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Ground Water, Surface Water & Water Quality Issues

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- Edwards Aquifer Authority
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Water in the 79th Legislature



Senator Ken Armbrister
Texas State Senate, District 18
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Representative Robert R. Puente
Texas State House of Representatives, District 119
San Antonio

Surface and Groundwater Planning Policy



Larry R. Soward, Esq., Commissioner
Texas Commission on Environmental Quality
Austin



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Conference Schedule and Speaker Biographies Inside



Monday, September 19

- 8:00 Registration and Continental Breakfast
- 8:30 **Introduction and Welcome**
Janet L. McQuaid, Esq., Program Co-Chair
Fulbright & Jaworski, Austin
Russell S. Johnson, Esq., Program Co-Chair
Bracewell & Giuliani, San Antonio
- 8:45 **Water Law Fundamentals**
 Legal Framework of Surface Water and Groundwater Regulation
Ronald A. Kaiser, Esq., Professor of Water Law & Policy
Texas A&M University, College Station
- 9:30 Morning Break
- 9:45 **Groundwater Update**
 Rule of Capture, Historical Use, Transfers and Other Issues
 Legislative Update
Jace A. Houston, Esq., General Counsel
Harris-Galveston Coastal Subsidence District, Friendswood
Lynn Sherman, Esq.
Winstead Consulting, Austin
 Case Law Update
Darcy Alan Frownfelter, Esq.
Kemp Smith, Austin
- 10:45 Q&A Panel: Members of the Faculty
- 11:00 **Surface Water Update**
 Interbasin Transfers, Direct and Indirect Reuse and Other Issues
Hope Wells, Esq., General Counsel/Committee Clerk
Texas House of Representatives, Committee on Natural Resources, Austin
J. A. Lazarus, PhD, Senior Policy Analyst
Senate Natural Resources Committee, Austin
Carmen Cernosek, Natural Resources Policy Analyst
Lieutenant Governor David Dewhurst's Office, Austin
 Case Law Update and Legislative Implications
Molly Cagle, Esq.
Vinson & Elkins, Austin
- 12:00 Lunch Break
- 1:15 **Don't Fence Me In**
 Enforcing Public and Private Ownership of Bed and Banks
Dwain K. Rogers, Jr., Esq.
Texas General Land Office, Austin
Fred R. Jones, Esq.
Goode Casseb Jones Riklin Choate & Watson, San Antonio

- 2:00 **Keynote Presentation**
 Water in the 79th Legislature
Senator Ken Armbrister
Texas State Senate, District 18, Victoria
Representative Robert R. Puente
Texas State House of Representatives, District 119, San Antonio

- 2:45 Afternoon Break
- 3:00 **Fox or Duck? Takings Litigation and Vested Rights**
 Takings Litigation, Vested Rights and Groundwater Districts
Stephen K. Carroll, Esq.
Fulbright & Jaworski, Houston
Edmond McCarthy, Jr., Esq.
Jackson, Sjoberg, Wilson & McCarthy, Austin
Gregory M. Ellis, Esq.
League City
- 4:15 **Water Supply and Development Update**
 CCNs, MUDs and Water Supply Corporations
Steve Kosub, Esq., Water Resources Counsel
San Antonio Water System
Ronald Freeman, Esq.
Freeman & Corbett, Austin
Kenneth L. Petersen, Jr., Esq., Deputy Executive Director
Texas Rural Water Association, Austin
- 5:00 Adjourn to Private Reception Sponsored By:
Fulbright & Jaworski and Bracewell & Giuliani

Tuesday, September 20

- 8:30 **Overview of Day One and Summary of Day Two**
Janet L. McQuaid, Esq., Program Co-Chair
Russell S. Johnson, Esq., Program Co-Chair
- 8:45 **Water Quality and Environmental Values**
 Watershed Planning, Environmental Flows, TMDLs, Dam Safety,
 Flood Control Planning and Wetlands
 Regulatory Update
Carol L. Lear, Esq., Senior Attorney, Water Quality
Texas Commission on Environmental Quality, Austin
 Case Law and Legislative Update: Water Quality/Wetlands
Janet L. McQuaid, Esq., Program Co-Chair
 Environmental Flows and Water Quality/Supply Interface
Lauren Kalisek, Esq.
Lloyd Gosselink, Austin
- 10:00 **Surface and Groundwater Planning**
 Technical and Scientific Issues
Thomas C. Gooch, PE, Engineer, Vice President
Freese and Nichols, Fort Worth
Bob Harden, PE
R.W. Harden & Associates, Austin
- 10:45 Morning Break
- 11:00 **Surface and Groundwater Planning Continued**
 Policy Issues
Carolyn Brittin, Director, Water Resources Planning Division
Texas Water Development Board, Austin

- Keynote Presentation**
Larry R. Soward, Esq., Commissioner
Texas Commission on Environmental Quality, Austin

- 11:45 **Groundwater Districts and Land Use Regulation**
 Scope and Limits of Authority
Deborah Clarke Trejo, Esq.
Kemp Smith, Austin
- 12:15 Lunch Break
- 1:30 **Water Markets**
 What's Your Water Worth?
Bruce K. Darling, Associate
LBG-Guyton Associates, Austin
Russell S. Johnson, Esq., Program Co-Chair
- 2:15 **The Edwards Aquifer and Guadalupe River Basin**
 Harbinger of Things to Come? Achieving Statutory Limits, HCPs,
 Takings Litigation, and Other "Hot Button" Issues Pending in and
 Around and Edwards Aquifer and Guadalupe River Basin
Todd H. Votteler, PhD, Director of Natural Resources
Guadalupe-Blanco River Authority, Seguin
Robert J. Potts, Esq., General Manager
Edwards Aquifer Authority, San Antonio
Paul Terrill, Esq.
Hazen & Terrill, Austin
- 3:15 Afternoon Break
- 3:30 **Where to Go for Water Information**
 Know Your Resources
Dee L. Lurry, Hydrologist, Public Information Officer
United States Geological Service, Austin
Ronald A. Kaiser, Esq., Professor of Water Law & Policy
- 4:15 **Ethics**
 Considerations for Water Law Practitioners
Thomas H. Watkins, Esq.
Brown McCarroll, Austin
- 5:15 Evaluations and Adjourn

<p>Program Co-Chairs Russell S. Johnson has more than 24 years of experience representing public utilities, municipalities and businesses in litigation and regulatory matters, from complex litigation to cases before legislative leaders. Janet L. McQuaid concentrates on environmental law and regulation relating to water quality, water supply, and water rights, including litigation, administrative agency matters, and transactions.</p>	<p>Bruce K. Darling has a wide range of experience in water-resource and hazardous-waste investigations, and has substantial experience as a hydrogeologist. Gregory M. Ellis focuses on all areas of water law in his practice. He was the General Manager of the Edwards Aquifer Authority from 1997 through 2004. Ronald Freeman specializes in water law, environmental law, and administrative law, focusing on water and sewer utility, water rights and finance. Darcy Alan Frownfelter is an attorney in private practice and serves as General Counsel to the Edwards Aquifer Authority. Thomas C. Gooch serves as project manager for supply planning, analyses of water rights, reservoir operation studies and water quality evaluations. Bob Harden has over 16 years' experience in aquifer evaluations, groundwater supply development, and design construction and management. Jace A. Houston serves as General Counsel for the Harris-Galveston Coastal Subsidence District. Previously he was with the TNRCC. Fred R. Jones has 25 years' experience in complex litigation. He and his firm represented San Antonio in litigation determining ownership of the River Walk. Ronald A. Kaiser focuses on water rights, water marketing, environmental flows and groundwater management. Lauren Kalisek practices water quality and water utilities law, including wastewater permitting and the organization and operation of water district. Steve Kosub has represented municipalities in water issues for over 20 years. He is Board-Certified in Administrative Law. J.A. Lazarus staffs the Joint Committee on Water Resources and the Texas Water Advisory Council.</p>	<p>Carol L. Lear has been the Senior Attorney for Water Quality for over 4 of her 6 years with TCEQ, before which she was in private practice. Dee L. Lurry has worked for the USGS since 1979. She is currently the Public Information Officer for the USGS Texas Water Science Center. Edmond McCarthy, Jr., focuses on environmental and water law, including groundwater and surface water rights. Kenneth L. Petersen, Jr., is the Deputy Executive Director of the Texas Rural Water Association. Robert J. Potts has been General Manager of the Edwards Aquifer Authority since 2004. From 1993 to 2004, he worked at The Nature Conservancy. Dwain K. Rogers, Jr., is assigned to GLO's major riparian and littoral boundary cases, including <i>Kenedy Memorial Foundation v. Dewhurst</i>. Lynn Sherman has extensive expertise in water resource development and water rights matters. Paul Terrill focuses on natural resource and property rights issues. He represents landowners in all aspects of litigation related to these areas. Deborah Clarke Trejo concentrates her practice in environmental issues. She previously served as an Asst. District Attorney for Cameron County. Todd H. Votteler was the Federal Court Monitor's assistant in <i>Sierra Club v. Babbitt</i>. He was Special Master for the Edwards Aquifer ESA litigation. Thomas H. Watkins has practiced litigation for over 38 years and handles high-profile litigation. He is Board Certified in Civil Trial Law. Hope Wells has been working for the Legislature and Rep. Puente since 1997, assuming the role of general counsel to the committee in 2003.</p>
<p>Keynote Speakers Senator Ken Armbrister was first elected to the Texas House of Representatives in 1983 before being elected to the Texas Senate. He is Chair of the Senate Committee on Natural Resources. Representative Robert R. Puente is currently serving his eighth term in the Texas Legislature. He was instrumental in the passage of the Edwards Aquifer Authority legislation. Larry R. Soward was confirmed in May 2004. He has more than 26 years of experience leading state agencies, including TCEQ's predecessor agencies, the Texas Water Commission and the Texas Water Quality Board.</p>		
<p>Carolyn Brittin is Director of the Water Resources Planning Division of the Texas Water Development Board. She was formerly with the TCEQ. Molly Cagle counsels clients on virtually every kind of environmental matter before various agencies and in federal and state courts. Stephen K. Carroll has practiced in the areas of eminent domain, condemnation and real estate litigation for over 20 years. Carmen Cernosek became Lieutenant Governor Dewhurst's Natural Resources Policy Analyst after working at the General Land Office.</p>		

conference **information**

<p>Continuing Education Credit MCLE: This course has been approved by the Texas State Bar for 13 credit hours including one hour of ethics. Please call CLE INTERNATIONAL for information regarding Texas Board of Legal Specialization certification. Real Estate: This course meets the requirements for 13 hours Mandatory Continuing Education (MCE) credit from the Texas Real Estate Commission. Engineering: This course meets the requirements for 13 hours of continuing education as set forth by the Texas Board of Professional Engineers. Appraisers: This course meets the requirements for 13 hours of continuing education for Texas appraisers. For accreditation in other jurisdictions or disciplines, please contact Brian Fineberg at (800) 873-7130 or brian@cle.com. CLE INTERNATIONAL is an accredited provider in all jurisdictions with mandatory continuing legal education requirements. Sponsorship Information Sponsorship opportunities are still available. For more information, please contact Melissa Dafni, Marketing Coordinator, at (800) 873-7130 or melissa@cle.com.</p>	<p>Reserve Your Room Early The Conference will be held at the Hyatt Regency on Town Lake, 208 Barton Springs Road, Austin, TX 78704. Make your reservation early to secure your space and get the best rate. Please contact Community World Travel at (888) 724-0500 or www.communityworldtravel.com. Registration Advance registration is recommended, and you are encouraged to mail in your registration early. Or simply call in your registration or homestay order to (800) 873-7130, fax the Registration/Order Form to (303) 321-6320, register online at www.cle.com or email your registration to registrar@cle.com. Full payment is due at the time of registration. Walk-in registrations will be subject to space availability. Please call CLE INTERNATIONAL at (800) 873-7130 if you require any special accommodations. Homestay Package CLE INTERNATIONAL also offers a complete audio transcript of the Conference (including all course materials) for \$595 plus \$10 shipping and handling. This course qualifies for homestay credit. Cancellation Full tuition refunds (less a \$50 administrative charge) will be given only if notice of cancellation is received by 5:00 p.m. MST on the Monday preceding the Conference. Substitutions may be made at any time.</p>	<p>Course Materials Each registrant will receive a set of materials prepared by the speakers especially for this Conference that will serve as a valuable future reference. The course materials alone are available for \$95 plus \$10 shipping and handling. Tuition The tuition fee of \$595 per person (\$495 for government employees) includes attendance at all sessions, course materials, continental breakfasts, coffee breaks, and Monday's reception. CLE INTERNATIONAL offers special rates for 501(c)(3) organizations, full-time judges and law students. Save When Two or More Register Save \$200 or more with our multiple registrant discount! Tuition is only \$495 per person for two or more from the same firm (\$395 for government employees). About CLE International CLE INTERNATIONAL, a leading provider of continuing education, has been presenting high-quality professional education programs nationwide since 1983. CLE INTERNATIONAL is an approved sponsor of the Texas State Bar, Sponsor No. 2645. CLE International Managing Program Attorney: Heidi A. Ray, heidi@cle.com.</p>
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