

# James H. Davenport

## *Curriculum Vitae*

James H. Davenport  
Attorney at Law

### ADMITTED TO PRACTICE LAW:

United States Supreme Court; Washington State Supreme Court; United States Court of Federal Claims; United States Court of Appeals for the Ninth and District of Columbia Circuits; United States District Courts for Districts of Nevada, Arizona, Eastern and Western Districts of Washington.

### PROFESSIONAL EXPERIENCE:

James H. Davenport, Attorney at Law, LLC. November 2006-present.

- Solo private law practice addressing natural resource and environmental law issues
- Consultation regarding water rights, environmental law, development of water supplies, interstate river management, interstate groundwater supplies, transactions regarding water rights and supplies.
- Yakima County: Yakima Integrated Water Program, Program Manager and Facilitator: Groundwater Advisory Committee
- Real property, growth management, land use, public contracting
- Facilitation—complex group decision making activities

Chief, Water Division, Colorado River Commission of Nevada. July 1999-2006.

- Manage state-federal relationship, interstate relationships and state-local government relationships pertaining to maximum utilization of interests in Colorado River, including water resource and environmental compliance.
- Chairman (Emeritus), Legal Committee, Endangered Species Act Committee, Western States Water Council. 2000-2004.
- Chairman, Colorado River Basin States Ad Hoc Technical Committee on Colorado River Delta. 2002-2003.
- Special Deputy Attorney General, State of Nevada, counsel of record, *Arizona v. California* (U.S. S. Ct.), 2000-2006
- Special Deputy Attorney General, State of Nevada, lead lawyer and supervisor/manager of outside counsel in litigation arising out of 2000-2001 energy futures market, litigation under the National Environmental Policy Act, Endangered Species Act, and litigation involving Indian tribal water claims, 2000-present.

Adjunct Professor, Western Water Policy, University of Nevada Las Vegas, College of Arts and Sciences, September 2004-2005.

Adjunct Professor, Environmental Law and Policy, University of Nevada Las Vegas, Greenspun School of Urban Affairs Graduate Program in Environmental Studies. August 2000-June 2003.

Senior Deputy Attorney General, State of Nevada (representing the Colorado River Commission regarding water law, electrical transmission planning, construction, public works contracting, electric energy purchase and sale agreements). 1996-1999.

Special Deputy Attorney General, State of Nevada (litigation and federal administrative representation for Nuclear Waste Project Office/Agency for Nuclear Affairs). 1983-1995.

James H. Davenport, Attorney at Law, Olympia, Washington (general law practice under several business and employment relationships with emphasis in environmental law and land use, water, real property, contracts, hospital administration, administrative law). 1983-1995.

Assistant Counsel, United States Senate, Environment and Public Works Committee, Washington, D.C. (public works and environmental legislation). 1981-1983.

James H. Davenport, Attorney at Law, Olympia, Washington (solo, general law practice with emphasis in land use, environmental, real property, contracts, administrative law). 1979-1981.

Assistant Attorney General, State of Washington (representing Washington State Parks and Recreation Commission and other agencies emphasizing contracts, real property, personnel, administrative law; also counsel for the environment in energy facility siting proceedings). 1977-1979.

Clerkships: Washington State Attorney General, 1974-1977; Senate Judiciary Committee, Oregon State Legislature, 1975; United States Attorney for Oregon, 1977.

Claims Adjuster and Investigator, Consumer Protection Division, Washington State Attorney General. 1972-1974.

#### PROFESSIONAL ASSOCIATIONS:

Washington State Bar Association, 1977-present; Washington State Governmental Lawyer's Association, 1977-1979, 1986-1988; Nevada State Bar Association, 1987-2013; Clark County Bar Association, 2006; Thurston County Bar Association, 1977-1981, 1983-1988, Yakima County Bar Association, 2008-2022

#### EDUCATION:

- Willamette University College of Law, Salem, Oregon, Juris Doctorate, 1977. Willamette Law Journal, Legal Writing Instructor, Faculty Personnel Committee.
- University of Washington, Seattle, Washington, B.A. English Literature. 1973.
- University of Puget Sound, Tacoma, Washington, Honors Program, Foreign Study Program (Vienna, Austria) 1966-1970.
- Grandview High School, Grandview, Washington, 1966.

#### PUBLICATIONS:

- *Western Water Rights and the U.S. Supreme Court*, MacFarland and Company (2020).
- "Water: A Fundamental Right, Constitutionality of the Prior Appropriation Doctrine," *The Water Report* #165, (November 2017).
- "Less is More: A Limited Approach to Multi-State Management of Interstate Groundwater Basins," 12 *University of Denver Water Law Review*, Issue 1 (2008).
- "Softening the Divides: The Seven Colorado River Basin States' Recommendation to the Secretary of the Interior Regarding Lower Basin Shortage Guidelines and the Operation of Lakes Mead and Powell in Low Reservoir Conditions," 10 *University of Denver Water Law Review* 287 (Spring 2007).

- *Laws of the Rivers: The Legal Regimes of Major Interstate River Systems of the United States*, Colorado River Commission publication, 2006.
- "Governmental Interference with the Use of Water: When Do Unconstitutional 'Takings' Occur?" J.H. Davenport, et al., 9 *University of Denver Water Law Review* 1, (Fall 2005).
- "Interstate Water Banking: Evolving Colorado River System Agreement," J. H. Davenport, *The Water Report*, Envirotech Publications, July 2005, Vol. 1, No. 17, pp. 11-14.
- *Nevada Water Law*, J.H. Davenport, (hornbook of Nevada water law), Colorado River Commission publication, 2003.
- "Colorado River Water Management: 'Interim Surplus Criteria' to the Rescue," J. H. Davenport, *Communiqué*, November 2000, Vol. 21, No. 11, p 18.
- "Merhdad Yazdani, Function and Light: Architectural Review of the Lloyd D. George United States Court House," J. H. Davenport, *Communiqué*, July/August 2000, Vol. 21, No. 7 & 8, p 19.
- "Build It and They Will Come: Public Works Construction Contracts in Nevada," J.H. Davenport, *Communiqué*, September 1999, Vol. 20, No. 9.
- "Law of Energy," J.H. Davenport, Chapter 240E, *Cavitch on Business Organizations*, Matthew Bender, New York, 1998, 2003.
- "Law of the Sea and International Control of Marine Pollution," J.H. Davenport, Chapter 240F.01, *Cavitch on Business Organizations*, Matthew Bender, New York, 1996, 2003.
- "Comprehensive Environmental Response, Conservation and Liability Act," J.H. Davenport, Chapter 240D.03, *Cavitch on Business Organizations*, Matthew Bender, New York, 1996, 2002.
- "Administrative Law," Chapter 240A.02, *Cavitch on Business Organizations*, Matthew Bender, New York, 1996. 2002.
- "National Environmental Policy Act," Chapter 240A.03, *Cavitch on Business Organizations*, Matthew Bender, New York, 1996, 2002.
- "Coastal and Ocean Pollution--Oil and Wastes," J.H. Davenport, Chapter 240F.02, *Cavitch on Business Organizations*, Matthew Bender, New York, 1996, 2002.
- "The Law of Water," J.H. Davenport, Chapter 65, *Powell on Real Property*, Matthew Bender, New York, 1995.
- "Water Quality," J.H. Davenport, Chapter 240C.02, *Cavitch on Business Organizations*, Matthew Bender, New York, 1995, 2002.
- "Police Power Regulation Affecting Land Generally," J.H. Davenport, Chapter 79, *Powell on Real Property*, Matthew Bender, New York, 1995.
- "Takings and Injuries to Real Property Without Just Compensation," J.H. Davenport, Chapter 79B, *Powell on Real Property*, Matthew Bender, New York, 1995.
- "Zoning," J.H. Davenport, Chapter 79C, *Powell on Real Property*, Matthew Bender, New York, 1994.
- "Air Quality," J.H. Davenport, Chapter 240C.01, *Cavitch on Business Organizations*, Matthew Bender, New York, 1994, 2002.
- "The Federal Structure: Can Congress Commandeer Nevada to Participate in its Federal High Level Nuclear Waste Disposal Program?" J. H. Davenport, 12 *Virginia Environmental Law Journal* 539, Summer 1993.
- "Environmental Law: Land Use and Natural Resources Regulation," J.H. Davenport, Chapter 240B, *Cavitch on Business Organizations*, Matthew Bender, New York, 1993, 2002.
- "Radioactive Materials," J.H. Davenport, Paragraph 865.7, *Powell on Real Property*, Matthew Bender, New York, 1992, 1995.
- "Nuclear Materials", J.H. Davenport, Chapter 40, *Environmental Law Practice Guide*, M. Gerrard (ed.), Matthew Bender, New York, 1991.
- "Clean Air Act Amendments Become Law," J.H. Davenport, 18 *Environmental and Land-Use Law Newsletter* 1, February, 1991.
- "The Law of High-Level Nuclear Waste," J.H. Davenport, 53 *Tennessee Law Review* 481, 1986.
- "Natural Lands Preservation and the Profit Corporation," J.H. Davenport, 1985 *Right of Way* 23-26, June 1985.

- "Use of the Profit Corporation in Natural Lands Preservation," J.H. Davenport, *Parks in the American West*, E.R. Hart (ed.), p. 42, May, 1984.
- "A Repository State's Federal Statutory Rights Under the Nuclear Waste Policy Act of 1982," J.H. Davenport, *Western Natural Resource Litigation Digest Commentary*, Winter 1984, 22-28.
- "Basic Law of Interstate Compacts: A Backdrop for Discussion of Compacts Established Under the Low-Level Radioactive Waste Policy Act of 1980," J.H. Davenport, 1 *Radioactive Exchange* 18, December 16, 1982.
- "Open Public Meetings Act," R.F. Hauth and J.H. Davenport, 113 *Willamette Law Journal*, 443, 1977.

COMMUNITY MEMBERSHIPS, AFFILIATIONS AND ACTIVITIES:

Yakima Valley Library District, Trustee, 2014-2019; Facilitator, Lower Yakima Valley Groundwater Management Advisory Committee, 2014-2019; Yakima Air Terminal, Board of Directors, 2012; Yakima County Law Library, Yakima, Washington, Board of Directors, 2011-2019, 2023, Chairman, 2013-2019; Rural Community Development Resources, Yakima, Washington, Board of Directors 2010-2014, President, 2012-2014; Friends of Buena Library, Buena, Washington, 2008-present, Chairman 2018-present; City of Lights Chorus, Las Vegas, 1998-2003, Board of Directors, 1999-2002; Las Vegas Youth Orchestra, Board of Directors, 1998; Green Valley High School Band Boosters, 1996-1998; Lazy F Methodist Youth Camp, Camp Counselor, Camp Dean and Camp Attorney, 1991-1996; Habitat for Humanity, South Puget Sound Board of Directors, 1991-1995, President 1993-1995; Thurston County Civil Service Commission, Commissioner, 1986-1993, Chairman, 1988-1992; City of Olympia Planning Commission, Commissioner, 1977-1981; Olympia Rotary Club, 1984-1989, 1992-1995; Seattle Rotary Club, 1990-1991; St. Peter's Hospital, Sunshine House Advisory Board, 1985-1987; Washington State Historical Association, President, Board of Trustees, 1980-1981; Executive Committee, 1983, 1984; Co-Chairman, Land Use and Zoning Committee, Olympia R/UDAT, 1979-1980. Board of Directors, 1980-1981; Olympia West Side Task Force, Vice Chairman, Land Use and Zoning Committee, 1979.