

The 11th Annual Conference on

Water and Real Estate Development in Idaho

Water right, water supply, and other water issues affecting real estate transactions and development today

Featuring Speakers From:

- Brown and Caldwell
- Bureau of Reclamation
- Ecosystem Sciences
- Givens Pursley LLP
- Henry's Fork Foundation
- Idaho Attorney General's Office
- McHugh Bromley PLLC
- Perkins Coie LLP
- Quadrant Consulting
- Sawtooth Law Offices PLLC
- SPF Water Engineering LLC
- Stoel Rives LLP
- Varin Wardwell

October 10 & 11, 2017

Boise, Idaho
The Owyhee

Webcast replays available!

Credits: ID CLE 10.25 (pending) | 10.25 AICP (pending) (call about others)
Quick when/where: 8:30 a.m., 1109 Main Street

Water and Real Estate Development in Idaho Conference
October 10 & 11, 2017 | Boise, Idaho
The Owyhee



800 Fifth Avenue, Suite 101 | Seattle, WA 98104
206.567.4490 | fax 206.567.5058 | www.lawseminars.com

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For which state(s)? _____

Register my colleague:

Name: _____

Email: _____

What type of credits do you need? _____

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Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

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

- Live Homestudy Webcast Homestudy Replay
 Course Materials

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- 8:00 Registration Opens
- 8:30 (Optional) Water Law 101: Idaho Water Law Fundamentals for People Primarily Focused on Real Estate Transactions and Project Development

Fundamentals to prepare participants for the more sophisticated discussions that follow: Prior appropriation doctrine; forfeiture and abandonment of water rights; transfer of water rights; surface vs. groundwater rights and conjunctive management

Michael P. Lawrence, Esq., *Program Co-Chair*
Givens Pursley LLP ~ Boise, ID
- 9:30 Introduction to the Main Program

Christopher M. Bromley, Esq., *Program Co-Chair*
McHugh Bromley PLLC ~ Boise, ID

Michael P. Lawrence, Esq., *Program Co-Chair*
- 9:45 Update on Recent Developments in Idaho Water Law and Policy

Andrea Courtney, Esq., *Assistant Attorney General*
Idaho Attorney General's Office ~ Boise, ID
- 10:15 Break
- 10:30 Water Infrastructure Development

Prospects for federal funding: Status report on Trump Administration plans for water infrastructure spending

Lorri Gray, *Pacific Northwest Regional Director*
Bureau of Reclamation ~ Boise, ID

Dusting off pre-recession projects that were put on the shelf: How the passage of time, or changes in project plans, can affect water rights; special issues for projects coming out of bankruptcy; tips and strategies for fixing legal problems

Christopher M. Bromley, Esq., *Program Co-Chair*

Tips and strategies for addressing technical issues for dusting off projects

Matt Gregg, P.E., *Program & Client Service Manager*
Brown and Caldwell ~ Boise, ID
- 12:15 Lunch (on your own)

- 1:30 Urban Development: Water Rights Issues Arising from Conversion of Agricultural Lands to Urban Lands

Effective use of hydrological science to assess the impact of the change in use: Issues relating to the timing of withdrawals and increased net use

Rob Van Kirk, Ph.D., *Senior Scientist*
Henry's Fork Foundation ~ Ashton, ID

The legal issues and how the way you go about a change of use can affect the outcome

Jeffrey C. Fereday, Esq.
Givens Pursley LLP ~ Boise, ID
- 3:00 Special Issues for Projects Coming Out of Foreclosure

Did the bank secure all the rights they need for transfer to the new developer?

Candice McHugh, Esq.
McHugh Bromley PLLC ~ Boise, ID
- 3:30 Break
- 3:45 Water Rights Due Diligence

Best practices for effective teamwork for lawyers and technical experts

Dylan B. Lawrence, Esq.
Varin Wardwell ~ Boise, ID

Roxanne Brown, *Sr. Water Rights Specialist*
SPF Water Engineering LLC ~ Boise, ID
- 5:00 Continue the Exchange of Ideas: Reception for Faculty and Attendees

Sponsored by Givens Pursley LLP and McHugh Bromley PLLC



About the Conference

LAW SEMINARS INTERNATIONAL

What previous attendees have said:

- “The level of detail was very welcome and beneficial.”
- “Very well tailored with regard to pressing issues.”
- “Good mix of water law basics and advanced issues.”
- “This is a really great program with timely relevant information.”

The upturn in real estate markets and transactions, particularly farm, ranch, recreational, and development properties, make this a good time to review the often complex issues involving water and land. This program will focus on water right, water supply, and other common water issues affecting real estate transactions and development.

In addition to providing an initial session on basic water law principles, this program will address water infrastructure development, the conversion of agricultural lands to urban lands, water rights and environmental due diligence for buyers and sellers of real property, and federal, state, and local governmental policies relating to land and water development, including mitigation of impacts to resources.

Each segment will include insights from leading representatives of various stakeholders, including attorneys, hydrogeologists, engineers, NGOs, and state and federal governments.

~ Program Co-Chairs: Christopher M. Bromley, Esq. of McHugh Bromley, PLLC and Michael P. Lawrence, Esq. of Givens Pursley LLP



8:30 Dealing with Too Much Water Too Fast: Water Infrastructure and Land Use Authorizations

Land development suitability: FEMA flood plain mapping, permitting, and flood control district considerations

Steve Sweet, PE
Quadrant Consulting ~ Boise, ID

Ditch rights law (irrigation and drainage easements): Irrigation and drainage entity project review and ditch modification authorization; water right implications of aesthetic features (streams, ponds, recreational pathways)

Andrew J. Waldera, Esq.
Sawtooth Law Offices PLLC ~ Boise, ID

9:45 Real Estate Development: Update on the Waters of the US Rule and the Potential for Citizen's Suits Under the Clean Water Act (CWA)

Where federal jurisdiction stands after the Trump Administration's cancellation of the Rule; the risk of Citizen's Suits, including how they work and how to avoid putting a target on your back; state regulation of wetlands and critical areas

Erika Eaton Malmen, Esq.
Perkins Coie LLP ~ Boise, ID

10:15 Break

10:30 Real Estate Development (cont'd): Environmental Due Diligence

A project developer's checklist

Richard R. Hall, Esq
Stoel Rives LLP ~ Boise, ID

11:15 Mitigation Banking: Complying with No Net Loss for Wetlands and Critical Habitat

Mitigation in Idaho, including application of Idaho water rights law for diversion of water for mitigation banks

Derek Risso,
Principal Scientist for Wetlands and Aquatic Habitat
Ecosystem Sciences ~ Boise, ID

12:30 Evaluations and Adjourn



Related Seminars & Webcast Replays:

Natural Resource Damages	July 18-19, 2017	Santa Fe, NM
Contracting for Renewable Energy Projects	October 6, 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 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, October 4, 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 Owyhee at 1109 Main Street in Boise, ID 83702.

Continuing Education Credits:

Live credits: We have applied for Idaho MCLE credits and AICP planner credits. Upon request, we will apply for, or help you apply for, CLE credits in other states and other types of credit.

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 five business days after the seminar or from the date we receive payment.

Faculty: Water and Real Estate Development in Idaho Conference

- Our Co-Chairs -



Christopher M. Bromley, *Program Co-Chair*, is a founding member of McHugh Bromley PLLC, a law firm focusing on water and administrative law. Before that, he served as a Deputy Attorney General, advising three Directors of Idaho's Department of Water Resources.



Michael P. Lawrence, *Program Co-Chair*, is a partner at Givens Pursley LLP where he focuses primarily on land use, water and natural resources. He has been recognized by Chambers USA as a Leading Lawyer for Natural Resources/Environment and as a Mountain States Super Lawyers Rising Star for Environmental.

- Our Faculty -

Roxanne Brown is a Senior Water Rights Specialist at SPF Water Engineering LLC. She previously served as a supervisory Water Resource Agent for the Idaho Department of Water Resources.

Andrea Courtney is an Assistant Attorney General and represented the Idaho Department of Water Resources during the Snake River Basin Adjudication. She

now represents the Department of Environmental Quality and handles air, water, and waste issues.

Jeffrey C. Fereday is a partner at Givens Pursley LLP focusing on water rights, environmental law, endangered species, wetlands, mining and public lands. He has been active in the Snake River Basin water rights adjudication since it began in 1987. He also has negotiated and helped fashion settlements with Indian Tribes and the Federal Government concerning reserved water rights claims.

Lorri Gray is the Pacific Northwest Regional Director for the Bureau of Reclamation. She oversees an annual program of more than \$385 million that includes operating Bureau of Reclamation's regional water projects for irrigation and power generation and managing a robust environmental sustainability program.

Matt Gregg is a Program & Client Service Manager at Brown and Caldwell. He previously was a Project Engineer & Manager.

Richard R. Hall is a partner at Stoel Rives LLP where he represents the hardrock, coal and industrial mineral industries on acquisitions and project development. This includes due diligence, title review, permitting and maintenance of mineral, surface and access rights required to support mining, energy and industrial projects.

Dylan B. Lawrence focuses his Environmental and Natural Resources practice at Varin Wardwell on water rights, contamination, permitting, public lands, mining, and oil & gas. He has been named a Mountain States Super Lawyer in Environmental Law, and has been ranked by Chambers and Partners in Natural Resources & Environment for Idaho.

Erika Eaton Malmen is a partner at Perkins Coie LLP. She focuses her transactional, permitting and litigation practice on environment, energy, natural resources, water, real estate, and entitlements/due diligence, including Clean Water Act (CWA) issues.

Candice McHugh is a founding owner of McHugh Bromley PLLC focusing on water rights administrative and litigation matters. For six years she was co-counsel, representing groundwater users, on Idaho's Eastern Snake Plain in four of Idaho's significant conjunctive management delivery call cases.

Derek Risso, Principal Scientist for Wetlands and Aquatic Habitat at Ecosystem Sciences, works nationally and internationally in the fields of watershed management, restoration ecology and environmental education. His current ecological research includes groundwater-surface water interactions, disturbance, riparian restoration and watershed ecology.

Steve Sweet of Quadrant Consulting acts as District Engineer for Boise River Flood Control Districts 10 and 11 and for Ada County Drainage District No. 3. Since 1995, he has been active in the Upper Salmon River Screen, Passage and Restoration Program, working on both field surveying and engineering.

Rob Van Kirk joined the Henry's Fork Foundation as Senior Scientist/Research and Restoration Director in 2012. He holds a Ph.D. in mathematics from the University of Utah, where he focused on mathematical modeling of fish and wildlife populations.

Andrew J. Waldera, principal at Sawtooth Law Offices PLLC, practices in the areas of water, land use, environmental/natural resources, and agricultural law. He serves as Director of the Lower Boise Watershed Council (Agricultural Stakeholder Representative) and on the Ada County Waterways Advisory Committee.

October 10 & 11, 2017

Boise, Idaho

The Owyhee
1109 Main Street
(208) 343-4611

Who Should Attend:

Attorneys, environmental, agriculture, real estate and land use professionals, lenders and investors, local government and Tribal representatives, landowners and anyone else involved with water issues and real estate development

You Will Learn About:

- *Optional Water Law 101*
- *Recent developments in Idaho water law and policy*
- *Water infrastructure development: Prospects for federal funding*
- *Tips for dusting off pre-recession projects that went on the shelf*
- *Special issues for projects coming out of foreclosure*
- *Issues arising from conversion of agricultural lands to urban lands*
- *Water rights due diligence*
- *Resiliency: Dealing with too much water too fast*
- *Dealing with the risk of citizen's suits after cancellation of the Waters of the US rule*
- *Environmental due diligence*
- *Mitigation banking in Idaho*

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