



**LAW SEMINARS  
INTERNATIONAL**

*The power of information®*

*The 32nd Annual Conference on Critical Developments for*  
**Water Law in Washington**

*Hear the current most pressing developments in Washington water rights  
and resource management from an exceptional faculty*

**June 7 & 8, 2023**

Live via Interactive Online Broadcast

*Agenda—Day 1*

**9:00 Introduction & Overview**

**Joseph A. Brogan, Esq.**, *Program Co-Chair*  
Foster Garvey ~ Seattle, WA  
**Matt Janz, Esq.**, *Program Co-Chair,*  
*Assistant Attorney General*  
Washington Attorney General's Office  
Olympia, WA

**9:15 The Water Code as the Structural Foundation for Water Rights in Washington**

The prior appropriation system and the interplay between water rights and needs for reallocation, pollution control, wildlife protection, recreation, instream flow maintenance, and environmental quality

**Jamie M. Morin, Esq.**  
Confluence Law ~ Snohomish, WA

**10:00 Ecology's Municipal Water Law Interpretive and Policy Statement (Policy 2030)**

Update on ^TopicDetail

**Austin Melcher**, *Environmental Planner*  
Washington State Department of Ecology  
Seattle, WA

**10:45 Break**

**11:00 Rural Subdivisions and the Domestic Uses Exemption in RCW 90.44.050**

Developer and regulatory perspectives on issues resolved and remaining after the appellate court decision in Department of Ecology v. Campbell Gwinn

**Joseph A. Brogan, Esq.**, *Program Co-Chair*  
**Matt Janz, Esq.**, *Program Co-Chair*

**12:00 Lunch Break**

**1:15 Streamflow Restoration and Watershed Planning under RCW 90.94**

Case study: Implementation of the Addendum to the Chehalis Watershed Management Plan

**Kirsten Harma**, *Partnership Watershed Coordinator*

Chehalis Basin Partnership ~ Oakville, WA

Case study: Implementation of the WRIA 55 (Little Spokane) Watershed Plan Addendum

**Amy Sumner**, *Water Resources Manager*  
Spokane County ~ Spokane, WA

Case study: Technical perspective on development of the WRIA 59 (Colville) Watershed Plan Addendum

**Eugene N. J. St. Godard, PG LHg CWRE**, *Principal Hydrogeologist/Owner*  
Water & Natural Resource Group, Inc. ~ Spokane, WA

3:15 Break

3:30 Water Code Enforcement

Current enforcement priority areas, lessons from recent enforcement actions, creative settlement approaches, and tips for responding to "Technical Assistance" letters

**Kellie A. Gillingham**,  
*Northwest Region Water Master*  
Washington State Department of Ecology  
Bellevue, WA

4:15 Adjudications: Early Steps for the Nooksack Basin

Update on pre-adjudication work in 2023; what to expect moving forward

**Robin McPherson, Esq.**, *Adjudication Manager*  
Washington State Department of Ecology  
Olympia, WA

5:00 Adjourn Day 1

## Agenda—Day 2

9:00 Water Right Changes and Transfers

Changes in use and other problematic areas; what to expect for challenges; legal and technical tips for preparing successful applications and challenges

**Dan Haller**, *Principal Engineer*  
Aspect Consulting ~ Yakima, WA

9:45 Relinquishment and the Applicability of Exemptions

Update on Ecology's policy guidance relating to relinquishment, recission, and abandonment of water rights; special issues for water users in basins subject to active or potential adjudication proceedings

**Joseph A. Brogan, Esq.**, *Program Co-Chair*

10:30 Break

10:45 Public Water System Consolidation

A good idea, or a strategy for unmitigated instream flow impacts and exceeding municipal water rights?

**Sharon I. Haensly, Esq.**, *Attorney*  
Squaxin Island Tribe ~ Shelton, WA

11:30 Case Law Update

Recent noteworthy judicial and administrative cases

**Stephen H. North, Esq.**,  
*Assistant Attorney General*  
Washington State Attorney General's Office  
Olympia, WA

12:15 Lunch Break

1:30 2023 Legislative Session

Recap on bills in the 2023 session and how the political dynamics played out; what to expect in terms of action on issues that were left unresolved

**Kathleen Collins**, *Owner*  
Capitol Strategies Consulting ~ Olympia, WA

**2:00 Water Resource Management: The Role of Tribes as Co-Managers**

Tribal roles in state policies and processes for conducting Tribal consultation

**Amelia Marchand**, *Tribal Climate Liaison (inv)*  
Affiliated Tribes of Northwest Indians  
Portland, OR

**2:45 Break**

**3:00 Effective Participation in PCHB Proceedings**

Tips for avoiding common mistakes, identifying the issues that matter the most, and building a solid record

**The Hon. Neil L. Wise, Esq.**, *Board Member*  
Pollution Control and Shorelines Hearings Board  
Olympia, WA

**3:30 Ethical Issues in Appellate Litigation and Brief Writing**

Obligations under RPC 3.1/RAP 18.9(a); client explanation of issues on appeal; requirements regarding citing authorities and extra-record material; other problematic issues

**Philip A. Talmadge, Esq.**  
Talmadge/Fitzpatrick ~ Tukwila, WA

**4:30 Evaluations and Adjourn**

*Who Should Attend*

Attorneys, environmental and land use professionals, local government and Tribal representatives, planners, ports, public utility districts, landowners, water users, and other stakeholders

*About the Conference*

Water law and policy in Washington State continues to evolve in response to population growth and economic development. At the same time, climate change and land use have resulted in increased pressure on surface and groundwater resources. And, our state is about to embark on yet another comprehensive water rights adjudication in the Nooksack Basin.

This year's seminar will continue our focus on recent changes and hot topics in Washington water law. The program will start with a refresher on the fundamentals of the Water Code, cover Ecology's latest work on the Municipal Water Law Interpretive Policy Statement, and examine the latest implementation actions associated with streamflow restoration and planning under Chapter 90.94 RCW. A seasoned faculty will address recurring topics such as relinquishment of water rights and the applicability of exemptions, legal and technical tips for preparing successful water right change applications, insights regarding Water Code enforcement, and the role of Washington Tribes as co-managers of our water resources.

Water law practitioners will not want to miss the practice tips panel, brought to you by the Honorable Neil Wise from the Pollution Control Hearings Board. The annual Case Law Update and 2023 Legislative Session Summary will also be of interest to anyone who tracks or is engaged in water resources litigation and water policy development in Washington. We will also hear from former Washington State Supreme Court Justice Philip Talmadge on the topic of ethical issues in appellate litigation and brief writing.

We hope you'll join us for what promises to be a timely and informative program. Register now to save your seat!

~ Joseph A. Brogan, Esq. of Foster Garvey and  
Matt Janz, Esq. of Washington Attorney General's Office,  
Program Co-Chairs

*Registration & Other Conference Information*

**Tuition:** Regular tuition for this program is \$895 with a group rate of \$805 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$670. For Tribal members, public interest NGO's, students, and people in their job for less than a year, our rate is \$447.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International. As a value-added bonus, attendees will receive access to audio and video recordings of the program at no extra charge.

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 Thursday, June 1, 2023. After that time, we will credit your tuition toward attendance at another program or the purchase of an audio or video replay.

**Continuing Education Credit:** Live credits: This program qualifies for 11.75 (1 Ethics included) Washington MCLE, 11.75 AICP land use planner, and 11.75 ABCEP environmental professional credits. Upon request, we will help you apply for CLE credits in other states and other types of credits.

**Time Shift Your Content:** Audio and video replay files, with course materials, are available for download or on a flash drive at the same price as live attendance. Files are available for downloading five business days after the program or from the date we receive payment. Flashdrive orders are sent via First Class mail within seven business days after the program or from the date we receive payment. The course materials alone are available for \$100.

## Faculty

**Joseph A. Brogan**, *Program Co-Chair*, is a partner at Foster Garvey and one of the leading water rights lawyers in Washington state. He provides strategic advice, permitting and litigation support to water purveyors, public utility districts, ports, industry clients and private property owners.

**Matt Janz**, *Program Co-Chair*, is an Assistant Attorney General on the Water Resources Team in the Ecology Section of the Washington Office of the Attorney General. He advises the Washington Department of Ecology on water resource issues, primarily in Eastern Washington.

**Kathleen Collins**, Owner of Capitol Strategies Consulting, represents local governments on environmental issues. Before founding Capitol Strategies, she lobbied for the Association of Washington Cities.

**Kellie A. Gillingham** is a Water Master who serves the Department of Ecology's Northwest Region. She is a lead investigator of alleged violations of the state's water code.

**Sharon Haensly** is an on-call employee/attorney with the Squaxin Island Tribe, available for special projects for Squaxin and others (provided no conflict with Squaxin's interests). She previously worked for EPA, the Swinomish Indian Tribal Community, and several law firms' Indian law practices.

**Dan Haller** is a Principal Engineer at Aspect Consulting focusing on water rights and systems. His background includes management of storage and conservation projects; water banking and water rights transfers; and water system design, planning, and financial planning.

**Kirsten Harma** is the Watershed Coordinator for the Chehalis Basin Partnership, which is the Lead Entity for Salmon Recovery in the Chehalis Basin. Previously, she worked on testing water quality and delineating wetlands in Washington and on monitoring stream health in Costa Rica.

**Amelia Marchand** is the Tribal Climate Liaison for the Affiliated Tribes of Northwest Indians. She previously served as the Executive Director of the Center for World Indigenous Studies and as the Environmental Program Director for the Confederated Tribes of the Colville Reservation.

**Robin McPherson** is the Adjudication Manager for the Department of Ecology. She previously represented the Ecology Water Resources Program as an Assistant Attorney General.

**Austin Melcher** is an Environmental Planner for the Washington State Department of Ecology. He formerly worked as a Project Manager for Duidek where he led expert environmental support for multiple large-scale water supply infrastructure projects (recycled and desalination), water supply market assessments, habitat conservation plans, and renewable energy projects. He also was a Clean Water Fellow for the Willamette Partnership.

**Jamie M. Morin**, Confluence Law, assists clients with the acquisition, transfer, and adjudication of water rights, compliance with public water system regulations, environmental review, and compliance with various state and federal environmental regulations.

**Stephen H. North** is a managing Assistant Attorney General with the Water Resources Section of the Ecology Division of the Washington State Attorney General's Office. His work includes advising the Water Resources Program on adjudications, administrative instream flow rulemaking, water resources legislation, changes and transfers of water rights, municipal water rights, permit exempt wells, relinquishment of water rights, trust water rights, and enforcement issues, among others.

**Eugene N. J. St. Godard, PG LHg CWRE**, is the Principal Hydrogeologist and Owner of Water & Natural Resource Group, Inc. He has been working on hydrogeological issues and watershed planning in WRIA 59 (Colville River) for 20-years, including the development and implementation of the RCW 90.94 Watershed Plan Addendum, and the development of the Stevens County Water Bank.

**Amy Sumner** is the Water Resources Manager for Spokane County. She is responsible for the implementation of WRIA 55/Little Spokane River Watershed Plan Addendum prepared under RCW 90.94. As a Project Manager, she also was involved in the WRIA 55 planning efforts and data collection for assessing current watershed conditions.

**Philip A. Talmadge**, Talmadge/Fitzpatrick, served in the Washington State Senate from 1979 to 1995 and on the Washington Supreme Court from 1995 to 2001. He has taught appellate advocacy at Seattle University and the University of Washington Law Schools.

**The Hon. Neil L. Wise** is a member of the Pollution Control Hearings Board and Shorelines Hearings Board. Prior to his appointment to the Boards, he was a Senior Counsel at the Washington Attorney General's Office, where he represented the Washington Departments of Fish and Wildlife and Natural Resources, and the Forest Practices Board.