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A Comprehensive Two-Day Conference on

Idaho Water Law

New legislation, ongoing litigation and major regulatory actions

May 15 & 16, 2008

Coeur d'Alene, Idaho

The Coeur d'Alene Golf & Spa Resort

Credits: ID CLE 12.5 | AICP/APA 12.5 | WA CLE 12.5 (call about others)

Quick when/where: 8:30 a.m., 115 S. Second St.

Idaho Water Law Conference

May 15 & 16, 2008 | Coeur d'Alene, Idaho
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8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

Christopher H. Meyer, Esq., Program Co-Chair
Givens Pursley LLP ~ Boise, ID

Peter G. Scott, Esq., Program Co-Chair
Gough, Shanahan, Johnson & Waterman ~ Helena, MT

8:45 Setting the Stage: An Overview of Water Supply Developments in Northern Idaho and Eastern Washington

The big picture of legal issues to provide a context for the detailed discussions to follow

Peter G. Scott, Esq., Program Co-Chair

Update of the Idaho State Water Plan and Water Resources Board's review: Key issues including global warming and climate variability, changing demographics, water supply, storage projects and conjunctive management

Helen Harrington, Planning Section Manager
Idaho Department of Water Resources ~ Boise, ID

Hydrology of the Spokane-Rathdrum Aquifer and groundwater pumping impacts; water quality and in-stream flows; municipal water demand; feasibility of injection reclaimed water and other mitigation proposals

Guy J. Gregory, L.G., L.Hg., Senior Hydrogeologist
Washington State Department of Ecology ~ Spokane, WA

10:15 Break

10:30 Land Use Planning: New Growth, Water Efficiency and Other Implications for Water Management in the Region

The interplay between local land use planning and state water right authority (including discussion of large golf course residential development projects seeking permits and water rights)

Jeffrey C. Fereday, Esq.
Givens Pursley LLP ~ Boise, ID

Environmental perspective on the need for more effective conservation planning and requirements for large water right applications, including higher rates for higher use to provide funding for leak detection and promote conservation

Barry Rosenberg, Executive Director
Kootenai Environmental Alliance ~ Coeur d'Alene, ID

Developer dedication of water rights to local government for municipal use as part of the permitting process

Freeman Duncan, Esq.
Law Office of Freeman Duncan ~ Post Falls, ID

12:15 Lunch (on your own)

1:30 The Evolving Law of Municipal Water Rights: Implications for Development in Northern Idaho and Eastern Washington

Impact on water rights of municipal expansion into agricultural lands

Robert (Bob) G. Haynes, P.E., Regional Manager
Idaho Department of Water Resources ~ Coeur d'Alene, ID

2:15 Key Issues in Applying the Law of Interstate Water Allocation to Conditions in Northern Idaho and Eastern Washington

Bruce M. Smith, Esq.
Moore Smith Buxton & Turcke, Chartered ~ Boise, ID

3:00 Break

3:15 Prospects for Resolving Water Issues between Idaho and Washington

Adam W. Gravley, Esq., Moderator
GordonDerr LLP ~ Seattle, WA

Idaho's and Washington's primary concerns; possible win-win solutions to allow both states to continue growth and development; water quality solutions on the Washington side to reduce anxiety on both sides; nature of the end game

Christopher H. Meyer, Esq., Program Co-Chair
Idaho state policy perspective

David Tuthill, Jr., Ph.D., Director
Idaho Department of Water Resources ~ Boise, ID

Idaho water user perspective

Norman M. Semanko, Esq., Executive Director and GC
Idaho Water Users Association ~ Boise, ID

Washington state policy perspective

Grant Pfeifer, Eastern Regional Director
Washington State Department of Ecology ~ Spokane, WA

Environmental perspective

Rachael Paschal Osborn, Esq., Executive Director
Center for Environmental Law & Policy ~ Spokane, WA

5:00 Reception for Faculty and Attendees Sponsored by Givens Pursley LLP and Gough, Shanahan, Johnson & Waterman



About the Conference

LAW SEMINARS INTERNATIONAL

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Regional competition over the use and management of water resources continues to be of critical importance in Idaho. New legislation, ongoing litigation and various major regulatory actions will have a significant role in shaping the future of Idaho and the region.

This program addresses recent developments expected to affect the public, business, all levels of government and the environment, both in the state and regionally. Topics to be covered include conjunctive management and federal salmon litigation, as well as proposed stream adjudications in Northern Idaho and associated interstate management issues emphasizing the recently completed Spokane Valley/Rathdrum Prairie Aquifer Study. Other topics to be discussed are municipal water rights, land use planning, hydro re-licensing and instream flow issues.

We have assembled representatives from federal, state and local governments, consultants, and practitioners to provide useful suggestions and insights on these and other water resource issues affecting Idaho and its surrounding areas.

~ Program Co-Chairs: Christopher H. Meyer, Esq. and Peter G. Scott, Esq.



8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

Christopher H. Meyer, Esq., Program Co-Chair
Peter G. Scott, Esq., Program Co-Chair

8:45 Special Address: The Legislature's Decision on the Proposed Northern Idaho Adjudication and What's Next for Moving Forward

How the proposal responded to lessons learned from the Snake River Basin Adjudication; the who and why of opposition to the proposal; the what and why of the Legislature's decision; the resulting process for resolving North Idaho claims

The Hon. Dell Raybould, Representative, District 34
Idaho House of Representatives ~ Boise, ID

9:30 Tribal Reserved Water Rights

Potential claims for on and off reservation rights; the extent to which they were resolved in the southern adjudication; ESA as consideration in assessing water rights

Steve Moore, Esq., Senior Staff Attorney
Native American Rights Fund ~ Boulder, CO

10:15 Break

10:30 Managing the Spokane River

Practical solutions for addressing water quality, instream flows and municipal water demand

John F. Spencer
Vice President & Director, Management Services
CH2M HILL ~ Bellevue, WA

Update on Avista's FERC re-licensing application for the Post Falls Dam Hydropower project

Bruce Howard, Spokane River Licensing Manager
Avista Corp. ~ Spokane, WA

Tribal perspective on instream flows

Howard A. Funke, Esq.
Howard Funke and Associates, PC ~ Coeur d'Alene, ID

12:00 Lunch (on your own)

1:15 Water Rights Transfers and Water Rights Marketing: What's Happening and Trends for the Future

How the water market works; the nuts and bolts of conveyancing; the IDWR transfer process

Michael C. Creamer, Esq.
Givens Pursley LLP ~ Boise, ID

Gene St.Godard, R.G., L.Hg., Principal Hydrogeologist
Water & Natural Resource Group ~ Spokane, WA

John A. Rosholt, Esq.
Barker Rosholt & Simpson LLP ~ Twin Falls, ID

2:45 Break

3:00 Lake Law Issues in Northern Idaho: Public Access and Navigational Encroachment

Sanders Beach case on privatization of lake access; implications for lake levels and public access; submerged trust lands and rules governing private docks and marinas; new IDL policies towards docks on reservoirs; joint state/federal jurisdiction

Peter G. Scott, Esq., Program Co-Chair, Moderator
Eric Wilson, Navigable Waters/Minerals Program Manager
Idaho Department of Lands ~ Boise, ID

Robert A. Maynard, Esq.
Perkins Coie LLP ~ Boise, ID

4:30 Evaluations and Adjourn

Upcoming Related Seminars:

Table with 3 columns: Seminar Title, Date, Location. Includes Electric Energy, Redevelopment of Contaminated Property, Washington Water Law, Air Quality Regulation in California.

See more at www.lawseminars.com



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Walk-ins are welcome, subject to space availability.

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Tuition: Regular tuition for this program is \$895 with a group rate of \$795 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695. For students and people in their job for less than a year, our rate is \$447.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

Substitution & Cancellation: You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Friday, May 9, 2008. After

that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

Seminar Location: The conference will be held at the The Coeur d'Alene Golf & Spa Resort at 115 S. Second St. in Coeur d'Alene, ID 83814. Call the hotel directly at (208) 765-4000 for reservations at the special negotiated rate of \$159-279 and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

Continuing Education Credits: This program qualifies for 12.5 ID and 12.5 WA CLE credits. Upon request, we will apply for CLE credits in other states and other types of credits.

If You Cannot Attend: Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$905. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

Faculty: Idaho Water Law Conference

Christopher H. Meyer, Program Co-Chair, partner with Givens Pursley LLP, focuses on water, land use, environmental and constitutional administrative law. He is listed in *The Best Lawyers in America, Chambers USA* and described in the *Idaho Yearbook Directory* as a “key figure in Idaho water law.”

Peter G. Scott, Program Co-Chair, water resource and land use attorney with Gough, Shanahan, Johnson & Waterman, is the regulatory and litigation counsel for municipalities, special districts, companies and private land owners throughout the Columbia River Basin.

The Hon. Dell Raybould, Special Address, Representative of District 34 in the Idaho House of Representatives, is Chair of Environment, Energy and Technology Committee, and member of the Resources and Conservation and Revenue and Taxation Committees. Also, he is Chairman of the Western Water and Public Lands Committee of the Council of State Governments-West.

Adam W. Gravley, Moderator, partner at GordonDerr LLP, focuses on water rights, resources and infrastructure needs of business, local government and individual clients. He is listed in *The Best Lawyers in America* and named “Super Lawyer” in *Washington Law & Politics*.

Michael C. Creamer, partner at Givens Pursley LLP, focuses on natural resources and environmental and public utilities law. Previously he was District Manager for the Division of Wildlife, Colorado Department of Natural Resources. He is listed in *The Best Lawyers in America*.

Freeman Duncan practices non-litigation real estate law and is a real estate consultant. He is co-author of the *Idaho Real Estate Law Handbook*.

Jeffrey C. Fereday is senior practitioner in Givens Pursley LLP’s Natural Resources, Environmental and Energy Group. He is listed in *The Best Lawyers in America* and *The International Who’s Who of Mining Lawyers*.

Howard A. Funke, sole proprietor of Howard Funke and Associates, PC, is a tribal attorney focusing on

water, hydropower, fish and related issues. He represents the Coeur d’Alene Tribe in Federal Power Act re-licensing of Avista Corp.’s Spokane River Project.

Guy J. Gregory, L.G., L.Hg., is Technical Unit Supervisor and Senior Hydrogeologist for Washington Department of Ecology Water Resource Program/Spokane, where his group is responsible for technical assessment of water supply issues in Eastern Washington.

Helen Harrington, Planning Section Manager at the Idaho Department of Water Resources, is responsible for water basin planning activities and managing Planning Section staff. She is a Registered Professional Geologist in Idaho and California.

Robert (Bob) G. Haynes, P.E. is Regional Manager of the Idaho Department of Water Resources and Chairman of the Department of Water Resources’ Rathdrum Prairie Ground Water Management Area Advisory Committee.

Bruce Howard, Spokane River Licensing Manager, manages Avista Corp.’s multi-year Spokane River Hydro Project re-licensing process. Previously he was with the Washington State Department of Ecology.

Robert A. Maynard, partner at Perkins Coie LLP, focuses on environment, energy and natural resources law, including project development, regulation, legislation and litigation. He is listed in *The Best Lawyers in America* and *Chambers USA*.

Steve Moore, Senior Staff Attorney at Native American Rights Fund, focuses on implied Indian reserved water rights and water rights litigation and settlements. Previously he counseled the Confederated Salish and Kootenai Tribes of Montana.

Rachael Paschal Osborn is Executive Director of the Center for Environmental Law & Policy, a nonprofit organization dedicated to promoting the public interest in fresh water resources of the Columbia watershed and western Washington.

Grant Pfeifer, Eastern Regional Director of Washington State Department of Ecology, focuses on

water issues. Previously he worked in the environmental regulatory field of air quality.

Barry Rosenberg, Executive Director for the Kootenai Environmental Alliance (KEA), works as an advocate for the environment with a focus on water issues. He monitors all Applications for Permit (Water Rights) in Kootenai County on behalf of KEA.

John A. Rosholt, partner with Barker Rosholt & Simpson LLP, focuses on natural resources law, water rights, water quality, environmental, cogeneration, water project financing, business and commercial law.

Norman M. Semanko is Executive Director and General Counsel for the Idaho Water Users Association, immediate past President of the National Water Resources Association and President of the Coalition for Idaho Water.

Bruce M. Smith, principal with Moore Smith Buxton & Turcke, Chartered, focuses on natural resources, water, environmental, and administrative and business law. He counsels on compliance, permitting, strategic planning and litigation in regulatory matters including the ESA, CWA and CERCLA.

John F. Spencer is Vice President and Director of Management Services at CH2M HILL, a global company specializing in full-service engineering, construction and operations.

Gene St.Godard, R.G., L.Hg., Principal Hydrogeologist and owner of Water & Natural Resource Group, specializes in the assessment and validity of water rights and the transfer of water rights in Washington and Idaho.

David Tuthill, Jr., Ph.D., Director of Idaho Department of Water Resources, leads the agency that guides, controls and plans for the use and conservation of Idaho’s water resources.

Eric Wilson, Navigable Waters/Minerals Program Manager for Idaho Department of Lands, focuses on oversight of the Lake Protection and Submerged Lands Leasing functions and review of lake encroachment permits as a hearing coordinator.

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Coeur d’Alene, Idaho

The Coeur d’Alene Golf & Spa Resort

115 S. Second St.
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Who Should Attend:

Attorneys, real estate professionals, corporate managers, governmental and tribal representatives, resource managers, planners and consultants

You Will Learn About:

- Water supply developments in Northern Idaho and Eastern Washington
- New growth, water efficiency and other implications for water management
- The evolving law of municipal water rights
- Key issues in the Law of Interstate Water Allocation
- Prospects for resolving water issues between Idaho and Washington
- The proposed Northern Idaho adjudication
- Tribal reserved water rights
- Managing the Spokane River
- Water rights transfers and marketing trends
- Lake law issues in Northern Idaho

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