

Oregon Water Law
Thursday, October 24, 2024

9:00 Introduction and Overview – Day One

PDT

David E. Filippi, Program Co-Chair
Stoel Rives LLP

Merissa A. Moeller, Program Co-Chair
Stoel Rives LLP

9:10 Recent Legal Developments Regarding Water Storage and Reservoirs

Potential to bypass storage; secondary use rights; storage right transfers; managing for carry-over; accounting for storage losses

David E. Filippi
Stoel Rives LLP

9:45 The Future of Oregon Water – Views from the Governor’s Office and the Legislature

Gubernatorial water-related initiatives; results of the 2024 short session and interim committees; what to expect in the 2025 long legislative session

Representative Ken Helm
District 27, Oregon State Legislature

Geoffrey M. Huntington, Senior Policy Advisor
Oregon Governor's Office of Natural Resources

Representative Mark Owens
District 60, Oregon State Legislature

11:00 Break

11:15 Envisioning a Water Court for Oregon

Concepts for modifying administrative and judicial review of water cases in Oregon; comparisons to alternative approaches by other states, including Colorado

Merissa A. Moeller
Stoel Rives LLP

Hayley K. Siltanen
Stoel Rives LLP

12:15 Midday Break

1:30 Special Presentation: OWRD Changing of the Guard

New directions and updated priorities for the Oregon Water Resources Department

Ivan K. Gall, Director, (Invited)
Oregon Water Resources Department

2:00 The Challenges of Permitting Aquifer Recharge and Aquifer Storage and Recovery in Oregon

Process for developing AR and ASR projects; permitting and typical substantive considerations; keys for success

Robyn Cook, RG, LG, PG, CWRE
Principal Hydrogeologist
GSI Water Solutions, Inc.

Matt Kohlbecker, RG, Principal Hydrogeologist
GSI Water Solutions, Inc.

2:45 Break

3:00 The Future of Groundwater in the Harney Basin

Division 10-based Harney Basin Critical Groundwater Area Rulemaking

Kelly A. Meinz, Water Policy Analyst
Oregon Water Resources Department

3:45 Making Sense of Changes to Oregon’s Division 8, 9, and 410 Groundwater Rules in 2024

Lisa Brown, Staff Attorney
WaterWatch of Oregon

Justin T. Iverson, Groundwater Section Mgr.
Oregon Water Resources Department

Steven L. Shropshire
Jordan Ramis PC

5:00 Adjourn

**Oregon Water Law
Friday, October 25, 2024**

8:00 Water Rights 101

PDT Legal systems for water allocation; limitations on water use; exempt uses of water; instream water rights; water right transfers

Marika E. Sitz
Jordan Ramis PC

8:45 Break

8:50 Introduction and Overview – Day Two

Olivier Jamin, Program Co-Chair
Davis Wright Tremaine LLP

9:00 Oregon Water Case Law Update

Olivier Jamin
Davis Wright Tremaine LLP

**9:30 What's New and What's Next with the
Columbia Basin Instream Water Transaction
Program**

Program updates, valuing water rights for instream transfers, challenges with instream legal protection, and monitoring implementation

Merissa A. Moeller, Moderator
Stoel Rives LLP

Anton A. Chiono, Habitat Conservation Project Leader
Confederated Tribes of the Umatilla Indian Reservation

Erika S. Rubenson, PhD, Principal Scientist
Four Peaks Environmental Science & Data Solutions LLC

Matthew Schwartz, Fish and Wildlife Administrator
Bonneville Power Administration

10:30 Break

10:45 The Challenges to Water Reuse in Oregon

How DEQ is using its role as regulator to support communities who are considering water recycling, and how the Eugene/Springfield Metropolitan Wastewater Management Commission developed a program that provides community and environmental benefits within the current regulatory framework.

Patrick Heins, Biosolids & Water Reuse Coordinator
Oregon Department of Environmental Quality

Todd Miller, Environmental Services Supervisor
Development & Public Works Department, City of Springfield

11:45 Special Presentation: ODFW Changing of the Guard

Priorities for the Oregon Department of Fish and Wildlife, focused on the co-benefits of climate resiliency for fish & wildlife and natural & working lands.

Debbie L. Colbert, PhD, Director
Oregon Department of Fish and Wildlife

12:15 Lunch ~ Sponsored By



1:15 Overview of Umatilla Basin Nitrate Issues

History of issue, policy considerations, next steps.

Justin B. Green, Executive Director
Water for Eastern Oregon (H2OEO)

1:45 Recent Developments in the Klamath Basin

Water rights; pending Ninth Circuit decisions; new ESA consultation

Paul S. Simmons, Executive Director
Klamath Water User Association

2:15 Opportunities and Limitations for Water Right Transfers

Differences between temporary and permanent transfers; out-of-basin transfers; practical considerations

Kirk B. Maag
Stoel Rives LLP

2:45 Break

3:00 Current Water Management Issues in the Deschutes Basin

Role of tribes and tribal knowledge in land use and water decision-making; updates regarding ongoing basin planning, water conservation and water marketing efforts, and related policy issues.

Kate Fitzpatrick, Executive Director
Deschutes River Conservancy

Alison K. Toivola
Best Best & Krieger LLP

4:00 Ethical Considerations

When clients want to talk to each other... can they? I can get a waiver for that conflict... right? What do I need to know about generative AI?

Nellie Q. Barnard
Schwabe Williamson & Wyatt PC

Rosalyn DiLillo Knock
Schwabe Williamson & Wyatt PC

5:00 Adjourn

Faculty - Oregon Water Law



David E. Filippi, Program Co-Chair, is a member of Stoel Rives LLP practicing in natural resources, environmental and land use law. He concentrates his practice on water rights and water quality, fish and wildlife law, project facility siting and permitting.



Robyn Cook, RG, LG, PG, CWRE, is a Principal Hydrogeologist with GSI Water Solutions, Inc. She is an experienced hydrogeologist with a focus on municipal drinking water supply, groundwater characterization, and water rights transactions.



Olivier Jamin, Program Co-Chair, is an attorney at Davis Wright Tremaine LLP who provides advice on environmental, energy, land use, and litigation matters. His work includes advising clients on federal and state environmental compliance issues.



Kate Fitzpatrick assumed the Executive Director position at Deschutes River Conservancy in 2021 after 16 years of experience at the organization managing and directing programs to collaboratively restore streamflow in the basin.



Merissa A. Moeller, Program Co-Chair, is a natural resources attorney at Stoel Rives LLP who advises clients on the use and development of water and land. Merissa brings over a decade of experience working with natural resource users.



Ivan K. Gall serves as Director for the Oregon Water Resources Department. He has been with the OWRD for more than 25 years serving as a hydrogeologist, manager, and senior administrator. He was the state's groundwater manager from 2011-2016.



Nellie Q. Barnard is a shareholder at Schwabe Williamson & Wyatt PC. She provides ethics and risk management advice to lawyers, law firms, law students, and in-house legal departments. She also represents lawyers in attorney discipline matters.



Justin B. Green currently serves as Executive Director of Water for Eastern Oregon (H2OEO). He leads efforts to provide safe drinking water and curb groundwater nitrate contamination in the Lower Umatilla Basin Groundwater Management Area.



Lisa Brown has been a staff attorney with WaterWatch of Oregon since 2004. She works with Northwest conservation groups on watershed and aquatic habitat protection projects, and for an aquatic research group at the PNW Research Station.



Patrick Heins is the state biosolids & recycled water coordinator for Oregon DEQ where he writes permits for the water quality division & promotes water reuse. He has over 20 years' experience, including as project scientist for a consulting firm.



Anton A. Chiono is the habitat conservation project leader for the Umatilla Tribes' Department of Natural Resources. His work focuses on market-based approaches to conservation and restoration of river ecosystems and their fisheries in OR and WA.



Rep. Ken Helm is the State Representative for Oregon House District 27. He serves as Chair of the House Committee on Agriculture, Land Use, Natural Resources & Water; and a member of the House Committee on Climate, Energy & Environment.



Debbie L. Colbert, PhD, was appointed Director of the Oregon Department of Fish and Wildlife in May 2024 and is the first woman to ever be appointed to the permanent ODFW Director position in the agency's long history.



Geoffrey M. Huntington serves as Senior Policy Advisor for the Oregon Governor's Office of Natural Resources. He has over 24 years of natural resource experience in both public and private sectors, including time as a trial attorney for the state of Oregon.



Justin T. Iverson manages the Groundwater Section of the Oregon Water Resources Department. He was previously a water resources consultant focused on groundwater development and managed aquifer recharge for public and private sector clients.



Erika S. Rubenson, PhD, is a principal fisheries scientist at Four Peaks Environmental Science & Data Solutions LLC. Her expertise is in fisheries ecology, nonnative species, juvenile salmonid survival studies, and Columbia Basin water transactions.



Rosalyn DiLillo Knock is an attorney at Schwabe Williamson & Wyatt PC. She helps clients navigate the intricate world of environmental and natural resource law, with a focus on water rights, environmental compliance, and due diligence.



Matthew Schwartz serves as Fish and Wildlife Administrator at Bonneville Power Administration in Portland. He has traveled the world supporting aqua farmers in Africa and protecting threatened and endangered species closer to home.



Matt Kohlbecker, RG, is a Principal Hydrogeologist with GSI Water Solutions, Inc. and co-leads the Pacific Groundwater Practice. He is an experienced hydrogeologist who works with municipalities and businesses to solve water resource challenges.



Steven L. Shropshire is a shareholder at Jordan Ramis PC who focuses on water rights & water law, natural resources, environmental, real estate, and land use matters. He advises clients in transactions, administrative proceedings, and legislation.



Kirk B. Maag co-leads the Agribusiness, Food, and Beverage Team at Stoel Rives LLP. He advises clients on water rights, real property transactions, Endangered Species Act issues, and regulations governing solid and hazardous wastes.



Hayley K. Siltanen is a land and natural resources attorney at Stoel Rives LLP focusing on land use, permitting, and water rights law. She helps commercial, industrial, and residential clients entitle their projects and defend their land use entitlements.



Kelly A. Mainz is a Water Policy Analyst with the Oregon Water Resources Department. He also serves as Rulemaking Coordinator for the adopted Division 10 rules and the current Harney Critical Groundwater Area Rulemaking.



Paul S. Simmons is Executive Director and Counsel for the Klamath Water User Association. He is also an attorney at Somach Simmons & Dunn, specializing in the areas of water, natural resources and environmental law.



Todd Miller is the Environmental Services Supervisor for the City of Springfield, Oregon. He oversees planning level efforts associated with the Metropolitan Wastewater Management Commission's Capital Improvements Program.



Marika E. Sitz is a water and natural resources attorney at Jordan Ramis PC. She helps clients navigate the Oregon water rights system and address state and federal environmental issues in a strategic and collaborative manner.



Rep. Mark Owens is the Republican state representative for Oregon's House District 60. He is a local farmer, small business owner, and serves as Co-Chair of the House Interim Committee on Agriculture, Land Use, Natural Resources, and Water.



Alison K. Toivola is Of Counsel at Best Best & Krieger LLP practicing water rights, water supply, and natural resources litigation. She focuses on surface and groundwater issues throughout California & Oregon representing public, private, and tribal clients.