



WATERWATCH
Protecting Natural Flows in Oregon Rivers

PRESS RELEASE

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Grave Creek, Tributary of Iconic Rogue River, Threatened by Open-Pit Mine Enabled by Controversial State Agency Decision

WaterWatch of Oregon argued the injury to an existing instream water right on Grave Creek, resulting from the transfer of a water use right to facilitate open-pit mining along the creek, should have prohibited the transfer in the first place.

Sunny Valley, Oregon — On May 18th, the Oregon Water Resources Department (OWRD) approved the transfer of a water use right on Grave Creek, a tributary of the Rogue River in Josephine County, from pasture irrigation to mining. The transfer also changes where water is used and where water is withdrawn on Grave Creek. The right is held by Grants Pass-based Sunny Valley Sand and Gravel, Inc., owned by former Josephine County commissioner Andreas Blech, which plans to operate a large, open-pit aggregate (gravel) mine within 50 feet of Grave Creek with pits dug upwards of 80 feet into the ground.

WaterWatch initially protested the proposed transfer at the Grave Creek site in 2021, and argued against the current transfer at two hearings. Importantly, the transfer harms, or “injures,” an existing instream water right on Grave Creek, yet OWRD chose to approve the transfer in spite of concerns raised by WaterWatch in our protest and in subsequent hearings.

An instream water right is a specialized water right that recognizes the inherent right of water to flow in its natural streambed, and is held in trust by OWRD for the people of Oregon to protect streamflows for fish.

The transfer will allow Sunny Valley Sand and Gravel to withdraw water specifically for mining from Grave Creek, which is already considered stressed due to an over-appropriation of water for

agricultural and domestic uses. Should Sunny Valley Sand and Gravel's mining proposal move forward, the excavation of deep mining pits up to 80 feet in the ground will likely dewater Grave Creek as the pits fill in with groundwater. OWRD's concerns regarding the impact of the mining pits on Grave Creek are well-documented.

Grave Creek flows into the Rogue River at the northern end of the Rogue's federally-designated Wild and Scenic stretch, which is one of Oregon's most popular whitewater runs.

WaterWatch attorneys Lisa Brown and Tory White argued that in addition to the reasons given to deny the Grave Creek water use right transfer, it should not have been authorized at all since OWRD should not have consented to the injury of the instream water right in the first place.

The agency's ill-advised decision follows another OWRD ruling issued in Dec. 2025 that declined to cancel the underlying irrigation water right associated with the transfer. WaterWatch appealed that cancellation order, and now has the opportunity to appeal the May 18th OWRD decision that allowed the water use right transfer from pasture irrigation to mining. Together the transfer and mining project itself will significantly harm the instream water right that OWRD holds in trust for the people of Oregon and has a duty to protect.

"In issuing this transfer, OWRD violated its statutory trust duties to the people of Oregon to protect water instream," said Tory White. "The agency has not grasped the importance of its role as trustee."

WaterWatch has until July 17, 2026, to file a petition to the court of appeals.

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For over 40 years, WaterWatch of Oregon has been committed to a single, clear mission: To protect and restore flows in Oregon rivers and waterways to sustain native fish, wildlife, and the people of Oregon who depend on healthy rivers. WaterWatch of Oregon was the first organization in the west to seek structural reform of antiquated water laws to protect and restore our rivers, and facilitated passage of Oregon's landmark Instream Water Rights Act in 1987.