



**LAW SEMINARS
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The 33rd Annual Foremost Conference on
Water Law in Washington

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

April 25 & 26, 2024

Live via Interactive Online Broadcast

Agenda—Day 1

9:00 Introduction & Overview

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

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

The prior appropriation system, the Water Code, and the interplay between in-stream water rights and multiple beneficial uses of water.

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

10:00 A Look Back at, and Forward from, the 2024 Legislative Session

Recap on other bills relating to climate change and water in the 2024 session and how the political dynamics played out; what to expect in terms of post-session action on issues that were left unresolved

Kathleen Collins, Owner
Capitol Strategies Consulting ~ Olympia, WA

10:30 Break

10:45 Effective Preparations for Participation in Water Rights Adjudications

Relinquishment, recission, abandonment, and the applicability of exemptions: Ecology's policy guidance; special issues for water users in basins subject to active or potential adjudication proceedings; tips for developing persuasive usage documentation

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

11:30 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 to applications

Jill E. Van Hulle, Principal
Aspect Consulting ~ Olympia, WA

12:15 Lunch Break

1:30 Kickoff Time for the WRIA 1 Nooksack Basin Adjudication

Overview: Update on what will be happening and when; working with the claim form and three-year evidentiary period for the Nooksack adjudication

Matt Janz, Esq., Program Co-Chair

Lessons from past adjudications for local government and non-government stakeholders desiring to participate in the process

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

2:45 Effective Participation in PCHB Proceedings

Tips for avoiding common mistakes, identifying the issues that matter the most, and building a solid record; the evolving role of Administrative Law Judges in Board proceedings

The Hon. Christopher Swanson, Esq., Board Member
Environmental Land Use Hearings Office
Olympia, WA

3:15 Break

3:30 Case Law Update

Recent noteworthy judicial and administrative cases

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

4:15 Appellate Brief Writing

The art of persuasion when you are dealing with the facts on the record; requirements regarding citing authorities and extra-record material; common mistakes to avoid

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

5:00 Adjourn Day 1

Agenda—Day 2

9:00 The Interplay Between Climate Change Policy Implementation and Water Resource Management

Ecology's climate change policy priorities and the areas where they touch on water resource management issues

Bennett Weinstein, Esq.,
Streamflow Section Manager
Department of Ecology ~ Bellevue, WA

9:45 Break

10:00 Status Update: Second Draft for Ecology's Municipal Water Law Interpretive and Policy Statement (Policy 2030)

Update on the recently published second draft policy with an additional comment period

Austin Melcher, Environmental Planner
Department of Ecology ~ Seattle, WA

Changes in use and other problematic areas: Technical perspective on the second draft policy and potential issues for applicants and opponents

Dan Haller, Principal Engineer
Aspect Consulting ~ Yakima, WA

Stakeholder perspective on the substantive provisions in the second draft policy

Trish Rolfe, Executive Director

12:00 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, economic development, and climate change. This year's conference will bring you up to speed on recent changes and hot topics in Washington water law.

The first day of the program will start with a refresher on the Water Code. You will hear updates on the 2024 Legislative Session and WRIA 1 Nooksack Adjudication followed by practical tips for effective participation in an adjudication and coverage of statutory relinquishment provisions and exceptions.

Our excellent faculty will discuss preparing successful water right change applications and strategies for effective participation in Pollution Control Hearings Board proceedings. The annual Case Law Update will be important to anyone who tracks or is engaged in water resources litigation and water policy development in Washington. You will hear tips for effective appellate brief writing, including building an effective record at the trial or hearing level, from former Washington Supreme Court Justice Phil Talmadge.

In the second day, you will hear a presentation on Climate Change Policy Implementation and Water Resource Management plus an extensive panel discussion of Ecology's latest work on the Municipal Water Law Interpretive Policy Statement.

We hope you will join us your peers and colleagues for this a timely and informative program. Register now to save your virtual 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 \$995 with a group rate of \$895 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$745. For Tribal Members, public interest NGO's, students, and people in their job for less than a year, our rate is \$497.50. All rates include admission to all program sessions and course materials.

Make checks payable to Law Seminars International. As a value-added bonus, you 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 Friday, April 19, 2024. 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: This program qualifies for 8.75 WA MCLE, 8.75 AICP land use planner, and 8.75 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.

Bill Clarke, Attorney at Law & Government Affairs, focuses on lobbying the Washington State Legislature and state agencies on a variety of policy and budget matters. His law practice emphasizes water and natural resources, utility, and local government issues.

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.

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.

Austin Melcher is the Municipal Water Law and Legislative Task Force Lead in the Policy Support Section of Ecology's Water Resources Program. He has been at Ecology for four years and has spent the past couple of years working on updating Ecology's Municipal Water Law policy.

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.

Trish Rolfe is Executive Director of Center for Environmental Law & Policy. She previously served as Executive Director of Trustees for Alaska, a nonprofit public interest environmental law firm, and as the Alaska Field Manager for the Sierra Club.

The Hon. Christopher Swanson was appointed by Governor Jay Inslee in 2023 to serve on the Pollution Control and Shorelines Hearings Boards. Before his appointment, he served as Assistant Chief Industrial Appeals Judge with the Board of Industrial Insurance Appeals and as an Assistant Attorney General serving in the Utilities and Transportation and Agriculture and Health divisions.

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.

Jill E. Van Hulle, a Principal at Aspect Consulting, specializes in complicated water rights and water supply projects. Her work includes implementing cost reimbursement projects for water right applications, evaluating existing water rights (beneficial use analyses), developing mitigation plans, and handling complex water management projects. She sits on the Lewis County Water Conservancy Board.

Bennett Weinstein is Streamflow Section Manager at the Department of Ecology. He previously served as Water Supply Program Manager for the Georgia Environmental Protection Division and as Water Planning and Policy Advisor for the Atlanta Regional Commission.