

Please review the following marketing  
information for your seminar.

**Planner/Assistant:** Donna Pullman, Tera

**Title:** Water Rights Sales and Transfers in Washington

**Location:** Spokane, WA

**Hotel:** To be determined

**Date:** October 15, 2008

**Seminar ID:** 380544

**Tuition:** \$ 389

**Audience:** This seminar is designed for attorneys, presidents, vice presidents, engineers, hydrology professionals, project managers, environmental professionals, planning and zoning officials, government and municipal administrators, public works directors, contractors and subcontractors.

**Credit:** Continuing education credit will be applied for. Please contact me if you have questions or concerns.

# Our Distinguished Faculty

**Joseph G. Carroll** received his B.A. degree from Rocky Mountain College in Billings, Montana, and his law degree from Gonzaga University School of Law. Mr. Carroll represents a number of different irrigation and water districts. While representing these special purpose districts, he has worked in the areas of water rights, eminent domain actions, contracts, bidding, bankruptcy, real estate and numerous other quasi-municipality issues. He has been a frequent lecturer on liabilities associated with water purveyors and the Washington state open meetings and open records acts. Mr. Carroll serves as a member of the board of directors of the Washington State Water Resources Association and on its Legislative and Attorneys Committees.

**Paul Fabiniak** has been a staff person for the Water Resources Program at the Northwest Regional Office of the Department of Ecology since 2001. Mr. Fabiniak's duties include the application of water law and agency policy to a wide variety of issues, including permitting and municipal water system plan review. He has been involved in various policy and planning issues, and has become one of the state's regional experts in interpretation and implementation of the 2003 Municipal Water Law and the Reclaimed Water Statute. Previously, Mr. Fabiniak worked for the Seattle branch of the U.S. Army Corps of Engineers assisting fish biologists in conducting salmon research. He received a B.S. degree in environmental science from the State University of New York at Buffalo and pursued graduate studies in biology at SUNY College at Buffalo and at the University of Washington's College of Forest Resources.

**Ryland Moore** is the transaction manager for WestWater Research, LLC, in its Vancouver office. Mr. Moore has negotiated and advised on water rights and land transactions throughout the western United States. He has represented clients that include private developers; municipalities; local, regional and state agencies; publicly traded companies; and private equity firms. Prior to his work with WestWater Research, Mr. Moore was a project manager for the Oregon Water Trust, where he focused on water rights transactions in the Umatilla, Deschutes, Hood, Grande Ronde and Willamette basins of Oregon. He also worked as the managing director of the McKenzie River Trust in Eugene, Oregon, where he helped to acquire more than 2,000 acres through fee title acquisition, conservation easements or pass-through to other entities. Mr. Moore holds a B.S. degree in natural resources from The University of the South in Sewanee, Tennessee, and an M.C.R.P. degree from the University of Oregon.

**Jamie Morin**, a principal attorney with Mentor Law Group, PLLC, practices water, water utility and environmental law. She has extensive experience working with Washington's water code, public water system regulation, the state and national environmental policy acts, and various other state and federal environmental regulations. Prior to law school, Ms. Morin worked as a policy consultant in Olympia, concentrating on water resource policy, natural resource policy and local government issues. She received a B.A. degree with an emphasis in natural resource policy from The Evergreen State College and a J.D. degree from The University of Montana School of Law.

**Mark Peterson, Esq.**, is a solo practitioner and has served as a water conservancy board member for Chelan County, which continues to be one of the more prolific boards in the state. As an advocate he has successfully processed dozens of transfers through conservancy boards in the last few years. Mr. Peterson serves as water counsel and general counsel to Malaga Water District, Peshastin Water District, Alpine Water District, Rio Vista Water District, Corral Springs Water District and others. He has also served numerous developers and commercial agricultural interests.

**George Schlender** is program director for more than 40 professional staff within the western 11 states and the Pacific territories for Rural Community Assistance Corporation. Mr. Schlender is a skilled senior environmental manager with more than 36 years of experience in the fields of water and wastewater management. He has expertise in water rights law and the acquisition and purchase of water rights for municipalities. Through his current work, under technical assistance contracts from federal agencies, Mr. Schlender is providing technical assistance to small low-income rural communities on water rights and acquisition of water rights to meet current and future needs. He holds a B.S. degree in water and wastewater management with a management specialty.

**Peter G. Scott** is with the firm of Gough, Shanahan, Johnson & Waterman in Helena, Montana. He serves as regulatory and litigation counsel for clients throughout the Northwest. Mr. Scott's practice emphasizes land use, water rights and natural resources. He is a member of the state bars in Idaho, Oregon, Washington and Montana. Mr. Scott serves as secretary of the Northwest Mining Association. He earned a B.S. degree, cum laude, in geology from the University of Massachusetts Amherst and worked as a hydrogeologist in Idaho and Montana before earning his J.D. degree, with honors, from Northwestern School of Law, Lewis & Clark.

## Speaker Names

### Moderator:

**Jamie Morin**

*Mentor Law Group, PLLC*

**Joseph G. Carroll**

*Joseph G. Carroll, P.S.*

**Paul Fabiniak**

*Washington State*

**Ryland Moore**

*WestWater Research, LLC*

**Mark Peterson, Esq.**

*Solo Practitioner*

**George Schlender**

*Rural Community Assistance Corporation*

**Peter G. Scott**

*Gough, Shanahan, Johnson & Waterman*

# Critical Issues on the Agenda

8:30 AM – 9:00 AM **Registration**

9:00 AM – 9:15 AM **Overview**

— *Jamie Morin*

9:15 AM – 10:15 AM **Legal Basis for Appropriative Water Rights: Water Law 101**

— *Jamie Morin*

- History and Development of Water Rights in Washington
- Elements of a Water Right
- Special Considerations in Evaluating a Water Right Before Applying for a Change or Transfer

10:15 AM – 10:30 AM **Break**

10:30 AM – 11:30 AM **Municipal Water Law – Speculation on Where We Go From Here**

— *Joseph G. Carroll and Paul Fabinak*

11:30 AM – 12:15 PM **Adjudicating Water Rights – Plans for the Colville and Spokane Watersheds**

— *Peter G. Scott*

- Statutory Process for Judicially Determining the Nature of Privately Held Water Rights
  - Instream Flows
  - Inchoate (Municipal) Rights
  - Exempt Groundwater Wells
  - Federal Water Rights

12:15 PM – 1:15 PM **Lunch (On Your Own)**

1:15 PM – 2:15 PM **Basics of Changing a Water Right and Using Conservancy Boards to Do So**

— *Mark Peterson, Esq.*

2:15 PM – 2:30 PM **Break**

2:30 PM – 3:30 PM **Water Markets, Water Right Marketing and Water Right Valuations**

— *Ryland Moore*

- Water Markets in Washington vs. the Western U.S.
- Tips and Techniques for Marketing Water Rights
- Assessing Values for Water Rights
- Comparing Water Right Values in Washington

3:30 PM – 4:30 PM **Water Rights Acquisition for Small Rural Communities**

— *George Schlender*

- Regulatory Requirements That Trigger a Review of Small Community Water Rights
- Funding Available to Purchase Water Rights
- How to Get the Water Right Transferred
- Case Studies of Small Communities
- Future Issues That Impact Small Communities of Water Right Transfers

**You may increase the interest of potential seminar attendees by adding subtopics to this agenda, like so:**

**Topic Example**

- Subtopic
- Subtopic
- Subtopic

# Seminar Highlights

## **Ensure nothing gets overlooked – get on the road to success in water rights sales and transfers.**

Attend this enlightening seminar and stay abreast of the latest issues relating to water rights issues in Washington. Our seasoned professionals will provide practical answers to your most pressing questions about municipal water law. You'll get an inside look at how to respond to confusing issues surrounding water markets, water right marketing and water right valuations.

Take advantage of this opportunity to make sure you stay current and stay out of trouble. You'll hear proven techniques for getting *results* – and getting ahead.

### **Benefits for You**

- Grasp the key essentials of water law
- Learn the basics of changing a water right and using conservancy boards
- Take the headaches out of adjudicating water rights
- Solve your toughest problems related to water rights acquisition for small rural communities
- Get tips and techniques for marketing water rights

### **Professional Manual**

You will receive a professionally prepared manual made exclusively for this seminar by our faculty. If you can't attend, you can still get the manual – along with a copy of the recorded seminar on CD – by simply using the registration form on the inside of this brochure.

### **Learning Objectives**

The attendee will be able to identify the legal basis for appropriative water rights.

The attendee will be able to review the basics of changing a water right.

The attendee will be able to discuss water rights acquisition for small rural communities.