

# The Water Report

Water Rights, Water Quality & Water Solutions in the West

## THE WATER REPORT: YEAR 20

AN INTERVIEW WITH RETIRING EDITORS DAVID LIGHT AND DAVID MOON

Interview Conducted by Shaina Shay, Editor and Owner of The Water Report

### Introduction

This is the 20th year that *The Water Report* has been in publication. This article was inspired by this significant milestone and conducted to celebrate retiring editors and founders David Light and David Moon and all the work they have done. In 2022, after posting an editor's note in *The Water Report Issue #221* advertising the sale of this publication, David Light and David Moon selected Shaina Shay to assume the publication. All three have been working together closely during this transition period and will continue to collaborate.

*The Water Report* is a periodical with a rich history. There have been over 700 articles published in 231 issues and approximately 500 contributing authors throughout the past 20 years. *The Water Report* would like to again thank all of our authors, whose generous contributions have provided the original expert source material vital to *The Water Report (TWR)*.

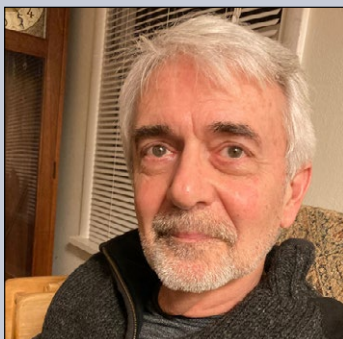
The mission of this publication is to educate and enlighten the professionals who work in the water world, be they water lawyers, engineers, regulatory agencies, tribes, municipalities, environmental organizations or anyone interested in water law, water rights, and water quality in the western United States. *TWR* accomplishes this by providing detailed analysis and practical information on the myriad of water management issues and emerging developments in the American West, purposely edited to be understood across all water disciplines.

**Shaina Shay: How did you end up in the water industry? Tell us a little about your personal backgrounds leading up to *The Water Report*.**

**David Light:** I studied Political Science and Economics at Fairhaven College and Western Washington University in Bellingham Washington. For several years after graduating I held a number of various jobs before fatherhood settled me down. I was an owner/operator restaurateur in Eugene, Oregon, for 15 years. Ready for a change, I sold the restaurant, took on an editing job, and shortly thereafter bought the involved publication.

Prior to starting-up *The Water Report*, I had been editing and publishing the newsletter — the *Oregon Insider* — since 1993. The *Insider* covered the full range of environmental regulation, but only as it pertained to activities in Oregon.

**David Moon:** For my undergraduate degree I attended Colorado College in Colorado Springs, CO from 1971-1975, and then went to law school at the University of Idaho, graduating in 1979. I moved to Bozeman, MT following law school and began practicing water law beginning in 1980 with Moore, Rice, O'Connell & Refling. I worked extensively in Montana's statewide water rights adjudication, preparing hundreds of water rights claims covering the entire state of Montana. I became a partner at Moore, O'Connell & Moon and later moved to Oregon in 1989, where I continued my water law



David Light



David Moon



Shaina Shay

## TWR Interview

practice as a sole practitioner. I specialized in water law throughout my legal career in Montana and Oregon, focusing on water quantity (“water rights”) issues. I became embroiled in a long, involved contingency case, resulting in a nearly four-year long litigation battle. The case centered around a Clean Water Act citizen suit, filed on behalf of a rancher against the neighboring motel and RV Park complex (see *Knee Deep Cattle Co. v. Bindana Inv. Co.*, 94 F.3d 514 (9th Cir. 1996)). Following this case I decided to take a sabbatical (Fall 2001 to Summer 2002) to explore a change in my career. My water rights legal practice was becoming more and more litigation oriented and I no longer wanted to pursue that path.

**Shay: You were able to build this publication from the ground up. How did you get inspired to start *The Water Report*?**

**Light:** Mr. Moon had contributed articles to the *Oregon Insider* and we had developed a friendship. It was his idea to develop a publication covering water issues in the American West. While there were publications covering various water disciplines separately, we thought there was a place for covering water management issues as a whole. We hoped to help water professionals in various water sectors (water quantity v. water quality, for instance) to better understand different water practitioners’ viewpoints and concerns.

**Moon:** The origin for *The Water Report* was the *Oregon Insider*. David Light contacted me to write a yearly article for the *Insider*, covering the state’s leading water law conference. For several years I attended the conference and produced articles for the *Oregon Insider*. Through this contact, we established a friendship and professional relationship.

Following my sabbatical, I approached Light about starting a publication focusing on water. I believed that a publication like the *Oregon Insider*, which concentrated on water issues in the western United States, made sense. It would also allow me to utilize my water law expertise in a new career.

We discussed the concept and approach for *The Water Report* and agreed on addressing water issues as objectively as possible. We would inform our readers — not advocate — and seek out information germane to fashioning solutions to the water management challenges. We also wanted to take a multi-disciplinary approach for our readers no matter their profession (lawyers, engineers, municipalities, Tribes, etc.). We wanted to take the same approach the *Oregon Insider* took in always explaining the terms-of-art, acronyms, and specialized viewpoints utilized by different water professions. We intended engineers to understand the legal-oriented articles and water lawyers to understand the engineering articles. We would provide adequate background and context detailed enough to have every article be meaningful to whomever the reader.

**Shay: Starting a business is hard, what was the biggest challenge you faced when getting started?**

**Light:** For several years we were publishing both the *Oregon Insider* and *The Water Report*. Meeting two publication deadlines a month resulted in working some long hours. Moreover, having made the decision to have *The Water Report*— like the *Insider* — be a subscription-based publication beholden only to our subscribers, obtaining those subscribers was essential. Though participating in conferences and seminars helped, most of the subscription sign-ups were accomplished one-at-a-time following multiple phone calls. The saving grace was that our re-subscription rate rarely dipped below 90%.

**Moon:** Making time to begin the publication while working on existing jobs was a challenge. The *Oregon Insider* continued publication for another six years after the startup of *The Water Report* and I still had existing legal clients whose cases were pending.

The advantage we had at the beginning of *The Water Report* was our existing contacts amongst water professionals. David Light had been owner/editor of the *Oregon Insider* for many years and had an excellent reputation in the field in Oregon and Washington. Meanwhile, I had practiced water law in Oregon and Montana for several years.

**Shay: Having a monthly periodical means you are always in production. What were your most and least favorite parts of the publication cycles?**

**Light:** I found my “editing for readability” particularly satisfying — perhaps the result of having an English teacher for a mother. The information we dealt in was often new, always inherently interesting, and often downright exciting. Making it as easy to understand as possible seemed very worthwhile. I also enjoyed honing my PhotoShop skills as the *TWR* graphics department. Quite often the graphics supplied by the author offered a puzzle as to how to make them work in our format. I like puzzles.

My least favorite editing activity is the final proofreading prior to publication, which I was more than happy to hand over to Mr. Moon (and I should mention that I could not have dreamt-up a better

## Multi-Disciplinary

## Solutions

## Outreach

## Multi-Tasking

**TWR Interview**

**Fact-Based Viewpoints**

**Sharing Accomplishments**

partner). Other uncomfortable times involved scheduled articles not arriving — a rare, but invariably aggravating situation.

**Moon:** My favorite part of the publication cycle was the editing of the major articles as we prepared them for publishing. In dealing with important issues in both water quality and water quantity, as editors we were allowed to be “Renaissance men” as we attempted to make critical issues understandable and accessible to our readers. The worst part was COVID. COVID resulted in significantly less contact with our readers and authors, since we stopped going to water conferences across the West. I’ve missed those contacts with colleagues in the field tremendously!

**Shay: Twenty years is a long time! Was there anything that changed in TWR throughout the years?**

**Light:** In terms of approach, I would say not much has changed. I believe we remained faithful to our mission to give any fact-based viewpoint a fair hearing. The generosity of our contributing authors’ readiness to share their expertise remained undiminished, for which we are truly grateful. As to content, I would say there has been an increased understanding that adequately addressing many, if not most, water management challenges includes the need to factor-in climate change.

We did become more graphics-rich and our original hardcopy-only publication developed into having a majority of PDF-subscribers.

**Moon:** Other than Light and I defining our respective roles as co-editors and developing a great working relationship, not much really!

**Shay: So much content and so many articles have been produced over the years. Can you talk about one of your favorite issues/stories and why they stand out?**

**Light:** The tired trope of having to pick your favorite child occurs to me. But in general, I suspect the articles outlining the processes by which extraordinary accomplishments were made under ridiculously trying circumstances might have been everyone’s favorites. Our coverage of the Yakima River Basin Integrated

Water Plan, the Snake River Basin Adjudication, and various Tribal Water Settlements spring to mind.

I do have a clear favorite TWR front page, however. In January 2012 (see TWR #95), author Thomas Payne posited that the practice of “Instream Flow Assessment” might be viewed as an art (represented by the Mona Lisa) or a science (represented by Albert Einstein) or as “madness and nonsense” (represented by Gene Wilder’s portrayal of Doctor Frankenstein). The author did not provide these graphics, but Google tracked them down. There is something about the juxtaposed graphics that never fails to bring a smile to my face. The author was also good enough to include a much-appreciated reference to Dobie Gillis (titular character of a 1960’s teenage-angst sitcom (*you ignorant whipper-snapper!*)) — I suppose my appreciation of this last reference is reason enough to put me out to pasture.

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**INSTREAM FLOW ASSESSMENT**  
THE SCIENCE OF THE ART  
APPROACHES TO EVALUATING RIVERINE AQUATIC HABITAT  
by Thomas R. Payne, Consulting Fisheries Biologist  
Normandeau Associates, Inc., Arcata, California

**INTRODUCTION**

At the last HydroVision conference in Sacramento, California, a panel of instream flow experts spoke to the topic: Establishing Instream Flows — Art or Science? The US Forest Service representative began his presentation with two images: “Art” as represented by the Mona Lisa; and “Science” by Gene Wilder portraying Doctor Frankenstein, complete with wild hair and crazy goggles. Aside from being an amusing introduction, the juxtaposition illustrated quite well two contrasting attitudes concerning instream flow, although I would also add an image of Albert Einstein. This trio would then convey the perspective of many that the practice of instream flow determination is variously: a serious and mature art; an amalgam of madness and nonsense; or a hard and exact science. The perspective held by any particular person is likely to be one of these images, strongly influenced by their education, training, employment, and history of exposure to practical applications.

In fact, instream flow determination is about equal parts art and science, although madness and nonsense often intervene as a result of shallow understanding of riverine dynamics and ecology, lack of direct field experience, and even the occasional bias.

This article provides a brief history of instream flow assessment, an overview of some of the principle methods, a discussion of their relative advantages and disadvantages, and numerous references for additional information.

Issue #95 January 15, 2012

**TWR Interview****Point/Counterpoint**

**Moon:** Klamath Basin Point/Counterpoint (Hardy and Vogel, *TWR* #11, January 15, 2005). No other media outlet provides the scope of coverage that *The Water Report* provides. The point/counterpoint approach entailed an initial round of articles, whereby one sides' expert wrote an article detailing their position and rationales. The second round of articles allowed for a thorough examination and critique of the other sides' position taken in the initial round of articles. Participating authors loved the ability to write a substantial initial article and then follow up with the second article addressing the opposing parties' initial article. It gave the authors the opportunity to go into great depth and provide all relevant context for an argument/position, without fear of being quoted out of context or having enough space to fully address the issues. Naturally, both experts believed they had prevailed!

John Echohawk Interview (*TWR* #230, April 2023): Interviews are always excellent since they have the potential to explore issues with the experts in a more intimate fashion. The opportunity to get to know and understand the experts is also wonderful and this is exemplified by John Echohawk's Interview. A good interview results in some insight into the author's personality that wasn't otherwise apparent.

**Climate Change**

**Shay: You have seen so many water issues discussed in *The Water Report*. Looking back and looking forward, what do you think are the most pressing issues facing the West and why?**

**Moon:** Climate Change is clearly number one. My first "ah-ha" moment of enlightenment occurred at a water law conference at the University of Colorado Law School in 2006, which included a screening of "An Inconvenient Truth" about Al Gore's campaign to educate people about global warming. A panel discussion centered on the future and noted that there was still time at that point to address climate change successfully if we started seriously addressing it soon (THE WORLD STILL HASN'T DONE IT!!). We need climate change solutions to be aggressively pursued so that the world finally begins dealing with this existential problem.

Water supply: The supply of freshwater, particularly groundwater, is of utmost importance. Aquifer recharge is critical and will only grow in importance.

Water and Wastewater Reuse: The use of water by today's water users is woefully inefficient. Reuse of water and wastewater, on the other hand, gives the world some of the solutions necessary to go forward with water use.

**Light:** I agree. Climate change has to be considered the most pressing issue facing water management in the West. I believe that effectively dealing with climate change is tied-in with the more general threat of a post-truth world. A sizable portion of our population is convinced — by virtue of listening to talk radio, Fox "news" and/or the selective use of social media echo chambers — that they know more about climate than those professionals who have devoted their lives to understanding climate. Willful ignorance has morphed into an ersatz-expertise that is far worse than useless. Adherence to — and dissemination of — the facts will be of paramount importance going forward.

**Facts & Truth**

**Shay: What do you hope to see in the future of *TWR*?**

**Moon:** More of the same! Working with you, Shaina, over the last eight months has been an absolute joy. Your dedication to continue the mission and approach of *TWR* in the future is wonderful. Our thorough discussions of the role of the periodical and its focus on a multi-disciplinary approach convinced me that, under your guidance, *TWR* will help provide solutions to the pressing issues of the day.

Going forward, I'm sure that you'll continue with excellent and objective coverage of issues, which provides the base for *TWR*'s high standards for in-depth and practical information.

We've talked about the need for an even greater focus on "SOLUTIONS," since more solutions will be needed given climate change.

I highly encourage our readers to support your management of *TWR*. I'm confident they will be rewarded with the great coverage they have come to expect from the publication!

**Light:** Again, I agree. Sustaining informed discussion on a factual playing field is vital to fashioning adequate responses to water management challenges. I believe *The Water Report* can continue to play a beneficial role broadening a shared understanding among water professionals. In this regard, I must say that you have done an admirable job taking up the reins, Shaina. Observing your commitment to quality content during our collaboration over the last few months leaves me with no doubt that *TWR*'s future is in good hands.

**Objective Coverage****Quality Content**

## TWR Interview

Facts &  
Collaboration

**Shay:** Thank you both for the kind words. I am excited to continue providing the in-depth information water professionals need to break down silos and develop creative solutions together. With that in mind, I have one last question for you both, if you could have readers take one thing away from *TWR*, what would it be and why?

**Moon:** Collaboration is always better than litigation. One can accomplish so much more by implementing solutions to our water problems and avoid ugly litigation battles.

**Light:** Respect facts. The “truth will out” one way or another.

**For Additional Information:**

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**Shaina Shay** is an accomplished water professional who has spent more than a decade developing expertise in water policy and management, conservation, and community outreach. Her passion for pragmatically sharing information has been a theme throughout her career. Shaina has worked as a Water Resources and Conservation Specialist for two investor-owned utilities (EPCOR Water and Global Water Resources) in Arizona. She also spent several years working in Victoria, Australia as a water market specialist and senior consultant with Aither. Shaina holds various leadership positions within prominent water organizations — such as the American Water Works Association (AWWA) and the American Society of Civil Engineers (ASCE) — as well as regional organizations like the Southern Arizona Water Users Association (SAWUA).

**The Water Report website:** [www.TheWaterReport.com](http://www.TheWaterReport.com)