



### Featuring Speakers From:

- 37 Water, LLC
- Avista Corp.
- Baird Hanson Williams LLP
- Capitol Law Group
- CDR Associates
- Givens Pursley LLP
- Gough, Shanahan, Johnson & Waterman, PLLP
- Idaho Department of Water Resources
- Idaho Office of the Attorney General
- Idaho Water Users Association
- Kootenai Environmental Alliance
- Racine Olson Nye Budge & Bailey
- Snake River Basin Adjudication
- State of Idaho, Fifth Judicial District Court
- The Cleary Law Group, P.C.
- Trout Unlimited
- U.S. Environmental Protection Agency, Region 10
- WestWater Research LLC

The Third Annual Comprehensive Conference on

# Idaho Water Law 2009

New legislation, ongoing litigation and major regulatory actions

May 7 & 8, 2009

Boise, Idaho

Red Lion Hotel Boise Downtowner

**Credits:** ID CLE 13.25 | MT CLE 13.25 | WA CLE 13.25 | AICP CM 13.25 (call about others)

**Quick when/where:** 8:30 a.m., 1800 Fairview Avenue

### Idaho Water Law 2009 Conference

May 7 & 8, 2009 | Boise, Idaho  
Red Lion Hotel Boise Downtowner

#### 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, check boxes to order:

- Homestudy Course with DVD     Course Materials only

To complete your registration, please send a check  
or complete the credit card information below:

(Fax to 206-567-5058 or register online at [www.lawseminars.com](http://www.lawseminars.com))

No.: \_\_\_\_\_ Exp. Date: \_\_\_\_\_

Card Holder's Signature: \_\_\_\_\_



### LAW SEMINARS INTERNATIONAL

800 Fifth Avenue, Suite 101, Seattle, WA 98104  
tel (206)567-4490 or (800)854-8009  
fax (206)567-5058 | [www.lawseminars.com](http://www.lawseminars.com)

09WATID WS



- 8:00 Registration and Continental Breakfast**
- 8:30 Introduction and Overview: Emerging Issues**  

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

**Peter G. Scott, Esq., Program Co-Chair**  
Gough, Shanahan, Johnson & Waterman, PLLP ~ Helena, MT
- 8:45 The Director's Report: Hot Topics Affecting Water Rights**  

Conjunctive management; Eastern Snake Plain Aquifer Study (ESPA); new guidance document for transfers; the Governor's push for additional storage projects

**David R. Tuthill, Jr., Ph.D., Director**  
Idaho Department of Water Resources ~ Boise, ID
- 9:30 Municipal Water Rights and Subdivision Development**  

Permits and proof requirements for the municipal provider; future needs versus short form rights

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

**Jeff Peppersack, Chief, Water Allocation Bureau**  
Idaho Department of Water Resources ~ Boise, ID
- 10:15 Break**
- 10:30 Conjunctive Management and Emerging Issues in Blaine County**  

What implications can be drawn from conjunctive management on ESPA and how that may play out in Upper Big Wood drainage

**Allen Merritt, P.E., Southern Regional Manager**  
Idaho Department of Water Resources ~ Twin Falls, ID
- 11:00 Instream Flow Management and Aesthetic Issues**  

Wood River Legacy Project; Boise River federal releases; Snake River Basin Adjudication; general update on water rights for maintaining critical fish habitat and health of a river

**Peter Anderson, Esq., Idaho Water Project Counsel**  
Trout Unlimited ~ Idaho Falls, ID
- 11:45 Federal Reserved Water Rights and the Wild and Scenic Rivers**  

Lessons learned from efforts to solve intractable problems (subordinations, etc.)

**Clive J. Strong, Esq., Chief, Natural Resources Division**  
Idaho Office of the Attorney General ~ Boise, ID

- 12:30 Lunch (on your own)**
- 1:45 Water Rights Conveyancing and Transfers**  

The Department's new guidance on water rights transfers

**Garrick Baxter, Esq., Deputy Attorney General**  
Idaho Office of the Attorney General ~ Boise, ID

Nuts and bolts of getting it done

**Michael C. Creamer, Esq.**  
Givens Pursley LLP ~ Boise, ID
- 2:45 Break**
- 3:00 Comprehensive Aquifer Management Plan (CAMP)**  

Where is the water and how do we increase flows: Technical perspective on development of the plan and the foundation for the recommendations

**Hal N. Anderson**  
*Planning and Technical Services Division Administrator*  
Idaho Department of Water Resources ~ Boise, ID

Collaborative processes and the development of Comprehensive Aquifer Management Plan

**Jonathan D. Bartsch, CEO and Senior Program Manager**  
CDR Associates ~ Boulder, CO
- 4:00 Water Rights Marketing**  

Emerging strategies for tapping the water marketplace

**Harry Seely, Water Resource Economist**  
WestWater Research LLC ~ Boise, ID

**Greg Travelstead, General Manager**  
37 Water, LLC ~ Hailey, ID
- 5:00 Continue the Exchange of Ideas: Reception for Faculty and Attendees**  

Sponsored by Givens Pursley LLP and Gough Shanahan Johnson & Waterman LLP



Gough, Shanahan, Johnson & Waterman



## About the Conference

### LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

[www.lawseminars.com](http://www.lawseminars.com)

*The legal, policy and environmental landscape for water law continues to be of critical importance in Idaho. Building on prior years' Idaho Water Law seminars, we will explore recent developments in the legislature and courts (including regulation of exempt domestic wells), important new guidance from IDWR governing municipal water rights and private land development, the latest on conjunctive administration and mitigation strategies, emerging water markets, practical advice for handling water rights transfers, the latest on the Clean Water Act, emerging issues in federal reserved water rights, practical litigation tips from the SRBA judge and IDWR's top hearing officer, and a "hot topics" report from the Director of IDWR.*

*This conference brings together experts from a variety of perspectives and disciplines, including representatives from federal, state and local governments, to share their experiences, challenges and success stories regarding this evolving landscape, as well as other pressing issues. The program also provides critical updates and thought-provoking discussions for water law practitioners, water users and resources managers.*

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



- 8:00 Registration and Continental Breakfast**
- 8:30 Surface versus Ground Water**  
Which rights prevail; progress toward consensus  
**C. Tom Arkoosh, Esq.**, Capitol Law Group ~ Boise, ID  
**Randall C. Budge, Esq.**, Racine Olson Nye Budge & Bailey ~ Pocatello, ID
- 9:15 Snake River Basin Adjudication**  
Lessons learned  
**Brigitte Bilyeu, Esq.**, *Special Master*  
**Eric J. Wildman, Esq.**, *Staff Attorney*  
Snake River Basin Adjudication ~ Twin Falls, ID
- 10:15 Break**
- 10:30 Update on Rapanos and Miccosukee**  
An insider's view  
**Mark A. Ryan, Senior Enforcement Counsel**  
U.S. Environmental Protection Agency, Region 10 ~ Boise, ID
- 11:15 Overview of the Clean Water Act NPDES Stormwater Permitting Process**  
Multi-sector general permits; construction general permits, including exemptions and exclusions; practical guidance  
**Joseph H. Baird, Esq.**  
**C. Nicholas Krema, Esq.**  
Baird Hanson Williams LLP ~ Boise, ID

- 12:00 Lunch (on your own)**
- 1:15 Update on the Northern Idaho Adjudication**  
Emerging issues discussion  
**Peter G. Scott, Esq.**, *Program Co-Chair, Moderator*  
**Brian J. Cleary, Esq.**, The Cleary Law Group, P.C. ~ Hayden, ID  
**Carter Fritschle**, *Technical Section Manager, Adjudication Bureau*  
Idaho Department of Water Resources ~ Boise, ID  
**Steve Fry, Hydro Projects Manager**  
Avista Corp. ~ Spokane, WA
- 2:15 Practice Tips from the Bench**  
Insights on what parties do right and wrong  
**The Hon. John Melanson, Esq.**, *District Judge*  
State of Idaho, Fifth Judicial District Court ~ Rupert, ID  
**Gary Spackman, Esq.**, *Administrator, Water Management Division*  
Idaho Department of Water Resources ~ Boise, ID
- 3:15 Break**
- 3:30 Exempt Domestic Wells and Growth in the West**  
New issues and approaches; legislative efforts to address the statute  
**Barry Rosenberg, Executive Director**  
Kootenai Environmental Alliance ~ Coeur d'Alene, ID  
**Peter G. Scott, Esq.**, *Program Co-Chair*
- 4:15 The Urban-Rural Interface**  
Update on the summit: Encroachments and stormwater discharges to canals, etc.  
**Norman M. Semanko, Esq.**, *Executive Director and General Counsel*  
Idaho Water Users Association ~ Boise, ID
- 5:00 Evaluations and Adjourn**

### Upcoming Related Seminars:

Geothermal Energy in the West	March 26-27, 2009	Los Angeles, CA
Restoration and Mitigation in Washington	April 30-May 1, 2009	Seattle, WA
Washington Water Law	June 4-5, 2009	Seattle, WA

See more at [lawseminars.com](http://lawseminars.com)



## Registration & Other Conference Information

### To Register:

Call us at: 800-854-8009 or 206-567-4490  
 Fax the registration form to us at: 206-567-5058  
 Email us at: registrar@lawseminars.com  
 Web site: 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 \$995 with a group rate of \$845 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 \$497.50. 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 1, 2009. 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 Red Lion Hotel Boise Downtown at 1800 Fairview Avenue in Boise, ID 83702. Call the hotel directly at (208) 344-7691 for reservations at the special negotiated rate of \$109/night 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 13.25 ID and 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 \$1005. The written course materials or searchable CDs of the course materials are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or from the date we receive payment.

## Faculty: Idaho Water Law 2009 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*, *Mountain States Super Lawyers* and *Chambers USA*.

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

**Hal N. Anderson**, Planning and Technical Services Division Administrator at the Idaho Department of Water Resources, manages staffing and technical support to IDWR and Idaho Water Resource Board programs.

**Peter Anderson** is water law counsel for Trout Unlimited's Idaho Water Project, whose mission is to protect instream flows using existing and new Idaho water law.

**C. Tom Arkoosh**, founding partner at Capitol Law Group, focuses on civil, commercial, criminal, natural resources and water law, and administrative law.

**Joseph H. Baird**, partner at Baird Hanson Williams LLP, provides environmental and mining counsel to base and precious metal production companies, industrial mineral producers, exploration programs and mineral land management companies.

**Jonathan D. Bartsch**, CEO and Senior Program Manager at CDR Associates, is a facilitator and mediator, focusing on complex, multi-party environmental consensus-building and public involvement processes.

**Garrick Baxter**, Deputy Attorney General with the Idaho Office of the Attorney General, represents and advises the Idaho Department of Water Resources on water law.

**Brigitte Bilyeu** is a Special Master in the Snake River Basin Adjudication, Idaho's Water Court. She was on the court steering committee formed in 1994 to work on new water statutes passed by the Idaho Legislature.

**Randall C. Budge**, partner at Racine Olson Nye Budge & Bailey,

focuses on water law, real estate, business, estate planning and public utilities. He represents canal companies, farmers and developers.

**Brian J. Cleary**, shareholder of The Cleary Law Group, P.C. focuses on environmental, bankruptcy, gaming, submerged lands ownership, hydropower licensing and water rights law litigation.

**Michael C. Creamer**, partner at Givens Pursley LLP, focuses on natural resources and environmental and public utilities law. He is listed in *The Best Lawyers in America*.

**Jeffrey C. Fereday** is partner 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*.

**Carter Fritschle**, Technical Section Manager of the Adjudication Bureau at the Idaho Department of Water Resources, focuses on the adaptation of technology to the adjudication process.

**Steve Fry**, Hydro Projects Manager at Avista Corp., focuses on hydro licensing and safety administration of Avista's hydroelectric developments in Montana, Idaho and Washington. He heads Avista's efforts with respect to Northern Idaho Adjudication process.

**C. Nicholas Krema**, of counsel at Baird Hanson Williams LLP, counsels mining clients on environmental issues, including the CWA, RCRA, CERCLA, NEPA, NHPA and RFRAs.

**The Hon. John Melanson** is District Judge for the State of Idaho Fifth Judicial District and Presiding Judge of the Snake River Basin Adjudication.

**Allen Merritt, P.E.**, Southern Regional Manager, Idaho Department of Water Resources, focuses on water rights, adjudication, well drilling, stream channel alterations, dam safety and coordination with water districts.

**Jeff Peppersack**, Chief of the Water Allocation Bureau of the Idaho Department of Water Resources, focuses on review of water right applications, maintaining water right records and coordinating water distribution and enforcement matters statewide.

**Barry Rosenberg**, Executive Director for the Kootenai Environmental Alliance, focuses on water issues and monitors all Applications for Permit (Water Rights) in Kootenai County on behalf of KEA.

**Mark A. Ryan**, Regional Counsel at the U. S. Environmental Protection Agency, Region 10, focuses on Clean Water Act litigation and permitting. He is editor and co-author of the *ABA's Clean Water Act Handbook, 2nd edition*.

**Harry Seely**, Water Resource Economist at WestWater Research LLC, applies mathematical programming and econometric analysis techniques to estimate water value. He assesses regional economic costs and benefits of water quality, development and reallocation projects.

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

**Gary Spackman**, Administrator of the Water Management Division at the Idaho Department of Water Resources, is primary Administrative Hearing Officer for water rights contested cases.

**Clive J. Strong**, Chief of the Natural Resources Division for the Idaho Office of the Attorney General, works in environmental, natural resources and Indian Law. He coordinates conjunctive administration of surface and ground water litigation for the State of Idaho.

**Greg Travelstead**, General Manager at 37 Water, LLC, focuses on refining valuation metrics to efficiently match supply and demand for specific water right attributes.

**David R. 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 J. Wildman**, Staff Attorney for the Snake River Basin and Coeur D'Alene-Spokane River Basin Adjudications, is responsible for the management and progress of the adjudications including advising and assisting the Presiding Judge.

May 7 & 8, 2009

Boise, Idaho

**Red Lion Hotel Boise  
Downtown**

1800 Fairview Avenue  
(208) 344-7691

### Who Should Attend:

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

### You Will Learn About:

- *Emerging water rights: Municipal, federal reserved, conveyancing and transfers, marketing*
- *Conjunctive management*
- *Instream flow*
- *Comprehensive Aquifer Management Plan*
- *Surface versus ground water: Which rights prevail*
- *Snake River Basin and North Idaho Adjudications*
- *Insider's view on Rapanos and Micosukee*
- *Multi-sector and construction general permits*
- *Practice tips and insights from the bench*
- *Exempt domestic wells*
- *Rural-urban interface conflict issues*

### To Register:

Mail  
800 Fifth Ave., Suite 101  
Seattle, WA 98104

Phone  
(206) 567-4490  
or (800) 854-8009

Fax  
(206) 567-5058

Email  
registrar@lawseminars.com

[www.lawseminars.com](http://www.lawseminars.com)

©2009 Law Seminars International