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Municipal Water Rights Assessments

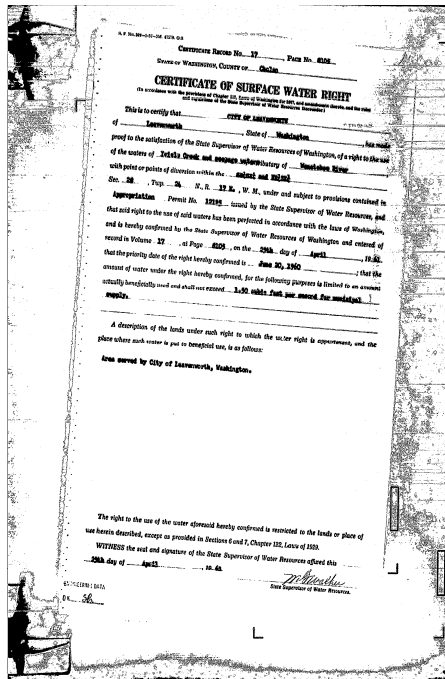
When was the last time your municipal water system hired an experienced water rights attorney to review and assess the scope, validity and status of its water rights portfolio? If you don't know, or its been over 10 years, your water rights may be at risk.

Public water systems have a duty to preserve and protect their water rights for current and future residents of their communities. In the state of Washington, however, water rights are routinely reviewed and assessed by Department of Ecology officials who have other duties, including the protection and enhancement of instream flows and returning unused water rights to the public domain. They make these "tentative determinations of scope and validity" whenever a public water system applies for a new water right, changes a water right, or updates their comprehensive water system plan. Thousands of municipal water rights have been misinterpreted or under-valued by these determinations, and water system managers are often unaware that their water rights are at risk or may have been lost as a result. These situations can be avoided and in many cases lost or minimized water rights can be restored by a legal assessment from an expert who understands water rights and the limits of government authority.

I have assessed dozens of municipal water right portfolios throughout Washington State and corrected numerous mistakes by government officials in earlier interpretations and decisions involving those water rights. My assessments give water system managers, consulting engineers, and elected officials confidence that their water rights are protected and preserved for future growth. These assessments are also the foundation for future decision-making that maximizes the potential usage and value of water rights while minimizing risk.

When is the right time to assess a municipal water rights portfolio? I strongly recommend that an assessment be completed before submitting a water system plan update or amendment, and before applying for changes to existing water rights. Call Tom Pors to discuss how he can assess and protect your water rights.

Ecology's 1993 interpretation of this 1961 water right certificate diminished the City of Leavenworth's water rights by over 800 acre-feet/year. After assessing their water rights in 2008, I am now helping the city recover the lost quantity of this certificate.



TESTIMONIALS

"Nearing the limit of our water rights, we needed a professional assessment of exactly what rights we possessed, and Tom Pors did a fantastic job. Department of Ecology officials agreed with his assessment, which corrected errors in previous water right decisions and restored much-needed annual quantity to our water rights portfolio. He also helped us plan our future water rights acquisition strategy, which we can now develop with confidence based on the solid foundation of his assessment." *Bill Pugh, Public Works Director, City of Sumner*

"Tom Pors is a recognized expert in this area and an energetic, creative advocate and a great asset to our City. He assisted the City in a review our water rights and was the City's chief litigator challenging and questioning Ecology's authority to diminish our water rights." *Joel Walinski, City Administrator, City of Leavenworth*

"I have a successful record finding creative, effective, and efficient solutions for my clients. My goal is to help you achieve your goals."