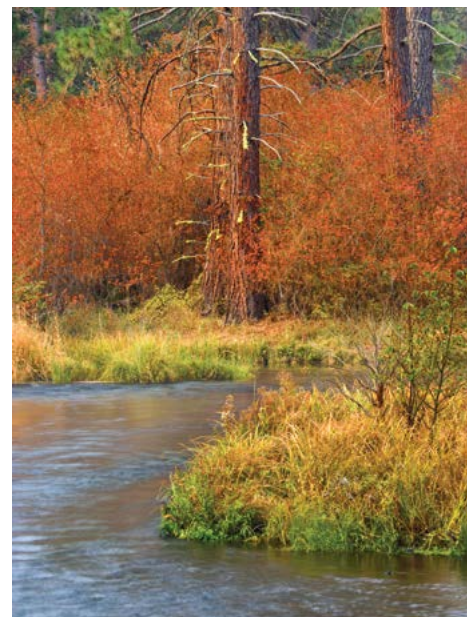
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*WaterWatch's mission
is to protect and restore
streamflows in
Oregon's rivers for fish,
wildlife, and the people
who depend on
healthy rivers.*



Fall colors line the bank of the Metolius River,
photo by Jaynes Gallery/Danita Delimont.

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Front cover photo:
Reflections of fall color along the
Deschutes River in Bend.
Photo by Patricia Thomas

WaterWatch Transitions

Thank You Kaitlin Lovell

WaterWatch was thrilled to learn of Kaitlin Lovell's appointment by Governor Tina Kotek to lead the Oregon Department of State Lands in July, which unfortunately also necessitated Kaitlin to step down from her role as a board member with WaterWatch of Oregon.

Coming on the heels of her appointment to the Elliott State Research Forest board in February, we were fortunate to have access to Kaitlin's skills and leadership as a board member on several committees, and valued her thoughtful, experienced advice as a scientist and lawyer with considerable expertise in the federal Clean Water Act and Endangered Species Act, and as the manager at the Portland Bureau of Environmental Services.

A graduate of the Bucknell University environmental science program and Cornell Law School, Kaitlin is known for her work in

restoring watershed health and wild salmon to some of Oregon's most degraded and damaged aquatic habitats. She previously served as an environmental attorney for Trout Unlimited and Cornell University, and along with owning the oldest water right on Mill Creek, a Molalla River headwater stream, Kaitlin has restored two streams and rewilded five acres of wetlands on her property by encouraging beavers to recolonize.

We know Kaitlin will continue to do great things for the citizens of Oregon leading the Department of State Lands, its 230 employees, and the agency's management of 680,000 acres through the end of her current term in 2029.

It's belated, but congratulations, Director Lovell!



Photo: Oregon Department of State Lands

Won't you be our partner?

Discover WaterWatch Business Partnerships!

As a business, there are a number of ways to partner with WaterWatch, pledge your support for the rivers and waterways that are part of what makes Oregon so special, and ensure your own brand, service, or products are seen by our 3,000+ members, subscribers, and followers.

Ways to collaborate include:

- One-time or monthly donations
- Donations of a percentage of revenue
- In-kind donations
- Sponsorship of our Annual Celebration of Oregon Rivers and auction event
- Donating space or co-hosting an event
- Project or printing underwriting
- We're also open to new partnership ideas!

WaterWatch's business partners share our mission to protect and restore Oregon's rivers and streams and are seen by our community of thousands of forward-thinking Oregonians.



**Questions?
Visit our website
for more information**



Stream of Consciousness



Neil Brandt
Executive Director

Forty years of conservation achievements for Oregon's rivers is a lot to summarize. Over the past four decades, WaterWatch of Oregon has protected and restored rivers, streams, lakes, wetlands, and aquifers in every corner of the state, and produced reforms that influence water policy across the West.

Throughout this anniversary issue of *Instream*, we've charted just some of the important milestones WaterWatch has reached over the last 40 years in a timeline you'll find expressed as a crawl across the bottom of several pages in this issue — and yet, it's impossible to represent WaterWatch's many accomplishments within such a limited space.

However, there are common elements in WaterWatch's approach to conservation that tie our work together and make WaterWatch a truly unique organization. The first common element in our success is YOU. The strength of our community of WaterWatch supporters, members, and activists has helped WaterWatch enable real change for Oregon's rivers. Thank you for being a critical part of all these accomplishments. They simply would not have happened without your support and involvement.

WaterWatch is an organization that shows up. One of our core principles is the simple but important act of being present in venues where water decisions are made. Whether that means attending every Water Resources Commission meeting in our 40-year history (we haven't missed one), working consistently with the Oregon Legislature and state officials, or participating in stakeholder collaboratives across the state, we show up prepared to advocate for Oregon's rivers, balanced water policies, and needed reforms. Consistently showing up with a willingness to go to the mat and win makes WaterWatch a credible, trusted, and consistent voice for instream values across numerous forums and venues.

At WaterWatch, we dig deep. WaterWatch's detailed "in the trenches" work has stopped hundreds of harmful water projects and served as the launching point for some of the most pivotal water management reforms achieved in Oregon. We remain the only organization committed to

watchdogging all water permitting decisions in Oregon, to ensure that these decisions comply with the law, and to ensure our rivers and the fish, wildlife, and people who depend on them have an advocate in the state administrative processes that govern water.

Persistence is a value we hold close. We play the long game. WaterWatch tackles centuries-old water laws and policies with time and tenacity. In all our programs, WaterWatch is there from start to finish. Consider the 20 years of work it took to remove Savage Rapids Dam, which served as a jumping off point for our wildly successful Free the Rogue Campaign, or our legal cases that can and do sometimes go all the way to the Oregon Supreme Court (some have taken more than a decade from start to finish). We identify important issues and stick with them to the end.

We're not afraid of controversy. We don't shy away from litigation, when necessary, to overturn unlawful decisions, set important precedents, and chart a better path for Oregon's water future. While we are pragmatic and recognize politics is the art of the possible, we don't let politics dampen our voice in the Oregon Legislature when advocating for rivers and change. We focus on the conservation outcomes that scientists confirm are needed for rivers and fish, and fearlessly work to secure them.

We collaborate and create community. We've worked with a myriad of partners and coalitions in joint pursuit of better water decisions and healthier rivers. From sitting down in stakeholder collaboratives and finding common ground, to partnering with other conservation groups, Tribes, and businesses, we often work in partnership with others to amplify the voice for water, rivers, and species across Oregon and the West. Through our collaborative efforts, we've built a community of allies and advocates who consistently speak up for Oregon's rivers, fish, and wildlife and people.

We build love for Oregon's rivers and special places: After all, change requires both hearts and minds — something WaterWatch's founders understood well. We highlight the need for free-flowing rivers to support angling in the Rogue, Deschutes, and McKenzie, rafting on the John Day and Clackamas, healthy habitat for the birds of the Klamath and Malheur wildlife refuges and Lake Abert, and always, iconic salmon and steelhead. By working to protect these special, iconic places and species and showing people why

healthy rivers are so important for climate resilience and biodiversity, we've built lasting, heartfelt connections to places that will endure into the future.

WaterWatch's approach is indeed unique. But an approach is nothing without an exceptional staff. The tenacity, persistence, and expertise of our staff is unmatched anywhere. As its fifth executive director, I'm proud to lead our team of river advocates as we carry forth in our mission to protect and restore Oregon's rivers and streams for the fish, wildlife, and people that depend on healthy rivers to survive.

In this issue of *Instream*, you'll read about our recent victory for instream water rights in the Oregon Supreme Court (pages 6-7), Water Briefs on Winchester Dam and Oregon's Integrated Water Resources Strategy (page 9), and a feature 40th anniversary article that highlights just how much WaterWatch has been able to achieve since 1985 (pages 10-17). Don't miss WaterWatch in the Community (page 18), and make sure you've got your tickets to our 40th Anniversary Celebration in Portland on Saturday, November 1st.

As we celebrate WaterWatch's 40th anniversary, I want to thank each of you who have supported WaterWatch over the last four decades. Our community of passionate river advocates, conservationists, anglers, rafters, hikers, birders, and people who want to see healthy rivers for future generations is the heart and soul of WaterWatch. Your support and activism has enabled this important work, and you are the common thread in our achievements.

Thank you for supporting WaterWatch, now and into the future. Here's to 40 more years of success!

For rivers,

Neil Brandt

Executive Director

Sweet Creek, Lane County, photo by WaterWatch member Allan Erickson.



Staff attorney Brian Posewitz (right) at the Oregon Supreme Court with appellate specialist Tom Christ, who argued our case to the court.

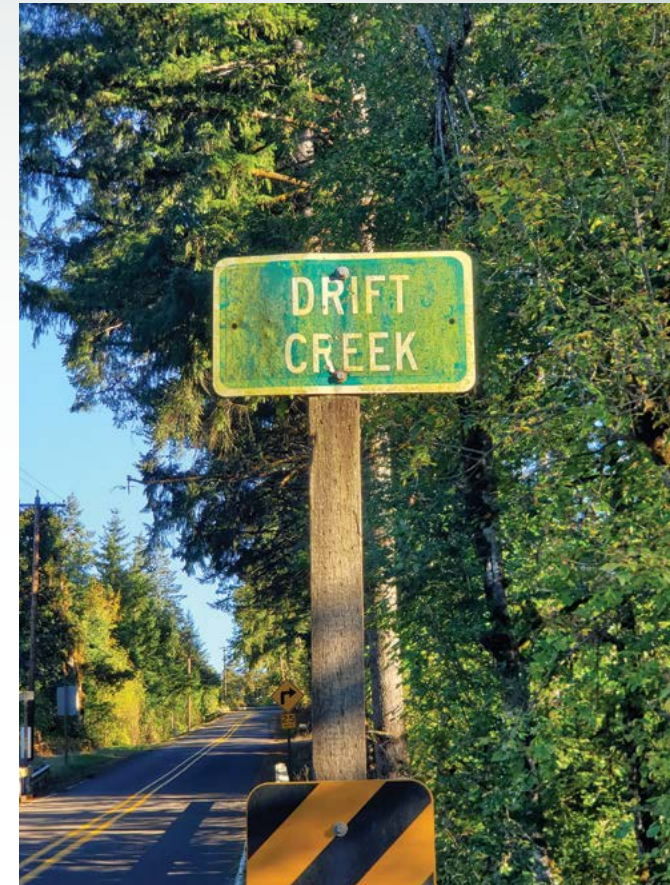
Years of Work Pay Off with Important Precedent in Drift Creek Reservoir Case

A proposal to build a new dam and reservoir on Drift Creek, a tributary to the Pudding River in Marion County, is heading back to the Oregon Water Resources Commission — but only after setting an important precedent for protection of instream water rights at the Oregon Supreme Court. The case is another example of how key water policy wins often come after years of hard work by WaterWatch and our supporters.

In February 2013 the East Valley Water District, a public irrigation district, applied to the Oregon Water Resources Department for a permit to build a 70-foot dam and 350-acre reservoir across the channel of Drift Creek, which originates

near Silver Falls State Park and flows about 11 miles to the Pudding River south of Silverton. The district claimed the water was needed as a backup supply for farmers in the Mt. Angel area, who currently rely on a combination of groundwater rights and rights to divert water from various streams in the area.

WaterWatch opposed the proposal primarily due to the impact it would have on fish habitat. While Drift Creek has been somewhat degraded by agricultural, residential, and forestry uses, several groups are working to restore the stream, which continues to provide important habitat for cutthroat trout, coho salmon, and Pacific lamprey, and for steelhead and Chinook



salmon listed as threatened under the federal Endangered Species Act. An instream water right issued in 1996 protects flows throughout the stream specifically for the benefit of cutthroat trout.

The district’s proposed dam and reservoir, which would be about six miles upstream from the mouth of Drift Creek, would harm fish using the stream by inundating three miles of the stream under a reservoir pool, by preventing fish migration between the lower and upper portions of the stream (because there would be no fish passage at the dam), by making the water too warm and too low in oxygen in both the reservoir and points downstream, and by impairing seasonally varying flows important to creating and sustaining fish habitat. The reservoir would also flood a valley used by elk and other wildlife.

In addition, the district’s proposal was opposed by local farmers who would be displaced by the reservoir. They don’t want to sell, but the district plans to take their land using its governmental power of eminent domain.

WaterWatch and the farmers opposing the project also pointed out that members of the irrigation district already have water rights for their land and, if they need more water, could find less destructive ways to get it, including contracts for water stored in existing Willamette Basin reservoirs that could be delivered down the river and piped to the district.

The controversial proposal’s journey through the Oregon water rights litigation process began in July 2014, when the Water Resources Department proposed to issue the requested storage permit over the objections of WaterWatch and the local farmers. In September of that year, WaterWatch and the farmers filed legal challenges to that decision, called “protests,” which triggered a referral, after a two-year administrative delay, to Oregon’s Office of Administrative Hearings for a “contested case” hearing, a process like a court case but presided over by an administrative law judge.

After two years of exchanging documents and other information (“discovery”) and arguments on various pretrial issues, the contested case culminated in a two-week trial-like hearing in June of 2018. Several months later, the administrative law judge issued a proposed order to approve the proposal with additional conditions. All parties filed “exceptions” to the proposed order, but the Water Resources Department essentially affirmed its initial decision to approve the proposal. In October of 2019, WaterWatch and the local farmers filed exceptions to that decision with the Oregon Water Resources Commission, which was the final decision maker at the agency level.

The commission recognized the harm the dam and reservoir would do to cutthroat trout using the stream. Since the instream water right was intended to serve that use, the commission reasoned the dam and reservoir would conflict with the instream water right, contrary to a directive in Oregon law to consider “vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.” The commission therefore decided the proposal would “impair or be detrimental to the public interest” and denied the district’s application.





The irrigation district appealed the commission’s decision to the Oregon Court of Appeals. WaterWatch filed several detailed briefs in response to the appeal and motions related to the appeal, and argued alongside the commission in support of the commission’s order in November 2022. In November 2023, the Court of Appeals ruled in favor of the commission and WaterWatch, upholding the commission’s decision in its entirety. With the help of several water user groups appearing as “friends



Photo courtesy of USGS.

of the court,” the district then convinced the Oregon Supreme Court to take up the case, even though the court can choose not to hear a case, and in fact hears only a small fraction of those presented to it. The district, the commission, and WaterWatch all filed further briefs with the Supreme Court and were joined by multiple nonparties appearing as “friends of the court.” The Oregon Water Utility Council, the League of Oregon Cities, and Special Districts Association of Oregon filed a brief in support of the district, as did the Oregon Association of Nurseries.

The Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe filed a brief in support of WaterWatch, as did the conservation groups Columbia Riverkeeper, Oregon Wild, and the Northwest Environmental Defense Center.

On August 8th, the Supreme Court issued its decision. While the court sent the case back to the Water Resources Commission to expressly consider statutory public interest factors in addition to the impacts on existing water rights, which we at WaterWatch believe the commission already did implicitly, the court affirmed the analysis of the commission and Court of Appeals with respect to instream water rights. Rejecting the district’s arguments, the Supreme Court agreed that a water right, including an instream water right, protects the use it is intended to serve, not just a specific quantity of water at a specific place on a stream.

WaterWatch expects the Supreme Court’s decision to give robust protection to instream water rights throughout the state by protecting the uses served by those rights — fish, wildlife, recreation and water quality — as well as specific quantities of water in the streams. As such, the Drift Creek case is another example of how years of hard work can pay off with far-reaching precedents in favor of protecting Oregon’s rivers, streams, and groundwater. ■

Water Briefs

OWRC Adopts Update to the Integrated Water Resources Strategy



In September, the Oregon Water Resources Commission adopted the 2025 update to the Integrated Water Resources Strategy (IWRs), Oregon’s blueprint for meeting instream and out-of-stream water needs into the future.

In 2009 WaterWatch helped shape the law that sets the framework for the IWRs. Working closely with then-state Senator Jackie Dingfeler, we convinced the Oregon legislature to add the word “instream” to the bill’s directive to develop a plan to meet the state’s water needs. WaterWatch then served on the multi-year Policy Advisory Committee that helped build the original 2012 IWRs, and that single inclusion of the word “instream” proved pivotal to ensuring that the IWRs include robust measures to protect and restore instream flows.

In a salient example of one of WaterWatch’s fundamental principles that “words matter,” when a prominent Republican legislator urged the Oregon Water Resources Department to remove key instream directives, the agency declined citing the statutory inclusion of the word “instream.”

The inclusion of the word “instream” in statute also helped stave off dilution in the 2025 plan. The 2025 update had a rocky start, with drafters choosing to wholly rework the plan rather than build upon the original framework that was intended to provide the scaffolding for the next 50 years. Among our many concerns, the words “instream” and “out-of-stream” were dropped from many areas of the plan. We showed up at every Commission meeting to urge a reset, advocate for the retention of the existing framework and language, and focus on simply filling the gaps, such as bolstering climate change direction. The Commission took note and directed reinstatement of the original framework.

A huge thank you to our members who submitted comments to help get the 2025 IWRs back on track. Your work resulted in a plan that will continue to move Oregon’s work to meet both instream and out-of-stream needs forward, modernize water management, and urge legislative funding of water. ■

Free the North Umpqua Campaign Continues



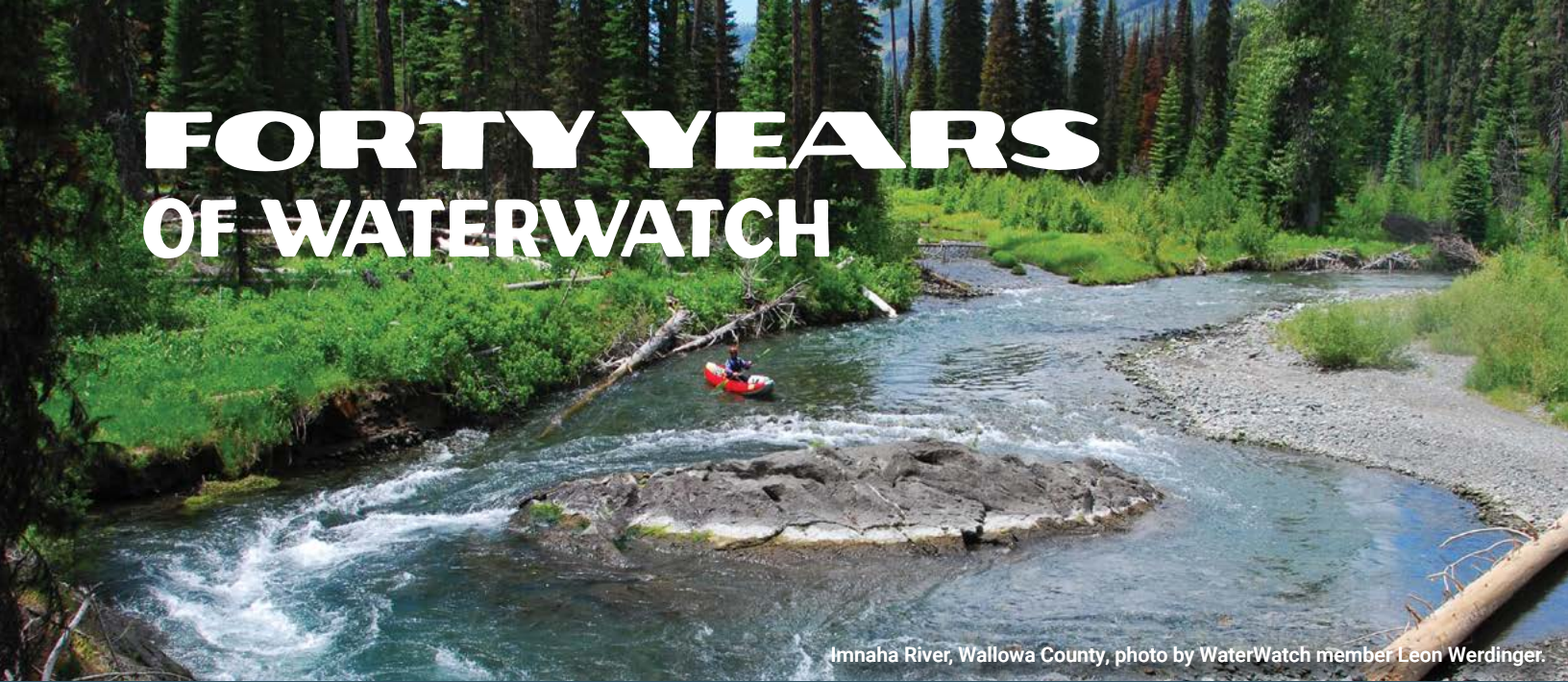
The campaign to remove Winchester Dam and end the harm it causes to the North Umpqua River’s invaluable salmon and steelhead continues. WaterWatch and our allies filed an appeal to the 9th Circuit Court of Appeals requesting review of a recent lower court ruling that found the dam does not violate Endangered Species Act (ESA) protections for federally-listed coho salmon. The lower court reached this conclusion after finding the dam has significant issues, including many false attraction flows that cause salmon to waste critical time and energy jumping where there is no passage, an inadequate and poorly placed fish ladder, and a design that forces fish migrating downstream to drop 16 feet onto a concrete and bedrock shelf.

The 135-year-old Winchester Dam, a privately owned former hydropower structure near Roseburg, is commonly known as the biggest fish killer on the North Umpqua River. The appeal in the federal ESA case is the latest development in the years-long, high-profile back-and-forth between a statewide coalition of fishing, conservation, and whitewater groups and dam owner Winchester Water Control District over the dam’s poor management and ongoing harm to the North Umpqua’s invaluable natural resources.

The District’s governing board previously rejected a 2019 offer from our coalition to contribute \$10,000 in engineering services to improve the dam’s fish ladder function, and then a subsequent 2020 offer to raise the funds necessary to remove the decaying dam at little to no direct cost to the District. WaterWatch’s formal offer to remove the obsolete dam at little to no direct cost to the District still stands.

The 450-foot wide, 17-foot tall Winchester Dam is the second highest-ranked, privately-owned structure on ODFW’s 2025 Statewide Fish Passage Priority List, where it impedes passage to 160 miles of high quality habitat for coho, spring Chinook, fall Chinook, summer and winter steelhead, cutthroat trout, and Pacific lamprey. ■

FORTY YEARS OF WATERWATCH



Imnaha River, Wallowa County, photo by WaterWatch member Leon Werdinger.



Trout turning in Rogue River, photo by WaterWatch member Carlyle Stout.

OUR HISTORY

When a pioneering group of Rogue River anglers came together in the late 1970s to improve conditions for native salmon and steelhead using nothing but shovels, logs, and boulders, they likely had no idea they would spark a movement that would challenge, and ultimately change, antiquated Oregon water laws and river conservation throughout the West.

As this group of visionary anglers worked together to restore river channels and access for the fish they loved, they came to recognize that without water flowing instream — that is, water flowing within the natural channel of a river or creek — all of their work would be for nothing. This was because across Oregon, at that time, more water often flowed in irrigation canals than in adjacent streams.

One angler, Tom Simmons, began to do a deep dive into Oregon’s water laws. Almost immediately, he met a long-time water activist named Audrey Jackson. The two soon joined forces and learned Oregon simply gave away new rights to use water — a public resource — for free, without considering the impacts on rivers or fish through processes dominated by agricultural, municipal, and industrial interests. They also learned that hundreds of waterways across Oregon were literally being sucked dry, even during the driest months of the year.

This situation was not unique to Oregon. Across the West, other rivers ran dry in states with similarly outdated water laws that failed to consider the needs of rivers, fish, wildlife, or the public interest. But with remarkable vision and tenacity, Tom and Audrey aligned themselves with a blue ribbon board of directors, and founded WaterWatch of Oregon in 1985 to address the dramatic imbalance between private and public uses of water.

So began WaterWatch’s work to seek structural reform of Oregon water laws to protect and restore rivers and groundwater. Forty years on, our organization has reformed dozens of outdated water laws and policies, protected and restored water in rivers and aquifers, reconnected habitat once blocked by seemingly immovable and obsolete dams, and driven climate resilience for Oregon’s freshwater environments, species, and people. The outcomes of this work have transformed water allocation and management in Oregon and the West to better care for the rivers, fish, and wildlife that grace our landscape.

AN EARLY LANDMARK — OREGON’S INSTREAM WATER RIGHTS ACT

Throughout its history, WaterWatch has developed and applied new methods to protect and restore streamflows under the law. For better or worse, western water allocation and management is an intensely legal affair. Unless there is a mechanism at law in Oregon and other western states to provide legal protection for water in streams or underground, that water will likely be extracted and used “out of stream,” and the stream will suffer accordingly.

Just two years after its formation, WaterWatch drafted and secured passage of Oregon’s 1987 Instream Water Rights Act. The first of its kind in the West, and the nation, this landmark Act put instream flow protections on the same footing as traditional water rights by allowing three Oregon state agencies to apply for new instream rights: the Department of Fish and Wildlife, Department of Parks and Recreation, and the Department of Environmental Quality.

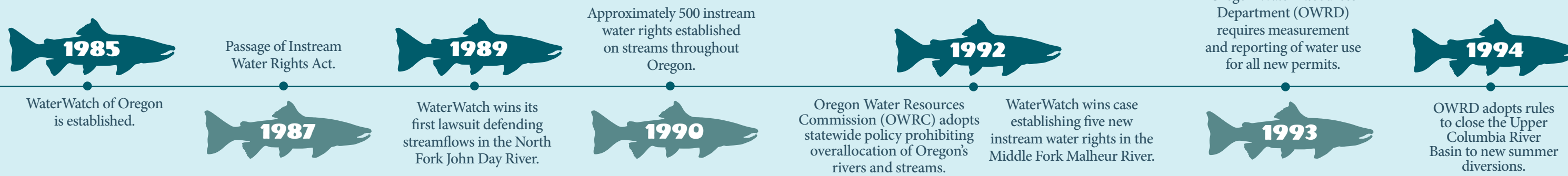
Even better, the Instream Water Rights Act permits anyone to temporarily or permanently transfer their out-of-stream water right to an instream right, thereby creating opportunities for the most senior, or longest-held, water right on a waterway to be transferred to an instream right to provide unparalleled protection for fish and wildlife. Today, Oregon has approximately 2,000 state-applied instream water rights that provide varying degrees of protection for streamflows throughout the year on iconic rivers and tiny streams alike. This water is held in trust by the state for the public.

Since its passage, WaterWatch has worked tirelessly year in and out in the legislature and the courts to defend the Act and the protections it provides, and to support the establishment of new instream water rights, going all the way to the Oregon Supreme Court to ensure that instream values under these rights are protected as designed.

ADDITIONAL TOOLS FOR ESTABLISHING INSTREAM PROTECTIONS

Building on the Instream Water Rights Act, in 1999 the Oregon Legislature passed a law that requires the state to convert defunct hydroelectric rights into legally protected instream rights. Under this hydro conversation law, WaterWatch has protected streamflows on major rivers including the Rogue River (800 cubic feet per second, or cfs, upon removal of Savage Rapids Dam) and the Sandy River (600 cubic feet per second upon removal of Marmot Dam), as well as several lesser-known rivers and streams.

WATERWATCH MILESTONES SINCE 1985





Doe and fawn on the Chetco River, photo by WaterWatch member Leon Werdinger.



Deschutes River near Maupin, Wasco County.



Klamath River dam removal, photo by CalTrout / Michael Wier.

WaterWatch also negotiated a promise from Portland General Electric to use this law for a future instream conversion of 640 cubic feet per second on the Clackamas River. In 2021, WaterWatch fought and won a case centered on a hydroelectric water right on Rock Creek in Baker County in which the Oregon Supreme Court affirmed the use and meaning of the hydro conversion law to protect streamflows.

WaterWatch has also gone to the mat to enforce and enhance Oregon's Scenic Waterway Act. Passed with overwhelming public support in a 1970 ballot initiative, the Act designates recreation, fish, and wildlife as the "highest and best uses" of water in designated scenic waterways. As part of the Act, the state must ensure that quantified streamflows to protect these uses are maintained. But after a period of over 30 years in which no new state scenic waterways were established, WaterWatch led a revival of the program that resulted in the designations of scenic waterways on the Nehalem, Chetco, and Molalla rivers. WaterWatch has also worked to ensure the mandates of the State Scenic Waterway Act are upheld, including legal challenges brought to compel the state to develop the Deschutes Groundwater Mitigation Program, which requires mitigation of the impacts of groundwater development on state scenic waterways in the Deschutes Basin.

At the federal level, WaterWatch has utilized existing programs to protect and restore instream flows and craft new laws for further protection. In the Willamette River Basin, WaterWatch is leading conservation efforts to secure and protect water for fish in a multi-year federal project to reallocate 1.6 million acre feet of water storage space behind 13 federal dams in the basin.

WaterWatch worked with Senator Jeff Merkley, the Warm Springs Tribes, and other stakeholders in the Crooked Basin to develop federal legislation that devotes half of the stored water behind Bowman Dam on the Crooked River to augment downstream streamflows for reestablished salmon and steelhead runs and resident trout. We've also used the federal Endangered Species Act as a lever to restore and protect flows across the state, including the Deschutes, Walla Walla, and Klamath rivers.

WaterWatch has also been successful in the utilization of lesser-known tools to protect streamflows. In the North Fork Smith River Basin, WaterWatch was instrumental in the effort to preserve the waters of the basin for instream use only by closing the basin to new out-of-stream appropriations. This effort also led to the designation of the Smith River as Oregon's first ever Outstanding Natural Resource Water under the federal Clean Water Act in 2017.

FORTY YEARS OF LEADING A PARADIGM SHIFT ON RIVER BARRIERS

Four decades ago, the idea of removing dams for the benefit of fish and wildlife conflicted with widely held values and beliefs. Today, the growing number of successful removals of obsolete dams on fish-bearing streams has become a celebrated symbol of progress, and represents a fundamental change in our relationship with rivers. Thanks to your patience, determination, and support over WaterWatch's four decades of advocacy, our organization has played a significant role in this profound societal change, all while becoming one of the most successful dam removal organizations in the United States.

It is now well established that dams negatively affect streamflows, can harm and kill migratory fish, and seriously degrade aquatic habitat and the natural productivity of our rivers. It has also been well established that all dams have an expiration date — a time when they become too costly economically and ecologically to justify their continued existence. That these facts are now widely understood — alongside public awareness that dam removals provide real benefits to rivers, fish, and local communities — is a landmark achievement for river conservation.

Thanks to you, we've significantly reduced the harm caused by dams in Oregon. In the Rogue Basin, we started with the removal of three dams on the mainstem Rogue, converted a 517 million-gallon-per-day water right to an instream water right to protect mainstem Rogue River flows forever, and reestablished 157 miles as one of the longest reaches of free-flowing river in the West. In the last 10 years, WaterWatch has eliminated 12 more dams and other barriers to improve access to hundreds of miles of habitat for native fish. These amazing results not only benefit the Rogue's fish

populations, but enhance fishing, boating, and other recreational opportunities while supporting the economy of southern and coastal Oregon.

Beyond the Rogue, WaterWatch played an important role in the removal of the Marmot Dam from the Sandy River by negotiating the conversion of a 388 million-gallon-per-day hydropower water right to an instream water right. In its early years WaterWatch supported litigation in multiple forums on the Klamath River and advocated for its Wild and Scenic River designation, and then worked to help clear the way for the removal of the lower four Klamath River dams. On the North Umpqua River, WaterWatch is leading a coalition of 20 local and statewide fishing, conservation, and whitewater groups to remove Winchester Dam. This disintegrating, 17-foot-high, 135-year-old structure is maintained solely to create a private waterski lake for surrounding landowners, but it continues to kill, injure, or delay salmon and steelhead attempting to access 160 miles of high quality, cold water habitat upstream.

WaterWatch has also worked to improve conditions at existing dams by helping to create statewide fish friendly passage standards at dams of all types, and we've worked to stop harmful proposals for new dams or hydro facilities on the upper reaches of the Siletz River, the Crooked River, in the Umpqua Basin, and the John Day Basin.

In the years ahead, WaterWatch will be working faster than ever to improve fish passage to high elevation cold water habitat and bolster native fish populations against the growing impacts of climate change. Your help makes these results possible. Thanks to you, removing dams has become a definition of progress. In the coming years, we'll continue to work together to reduce the harm of dams, and see more of Oregon's spectacular rivers running free.

WaterWatch negotiates legislative changes to state Scenic Waterway Act, enabling hydraulically-connected groundwater to be protected.



WaterWatch joins with Trout Unlimited to launch Western Water Project to reform water management in western states.



State directs development of Deschutes Groundwater Mitigation Program.



WaterWatch's work in the Wood River reduces illegal water use and restores streamflows by 30 percent.

Oregon adopts Strategic Water Measurement Plan.

Boeing settlement signed between conservation groups led by WaterWatch and Gov. Kitzhaber.



As part of Marmot Dam removal, WaterWatch negotiates agreement with Portland General Electric to protect Sandy River flows.



WaterWatch lawsuit prevents diversion of water from a wild steelhead creek in the John Day Basin.





Angler on the John Day, photo by WaterWatch member Rick Hafele.



Yamsi Ranch, Williamson River, photo by WaterWatch member Rick Hafele.

FORTY YEARS OF PROTECTING OREGON’S GROUNDWATER — AND THE RIVERS, SPRINGS, WETLANDS, AND LAKES GROUNDWATER SUPPORTS

Hidden from view beneath the earth’s surface in the spaces between rocks and layers of soil, groundwater is the source of cold, clean water that ultimately feeds rivers, streams, springs, wetlands, and related ecosystems with the cold, clean water needed to ensure their stability and survival.

A critical bulwark against the impacts of a warming climate, particularly as the dry season extends with climate change, Oregon’s system for issuing new groundwater pumping rights has, over the years, resulted in unsustainable groundwater use, and harmed groundwater-dependent ecosystems as well as the people who rely upon wells for drinking water. Since WaterWatch’s establishment in 1985, our organization has worked to shape groundwater policy and management in known areas of overpumping, such as the Umatilla, Harney, Deschutes, and Klamath basins. Over time, this work has reformed state groundwater policy to protect streamflows, wetlands, and other groundwater-dependent ecosystems.

Like much of our work, groundwater reform requires a dogged commitment to playing the long game. A salient example of this is our decade of work in the Harney Basin. In 2014, WaterWatch discovered the state had been issuing new groundwater permits in the basin based on an approach known as “default to yes,” in which the Oregon Water Resources Department would default to the issuance of a groundwater pumping permit despite the lack of adequate information as to whether the water resource itself was over-appropriated.

Given the significant groundwater declines in the basin, WaterWatch filed legal challenges and educated press outlets on the problems of groundwater over-appropriation. This led to the Draining Oregon series that ran in *The Oregonian* beginning in 2016, and later coverage from Oregon Public Broadcasting in the form of the Race to the Bottom series beginning in 2022. Both series highlighted the crisis the state was creating through unsustainable and spendthrift policies around groundwater, and helped move the needle towards reform.

WaterWatch’s advocacy in daylighting this decades-long problem helped create the appetite for much-needed modernization of groundwater allocation rules, which culminated in the adoption of new statewide rules in 2024. Today, Oregon no longer rubber stamps groundwater permit applications when no one knows if the request is within the capacity of the aquifer. Under updated rules Oregon now has the metrics to determine whether an aquifer level is falling unacceptably, and connectivity to surface waters is much better addressed in groundwater allocation.

With this sea change in reforming Oregon’s groundwater allocation rules complete, WaterWatch is now working to solve issues related to existing overpumping — a mighty task that your support as a WaterWatch of Oregon member helps facilitate.

FORTY YEARS OF IDENTIFYING WATER MANAGEMENT PROBLEMS AND FIXING BROKEN APPROACHES

One of the stalwarts of WaterWatch’s advocacy over the past 40 years has been the watchdogging of all agency water allocation and reallocation decisions. This “in the trenches” work to modernize water management has given WaterWatch a unique, inside view into the workings of water management in Oregon — and helped daylight gaps in need of reform.

PREVENTING ISSUANCE OF SURFACE WATER PERMITS WHERE THERE IS NO WATER AVAILABLE

In the early 1990s, at WaterWatch’s urging, the state adopted a policy that prohibits the overallocation of Oregon’s rivers and streams. Ensuing rules required water be available for a proposed surface water use before a new water right is issued. This marked a monumental shift in how water is allocated and managed in the state. When WaterWatch was formed in 1985, the state had not, to our knowledge, ever denied an application for water on the basis that no water was available. As a result of this sea change, streams are now protected against further damage in almost every basin in Oregon.

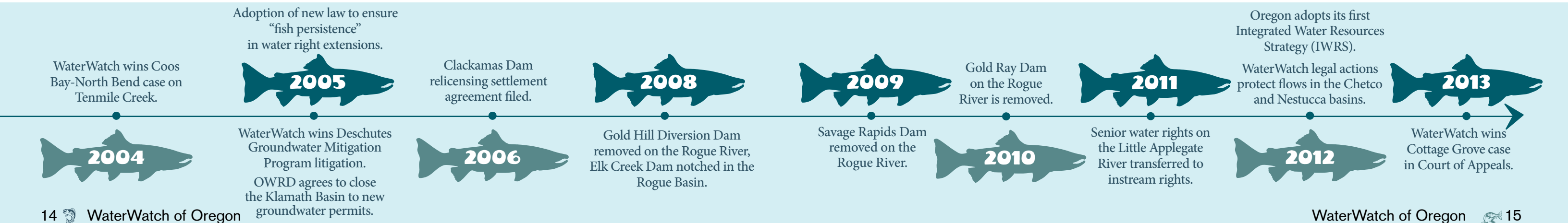
MEASUREMENT AND REPORTING OF WATER USE

Recognizing that what gets measured gets managed, WaterWatch spent our early years opposing all new water rights on the grounds that the state should require measurement and reporting of water use. In 1993 the state agreed and began to require this of all new water rights. WaterWatch then urged the state to attach the same measurement requirement to *existing* rights. WaterWatch’s advocacy

also resulted in the Oregon Water Resources Commission’s adoption of the 2000 Strategic Water Measurement Strategy, which targeted significant diversions in prioritized basins. And in 2023, WaterWatch worked with legislators to pass a bill that granted broad reporting authority to the state. While the organization may have a long way to go on this front to get to full measurement and reporting, incremental successes driven by WaterWatch have successfully paved the way for further work.

PREVENTING SPECULATION IN OREGON’S WATERS

As competition for water escalated across the state, WaterWatch’s watchdogging work uncovered a growing trend of cities and other water users to hoard water for speculative purposes instead of actual needs. Several key cases undertaken by WaterWatch largely put an end to this practice, including a case that challenged an application by the Coos Bay-North Bend Water Board in 1990 to secure a new water right on Tenmile Creek between Tenmile Lake and the ocean. A municipal water developer, the Coos Bay-North Bend Water Board hadn’t planned to put the water to immediate use — they just wanted sit on it.



Tenmile Creek and its namesake lake provide important habitat for coastal coho salmon, steelhead, and other fish and wildlife, so WaterWatch litigated the matter and won in the Oregon Court of Appeals in 2004, which ruled that a municipal water developer — and therefore any water user — cannot speculate in Oregon’s waters by securing water use permits without any intention to put the water to use within the time provided by statute (generally five years). In addition to securing important protections for Tenmile Creek and its salmon, the case set another important precedent.

In a later case on the McKenzie River, WaterWatch litigated against an attempt by a private water company to acquire a permit to divert about 200 million gallons a day from the McKenzie River at the expense of fish and streamflows. The speculators claimed they were going to become the water provider for a number of cities in the southern Willamette Valley at a point in the future that exceeded the initial deadline allowed by the permitted development, but didn't have any contracts with cities or infrastructure. WaterWatch convinced the Court of Appeals to reaffirm the precedent it set in the Coos Bay case against speculation, and successfully protected streamflows and fish in the McKenzie for future generations.

REFORMING PERMIT DEVELOPMENT EXTENSIONS

WaterWatch has also done extensive work on issues related to extensions of time to develop water rights in which the permit holder failed to meet the permit’s deadline for putting water to use. This complex work has resulted in better consideration of fish and streamflow concerns.

An early example of this work involved Boeing’s lease of agricultural lands, and de facto wilderness, along the Columbia River near Boardman in Morrow County. It was here WaterWatch challenged a proposed extension of time to develop a large amount of water from the Columbia River by Boeing’s lessee, Threemile Canyon Farms — now one of the largest dairy “farms” in the world. WaterWatch secured important reductions in the amount of water to be used, a transfer of 22,000 acres of

wildlands to protected status, and \$1.5 million for the Oregon Water Trust (now part of The Freshwater Trust) to acquire water in the Columbia Basin for streamflow protection and restoration.

In a much-needed reform, by the time WaterWatch of Oregon v. Boeing Agri-Industrial Co. was filed in the Oregon Court of Appeals in 1998, the matter had resulted in a revamping of Oregon’s extension laws and rules to better consider the needs of fish and wildlife. WaterWatch’s Tenmile litigation and related legislation similarly modified Oregon’s extension laws and created a new requirement that certain undeveloped municipal water rights be conditioned by the state to “maintain the persistence” of federal Endangered Species Act or state ESA-listed species, marking a key step forward for imperiled species and biodiversity.

As Marc Reisner detailed in his classic 1986 book *Cadillac Desert*, Western water law is full of strange contradictions and paradoxical constructs. Water is extremely valuable, yet the water itself is absolutely free. Water is valuable, yet we do not measure the majority of society’s use of water. An applicant for a water right is supposed to be ready, willing, and able to put the water to use, yet our water allocation agencies tolerate speculative acquisitions of water rights and “squatting” on the early priority dates of undeveloped water rights.

WaterWatch was founded to address some of these impediments to rational and sustainable water management, and reform the dramatic imbalance between private, extractive uses of water and public, non-consumptive uses of water. Since 1985, our programs have addressed these ecologically damaging and unjust structures by reforming outdated water laws and policies, protecting and restoring streamflows, removing obsolete dams, and delivering climate resilience for Oregon’s freshwater environments, species, and people.

Over the last four decades our work has driven policy and systems change towards outcomes that begin to right historic wrongs in water allocation and management in Oregon, and by extension, the West. With your support, and the rule of law behind us, that story continues. ■

CONTINUING MILESTONES



Seventeen miles of the Nehalem River designated a State Scenic Waterway.



Oregon Supreme Court rules obsolete hydropower right in the Powder River Basin should be converted to an instream water right.

Advocacy in the 2021 legislative session helps secure \$500 million in needed water investments.

Over one million acre-feet of water behind 13 Willamette Basin dams to include an instream allocation.

WaterWatch prevents five new dams in the Upper Crooked River.



Oregon Court of Appeals upholds Drift Creek decision.

Loveland Dam removed on Slate Creek, Takelma Creek Dam removed in Illinois River subbasin.

WaterWatch and our allies stop a damaging dam proposal on Walker Creek.



State adopts updated groundwater allocation rules that provide significant protection for aquifers.

Pomeroy Dam removed on the Illinois River, Williams-Whalen Dam removed on Evans Creek.

State applies for 266 instream water right applications in the Willamette River Basin.



WaterWatch remains focused on reforming western water law and protecting special places across Oregon, from working to remove Winchester Dam on the North Umpqua River to restoring the internationally significant Lake Abert, to protecting streamflows in the Deschutes and Crooked rivers, the Rogue Basin and the Lower John Day, advocating for groundwater dependent ecosystems in the Harney Basin, and more.

For more WaterWatch milestones, scan here



Crooked River Act passes, allocates water in Prineville Reservoir to downstream fish and wildlife.
New groundwater permits challenged in the Harney Basin.



Wimer and Fielder dams removed on Evans Creek.

Chetco and Molalla rivers designated state scenic waterways.



Court of Appeals ruling protects the McKenzie River from water speculation.
Smith River established as Oregon’s first Outstanding Natural Resource Water.



WaterWatch in the COMMUNITY

WaterWatch Blueberry Day in Hillsboro



WaterWatch board and staff welcomed supporters to Muir Blueberry Farm in Hillsboro Aug. 2nd for a daylong benefit as the farm donated all its blueberry-picking sales for the day to WaterWatch. Thank you to everyone who joined us, with special thanks to WaterWatch of Oregon board member Jean Edwards and her husband.

Inaugural Rogue Spey Clave Appearance



Development director Jesse Robbins represented WaterWatch Aug. 23rd at the first-ever Rogue Spey Clave at Griffin Park along the Rogue River south of Grants Pass. Thank you to everyone who stopped by to get acquainted with our work, with special thanks to Spey Clave organizers Jon Hazlett and Dax Messett.

Winchester Dam Update in Roseburg



The League of Women Voters of Umpqua Valley welcomed WaterWatch Southern Oregon program director Jim McCarthy to the Roseburg Public Library Sept. 11th to discuss the recent federal court ruling on Endangered Species Act violations at the 135-year old Winchester Dam, and the next steps in the WaterWatch-led effort to remove it.

UPCOMING EVENTS

40th Anniversary Celebration and Annual Auction



You only turn 40 once, and we're doing so with the biggest, best auction event WaterWatch has hosted! Join us for an array of live and silent auction packages as we celebrate WaterWatch's four decades of service to our state's world-class rivers and streams
Saturday, Nov. 1st, at Castaway Portland.
Silent auction bidding begins at 5 p.m. when doors open.

To stay in the loop on future events: Visit our website events calendar at WaterWatch.org

THANK YOU FOR PARTNERING WITH US IN THE CRITICAL WORK TO PROTECT AND RESTORE INSTREAM FLOWS IN OREGON'S RIVERS!

We rely on the support of supporters like you to monitor, defend, and restore Oregon's waters. By donating to WaterWatch, you're directly contributing to the health and sustainability of Oregon's streams, lakes, wetlands, and aquifers – helping to ensure that future generations can enjoy our treasured and iconic rivers just as we do today.

WAYS TO GIVE TO OREGON'S RIVERS

ONE-TIME DONATIONS

Donate online, by mail, or over the phone and you'll join the thousands of other WaterWatch members making a difference for the health and future of Oregon's rivers, native fish, wildlife, and communities who rely on them.

MONTHLY DONATIONS

The most efficient way to support our mission, recurring monthly contributions spread your contributions over the entire year and help ensure consistent, long-term funding for WaterWatch.

STOCKS & BONDS

Maximize tax savings and, at the same time, make a meaningful impact for free-flowing rivers, groundwater, and native fish and wildlife in Oregon by donating stocks, bonds, mutual funds or through your existing retirement accounts distributions.

DONOR-ADVISED FUNDS

Easy-to-use and tax-efficient, DAFs keep giving records in one place, and allow for various contribution types. Additionally, contributions qualify for same-year tax deductions and capital gains taxes are potentially eliminated, leading to increased charitable giving opportunities.

BECOME A RIVER DEFENDER

Incorporate WaterWatch of Oregon into your estate plans or will and you'll be giving the lasting gift of healthy, climate-resilient waters for native fish, wildlife, and future generations of Oregonians.

QUESTIONS?

Scan here to donate today!



Reach out to Development Director Jesse Robbins at any time with questions and to discuss giving to WaterWatch: jesse@waterwatch.org or (503) 295-4039 ext. 111.

WaterWatch of Oregon is a 501(c)(3) organization, Tax ID # 93-0888158. All donations are tax-deductible.



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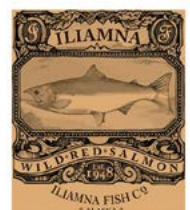
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