

Featuring Speakers From:

- Aspect Consulting LLC
- Bill Clarke, Attorney at Law
- City of Sequim
- Coho Water Resources
- David E. Ortman, Attorney-at-Law
- Kittitas County
- Law Office of Thomas M. Pors
- Mentor Law Group PLLC
- Morisset Schlosser Jozwiak & Somerville
- Northwest Hydraulic Consultants Inc.
- Nossaman LLP/Western Washington University
- Plauche & Carr LLP
- Ripley Law Firm Inc PS
- Squaxin Island Tribe - Legal Department
- Swinomish Indian Tribal Community
- The Water Report
- Trout Unlimited
- Washington State Department of Ecology
- Washington State Office of the Attorney General
- Western Water Futures LLC
- William D. Ruckelshaus Center
- Yakama Nation

26th Annual Conference on Critical Developments in

Water Law in Washington

Changing regulation and deregulation, major case law, important practical information for water rights and resource management

Live webcast and replays available!

July 25 & 26, 2017

Seattle, Washington

Washington State Convention Center

Credits: 12.75 WA CLE | 12.75 AICP (pending) (call about others)

Quick when/where: 8:30 a.m., 800 Convention Place

Water Law in Washington Conference

July 25 & 26, 2017 | Seattle, Washington
 Washington State Convention Center

Yes! Please register me:

Name: _____

Email: _____

What type of credits do you need? _____

For which state(s)? _____

Register my colleague:

Name: _____

Email: _____

What type of credits do you need? _____

For which state(s)? _____

Firm: _____

Address: _____

City: _____ **State:** _____ **Zip:** _____

Phone: _____ **Fax:** _____

If you cannot attend in person, check boxes to order:

- Live Homestudy Webcast Homestudy Replay Course Materials



8:00 Registration Opens

8:30 Introduction & Overview

Peter H. Dykstra, Esq., *Program Co-Chair*
Plauche & Carr LLP ~ Seattle, WA

Jean O. Melious, Esq., *Program Co-Chair*
Nossaman LLP/Western Washington University
Bellingham, WA

8:45 **The Big Picture on Water Resource Policies Around the Region**

Broad policy perspective on what we need to do next to ensure adequate water supplies and the best path forward for water rights management

David Moon, Esq., *Editor*
The Water Report ~ Eugene, OR

9:15 **Legislative Update on Water Issues During the Long Session**

Bill Clarke, Esq.
Bill Clarke, Attorney at Law & Government Affairs
Olympia, WA

10:00 Break

10:15 **Local Water Resource Planning after the Hirst Decision**

The evolving interplay between water resource planning under the Growth Management Act and state water law

Thomas M. Pors, Esq., *Moderator*
Law Office of Thomas M. Pors ~ Seattle, WA

Developer perspective

Joe Mentor, Jr., Esq.
Mentor Law Group PLLC ~ Seattle, WA

Environmental perspective

Jean O. Melious, Esq., *Program Co-Chair*

State regulatory perspective

Alan Reichman, Esq., *Senior Counsel*
Washington State Office of the Attorney General ~ Olympia, WA

Local government perspective

The Hon. Paul Jewell, *County Commissioner*
Kittitas County ~ Ellensburg, WA

12:15 Lunch (on your own)

1:30 **Permitting Projects After Hirst**

Implications for use of exempt wells and the extent to which local governments must consider the quality of available water before issuing building permits

Dave Christensen, *Section Manager, Water Resources Program*
Washington State Department of Ecology ~ Olympia, WA

Aquifer storage and recovery as a mitigation tool: Calculation of recoverable quantity and the required quality of recharge water as it relates to compliance with Washington's Antidegradation of Groundwater Rule

Chris V. Pitre
Coho Water Resources ~ Seattle, WA

3:00 Break

3:15 **Water Banking and Other Approaches to Mitigation**

Options to support new, sustainable water allocations: Legal and technical perspectives on finding the right fit in terms of mechanics and financial feasibility

Peter H. Dykstra, Esq., *Program Co-Chair*

Dan Haller, *Associate Water Resources Engineer*
Aspect Consulting LLC ~ Selah, WA

Practical implementation issues from a local government perspective

Kristina Nelson-Gross, Esq., *City Attorney*
City of Sequim ~ Sequim, WA

5:00 **Continue the Exchange of Ideas: Reception for Faculty and Attendees**

Sponsored by Plauche & Carr LLP



About the Conference

LAW SEMINARS INTERNATIONAL

What previous attendees have said:

"This program was very topical and I found that extremely useful. Nicely done!"

"I came from out of state to this program not only to learn about Washington Water Law, but also because of the diversity of opinions offered. Many similar programs are one-sided, but this agenda stands out because of this aspect."

The annual Washington Water Law Conference brings together the state's leading water law practitioners, consultants, corporate managers, Tribal representatives, agency officials and landowners for critical updates on water rights and other related water resource issues in Washington. Water law continues to be an area of innovation with a wide range of emerging legal and policy debates playing out in the courts and the Legislature over the past several years. We will explore state and local government policy developments, ongoing innovations in water markets, and the best path forward for water rights management. You will hear legislative updates, new case law and resource planning, and permitting impacts of the Hirst decision. We will also take a look at changing precipitation patterns, aquifer storage, and emerging infrastructure needs across Washington State. Our expert faculty will address local adaptation to climate change; integrated water management solutions under the Columbia River Water Management Program, and the most pressing Tribal water issues.

Join us and our expert faculty for an insightful look into the current regulatory landscape and for practical tips and strategies for water resource management going forward.

~ Program Co-Chairs: Peter H. Dykstra, Esq. of Plauche & Carr LLP and Jean O. Melious, Esq. of Nossaman LLP/Western Washington University



8:30 Changing Precipitation Patterns and How We Need to Respond

Projected changes in precipitation patterns and needs for water management response regarding storage, flood risk reduction, fish passage, and floodplain restoration

Mariza Costa-Cabral, Ph.D., Senior Scientist
Northwest Hydraulic Consultants Inc. ~ Seattle, WA

9:15 Water Infrastructure Improvement: Case Study of the Chehalis Basin

Progress towards meeting specific project goals for improving water resiliency in Eastern Washington: Work done so far; what needs to be done next; prospects and methods for securing additional infrastructure funding to accomplish those goals

Jim Kramer
William D. Ruckelshaus Center ~ Pullman, WA

Steven P. Malloch, Esq.
Western Water Futures LLC ~ Seattle, WA

10:30 Break

10:45 Tribal Perspectives on the Most Pressing Water Resource Management Issues

Legal and policy perspectives on what needs to be done for regional climate change adaptation and resiliency including stream flows and other issues relating to fisheries

Thomas P. Schlosser, Esq.
Morisset Schlosser Jozwiak & Somerville ~ Seattle, WA

Sharon I. Haensly, Esq.
Squaxin Island Tribe - Legal Department ~ Shelton, WA

Emily Haley, Esq., In-House Counsel
Swinomish Indian Tribal Community ~ La Conner, WA



12:15 Lunch (on your own)

1:30 Water Infrastructure Improvement: Case Study of Integrated Water Management Solutions Under the Columbia River Water Management Program

Progress towards meeting specific project goals for improving water resiliency in Eastern Washington: Work done so far; what needs to be done next; prospects and methods for securing additional infrastructure funding to accomplish those goals

Peter H. Dykstra, Esq., Moderator, Program Co-Chair

Tom Tebb, Director, Office of Columbia River
Washington State Department of Ecology ~ Union Gap, WA

David E. Ortman, Esq.
Attorney-at-Law ~ Seattle, WA

Tom Ring, Hydrogeologist
Yakama Nation ~ Toppenish, WA

Lisa Pelly, Director, Washington Water Project
Trout Unlimited ~ Wenatchee, WA

3:15 Break

3:30 Ethical Issues for Lawyers Dealing with Resource Policy and Permitting Issues

Special issues arising during the complex administrative and court proceedings involving multiple parties and a transition from an administrative forum to a judicial one

Leland G. Ripley, Esq.
Ripley Law Firm Inc PS ~ Duvall, WA

4:30 Evaluations and Adjourn

Related Seminars & Webcast Replays:

Tribal Water in the Pacific Northwest	June 1-2, 2017	Seattle, WA
Clean Water and Stormwater	June 22-23, 2017	Seattle, WA
Model Toxics Control Act	September 28, 2017	Seattle, WA

See more at www.lawseminars.com



Registration & Other Conference Information

To Register:

Call us at: 206-567-4490
 Fax the registration form to us at: 206-567-5058
 Email us at: registrar@lawseminars.com
 Online: www.lawseminars.com
 Mail the registration form on the front page.
 Walk-ins are welcome, subject to space availability.
 Registration is complete when we receive payment or agree to later payment.

Tuition: Regular tuition for in person or webcast attendance for this program is \$795 with a group rate of \$595 each for two or more registrants from the same firm. For government employees and Tribal members, we offer a special rate of \$530. For students, people in their job for less than a year, and public interest NGO's, our rate is \$397.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Materials will be available for download and review a few days before the seminar. Make checks payable to Law Seminars International. Financial aid is available to those who qualify. Contact our office for more information.

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 Wednesday, July 19, 2017. After that time, we will credit your tuition toward attendance at another program or the purchase of a webcast or audio replay.

Seminar Location: The conference will be held at the Washington State Convention Center at 800 Convention Place in Seattle, WA 98101.

Continuing Education Credits: Live credits: This program qualifies for 12.75 WA MCLE credits and we've applied for 12.75 AICP planner credits. Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credits.

Time Shift Your Content: Webcast and audio replays, with course materials, are available for \$795. The course materials alone are available for \$100. Replays will be available within two weeks after the seminar or from the date we receive payment.

Faculty: Water Law in Washington Conference

Peter Dykstra, Program Co-Chair, Partner, Plauche and Carr LLP, counsels public and private clients on water rights, land conservation transactions and strategies, ecosystem service markets, and complex natural resource projects. He is previous Regional Director for the Wilderness Society and Washington Director, Trust for Public Land.

Jean O. Melious, Program Co-Chair, is Of Counsel at Nossaman LLP and Professor of Environmental Studies at Western Washington University. Her expertise includes environmental impact assessment, planning and zoning law, endangered species legislation, transportation issues, growth management, regulation of air and water pollution, and hazardous waste regulation.

Thomas M. Pors, Moderator, Law Office of Thomas M. Pors, focuses on water rights development, transfers, permitting and sales; water right assessments and due diligence; municipal water system planning; water system regulatory compliance and project permitting.

Dave Christensen is Program Development Section Manager for Ecology's Water Resources Program. He leads a team that develops State rules and policies, evaluates legislative proposals, and collaborates with water resources interests to address current conflicts and challenges.

Bill Clarke, Attorney at Law & Government Affairs, attorney and lobbyist in Olympia, represents clients in the legislature, before state agencies and local governments, and in environmental and land use permitting and appeals. He is a former Chair of the Pollution Control Hearings Board and Shorelines Hearings Board.

Mariza Costa-Cabral, Senior Scientist, Northwest Hydraulic Consultants Inc., is a researcher and consultant with a strong emphasis on climate change impacts and adaptation as they relate to hydrology and water resource management

Sharon I. Haensly, Attorney in the Legal Department for the Squaxin Island Tribe, focuses on natural resources law. Previously, she worked at several law firms that specialize in Indian law and was in-house counsel with the Swinomish Indian Tribal Community.

Emily Haley, Staff Attorney, Swinomish Indian Tribal Community,

focuses on water law, treaty rights, reservation land title and boundary issues, and cultural resources. She represented the Tribe in the matter of Swinomish Indian Tribal Community v. Department of Ecology.

Dan Haller is a principal water resources engineer at Aspect Consulting, Inc., and leads Aspect's Yakima office. He provides advice on water right permitting and water resource engineering and management, including water banking and water rights transfers.

The Hon. Paul Jewell, Board of County Commissioners, Kittitas County, is the County's lead for all water issues and a member of the exempt well working group for the Washington State Association of Counties, Columbia River Policy Advisory Group, and is the Chairman of WSAC's Columbia River Counties Caucus.

Jim Kramer is President, Kramer Consulting Incorporated, and specializes in natural resource management. Recently he managed a \$50M budget for the Governor's Office in the Chehalis Basin to reduce flood damage and restore aquatic species. Previously he created and managed the King County Surface Water Management Division.

Lisa Pelly is Director of Trout Unlimited's Washington Water Project. The Washington Water Project provides water-rights expertise for river and stream restoration projects, partnering with landowners, land trusts, state and federal agencies and tribal entities to promote voluntary, market-based solutions to instream flow issues in the state.

Steven P. Malloch, Principal at Western Water Futures LLC, provides strategy, program development and implementation services for NGO's, and water managers. He brings technical, legal and political tools to bear on improving the environmental performance of large water systems.

Joe Mentor, Jr., Partner, Mentor Law Group PLLC, focuses on water resources, land use, and natural resources development with emphasis on legislative, policy, business and environmental compliance, and water-related legislation.

David Moon is an Editor for the Water Report, which he helped found in 2004. Previously he practiced water law in Oregon with the Moon

Firm, after practicing water law with Moore, Reffling, O'Connell & Moon in Bozeman MT.

Kristina Nelson-Gross is the City Attorney for the City of Sequim. Before becoming City Attorney, she worked as a civil deputy prosecuting attorney for Clallam County and as a private practitioner focusing on land use and water issues. She was an active participant in the development of the Dungeness Water Rule and later sought amendment of the rule.

David E. Ortman, Attorney-at-Law, helps prepare draft findings and conclusions based on exhibits and testimony presented at hearings. He has testified on wetlands, water quality, water resource, shoreline, special area management planning, and coastal and land use issues.

Chris V. Pitre, Founder, Coho Water Resources LLC, has been focused on the water resources of Washington State. His specialty practice areas include water supply, water rights, reclaimed water, and Managed Aquifer Recharge/Aquifer Storage and Recovery (MAR/ASR).

Alan Reichman, Senior Counsel, Washington State Office of the Attorney General, Ecology Division, is Section Manager for Water Resources and Lead Counsel to the Department of Ecology's Water Resources Program.

Tom Ring is a hydrogeologist with the Water Resources Program of the Yakama Nation. He has worked on a variety of projects involving groundwater and surface water quantity and quality, water rights, irrigation and fisheries issues and planning for water needs.

Leland G. Ripley, Ripley Law Firm Inc PS, focuses his practice on ethics and professional responsibility law. He has served as a disciplinary counsel for the Washington State Bar Association.

Thomas P. Schlosser, Morisset Schlosser Jozwiak & Somerville, represents Tribes in fisheries, timber, water, energy, cultural resources, contracting, tax, and federal breach of trust.

Tom Tebb, Director, Office of Columbia River, Washington State Department of Ecology, oversees water supply projects along the Columbia River. He was previously Regional Director of Ecology's Central Regional Office in Yakima.

July 25 & 26, 2017
 Seattle, Washington

Washington State Convention Center

800 Convention Place
 (206) 694-5000

Who Should Attend:

Attorneys, environmental and land use professionals, government and Tribal representatives, landowners, water users, corporate managers

Our Co-Chairs:



Peter H. Dykstra, Esq.
 Plauche & Carr LLP



Jean O. Melious, Esq.
 Nossaman LLP/
 Western Washington University

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