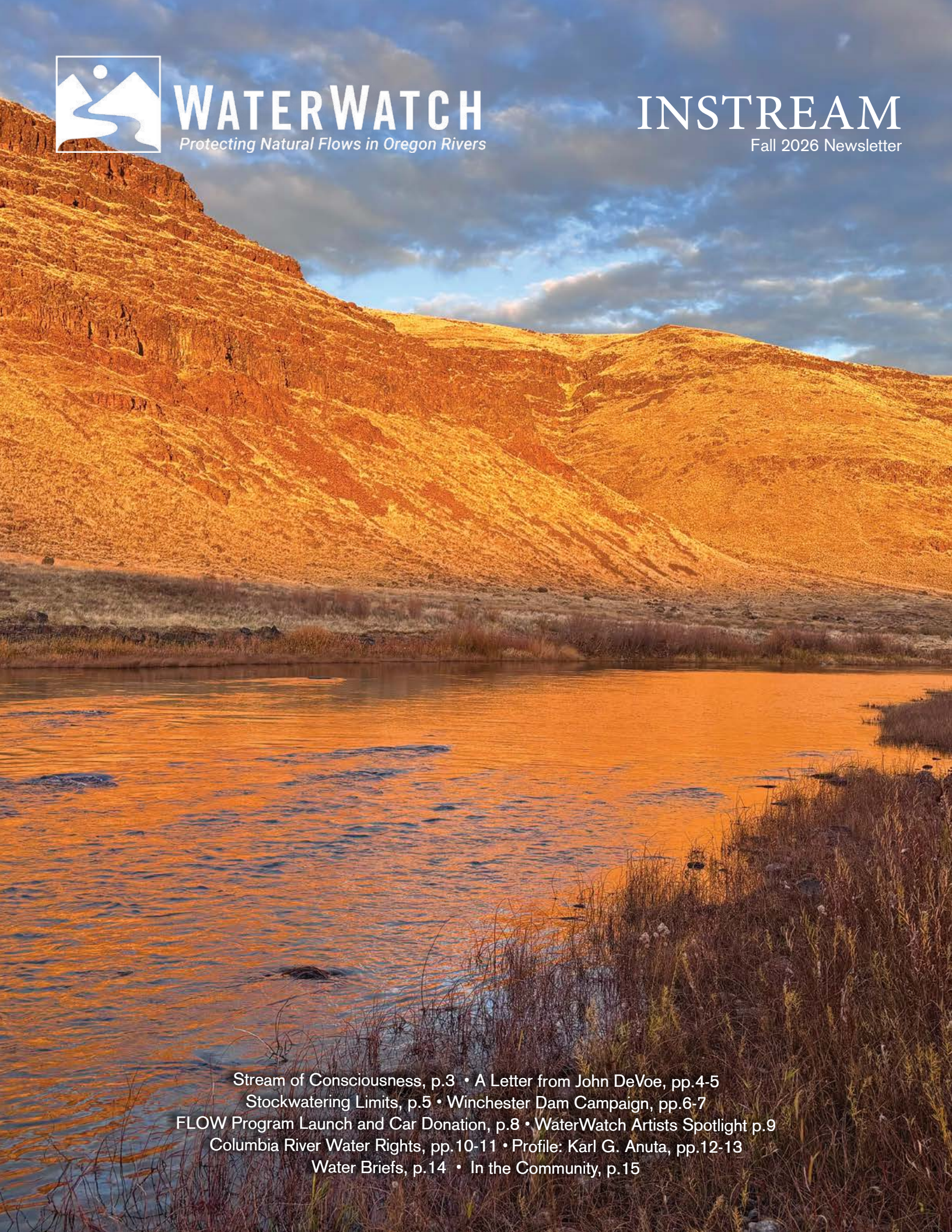




WATERWATCH
Protecting Natural Flows in Oregon Rivers

INSTREAM
Fall 2026 Newsletter



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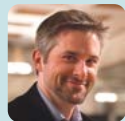
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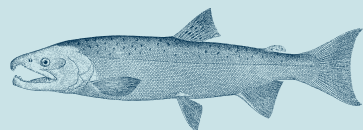
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WATERWATCH'S MISSION

**IS TO PROTECT
AND RESTORE
STREAMFLOWS
IN OREGON'S RIVERS
FOR FISH, WILDLIFE,
AND THE PEOPLE
WHO DEPEND ON
HEALTHY RIVERS.**



The Grande Ronde River in autumn,
photo by Leon Werdinger.

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Golden hour on the lower John Day River,
photo by Andy Archer.

Stream of Consciousness



Neil Brandt
Executive Director

After a long, hot summer, the crisp autumn breeze and first few sprinkles of rain come as sweet relief. With over 22 of Oregon's counties under a state-declared drought emergency at the time of this writing, it's clear Oregon's rivers need the moisture now more than ever.

Despite this summer's drought, we've been busy protecting and restoring Oregon's rivers — which you'll see in the articles throughout this issue of *Instream*. Beginning on page five you'll read about the need to make SB 85's limits to stockwatering by CAFOs permanent, while on pages six and seven you can read about the accountability our WaterWatch-led coalition is bringing to the owners of Winchester Dam for the environmental damage inflicted on the North Umpqua River as a result of their botched repairs on the dam in 2023.

Pages 10 and 11 feature our work to prevent the undoing of protections for salmon in Columbia River water right agreements, while in Water Briefs on page 14 you can find the latest on our legal efforts to advocate for adequate mitigation of impacts from water withdrawals on the Willamette River, our work to protect flows on Bridge Creek (a tributary of the John Day River), and our fight to stop a proposed mine on Grave Creek in the Rogue Basin near Sunny Valley. In short, our staff have been fearlessly advocating for Oregon's rivers, fish, and wildlife in every corner of the state all summer, just as they are every season of the year.

A big thank you to everyone who joined us this summer and early fall for WaterWatch events, from workshops and outings to presentations and rallies. You can read more about our recent events in our In the Community section on page 15. Plus our biggest event of the year, WaterWatch's 24th Annual Celebration of Oregon Rivers, is just around the corner on Nov. 7th.

Make sure to get your tickets and save your seat, and I look forward to seeing you there!

This issue also includes two special features. The first is a profile of longtime WaterWatch board member and former board president, Karl Anuta, which you won't want to miss on pages 12 and 13. The second feature is a letter to the WaterWatch community on the next two pages from former executive director John DeVoe, now retiring after serving as senior advisor to the organization.

I'd like to take a moment to recognize John, not only for his tremendous leadership of WaterWatch of Oregon and his service to the mission over a 23-year career, but also for his personal mentorship. I first met John in the summer of 2019 when I came to the WaterWatch office to interview for the development director position. When John initially called me to ask if I'd like to interview for the job (from the banks of the Willamette, playing fetch with his dog), I had no idea I would end up falling in love with WaterWatch and becoming its next executive director.

John's enthusiasm for WaterWatch, this important work, and the impact it has for Oregon's rivers and waters remains inspirational to me. I'm grateful for John's mentorship, experience, and unparalleled knowledge of Oregon river issues. I offer my deep thanks to John for his leadership, for bringing me into the WaterWatch fold, and for his lifelong dedication to Oregon's rivers. We will miss having John on the team at WaterWatch, but we know he'll be nearby, and, in all likelihood, casting on a remote Oregon stream.

Neil

A letter from John DeVoe

former WaterWatch Executive Director

After 23 years of blood, sweat, tears, and treasure for WaterWatch, I am in the process of doing what few have done before. I have retired from WaterWatch. It can be done, but one has to be willing to let some things go. It's like meditation — you notice, and you let things be.



WaterWatch is in great shape. The staff, as it has been for years, is very strong. The board is excellent, with several seasoned veterans and new members who bring fresh ideas and vitality to the mission. Membership is strong and expanding. Philanthropy is an ever-evolving challenge to navigate, but the organization is on a solid financial footing and WaterWatch's development infrastructure is in good shape.



When I arrived at WaterWatch in the early aughts, I was completely new to fundraising. In the early days, I focused primarily on policy, practicing law as a lawyer for WaterWatch first and taking care of other matters around the edges. This was a recipe for failure — not at the law or policy part, but for the organization. I'll never forget how I spent the afternoon Lehman Brothers collapsed wondering if we would make payroll. It was an inflection point for me and for WaterWatch.

With the help of Gary Hibler, who had recently arrived on the board, I realized the executive director had to focus on the infrastructure and fiscal health of the organization first, second, and maybe third too. I realized no money meant no mission. The point was to create an environment where others could flourish and kick butt for the mission. And so, with a changed focus and a lot of help, WaterWatch took off on over a decade of double-digit annual growth as we tripled staff and budget — and the law and policy components didn't suffer either. Our attorneys won every appellate case they prosecuted in Oregon for over two decades, setting landmark precedents for Oregon's waters and agencies in the process.

There were some interesting times and negotiations in those two plus decades. A lot of sleep lost. A lot of respect for my co-workers and their competence and amazing persistence. It was always a giant privilege to work with WaterWatchers. Water deals, dam removals, legislation — they all produced memorable moments, occasional threats and satisfying results. Reflecting on the years of advocacy I am just so honored and proud to have been associated with the staff and board of WaterWatch. These are amazing advocates who give me hope in dark times and deserve our full support.



Unfortunately, in the brief time before and since I've been retired, the federal government has lost its conservation and environmental protection marbles, and is working to roll back the Endangered Species Act, repeal the Roadless Rule, dismantle the Columbia Basin Restoration Initiative, trot out various plans to liquidate public lands, repeal limits on greenhouse gas emissions from coal and gas fired power plants, end the CAFÉ standards for automobiles, and more. Given the current hostility to healthy rivers, biodiversity and conservation, WaterWatch is more important than ever. Please join me in supporting this transformative organization. Simply put, there is no more effective organization for Oregon's waters and rivers.

As for me, as one of my favorite musicians sings, "I won't be here, but I'll never be far." ■



Stockwatering Limits Need Renewal



As part of the passage of Senate Bill 85 in 2023, WaterWatch helped secure key reforms to Oregon's regulation of confined animal feeding operations (CAFOs), including large dairies and feed lots that use significant quantities of water. Among other things, SB 85 currently limits all new CAFOs, and expanding CAFOs in "critical groundwater areas," to 12,000 gallons per day of new groundwater use for "stockwatering" — i.e., drinking water for the animals — unless they get a permit, as most other water uses are required to have.

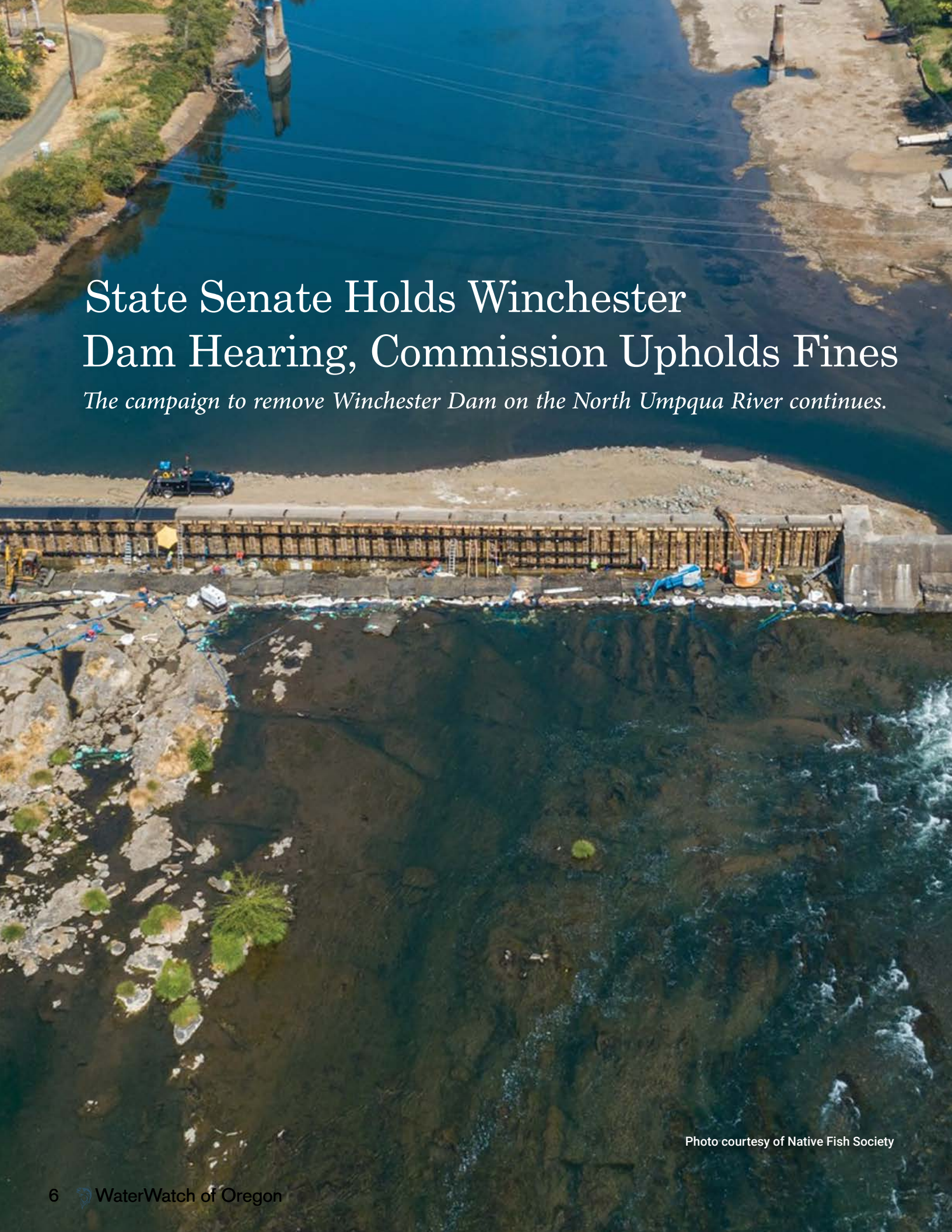
Unfortunately, without further action, SB 85's limits on stockwatering will expire in September 2027. WaterWatch and other supporters of SB 85 therefore plan to ask the 2027 legislature to make SB 85's stockwatering limits permanent, and to extend them to new stockwatering use by all expanding CAFOs, not just the ones where the groundwater is already known to be over-allocated.

Using water from Oregon's rivers, streams, and groundwater generally requires a permit from the Oregon Water Resources Department. That gives the department a chance

to consider whether the proposed source has enough water to give, as well as potential impacts to fish, wildlife, and existing water rights. Some uses, once seen as *de minimis*, are exempt from permit requirements, including rain collection, domestic wells, and small lawns and gardens, but most of these "exempt uses" have limits.

Before SB 85, stockwatering was exempt from permit requirements with no limit on how much water could be used, even though stockwatering on today's large CAFOs can use several hundred thousand gallons of water per day — as much as a mid-sized data center. CAFOs also use large amounts of water for their industrial operations and irrigation of associated crops — several million gallons per day, all told.

Given the potential impacts of CAFOs on Oregon's water supplies, they should at least be required to get permits for all their water uses, including drinking water for animals. WaterWatch will keep its members posted on this issue as it moves forward. ■



State Senate Holds Winchester Dam Hearing, Commission Upholds Fines

The campaign to remove Winchester Dam on the North Umpqua River continues.

Photo courtesy of Native Fish Society

State legislators in Salem heard testimony on Sept. 9th regarding ongoing enforcement at Winchester Dam during a presentation by the Oregon Department of Fish and Wildlife and the Oregon Water Resources Department to the Senate Interim Committee on Natural Resources and Wildfire. State Senator Jeff Golden (D-Ashland), the committee chair, and committee member Senator Floyd Prozanski (D-Springfield) led the discussion and expressed appreciation for a Sept. 4th letter from WaterWatch and our allies requesting necessary state dam safety enforcement at the derelict 450-foot wide, 17-foot tall, 136-year-old structure on the North Umpqua River. WaterWatch greatly appreciates the diligence and leadership of these two senators on this issue.

On Sept. 10th, in another victory for WaterWatch and our allies, the Oregon Environmental Quality Commission (EQC) upheld a combined \$104,767 fine issued by the Oregon Department of Environmental Quality (DEQ) against Winchester Dam owner Winchester Water Control District and TerraFirma Foundation Repair, Inc., the primary contractor for the botched summer 2023 repairs at the dam. TerraFirma is a basement repair company owned by the District's board president. The District and TerraFirma have 60 days from the date of the EQC's final order to appeal to the Oregon Court of Appeals.

The EQC oversees the DEQ, and the District and TerraFirma appealed to the EQC in the wake of a senior administrative law judge's scathing ruling issued March 6th that upheld the fines. This was also a victory for WaterWatch and our allies, as we had documented and reported many of the 2023 repair violations, then intervened in the subsequent contested case in support of enforcement. The March ruling marked the second time in under five years a judge has upheld state fines for water quality violations during botched Winchester Dam repairs after WaterWatch and our allies intervened in support of the previous fines.

In the most recent proceeding, the judge found the District has a "history of hiring contractors inexperienced with complex in-water work." The judge also found "TerraFirma did not have a background with in-water projects with respect to dams or otherwise" and that Winchester Water Control District demonstrated a pattern of "choosing expediency and low cost over qualifications and experience when selecting a contractor [for dam repairs]." Further, the judge found that TerraFirma's conduct during the 2023 repair was "reckless" and that the state had established that TerraFirma "consciously disregarded a substantial and unjustifiable risk" which "constituted a gross deviation from the standard of care a reasonable person would observe

in that situation." The same judge also found TerraFirma acted "flagrantly" during the 2023 repairs, and the state had established TerraFirma "had actual knowledge that the conduct was unlawful and consciously set out to commit the violation."

Previously, in the wake of 2018 repairs at the dam, DEQ issued a \$53,578 fine after state investigators found pollution from the repair degraded aquatic habitat, killed fish, and harmed the primary drinking water source for the City of Roseburg and the Umpqua Basin Water Association — serving approximately 37,700 people combined. Investigators also found that dam repairs were conducted without following known best management practices, even after authorities provided the dam owners with information in advance on how to protect water quality and fish.

Unfortunately, 2018 and 2023 likely were not the only times Winchester Dam repairs polluted drinking water supplies and/or harmed North Umpqua fish and wildlife. On average, Winchester Dam repairs have occurred once every three to five years since the 1960s, but public records show no permits for these prior repairs. Public records do describe "leakage" during one previous repair and a state official complained to the contractor "about cement in the river and no permits."

State records also show Winchester Dam owners have, at other times, repaired the dam by installing large numbers of pressure-treated wood planks. The U.S. Environmental Protection Agency and U.S. Department of Human Services recommend that treated wood not be used where it may come in direct or indirect contact with public drinking water. Winchester Dam is just 50 feet upstream from Roseburg's public drinking water intake. The structure lies entirely within state designated Essential Salmonid Habitat and federally-designated critical habitat for Oregon Coast Coho salmon protected under the federal Endangered Species Act. According to the Oregon Department of Fish and Wildlife, Winchester Dam impedes access to 160 miles of high-quality habitat for salmon and steelhead.

Unfortunately, we have learned the hard way that Winchester Dam will continue to harm the North Umpqua and its invaluable runs of native fish until it is removed. Over the last five years, WaterWatch has offered twice, in writing, to the dam's owners to remove the dam at little to no cost to them. Our offer still stands. We would like to remove Winchester Dam because we believe it would be beneficial for Oregon, the local community, and the environment. Our hand will remain out to work cooperatively with Winchester Water Control District, state and federal government, and private organizations to accomplish successful dam removal and site restoration at Winchester. ■



There are plenty of ways to care about Oregon's waters. Maybe you spend your days on the river. Maybe you're passionate about protecting fish and wildlife. Maybe healthy streamflows are simply something you believe every community deserves.

FLOW is for people and organizations who want to do more than simply follow our work. It's a chance to get more involved, meet others who care about Oregon's waters, show up for the issues that matter, and help move our mission forward.

We want to bring people together with different interests, experiences, backgrounds, and connections to Oregon's rivers and water — from longtime advocates to those discovering WaterWatch for the first time.

- A one-time donation of any amount makes you a member of **FLOW** for a year.
- Recurring donations on a monthly basis make you a sustaining member of **FLOW**.
- Make a gift of \$5,000 or more to make your **FLOW** sustainer status a lifetime membership.
- Members and sustainers receive a **FLOW** decal sticker acknowledging their impact.

Being part of **FLOW** means having more opportunities to connect as we build a growing calendar of events where members can learn, engage, get outside, and celebrate the work we're doing together.

FLOW members also get early access to WaterWatch events, and can enjoy exclusive **FLOW** specific programs and perks throughout the year.

As a **FLOW** member you'll also have more ways to stay connected to WaterWatch, take action, and see how your support is making a difference. Keep up-to-date on issues affecting Oregon's rivers and streams by receiving emails about important river action alerts and promotions.

At its heart, **FLOW** is about creating a community for all of us who believe Oregon's waters are worth protecting. We'd love for you to be part of it.

Join **FLOW**,
find your place in the community,
and help us keep Oregon's waters moving!



PARK IT FOR A PURPOSE and Turn Your Wheels Into Wins!



Fuel our mission at WaterWatch by donating your car, truck, or boat to support our Oregon rivers and streams and sustain the native fish, wildlife, and people who depend on them.



"The process was simple. I inquired with Speed's and they did the rest. Arranging the pickup of my 2005 Subaru Forester was easy to do. It was bittersweet to see my past ride go, but I was confident in my decision as the funds went directly to preserving Oregon rivers. It's good to know my vehicle is doing more than just sitting in my driveway."

— WaterWatch **FLOW** member Ryan

To donate a vehicle in the Portland area, please contact Speed's Towing donation coordinator at (503) 234-5555 and select option three, or contact Speed's via email at donations@speedstowingpdx.com.

Let Speed's know you plan on donating your vehicle to WaterWatch of Oregon and they will assist you with the next steps.

A mailed receipt from Speed's will be sent to you.

WaterWatch of Oregon is a 501(c)(3) organization, and our tax I.D. number is 93-0888158

Mark Taylor: One Donor's Story



For many donors, charitable giving is about more than supporting a cause they believe in — it can also be an opportunity to make thoughtful financial decisions. We recently spent some time catching up with WaterWatch friend and donor Mark Taylor, who learned about WaterWatch through close friends and active water advocates. "Board members Steve Smith and Lynn Palensky are why I know about WaterWatch," said Mark. "The impact is why I continue to give. I give to causes I believe in, and work I believe in." Mark shared his tax-savvy approach to donating directly from his IRA to support our organization. For him, it's a simple way to turn a Required Minimum

Distribution (RMD) from his IRA or 401k into a meaningful gift while potentially creating valuable tax benefits. "The Qualified Charitable Distribution (QCD) is a great way to make a tax-free gift now, and a great way to make an impact for Oregon rivers and satisfy your Required Minimum Distribution." QCDs are an especially attractive giving strategy for donors already taking RMDs. For Mark, the approach offered a way to support a nonprofit he cares about while keeping more of the distribution out of his taxable income. "It is a win-win," he said. "It satisfies my RMD without increasing income taxes." Mark's experience is a reminder charitable giving and retirement planning don't have to be separate decisions. With the right strategy, a gift can benefit both the nonprofit and the donor. To make a distribution gift to WaterWatch of Oregon, contact your IRA administrator to request a rollover from your IRA. WaterWatch of Oregon's tax ID number is 93-0888158.

WATERWATCH ARTISTS DEVELOPMENT SPOTLIGHT: DANIEL COE AND KATIE JEANNE REIM

ARTIST CORNER: CELEBRATING ART FOR IMPACT Katie Jeanne Reim, finalswitchback.com

The owner of Final Switchback, Katie Reim creates tributes to wild places and the outdoors as she transforms vintage topographic maps into distinctive works of art, layering acrylic paint and fine ink details to capture the spirit and character of western landscapes. Known for honoring sustainability through recycled materials and fair-trade partnerships, Katie donated a percentage of Final Switchback's July sales to WaterWatch, and permitted WaterWatch to feature one of her Sahalie Falls prints on the Save the Date flyer for our 24th Annual Celebration of Oregon Rivers. We can't think of a better way to celebrate Oregon's beloved rivers and streamflows.

ARTIST FEATURE: MAPPING THE LANDSCAPE Dan Coe Cartography, dancoecarto.com

A cartographer, visual storyteller, and a recent WaterWatch event headliner, Dan Coe explores the intersection of geography, design, and the natural world. According to Dan, his "cartographic interests include geologic and geomorphic processes, natural hazards, and lidar-based landform visualization." One of Dan's most notable projects is a visualization of the Willamette River through a lidar-derived digital elevation model, showcasing how maps can transform complex landscapes into compelling works of visual art. For the month of October, get your edition of this framed Willamette River print — they won't last long! Dan Coe prints are available by becoming a new monthly sustaining member at \$50 per month (or more), increasing your monthly sustaining membership amount by \$25 per month (or more), or making a one-time donation of \$250 (or more).



Photo Vistra Framing

Umatilla Irrigators Seek to Unravel Columbia River Water Right Agreements

Agreements are meant to protect Columbia River steelhead and salmon.



Emerging from the Canadian Rockies in British Columbia, the Columbia River runs 1,214 miles through seven states on its journey to the Pacific Ocean. Once an ecological powerhouse home to 27 wild salmon and steelhead stocks, the river has been drastically altered to support navigation, hydropower, flood control, and agriculture. Human engineering has blocked migration, altered natural flow regimes, warmed waters, and transformed this once magnificent “living” river into a series of warm, slow-moving reservoirs that have devastated fish and wildlife populations, tribal cultures, and river related economies.

The impact on Northwest salmon and steelhead has been particularly devastating. Of the 16 stocks that historically spawned above Bonneville Dam, four are now extinct and seven are listed under the federal Endangered Species Act and dangerously close to extinction.

While there have been a variety of efforts to restore and protect Columbia River Basin salmon over the decades, WaterWatch has focused much of its work on state water right angles. In particular, we have advanced streamflow protections in the Umatilla Basin via legal challenges, collaborative agreements, and state rulemakings tied to water right permitting. Key agreements and/or initiatives over the past 40 years include:

- **Umatilla Basin Exchange Project Water Rights Settlement:** Authorized by Congress in 1988, the Umatilla Water Exchange Project trades water from the Umatilla River for water in the Columbia to help Umatilla River salmon and steelhead while keeping farms supplied with water for irrigation. In the early 1990s, WaterWatch acted as a legal watchdog and crucial negotiator in the Umatilla Basin Exchange Project water right proceedings. As a result of the legal settlement reached, there are now legally protected instream flow rights for

salmon in the Umatilla, which guarantees the water saved by the Exchange Project remains in the Umatilla River channel during critical migration periods. By the mid-1990s fish had returned to the river for the first time in 70 years.

- **Halting Water Spreading in the Umatilla Basin:** Intertwined with our work on the Umatilla Basin Exchange Project Water Right Settlement, WaterWatch published a groundbreaking report in 1991 detailing rampant illegal use of water beyond irrigation district boundaries, otherwise known as “water spreading.” This ultimately resulted in federal and state efforts to crack down on this longstanding problem, which included restricting the land base that could receive water under the Umatilla Basin Exchange Water Rights Settlement.
- **Sensitive Stock Rules for Columbia River Salmon and Steelhead Adopted:** In 1994, WaterWatch petitioned the state to close the Columbia River to further appropriations in response to the listing of salmon and steelhead under the federal Endangered Species Act. While the petition failed by one vote, in response the Oregon Water Resources Commission adopted the “sensitive stock” rules in 1996 that, among other things, prohibited the issuance of new water rights that allow withdrawals from the Columbia River and its tributaries from April through October to protect flows for imperiled salmon and steelhead.
- **Landmark Boeing Water Right Settlement Cuts Water Use and Protects Habitat:** In 1995, WaterWatch challenged the state’s approval of an extension of time that would have allowed a large farming operation to develop massive water rights from the Columbia on what were known as the “Boeing Lands.” This challenge, combined with our work on a Clean Water Act case and the listing of the Washington Ground Squirrel, culminated in a 2001 Settlement Agreement that reduced water rights by over 1,000 cubic feet per second (cfs), protected over 22,000 acres of shrub steppe habitat, and restricted the land base where water could be used. This work also led the state to revamp its rules governing extensions of time to develop water right permits to better protect fish.

- **Columbia River-Umatilla Solutions Taskforce:** Starting in the 1997 legislative session, Umatilla irrigators put their sights on undermining protections the state had put in place to protect salmon. From 2007 to 2012, eight bills were brought that would have provided carve out from fish protection rules for Umatilla Basin irrigators. All of them failed. In an attempt to stave off future bad bills targeting the Columbia, Governor Kitzhaber convened the Columbia River-Umatilla Solutions Task Force (CRUST), which was made up of the Governor’s office, state agency directors, the Confederated Tribes of the Umatilla Indian Reservation, a Umatilla County commissioner, conservation groups (including WaterWatch), federal agencies, and Umatilla Irrigation interests. In 2013, after eight months of negotiations, a high-level framework was signed to investigate a few select pathways to support irrigation in a way that would not undermine existing fish protection laws or harm flows.
- **“Mitigated” Water Rights Approved:** As a follow up to CRUST, the Governor’s office, state water management and fisheries agencies, OWRD, ODFW, WaterWatch, and the Northeast Oregon Water Association (NOWA), entered into more than two years of intense negotiations over new water right applications. In 2017, the group reached a negotiated agreement on eight new water rights for 180 cfs; these were heavily negotiated down to the word. Among other things, these rights required bucket-for bucket mitigation at or above the point of impact for the 180 cfs to meet the Sensitive Stock Rule directives. The issuance of the new “mitigated” water rights signaled a new era of water management in the basin in which irrigators agreed to meet fish protection measures rather than fight them.

The collaborative spirit reached in the CRUST Declaration of Cooperation and ensuing water rights agreement was, unfortunately, short lived. Soon after the state issued the eight water rights, the holders of the “mitigated water rights” applied for new water rights to supersede the existing negotiated rights. The new applications sought to expand the existing water right footprint roughly sixfold from 123,442 acres to 702,227 acres, add additional diversion points, and alter nearly all the negotiated conditions that were agreed to in the 2017 agreement. Additionally, in a related but separate campaign, permit holders are also seeking

to push the state to move to “volumetric mitigation,” rather than real time mitigation, in violation of permit conditions, the sensitive stock rules, and the negotiated agreements.

Continuing their efforts to both skirt their negotiated water right agreements and undermine the long standing legal settlements and collaborative agreements reached over the past 40 years, NOWA brought HB 4006 in the 2026 legislative session that would have exempted Umatilla Basin irrigators who divert surface water on a 51-mile stretch of the Columbia River from important transfer laws that every other farmer in Oregon must abide by. The bill would have allowed a significant increase in water volume pulled from the Columbia with no regard of the impact on imperiled salmon, increased irrigated agriculture over a 700,000 acre footprint (roughly the size of Rhode Island), legalized water spreading, kneecapped the state’s ability to manage water rights beyond the diversion points on the Columbia, risked greater nitrate contamination to the area’s groundwater, and declared inter-governmental entities “districts” statewide — giving them the ability to condemn both private and state lands among other concerns.

In attempting to pass HB 4006, NOWA sought to exempt Umatilla irrigators from the basic tenets of western water law, specific permit conditions, state oversight, and, as noted above, the very agreements that they (and/or their members) were party to over the past 40 years. While the bill did not pass into law, NOWA has vowed to bring it back in 2027 under a concept called “The Color of Water.”

Unfortunately, legislators voicing support for this measure do not appear to be doing their due diligence to understand the implications of this bill not only on salmon, tribes, and state water management but also the many important legal settlements and/or collaborative agreements that have shaped water management in the basin for the past 40 years.

With the current federal administration rolling back the keystone environmental laws that have been so pivotal to protecting Northwest salmon, Oregon’s legislators need to do more, not less, to protect our environment and the iconic species that call Oregon home. ■



What can you do to help?

As we prepare to move into the 2027 session, please call your legislators today and ask them to protect Columbia River salmon and steelhead and oppose “The Color of Water” bill.

Connecting with Board Member Karl G. Anuta on WaterWatch's Many Roles



Before he joined the WaterWatch of Oregon board of directors in 1989, attorney Karl G. Anuta was part of the early conversations with WaterWatch founders Tom and Audrey Simmons and Bob Hunter shortly after the establishment of the organization in 1985.

One of the state's leading experts on water law, Karl G. Anuta — married to former WaterWatch senior staff attorney and water policy advocate Karen Russell for 34 years — continues to support and do pro bono work for WaterWatch of Oregon, particularly as part of the ongoing fight against the construction of Thornburgh Resort on the Cline Buttes north of Bend.



"I've always been a water-oriented person," said Karl. "I grew up in Boulder fishing streams around Colorado, skiing in the winter, going out on lakes and swimming during the summer. So when I arrived in Portland to attend Lewis and Clark, I saw how green the Willamette Valley is during the winter. That was unusual for me, because unless it snowed everything is brown in Colorado during the winter. The water here is something I loved immediately, and still do. When it's raining I'm just happy as I know it's drawing salmon and steelhead upstream."

"After my undergraduate at Lewis and Clark, and a few years working as an armed security guard, I ended up going to law school at Lewis and Clark as well. That's where I discovered water law," said Karl. "I found it fascinating. Later, I was working at a firm where Larry Sokol, one of the partners, practiced environmental law as well as personal injury. Larry was an environmental litigation adjunct

professor at Lewis and Clark and had hired me as a law clerk. One day he pulled me into his office and said, 'Hey, you have to meet with these people, they want to meet with me and talk about water.' It was Tom and Audrey Simmons. They were running some ideas by us about water law. I enjoyed meeting them, and started getting invited to their house for strategy sessions with Bob Hunter and a bunch of other folks."

Even as WaterWatch got off the ground in 1985, its founders were already developing what became Oregon's landmark Instream Waters Rights Act, which was passed and signed into law in 1987 — one of the organization's earliest and lasting successes. But Karl notes there were other big wins and cases in WaterWatch's early years which the organization also played a lead role in.

"Early on, Tom and Audrey took an interest in what's called water spreading. That's where irrigation districts become more efficient, but spread water onto lands outside of their actual permits," said Karl. "They can grow more stuff, but it's not legal to do it that way. WaterWatch challenged that illegal water spreading process by raising the facts before decision makers and the Oregon Water Resources Commission in ways they couldn't ignore. That was a huge success, and it altered how water was used in the Umatilla Basin and elsewhere in Oregon."

"The Diack case also got a lot of press. Arch Diack owned several acres along the Sandy River. The city of Portland was going to divert a bunch of flow above the State Scenic Waterway section. WaterWatch fought that with Bill Hutchinson as the lead lawyer. Bill took it all the way to the Oregon Supreme Court and got a ruling that required the state to pay attention to downstream designations."

"Bill was a great trial lawyer who was doing pro bono work for WaterWatch and Arch Diack," said Karl. "He showed up at the Supreme Court where the whole argument was supposed to be about this technical water law issue, and Bill said, look, a state scenic waterway without the water is meaningless. He pulled out a big poster he had made of the Mona Lisa with the smile removed, and said a state scenic waterway with no flow is just like the Mona Lisa with no smile. It's not the same thing. Great trial theater. Totally made his technical point in a very understandable way. He did a great job and won the case."

Karl is known among the WaterWatch team for his consistency and determination in keeping an eye on the state's public notices. He noted how WaterWatch's advocacy

"Because of WaterWatch's efforts, there's a huge amount of water in Oregon's rivers, streams, and lakes today that wouldn't be there were it not for our work."

has slowly begun to change long-held attitudes of state agencies like the Oregon Water Resources Department (OWRD), and how WaterWatch which played a major role in the agency's re-evaluation of groundwater availability.

"I was part of the WaterWatch team that saw this in the notices, leading to WaterWatch's challenges to OWRD on groundwater," he said. "Ultimately, that's what caused the agency to suddenly step back and acknowledge there was a problem. Those challenges, coupled with the previously ignored data, have now fundamentally shifted the default answer on groundwater from yes, you can have it, to no, unless there's capacity you can't have it. That's a huge step. After the Oregon Water Resources Commission adopted the amended groundwater allocation rules in 2024, one of the first articles I saw about it called it a 'sea change' in the regulations. That's totally true. That shift in attitude was enormous, and it wouldn't have occurred were it not for WaterWatch."

"WaterWatch plays a key role is keeping the agency's feet to the fire on following actual management requirements, and also preventing them from doing stupid stuff," said Karl. "In addition there are WaterWatch's efforts at fighting off bad legislation proposals. Kimberley is a master of that."

Karl pointed out WaterWatch was one of the groups that stopped what he and Karen referred to as the 'Flat Earth Bill' in the 90s. "There was legislation put forward in the Oregon legislature that declared, as a matter of law, that groundwater and surface water were not connected. Never mind science and the concept of hydrology. That bill never made it out of committee, thanks to WaterWatch."

When it comes to Karl's work to prevent construction of the Thornburgh Resort, he acknowledged it's a huge issue. "It's a destination resort that never should have been approved," he said. "From a water standpoint, it's just insane. It doesn't have a functional water right and it's going to be pumping groundwater in an area where the groundwater table, which is what they would exist on, is dramatically dropping. Bad idea. There was the limited license that Thornburgh tried to get that I litigated for WaterWatch. Thornburgh challenged the state's conclusion that, from a geologic and hydrologic perspective, the Deschutes aquifer didn't have any further capacity. Then Thornburgh challenged that. WaterWatch stepped in to help back up the state and help them prove that, no, that's the situation in the Deschutes Basin."

"WaterWatch had protested the original Thornburgh permit back in the 90s. We were able to get a negotiated resolution

where the resort cut its water use drastically. Then OWRD issued a permit, but sat on it for decades. That's one of the permits we're participating on now. Thornburgh never drilled a well, so no 'extension' is allowed. OWRD, to their credit, has now proposed to not only deny the extension, but to cancel that permit altogether." WaterWatch is also supporting the state's proposed denial of a new water right.

"The Thornburgh folks don't have any other water permits that would allow the functioning of yet another trophy home golf course resort in the Oregon high desert," said Karl. "I personally think they know it's a lost cause, and they are just trying to salvage something they can sell to some unwitting foreign buyers, but that's just my own opinion."



Karl's advice to upcoming Oregon leaders? "Pay attention to what the water use of everything is. If people are trying to build stuff, whether it's low income housing or data centers, you need to figure out what the water use is, where that water is going to come from, and is it sustainable? You need to think about changing the water use and changing the way we handle water so you're actually protecting and preserving it for future Oregonians, rather than just allocating it out. It's not easy to do. Politically, it's quite difficult. Legally you have to change some of the systems, and ultimately that's what we really need to do." ■



Proposed Large Scale Mine in Sunny Valley Still in Limbo

Efforts are continuing apace by WaterWatch and our many partners to protect Grave Creek, its native fish, and drinking water wells for the community of Sunny Valley from a large scale mine proposed within 50 feet of the stream, an important tributary of the Rogue River.

WaterWatch is appealing two Oregon Water Resources Department (OWRD) water right decisions to the Court of Appeals, both associated with an attempt to revive an old irrigation right, move the irrigation right’s point of diversion upstream, and use that right for mining instead of irrigation. After WaterWatch uncovered a stunning error in OWRD’s 2018 issuance of two reservoir permits for the mine, which omitted the instream water right from the analysis of water availability, the Department declined to fix the permits, but did add a streamflow monitoring condition intended to safeguard the Grave Creek instream water right when it proposed to allow the mine more time to develop the permits after the mine failed to meet its deadlines to do so.

At WaterWatch we are continuing to review data, press for compliance, and preparing for the upcoming reservoir fill season. WaterWatch’s protests to the Department’s decisions to allow more time to develop the reservoir permits and allow water use from the reservoirs for the mine are currently pending. Attorneys for the mine have stated in filings with OWRD that the mine needs an eye-popping 3,000 gallons of water per minute (6.68 cubic feet per second) for 50 weeks each year, five days per week, and eight hours per day just to run its washing equipment. Notably, the applicant has filed 10 water right applications since 2012, but has not secured any rights to use water for this damaging, high water use mining project — nor has it secured many of the other permits needed to operate on this important stream. ■



Willamette Thermal Trading

The Oregon Court of Appeals will hear oral argument soon on WaterWatch’s challenge to a thermal trading plan that is supposed to address the water-temperature impacts of a planned water withdrawal of 150 million gallons per day from the Willamette River at Wilsonville. WaterWatch believes the plan dramatically underestimates the water temperature impact of the planned water withdrawal by the Willamette Water Supply System, which will serve the Tualatin Valley Water District and the cities of Hillsboro and Beaverton. The plan would provide about three miles of riverside shading at the mouth of the Molalla River, even though internal estimates show that about 46 miles of shading will be required to address the true water temperature impact of the water withdrawal. ■



Bridge Creek Ranch

WaterWatch recently filed its opening brief with the Oregon Court of Appeals in a case to protect instream flows in Bridge Creek, a tributary to the John Day River near Mitchell. Bridge Creek Ranch diverts water from Bridge Creek for irrigation and to fill Painted Hills Reservoir for later irrigation. The ranch has historically diverted the water from Bridge Creek using land owned by the federal Bureau of Land Management (BLM). To protect threatened steelhead using the stream, the BLM requires diversions to stop when flows in Bridge Creek drop below 10 cubic feet per second (cfs). Bridge Creek Ranch seeks to avoid that restriction by moving its point of diversion to its own land using the water-rights transfer process. WaterWatch is opposing the transfer primarily on grounds it would impermissibly “enlarge” the use of water under the rights and injure an instream water right unless the 10 cfs restriction continues to apply at the new point of diversion. ■

WaterWatch in the COMMUNITY

Oakshire Inspires



Thanks to everyone who joined us as the Portland Oakshire Brewing location for an Oakshire Inspires benefit for WaterWatch June 30th.

Willamette Bridge Swim

Executive director Neil Brandt and communications manager Tommy Hough were in Portland’s St. John’s neighborhood for the Willamette Bridge Swim July 12th.

Stockwatering Presentation



Staff attorney Brian Posewitz spoke about making SB 85 stockwatering rules permanent at the Albina Library in Portland on July 22nd.

No on HR 655 Rally



Tommy Hough and administrative assistant Monet Hampson attended and spoke at the No on HR 655 rally at Sen. Ron Wyden’s Portland office Aug. 13th.

Feather & FLOW



Portland birder Eric Carlson, aka Seymore Gulls, led WaterWatch’s inaugural Feather & FLOW event at Whitaker Ponds Nature Park Aug. 15th.

Shifting Tides Workshop



WaterWatch on the Oregon Coast in Wheeler for our Shifting Tides workshop with Alanna Kieffer Aug. 22nd.

No on HR 655 Presentations



Tommy Hough discussed WaterWatch’s HR 655 communications response at Oregon Wild’s Rabble Rouser event Aug. 23rd and the Forest Over Profits conference Sept. 12th.

Wallace Park Fall Festival

Neil Brandt joined fellow water nonprofit Water Strong at the Wallace Park Fall Festival in Northwest Portland on Sept. 12th.

Lee Sessions at Hopworks



WaterWatch co-hosted a standing room only presentation from Portland’s Lee Sessions on his and his team’s 2025 Hayes River expedition Sept. 16th.

Jesse Lance Robbins Book Reading



WaterWatch welcomed author and board member Jesse Lance Robbins to Steeplejack Brewing to celebrate the release of his book *The Best Fly Fishing is Everywhere* Sept. 22nd.

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



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