

33rd Annual

# Oregon Water Law Conference



Oct. 24 & 25, 2024

ROYAL SONESTA  
DOWNTOWN

Portland, OR

## ACCREDITATION

OR CLE, WA MCLE,  
ID CLE, CA CLE,  
OESAC, APA  
*(see inside for details)*

THE SEMINAR GROUP ~ RAISING THE BAR OF CONTINUING LEGAL AND PROFESSIONAL EDUCATION

## Seminar Overview

For our 33rd year, we continue the tradition of gathering the most active, diverse, and experienced Oregon water law experts to address the issues of the day.

Our program will provide an update on recent water-related legislative and administrative developments, along with discussions of the key issues driving water policy. Practitioners from a wide array of viewpoints will address complex water supply and management challenges in several of Oregon's watersheds, along with other recent decisions involving water distribution, water access, storage permits, and hydropower licensing.

We hope you will join us for this excellent program.

### Who Should Attend:

- Attorneys
- Engineers
- Land Planners
- Water Operators
- Water Rights Examiners
- Municipal Employees
- Tribal Members
- Conservationists
- Government Employees

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OREGON



WATER RESOURCES  
DEPARTMENT

**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.*

**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**



**Schwabe**



**JORDAN RAMIS**

**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**

**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.



**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.



**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.



**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. Meinz** 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.



**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.

# Oregon Water Law

## Credits

### **OR CLE**

This course is pending with the Oregon State Bar for 12.25 general and 1.0 ethics CLE credits (Live Credits for In Person Attendance & Webcast). This includes 0.75 general CLE credits for the optional session. Note that if you do not attend the optional session you will earn 11.5 general and 1.0 ethics CLE credits.

### **WA MCLE**

This course is pending for 12.25 hours of law and legal credit and 1.0 hours of ethics CLE credit by the Washington MCLE board (Live Credits for In Person Attendance & Webcast). This includes 0.75 hours of law and legal CLE credit for the optional session. Note that if you do not attend the optional session you will earn 11.5 hours of law and legal credit and 1.0 hours of other CLE credit. Self-Study credit will be available upon request, specific credit amount to be determined.

The Seminar Group is an accredited sponsor with the Washington State Bar

### **ID CLE**

This course is pending with the Idaho State Bar for 12.25 general and 1.0 ethics CLE credits (Live Credits for In Person Attendance & Webcast). This includes 0.75 general CLE credits for the optional session. Note that if you do not attend the optional session you will earn 11.5 general and 1.0 ethics CLE credits. Self-study credits can be applied for upon request.

### **CA CLE**

The Seminar Group is a State Bar of California approved MCLE provider; therefore, this course is approved for 12.5 general and 1.0 ethics CLE credits (Live Credits for In Person Attendance & Webcast). This includes 0.75 general CLE credits for the optional session. Note that if you do not attend the optional session you will earn 11.75 general and 1.0 ethics CLE credits.

The Seminar Group is a State Bar of California approved MCLE provider

### **OESAC**

This course is pending with the OESAC for 1.3 CEUs (Live Credits for In Person Attendance & Webcast). This includes 0.0 CEUs for the optional session. Note that if you do not attend the optional session you will earn 0.0 CEUs. Credits for recorded courses not available.

### **APA**

This course has been approved by the American Planning Association for 13.5 CM credits (Live Credits for In Person Attendance & Webcast). This includes 0.75 CM credits for the optional session. Note that if you do not attend the optional session you will earn 12.75 general CM credits. Credits for recorded courses available upon request.

## Location

### **Royal Sonesta Portland Downtown**

506 SW Washington St  
Portland, OR 97204

Phone: 503-222-0001

The seminar is located in the Alder Creek Room. Please call the hotel for directions/questions.

#### **PARKING**

Onsite parking is available. Please contact the venue for the current rate.

## Fees

### **Live Seminar:**

Attorney	\$799.00
Government / Tribal / Non-Profit	\$699.00
Other Professionals	\$699.00
Student / Professor	\$599.00
Day One	\$499.38
Day Two	\$499.38

### **Live Webcast:**

Attorney	\$799.00
Government / Tribal / Non-Profit	\$699.00
Other Professionals	\$699.00
Student / Professor	\$599.00
Day One	\$499.38
Day Two	\$499.38

### **Pre Order On Demand:**

All Sessions	\$799.00
Single Session	\$99.00

### **Pre Order MP3 Download:**

All Sessions	\$799.00
Single Session	\$99.00

### **Pre Order Materials Download:**

All Sessions	\$229.00
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Go to our website to register:  
[www.TheSeminarGroup.net](http://www.TheSeminarGroup.net) or call our office at 206-463-4400. You can also contact us at [info@theseminargroup.net](mailto:info@theseminargroup.net) or by mail to The Seminar Group, P.O. Box 523, Vashon, WA 90870.

**CANCELLATION POLICY:** We will refund your tuition, less a \$50 cancellation charge, if we receive your cancellation by 10/18/24. No refunds will be given after this date. Please note that if you do not cancel by the deadline and/or do not attend, you are still responsible for payment.

### **Register at**

**[TSGregistration.net/7293](http://TSGregistration.net/7293)**