

Water Resources Department

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MEMORANDUM

TO: Water Resources Commission

FROM: Ivan Gall, Director

SUBJECT: Agenda Item F, December 13, 2024

Water Resources Commission

Director's Report

I. Recent Actions and Updates

A. Drought Update

Over water year 2024 (October 2023 through September 2024), Oregon saw regional variability in drought conditions. While the total area affected by drought grew by over 7%, the intensity was less severe. The beginning of the water year was marked by over 25% of the state (primarily western Oregon) experiencing severe to extreme drought conditions. However, by the end of the water year, only 1% of the state (southern Malheur County) was in severe drought with no extreme drought in the state. Seasonal precipitation arrived later than normal but precipitation over the winter was above normal for most of the state. This was largely due to three atmospheric river events that brought significant moisture to the region. Additionally, winter snowpack exceeded the historical median, contributing to streamflow in the spring and summer. Due to these conditions, drought improved over the winter and into spring. Oregon was drought free from May through June, the first time since 2019. However, a flash drought occurred in July due to extreme heat prompting the reemergence of drought conditions in central and eastern Oregon. In addition to above normal temperatures, well below normal precipitation over the summer led to the continued development of drought across much of central and eastern Oregon. Future drought recovery depends on abundant snowpack and precipitation this winter. With forecasts indicating a likelihood of above normal precipitation and below normal temperatures, typical of a La Niña winter, there is an increased possibility of improvement in drought conditions.

B. Staffing Update

Since the September meeting, the Department has filled eight positions with start dates before November 13, 2024. Of the positions filled, there are four staff who are new to the agency, one staff member moving from a limited duration position to a permanent position, one promotional

transfer in from another agency, one internal promotion, and one lateral transfer in from another agency. Positions filled include the following:

- Assistant Watermaster Grants Pass
- Assistant Watermaster Medford
- Chief Information Officer
- Executive Support to the Director
- Senior Hydrogeologist
- Water Policy Analyst
- Well Inspector
- Water Rights Services Division Support

As of November 13, 2024, the Department has twenty-two vacant positions to fill with thirteen of those twenty-two recruitments in process. Seven of the thirteen recruitments in process are positions with accepted offers that have start dates after November 13, 2024. These will be detailed in the March 2025 Director's Report.

C. Klamath Dam Removal and Fish Movement

The Klamath River Renewal Corporation (KRRC) and its contractors completed the final stages of removal of the remaining hydroelectric dams on the Klamath River in early October. The final stages consisted of removal of the coffer dams that were originally constructed at the times the dams were built, along with some active sediment removal, and general demobilization of construction facilities. As anticipated, sediment levels in the river were high during this final stage (mainly from the coffer dam removals), but dissolved oxygen levels and temperature remained favorable for fisheries throughout the work.

On October 5, 2024, Director Gall, along with the directors of Oregon DEQ, OWEB and ODFW attended the ceremony celebrating the completion of dam removal along with Senator Jeff Merkley and close to 500 others including many tribal leaders. Many noted that substantial restoration work remains in the Klamath Basin, and that climate change and other factors continue to create competition for scarce water resources.

Shortly after dam removal was completed, Chinook salmon began to be observed advancing above the former dam locations. The first Chinook moving upstream in the dam reach was seen on a sonar camera operated by California Trout on October 4th. Since then, substantial numbers of Chinook have been observed in both the tributaries and the mainstem of the river in and above the dam reach, including well over a hundred spawning fish in Spencer Creek in Oregon, above the location of the former JC Boyle dam. Chinook have repopulated these areas more rapidly than many expected, and over the next year there will be work to improve fish passage at one of the two remaining dams on the river – Keno dam.

D. Fifteenmile Creek Groundwater Study

The Department is initiating a new groundwater basin study focused on the Fifteenmile Creek Subbasin of the Hood Basin. Fifteenmile Creek was identified as a priority basin for further

study in the 2017 IWRS due to documented groundwater level declines in area wells that meet the definition of "declined excessively" (more than 50 feet from highest known water level) and evidence that pumping from wells in the basin impacts domestic springs and streamflow.

Technical and Field staff are currently developing a scope of study and are working with Planning staff to engage with the local community. Department staff held an outreach event with the Fifteenmile Watershed Council at their October 3rd meeting, with the goal of hearing from the community, describing data collection to date, indicating our intentions to initiate a study in the area, and answer questions.

Study plan development is expected to continue through early 2025 and the study team plans to meet again with the watershed council in April 2025 to present the draft scope of study and receive additional public feedback before finalization.

E. Rulemaking Update – Division 602: Place-Based Water Planning Fund

Oregon Revised Statutes (ORS) 537.872 and 537.873 (House Bill 2010 in 2023) establish a permanent Place-Based Water Planning Fund after a pilot phase of the program from 2015 to mid-2023. Place-Based Integrated Water Resources Planning (PBP) is a voluntary, locally led process through which a balanced representation of interests form a place-based collaborative, develop a holistic understanding of their water resources, and create a secure water future by identifying actions that promote and sustain a healthy economy, environment, and society. Through PBP, the Department and other state agencies provide guidance, funding, and technical assistance to place-based initiatives to help develop and implement integrated water resources plans. Upon completion, State-Recognized Place-Based Integrated Water Resources Plans guide place-based actions to meet current and future instream and out-of-stream water needs, help the Department identify and consider regional priorities, and provide a platform for continued collaboration to solve complex regional water issues.

The Department used lessons learned and recommendations contained in the 2022 independent evaluation of the pilot phase of PBP and the 2022 State-Supported Regional Water Planning and Management Workgroup to develop a set of draft rules (OAR 690-602). These draft rules establish procedures for the Department's administration of the Place-Based Water Planning Fund and the process and consideration of state-recognized place-based integrated water resources plans by the Department and in Oregon's Integrated Water Resources Strategy.

To refine the draft rules, the Department consulted with a <u>Rules Advisory Committee</u> (RAC), made up of 23 people, including instream and out-of-stream water interests, Tribes, local governments, agency staff, and other interested parties. RAC members provided input on the draft rules, helping to ensure that the rules are fair, practical, and consistent with the intent of ORS 537.872 -537.873. The RAC also provided input on racial equity impacts, fiscal impacts, and costs of compliance associated with the proposed rules. The RAC met four times between August and November 2024 and provided written feedback in between meetings. The public comment period on the rules started December 1, 2024, and will run through January 15, 2024. The Department anticipates bringing Division 602 rules to the Commission for adoption in March 2025.

F. Rulemaking Update - Division 601: Best Practices in Community Engagement around Water Projects

Oregon Revised Statutes (ORS) 541.551 (House Bill 3293 in 2021) emphasizes the need to involve communities, especially those disproportionately impacted, in decisions about water projects. ORS 541.551 directs the Department to lead a multi-agency workgroup consisting of staff from the Oregon Department of Fish and Wildlife, Oregon Health Authority, Oregon Watershed Enhancement Board, Department of Environmental Quality, and Business Oregon in the creation of best practices in community engagement for water projects. Although ORS 541.551 does not mandate agencies to provide support for water projects or mandate community engagement plans, it does require those who receive funding for community engagement plans to follow the agency's best practices. In early 2024, agencies held an open house and two community roundtables, followed by a 30-day public comment period to receive community feedback on draft best practices. The Department is the first agency to start a rule making process, as directed by ORS 541.551, and is in the process of drafting a new division of rules.

The Department intends to provide financial support to community engagement plans through OAR 690-093 Water Supply Development Account (commonly referred to as Water Project Grants and Loans) and OAR 690-600 Water Conservation, Reuse, and Storage Grant Program (commonly referred to as Feasibility Study Grants). The new OAR 690-601 lays out how the Department will require and support the best practices through those two existing programs. The Department held its first Rules Advisory Committee (RAC) on September 16th, 2024. This RAC focused on receiving RAC members input on draft rules and helped the Department to ensure that the newly drafted rules are fair, practical, and consistent with the intent of ORS 541.551. The Department then held a second RAC on October 30th, 2024. This RAC focused on receiving RAC members input on racial equity impacts, fiscal impacts, and costs of compliance associated with the proposed rules. The public comment period on the rules started December 1, 2024, and will run through January 15, 2024. The Department anticipates bringing Division 601 rules to the Commission for adoption in March 2025.

G. Voluntary Agreements

As noted in the September Director's report, the Department has developed a three-pronged approach for supporting the development of statewide voluntary agreements among groundwater users from the same groundwater reservoir, as authorized under ORS 537.545: (1) drafting guidance for voluntary agreements among groundwater users; (2) facilitation of discussions among groundwater users within the Harney Basin who may be interested in pursuing voluntary agreements; and (3) statewide rulemaking.

The Department has worked with a focus group to refine the draft guidance, which also has been provided to the Division 512 Rules Advisory Committee for their input. The guidance document is expected to be final by March 2025.

The Department has an intergovernmental agreement with PSU/Oregon Consensus for the facilitation and support to community-based, Harney Basin specific, voluntary agreement drafts and discussions. The agreement and work began August 1.

Mid- to late 2025, the Department will initiate a future rulemaking process to propose statewide voluntary agreement rules that align with the final guidance document. Any voluntary agreements approved prior to the rulemaking process would remain in effect.

H. Tribal Update

Joint Tribal Visits with New Department Heads: The Oregon Water Resources Department (OWRD), Oregon Department of Fish and Wildlife (ODFW), and Oregon Watershed Enhancement Board (OWEB) and Oregon's nine federally recognized Tribes continue to coordinate on scheduling meetings between the new Directors and Tribal leadership. The purpose of these meetings is to foster collaborative relationships and learn more about Tribal priorities, goals, and vision around natural resource issues. Thus far, the three new Directors have met with the Klamath Tribes (October 18) and the Confederated Tribes of Warm Springs (October 29).

On October 16, OWRD and OWEB staff met jointly with Department of Natural Resources staff for the Confederated Tribes of the Umatilla Indian Reservation CTUIR to review past successes including OWRD support during Umatilla Basin water rights negotiations and during implementation of Washington's Walla Walla Water 2050 Strategic Plan and the Six Sovereign Resilient Columbia Basin Agreement (RCBA). Agency and Tribal staff also discussed some outstanding issue requiring further coordination, including those surrounding Catherine Creek Water Rights and the Integrated Water Resources Strategy and its possible nexus with the Oregon's 100-Year Water Vision and the RCBA. All three Directors will meet with CTUIR leadership December 19.

Speaking on behalf of all three Directors, OWEB Director Sara O'Brien provided a brief update on the Tribal visits during the <u>Legislative Commission on Indian Services</u> (LCIS) quarterly meeting held October 15; she also re-extended the Directors' invitation to meet with Tribal leaders at the convenience of the Tribes.

Integrated Water Resources Strategy (IWRS): IWRS Specialist Crystal Grinnell gave a presentation to the LCIS Cultural Resources Cluster during the October 2024 quarterly meeting, providing the Tribes an IWRS update. She also is leading efforts to coordinate interagency priorities with respect to the IWRS, updating the Tribes and other water partners on that effort. Representatives from the Confederated Tribes of Coos, Lower Umpqua and Siuslaw, Confederated Tribes of Grand Ronde, Confederated Tribes of the Umatilla Indian Reservation, Cow Creek Band of Umpqua Tribe of Indians, and Klamath Tribes attended the November 8th meeting where OWRD and other agency team members provided an overview of the priorities within the IWRS update and solicited input from the Tribes and other water partners.

Task Force on Tribal Consultation and Department Policy on Tribal Engagement: The Department continues to monitor the progress of the <u>Task Force</u>, charged with identifying and clarifying the requirements of State agencies to engage in Tribal consultation (<u>House Bill 3173</u> (2023); Or Laws 2023, ch 531, §§1,2). The Task Force sunsets December 31; Representative Tawna Sanchez, who serves on the Task Force, is working on a legislative concept that would

extend the Task Force duration through December 2026. The Department will rely on Task Force recommendations to update the Department's 2007 policy on Tribal engagement.

Staff Training: During the July Tribal-State Government-to-Government Annual Summit, Tribes shared a preview of <u>The Heart and Spirit of Tribal Consultation</u>, a video series featuring each of the nine federally recognized Tribes in Oregon providing their unique perspectives on Tribal sovereignty and the meaning of consultation. A tenth video featuring State leaders serves as an introduction to this series. The series is now available and has been disseminated to OWRD staff.

Ongoing Coordination Efforts: The Department's Tribal Liaison and other staff continue to attend and provide policy updates during quarterly meetings held by the LCIS Cultural Resources Cluster and the LCIS Natural Resources Working Group. Recent topics have included ongoing rulemaking efforts, the IWRS update, legislative and budget updates, funding opportunities, Willamette Basin instream water right applications, and OWRD strategic planning. During each update, tribal staff are invited to offer input and encouraged to request either coordination or formal consultation on any issue of interest or concern. The Tribal Liaison continues to work with sister agencies and tribal staff to update and standardize communications, coordination, and consultation efforts between the Department and the Tribes concerning policy issues of potential interest or concern.

These and other activities will be included in OWRD's 2024 Government-to-Government Report., to be completed by mid-December and made <u>available on the LCIS website</u>.

Upcoming Board and Commission Meetings II.

Commission / Board

Land Conservation and Development Commission

Parks and Recreation Commission Fish and Wildlife Commission

Environmental Quality Commission

Watershed Enhancement Board Board of Agriculture

Attachments:

- 1. Rulemaking Calendar
- 2. Litigation Update

Date

January 23 - 24, 2025 March 20 - 21, 2025

TBD

January 10, 2025 February 14, 2025 March 14, 2025 January 9 - 10, 2025 March 13 - 14, 2025 January 28 - 29, 2025 December 17 - 19 2024 March 12 - 14, 2025



Rulemaking Update December 2024

Current Rulemaking

| Rule Name | Topic | Lead Staff | GWAC Input Expected? | Target WRC Date | Status |
|-----------------|----------------------------|---------------|----------------------------|--------------------|-----------------------|
| Division 512- | Update to Basin Rules | Jason Spriet, | Yes | Fall/ Winter | RAC Meetings 9- |
| Malheur Lake | Following the | Tim Seymour, | | 2025 | 12 Ongoing |
| Basin Program | Publication of | Kelly Meinz | | | through Spring |
| | Groundwater Study | | | | 2025 |
| Place-Based | Rules Regarding | Kim Fritz- | No | March 2025 | Public Comment |
| Water | Development of a | Ogren Lili | | | Period Begins |
| Planning | Place-Based Planning | Prahl | | | December 1 |
| Fund- Division | Fund | Margo | | | |
| 602 | | Mashkovskaya | | | |
| HB 3293 (2021) | Rules Regarding Best | Kim Fritz- | No | June 2025 | Public Comment |
| Water Project | Practices for Equitable | Ogren | | | Period Begins |
| Community | Community | Charlotte | | | December 1 |
| Engagement | Engagement Plan for | Regula- | | | |
| Plans- Division | Funding Programs | Whitefield | | | |
| 601 | | Margo | | | |
| | | Mashkovskaya | | | |
| HB 2020 (2023) | Establish Statewide | Jason Spriet, | Yes | 2025 | Draft Guidance |
| Voluntary | Criteria for Voluntary | Tim Seymour, | | | Available for |
| Agreements | Water Agreements | Laura Hartt | | | Public Comment |
| | Under ORS 537.525 | | | | |
| | Within a Shared | | | | |
| | Reservoir | | | | |

| STATE COURT CASES (TRIAL LEVEL) | | | |
|--|---------------------------|--|---|
| Case | Court | Description | Rulings & Dates/Litigation Deadlines/Next Steps |
| Fort Klamath | Marion Co. 21CV37688 | PJR of Order approving temp transfer of Crooked Creek water, KA 67, T13673 | Ft Klamath filed a petition seeking review to the Oregon Supreme Court on 3 issues: definition of basin, whether temporary transfers are subject to out of basin statute, and paper versus water rights. Waiting for OSC to rule whether it will hear the appeal. |
| Golden Rule | Harney Co. 19CV53051 | PJR of order related to Court of Appeals matter | COA ruled on A172879-172880; stayed pending a decision 8/9/21. Appellate judgment issued 09/12/22 and lifted the stay but petitioners have not taken any action to persue the case further in trial court. |
| КВА | Klamath Case 00001 | Adjudication of water rights in the Klamath Basin | Opening briefs for parties who filed exceptions to Walton/Klamath termination act claims were filed on 08.07.2024 and responses were filed on 10.23.2024 Replies are due on 12.20.2024, and hearings will be held on 01.29.2025 and, if necessary, 01.31.2025. |
| KID 3 | Marion 21CV39570 | PJR of April 6, 2021 Order to BOR; challenges OWRD's method of calculating whether stored water is being released | Court granted petitioner's motion to continue 4.15.2022 stay on 4.18.24. |
| Pinnacle Utils v. OWRD | Deschutes Co 22CV08683 | Challenge to OWRD order denying limited license application | 4-day trial completed Nov 9, 2024; Pinnacle's closing argumentn due Dec 2; OWRD's closing argument due Dec 23; Pinnacle's reply due Jan 6 |
| Sprague River Cattle | Marion County 22CV27077 | Takings and declaratory judgment claim. | Markowitz firm has taken lead on discovery efforts. Electronic document collection and privilege review are occurring now. Next status hearing in early December. |
| Rogue River v. OWRD | Marion County 23CV19220 | A junior water-rights holder filed this petition challenging Oregon Water Resources Department's enforcement of the Klamath Tribes' call on claim No. KA 622. | Case consolidated with MID. On October 16, 2024, the court entered an order granting parties' stipulated motion to abate case pending completion of infrastructure project necessary to release reservoir water for downstream senior users. Status updates to be filed every six months. Next status hearing set for April 30, 2025. |
| MID v. OWRD | Marion County 23CV19218 | A junior water-rights holder filed this petition challenging Oregon Water Resources Department's enforcement of the Klamath Tribes' call on claim No. KA 622. | Case consolidated with Rogue River. On October 16, 2024, the court entered an order granting parties' stipulated motion to abate case pending completion of infrastructure project necessary to release reservoir water for downstream senior users. Status updates to be filed every six months. Next status hearing set for April 30, 2025. |
| Lloyd Piercy v. OWRD, et al. | Umatilla County 23CV27740 | A junior water-rights holder filed this petition challenging OWRD's enforcement of the Westland Irrigation Districts' call per the Water Mangment Plan for the Umatilla Basement Project. | Answer to amended PJR filed; consolidated with <i>New Foothills I & II</i> ; site visit done; reviewing documents from petitioners |
| New Foothills Properties LLC, et al. v. OWRD, et al (New Foothills I) | Umatilla County 23CV27892 | A junior water-rights holder filed this petition challenging OWRD's enforcement of the Westland Irrigation Districts' call per the Water Mangment Plan for the Umatilla Basement Project. | Oral argument held on Mar 12; Awaiting court's ruling; consolidated with <i>Piercy</i> and <i>New Foothills II</i> ; site visit done; reviewing documents from petitioners |
| Lloyd Piercy, et al. v. OWRD, et al (New Foothills II) | Umatilla County 24CV32021 | A junior water-rights holder filed this petition challenging OWRD's enforcement of the Westland Irrigation Districts' call per the Water Mangment Plan for the Umatilla Basement Project. This is the 2024 version of New Foothills I. | Joint motion to consolidate filed; awaiting ruling on MTD in New Foothills I; consolidated with Piercy and New Foothills I; site visit done; reviewing documents from petitioners |
| NBCC, LLC, et al v. OWRD, et al | Marion County 23CV32928 | PJR Case Regarding Water Rights. | Partial motion to dismiss granted during October 2024 hearing. Awaiting entry of order and petitioner's amended petition. Discovery ongoing. |
| Winchester Water Control Dist. v. OWRD, et al | Marion County 23CV33445 | Petitioner district contends OWRD wrongfully denied amendment to their water right registration statement that claims less water than is actually held in reservoir. | After filing an amended petition for review with leave of court, respondents filed a motion to dismiss and strike and a motion for partial summary judgment. A briefing schedule entered by order sets petitioner's deadline to respond at December 16 and respondents' reply at January 17. A status conference is set for December 6 at which a hearing on the pending motions will be set. |

| Upper Crooked River | Crook County, 23CV46779 | Petitioners (nonprofit org and a ranch) challenge permit issued to Bureau of | A motion for summary judgment (on both claims) was filed and response to petitioners' motion for partial summary |
|-----------------------------|----------------------------|--|---|
| Conservationists v. | | Reclamation for fish life | judgment (on claim 1) on 09.09.2024. WaterWatch filed its motion for summary judgment on 09.20.2024. Petitioners' |
| OWRD | | | response to our motion is due 10.25.2025. Our reply is due 11.15.2024. WaterWatch's reply is due 11.22.2024. Hearing |
| | | | on the motion is scheduled for 12.09.2024. |
| Roaring Springs Ranch, | Harney County, 24CV20196 | Petition for Judicial Review challenging the decison by the Water Resources | Sent 10-day letter to opposing counsel 6.13.24. Motion to Dismiss filed 10.30.2024; Response due 12.6.2024; Reply due |
| Inc. v. Water | | Department denying an application for groundwater use for irrigation. | 12.20.2024. |
| Resources | | | |
| Department, et al. | | | |
| Waterwatch of Oregon | Marion County, 24CV32104 | Petition to compel OWRD to initiate a water rights cancellation proceeding. | Motion to dismiss deadline extended indefinitely after recent administrative proceeding developments. |
| v. OWRD | | | |
| Allen Ditch Co. v. | Umatilla County, 24CV43601 | Petition for Judicial Review challenging OWRD's decision to require | Held Initial Client Meeting 10.23.2024; Filed motion to consolidate on 10.30.2024 |
| OWRD | | petitioners to install a measuring device at their point of diversion from a | |
| | | canal. | |
| Dillon Irrigation Co. v. | Umatilla County, 24CV43600 | Petition for Judicial Review challenging OWRD's decision to require | Held Initial Client Meeting 10.23.2024; Filed motion to consolidate on 10.30.2024 |
| OWRD | | petitioners to install a measuring device at their point of diversion from a | |
| | | canal. | |
| Pioneer Irrigation v. | Umatilla County, 24CV43598 | Petition for Judicial Review challenging OWRD's decision to require | Held Initial Client Meeting 10.23.2024; Filed motion to consolidate on 10.30.2024 |
| OWRD | | petitioners to install a measuring device at their point of diversion from a | |
| | | canal. | |
| Courtney Irrigation Co. | Umatilla County, 24CV43596 | Petition for Judicial Review challenging OWRD's decision to require | Held Initial Client Meeting 10.23.2024; Filed motion to consolidate on 10.30.2024 |
| v. OWRD | | petitioners to install a measuring device at their point of diversion from a | |
| | | canal. | |

| | | STATE COURT CASES (APPEL | LATE LEVEL) |
|---|---|---|--|
| Case | Court | Description | Rulings & Dates/Litigation Deadlines/Next Steps |
| Waterwatch/East Valley v. OWRD | Appellate A173292 | Challenge to OWRC order denying reservoir application | Oral argument held 11/7/24. Under advisement. |
| Fort Klamath | Appellate A181385 | Appeal from PJR approving temporary transfer of Crooked Creek water, KA 67, T13673 | Petitioners have filed a petition for review in the Supreme Court, we are waiting to hear whether the court will allow review |
| Baker Valley ID v. Woodcock | Appellate A182525 | Mandamus proceeding under ORS 183.490, challenging WRD's failure to act on IS-72191 | Petitioner filed a motion to dismiss their appeal. Motion granted and judgment entered 10/22/24. |
| Baker Valley ID v. ODFW and WRD | Appellate A184383 | Petition for judicial review of order granting ODFW's application for instream water right | Petitioner filed a motion to dismiss their appeal. Motion granted and judgment entered 10/22/24. |
| Bridgeview Vineyards vs. OWRD | Appellate A183504 | Bridgeview sought review of an order cancelling their water rights, 17 months after the cancellation order. Petitioner appeals from circuit court order dismissing petition as untimely. | Petitioner filed an opening brief on 9/10/24 and then moved to withdraw, our answering brief is due 11/26/24. |
| Gould | Appellate A185116 | PJR of order granting temporary change in place of use and points of diversion. Pinnacle Utilities has moved to intervene. | General judgment entered July 11; Pet's appeal filed Aug 9. Transcript due 12/9/24. |
| | 1 | FEDERAL COURT CASES (TR | PIAL LEVEL) |
| Case | Court | Description | Rulings & Dates/Litigation Deadlines/Next Steps |
| KID v. BOR | US District Court Or 21CV0504 | KID filed Motion for Preliminary Injunction in KBA and BOR removed it to federal court; seeks injunction against release of stored water. | Appellate Division is handling the mandamus petition. KID's petition for certiorari to the US Supreme Court was recently denied. District court case has not yet been reactivated. |
| US v. OWRD (fka BOR v. OWRD) | US District Court OR 21-cv-1442 | BOR asserts same claims as in Yurok case and also a PJR under the Oregon APA against the April 6 No Release Order | N/A [Stayed] |
| Yurok v BOR & NMFS Intervenors: KWUA and Klamath Tribes | Northern District CA 3:19-cv-04405 | Tribes and others challenge the final BiOp (2019), BOR's environmental assessment and finding of no significant impact from BOR operations; primarily that set amount of irrigation water is unlawful and harmful to listed species | Limited judgment entered on US's First Claim for Relief; Appellate is handling appeal; opening and response briefs filed in 9th Circuit; oral argument complete and waiting on a decision; filed repsonse to KID motion to certify state law questions on 11/18/24 |
| Grant Knoll v. OWRD/WRC | US District Court Oregon 1:23-cv- 00928-CL | A junior water-rights holder filed this petition challenging Oregon Water Resources Department's enforcement of the Klamath Tribes' call on claim No. KA 622. | Case is stayed pending Ninth Circuit's ruling in Yurok Tribe. |
| Grant Knoll v. OWRD/WRC | US District Court Oregon 1:23-cv- 00929-CL | A junior water-rights holder filed this petition challenging Oregon Water Resources Department's enforcement of the Klamath Tribes' call on claim No. KA 622. | Case is stayed pending Ninth Circuit's ruling in Yurok Tribe. |
| Glenda Stilwell v. OWRD/WRC | US District Court Oregon 1:23-cv- 00930-CL | A junior water-rights holder filed this petition challenging Oregon Water Resources Department's enforcement of the Klamath Tribes' call on claim No. KA 622. | Case is stayed pending Ninth Circuit's ruling in Yurok Tribe. |
| Ryan Hartman, et al v. OWRD/WRC | US District Court Oregon 1:23-cv- 00927-CL | A junior water-rights holder filed this petition challenging Oregon Water Resources Department's enforcement of the Klamath Tribes' call on claim | Case is stayed pending Ninth Circuit's ruling in Yurok Tribe. |