

32nd Annual

# Oregon Water Law Conference



**OCT. 26 & 27, 2023**

MARK SPENCER  
HOTEL  
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 32nd 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

## **GOLD SPONSORS**



## **SILVER SPONSORS**



**8:50 Introduction and Overview – Day One**  
**PDT** **David E. Filippi**, Program Co-Chair  
*Stoel Rives LLP*

**9:00 Water Case Law Update**  
Current water cases with the state and federal courts  
**David E. Filippi**  
*Stoel Rives LLP*

**9:45 Oregon Water Legislative Update**  
Looking back at the 2023 session, and what's in store for the 2024 short session  
**Representative Ken Helm**  
*District 27, Oregon State Legislature*  
**Representative Mark Owens**  
*District 60, Oregon State Legislature*

**10:30 Break**

**10:45 Deep Dives into What Passed and What Didn't in the 2023 Legislature**  
**David E. Filippi**, Moderator  
*Stoel Rives LLP*  
**Mark J. Landauer**  
*Special Districts Association of Oregon*  
**Lauren Poor**, Vice President  
*Government & Legal Affairs, Oregon Farm Bureau*

**11:45 Special Presentation - Where Oregon Water Policy Stands in 2023**  
Water supply and water quality priorities for the Oregon Governor's office; Umatilla Basin groundwater/nitrate issues  
**Geoffrey M. Huntington**, Senior Advisor  
*Oregon Governor's Office of Natural Resources*

**12:30 Midday Break**

**1:45 Municipal Water Rights and Development**  
Lower Clackamas River case; water reuse  
**Robert Annear, PhD, PE**  
*Annear Water Resources LLC*  
**Phillip M. Bender**  
*Ring Bender LLP*

**2:45 Break**

**3:00 Oregon Confined Animal Feeding Operations (CAFO) and Water**  
**Sarah R. Liljefelt**  
*Dunn Carney LLP*  
**Brian J. Posewitz**, Staff Attorney  
*WaterWatch of Oregon*

**4:00 Significant Developments in Groundwater Allocation and Regulation**  
Groundwater allocation and permitting rulemaking; Critical Groundwater Area rulemaking; practical implications of changes to the allocation regime  
**Justin T. Iverson**, Groundwater Section Mgr.  
*Oregon Water Resources Department*  
**Steven L. Shropshire**  
*Jordan Ramis PC*

**5:00 Adjourn & Reception ~ Sponsored by:**



**8:00 Water Rights 101**

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

**Marika E. Sitz**  
*Jordan Ramis PC*

**8:50 Break**

**9:00 Introduction and Overview – Day Two**

**Olivier Jamin**, Program Co-Chair  
*Davis Wright Tremaine LLP*  
**Merissa A. Moeller**, Program Co-Chair  
*Stoel Rives LLP*

**9:10 OWRD's Protest Backlog Project**

What we've learned and a look to the future

**Dwight French**, Water Rights Administrator  
*Oregon Water Resources Department*

**10:00 Water Right Transfers**

Practical skills, real property transaction due diligence, storage transfers

**Kimberly Grigsby**  
Principal Water Resources Consultant  
*GSI Water Solutions, Inc*  
**Olivier Jamin**  
*Davis Wright Tremaine LLP*

**11:00 Break**

**11:15 Klamath River Basin Update**

Irrigation; tribal issues; dam removal

**Daniel M. Ray**  
*Rosette Law LLP*  
**Paul S. Simmons**, Executive Director  
*Klamath Water User Association*

**12:30 Midday Break**

**1:45 Deschutes River Basin Update**

Confederated Tribes of Warm Springs Water Rights Settlement Agreement Implementation Update; Deschutes Basin Habitat Conservation Plan; Oregon spotted frog Draft Recovery Plan; Deschutes Water Bank & Policy Considerations

**Kate Fitzpatrick**, Executive Director  
*Deschutes River Conservancy*  
**Merissa A. Moeller**  
*Stoel Rives LLP*  
**Josh Newton**  
*Best Best & Krieger LLP*

**3:00 Break**

**3:15 Columbia River Treaty Negotiations Update**

Ecosystem aspects; overview of past negotiations; flood risk management; power; water supply

**Brent H. Hall**  
*Hall Law PLLC*

**4:00 Ethical Considerations – A Day in the Life of a Water Law Lawyer in 2023**

Communicating with regulatory bodies; conflicts of interest; chat GPT and AI platforms

**Nellie Q. Barnard**  
*Schwabe Williamson & Wyatt PC*  
**Lindsay Thane**  
*Schwabe Williamson & Wyatt PC*

**5:00 Adjourn**



## Faculty - Oregon Water Law



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



**Dwight French** is the Administrator of the Water Right Services Division at the Oregon Water Resources Department. The Division processes water right applications, transfers, extension of time, limited licenses, reviews Claims of Beneficial Use, and issues water right certificates.



**Olivier Jamin, Program Co-Chair**, is an attorney at Davis Wright Tremaine LLP. He counsels clients on environmental, energy, land use, and litigation matters. He advises on federal and state environmental compliance issues, as well as regulatory issues in the food and beverages industry.



**Kimberly Grigsby** is a Principal Water Resources Consultant with GSI Water Solutions, Inc. She specializes in water rights and water resources issues, and has in-depth knowledge of water resources policy, processes and procedures. Kim is an expert in conducting water rights master planning efforts.



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



**Brent H. Hall** is a Member of Hall Law, PLLC. His practice focuses on Native American treaty rights, environmental, natural resource, land use, and water rights related matters. He represents tribes in federal, state and tribal courts in protecting treaty reserved rights and resources.



**Robert Annear, PhD, PE**, is the owner of Annear Water Resources, LLC. He has more than 25 years of experience focused on the development and calibration of hydrodynamic and water quality models for local, state and federal agencies, law firms, and clients in the water supply sectors.



**Rep. Ken Helm** is the State Representative for Oregon House District 27. Among his legislative duties, he serves as the Chair of the House Committee on Agriculture, Land Use, and Water and as a member of the House Committee on Environment and Natural Resources and the House Committee on Judiciary.



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



**Geoffrey M. Huntington** serves as Senior Advisor for the Oregon Governor's Office of Natural Resources. He was previously a project manager for the Department of State Lands, was executive director of the Oregon Watershed Enhancement Board and deputy director of the OWRD.



**Phillip M. Bender** is a partner at Ring Bender LLP. He represents corporate, municipal, non-profit and individual clients in all aspects of environmental, regulatory and strategic matters and in environmental and commercial litigation. He advises, negotiates and litigates issues involving water quality.



**Justin T. Iverson** manages the Groundwater Section of the Oregon Water Resources Department. Prior to joining the Department in 2015, he was a water resources consultant focused on groundwater development and managed aquifer recharge for public and private sector clients.



**Kate Fitzpatrick** serves as Executive Director at Deschutes River Conservancy. She has over 16 years of experience at the organization managing and directing programs to collaboratively restore streamflow in the basin. She has developed expertise in water rights, negotiations, and collaboration.



**Mark J. Landauer** has represented the Special Districts Association of Oregon since 2008 focusing on water and wastewater issues. He is the Executive Director of the Oregon Public Ports Association and represents the Oregon Association of Water Utilities, among others.



**Sarah R. Liljefelt** is Of Counsel at Dunn Carney LLP where she specializes in water law. Her practice also includes real property transactions, service-regulated and rate-regulated water utilities, special districts and municipal entities, environmental compliance, public lands, and administrative adjudications.



**Paul S. Simmons** is Executive Director and Counsel for the Klamath Water User Association. He is also an attorney in the law firm of Somach Simmons & Dunn in Sacramento, California. He specializes in the areas of water, natural resources and environmental law and represents clients in several states.



**Josh Newton** is a partner with Best Best & Krieger LLP. He advises clients on environmental and natural resource issues. He has represented The Confederated Tribes of the Warm Springs Reservation of Oregon for more than twenty years, helping to protect and advance its treaty-reserved water rights.



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



**Rep. Mark Owens** is the Republican state representative for Oregon's House District 60. During the 2023 legislative session, he served as Vice-Chair of the House Committee on Agriculture, Land Use, Natural Resources, and Water; and the House Committee on Climate, Energy and Environment.



**Lindsay Thane** is a shareholder at Schwabe Williamson & Wyatt PC. She helps individuals and businesses resolve disputes and navigate permitting processes through strategic and substantive counsel on water rights, natural resources, and environmental issues.



**Lauren Poor** serves as Vice President of Director of Government & Legal Affairs for the Oregon Farm Bureau. She is responsible for issues involving wildfire, wildlife taxes, and transportation. She advocates for and with farm bureau members at the Capitol, in the courts and within regulatory agencies.



**Brian J. Posewitz** is a staff attorney at WaterWatch of Oregon. He has been an attorney in Oregon since 1991 and joined WaterWatch's staff in 2015. While in private practice, he handled a variety of water-related cases for WaterWatch and private clients. He is also a former WaterWatch board member.



**Daniel M. Ray** is an attorney at Rosette Law LLP in Sacramento and an enrolled member of the Choctaw Nation of Oklahoma. He has special interests in litigation, intergovernmental affairs, indigenous nation building, environmental justice, cultural resource protection, and land reacquisition.



**Steven L. Shropshire** is a shareholder at Jordan Ramis PC with nearly 30 years of experience in natural resources and environmental law. Steve focuses much of his work on issues pertaining to water rights, state and federal water policy, water quality issues, and the Endangered Species Act.

# Oregon Water Law

## Credits

### **OR CLE**

This course is pending with the Oregon State Bar for 12.0 general and 1.0 ethics CLE credits (Live Credits for In Person Attendance & Webcast).

### **WA MCLE**

This course has been approved for 12.0 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). 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 has been approved by the Idaho State Bar for 11.25 general and 1.0 ethics CLE credits (Live Credits for In Person Attendance & Webcast). 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).

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

### **OESAC**

This course has been approved by the OESAC for 1.3 drinking water CEUs (Live Credits for In Person Attendance & Webcast). Credits for recorded courses not available.

### **APA**

This course has been approved by the American Planning Association for 13.25 CM credits (Live Credits for In Person Attendance & Webcast). Credits for recorded courses available upon request.

## Location

### **Mark Spencer Hotel**

409 SW 11th Avenue  
Portland, OR 97205

Phone: (503) 224-3293

The seminar is located in the Nortonia Ballroom. Please call the hotel for directions/questions.

#### **PARKING**

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

## Fees

### **Live Seminar:**

Attorney	\$749.00
Government / Tribal / Non-Profit	\$649.00
Other Professionals	\$649.00
Student / Professor	\$549.00
Day One	\$468.13
Day Two	\$468.13

### **Live Webcast:**

Attorney	\$749.00
Government / Tribal / Non-Profit	\$649.00
Other Professionals	\$649.00
Student / Professor	\$549.00
Day One	\$468.13
Day Two	\$468.13

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

All Sessions	\$749.00
Single Session	\$99.00

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

All Sessions	\$749.00
Single Session	\$99.00

### **Pre Order DVD Homestudy:**

All Sessions	\$849.00
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### **Pre Order CD Homestudy:**

All Sessions	\$849.00
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### **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@theseminarogroup.net](mailto:info@theseminarogroup.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 10/20/23. 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/7254](https://TSGregistration.net/7254)**