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Texas Water Law

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Dear Colleague:

Your success with Texas water law issues requires that you stay current on the latest policy, litigation and operational issues.

You'll learn what you need to succeed from our faculty, featuring the most active leaders in Texas water rights, water quality and utility issues. Learn from those who are driving policy and seeking solutions to the most complex issues across the State and network with fellow participants.

You'll hear the latest on:

- Case Law and Litigation
- The Edwards Aquifer Authority
- Water Marketing and Pricing
- The National Flood Insurance Program
- The Water Development Board
- Groundwater District Planning
- TCEQ Water Rights Developments
- ... and more!

If you already practice in this exciting area of law, or need an in-depth overview, you cannot afford to miss this Conference! We hope to see you in September.

Sincerely,



Russell S. Johnson, Esq.
Program Co-Chair
McGinnis, Lochridge & Kilgore
Austin



Edmond R. McCarthy Jr., Esq.
Program Co-Chair
Jackson, Sjoberg, McCarthy & Wilson
Austin

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Schedule and Instructor Bios Inside 

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Thursday, September 18

Friday, September 19

8:00 Registration and Continental Breakfast

8:30 **Welcome and Introduction**
 Overview of Day One
Russell S. Johnson, Esq., Program Co-Chair
 McGinnis, Lochridge & Kilgore, Austin
Edmond R. McCarthy Jr., Esq., Program Co-Chair
 Jackson, Sjoberg, McCarthy & Wilson, Austin

8:45 **Water Law Overview**
 Placing It in Context
Edmond R. McCarthy Jr., Esq., Program Co-Chair

9:30 **Case Law and Litigation Update**
 The Latest Trends, Issues, Rulings and Lawmaking
Paul M. Terrill III, Esq.
 The Terrill Firm, Austin
Gregory M. Ellis, Esq.
 League City

10:30 Morning Break

10:45 **Edwards Aquifer Authority**
 SB 3, Recovery Implementation Program Process and Water Quality Protection
Darcy Alan Frownfelter, Esq.
 Kemp Smith, Austin
Velma Reyes Danielson, General Manager
 Edwards Aquifer Authority, San Antonio
Robert J. Potts, Esq., President
 Dixon Water Foundation, Dallas

11:45 Lunch Break

1:00 **Water Marketing**
 Issues for the Buyer and Seller
Ronald A. Kaiser, Esq., Professor and Chair, Water Program
 Department of Recreation, Park & Tourism, Texas A&M University, College Station

1:30 **What Is Water Worth?**
 Water Markets; What to Charge and What to Expect
Bruce K. Darling, PhD, PG, Principal
 Southwest Groundwater Consulting, Austin

2:15 **Documenting the Water Transaction**
 A to Z
Frank Z. Ruttenberg, Esq.
 Bracewell & Giuliani, San Antonio

3:00 Afternoon Break

3:15 **National Flood Insurance Program**
 Coordination Issues Within the State
Carolyn L. Brittin, Deputy Executive Administrator
Water Resources Planning and Information
 Texas Water Development Board, Austin

3:45 **Water Development Board**
 General Counsel's Perspective of the TWDB's Role, Capabilities and Limitations in Water Resource and Infrastructure Development
Ken Peterson, Esq., General Counsel
 Texas Water Development Board, Austin

4:30 **Good Science and Water Planning**
 Groundwater Development and Hydrologic Issues
Michael R. Thornhill, TBPG, AIPG, President
 Thornhill Group, Round Rock
Robert S. Kier, PhD, PG, CPGS, Principal
 Robert S. Kier Consulting, Austin

5:30 Adjourn to Private Networking Reception
 Sponsored By:
McGinnis, Lochridge & Kilgore and
Jackson, Sjoberg, McCarthy & Wilson

8:00 Continental Breakfast

8:30 **Welcome Back**
 Overview of Day Two
Russell S. Johnson, Esq., Program Co-Chair
Edmond R. McCarthy, Jr., Esq., Program Co-Chair

8:45 **Groundwater District Planning**
 Issues and Updates; Permitting; Desired Future Conditions; Joint Planning Efforts
Bob Wilson, Esq.
 Jackson, Sjoberg, McCarthy & Wilson, Austin
Mary K. Sahs, Esq., Of Counsel
 Carls, McDonald & Dalrymple, Austin
Louis T. Rosenberg, Esq.
 The Law Offices of Louis T. Rosenberg, San Antonio
Robert E. Mace, PhD, Director
Groundwater Resources Division
 Texas Water Development Board, Austin
Jim Mathews, Esq.
 Mathews & Freeland, Austin

10:15 Morning Break

10:30 **Exempt Use of Groundwater and Surface Water**
 Exempt Uses Under Chapters 11 and 36; Distinctions Between Groundwater and Surface Water Exemptions; Surface Water Versus Non-Surface Water; Temporary Surface Water Permits; Domestic/Livestock Exemptions; Hypotheticals
Carl R. Galant, Esq.
 McGinnis, Lochridge & Kilgore, Austin

11:15 **TCEQ Water Rights Developments**
 What You Need to Know
Bruce Wasinger, Esq., General Counsel
 Guadalupe-Blanco River Authority, Seguin

12:00 Lunch Break

1:15 **Keynote Presentation**
 Legislative Update
Kip Averitt, Chairman
 Texas Senate Natural Resources Committee, Austin
Mike Hamilton, Chairman
 Texas House of Representatives Natural Resources Committee, Austin

2:15 Afternoon Break

2:30 **Water Quality Issues for Landowners**
 Survey and Highlights of Recent Developments; Federal Clean Water Act Programs; State and Local Water Quality Programs; Water Rights Distinctions
Lauren J. Kalisek, Esq.
 Lloyd Gosselink Rochelle & Townsend, Austin

3:15 **Ethics**
 Issues for Environmental Practitioners
Thomas H. Watkins, Esq.
 Brown McCarroll, Austin

4:15 Q&A Panel
 Members of the Faculty

4:30 Evaluations and Adjourn

meet your **instructors**

Program Co-Chairs

Russell S. Johnson has more than 24 years of experience in litigation and regulatory matters, from complex commercial, environmental and tort litigation to representing clients' interests before legislative leaders.

Edmond R. McCarthy Jr., represents clients in the sale and transfer of water rights, regional water supply projects, the development of water rights, district legislation, and agency rules and regulations.

Keynote Presenters

Kip Averitt was elected to the Texas Senate in 2002, after serving nine and a half years in the Texas House of Representatives. During the 80th Session, he crafted and passed Senate Bill 3.

Mike Hamilton was elected to represent District 19 in 2002 and was named as the Republican Caucus' Outstanding Freshman Legislator of the Year. He also co-chairs the Environmental Flows Advisory Group.

Faculty Members

Carolyn L. Brittin oversees the Water Resources Planning and Flood Mitigation Planning Divisions and the Texas Natural Resources Information System.

Velma Reyes Danielson has been with her Authority for more than 17 years, having served in various management roles.

Bruce K. Darling has worked extensively on problems related to arid lands hydrology, water resource planning and economics.

Gregory M. Ellis practices in all areas of water law. He was the General Manager for the Edwards Aquifer Authority from 1997 through 2004.

Darcy Alan Frownfelter is General Counsel to the Edwards Aquifer Authority. He previously served as Deputy Attorney General to the Idaho Department of Water Resources.

Carl R. Galant handles litigation, legislative and government relations matters. He has assisted numerous clients in permitting disputes in front of the Edwards Aquifer Authority.

Ronald A. Kaiser focuses on water rights, water marketing, and groundwater management. A number of his recommendations on water marketing have been incorporated into Texas surface water law.

Lauren J. Kalisek focuses on water quality and water utilities, including wastewater permitting and the organization and operation of water districts and water supply corporations.

Robert S. Kier is a consultant with over 30 years' experience in geology, hydrogeology and water resources development. He is a lecturer with the Department of Geological Sciences at the University of Texas.

Robert E. Mace oversees efforts to collect and disseminate groundwater information and to assist groundwater conservation districts.

Jim Mathews focuses on environmental issues related to water and air quality, water rights and water utility issues. He has served as the Chief of the Environmental Protection Division of the Texas Attorney General's Office.

Ken Peterson previously served as the General Counsel and Deputy Executive Director of the Texas Rural Water Association.

Robert J. Potts and his foundation support sustainable watershed management. He is a groundwater policy consultant to and former General Manager of the Edwards Aquifer Authority.

Louis T. Rosenberg practices and is a regular speaker on environmental, water and endangered species law. He was appointed to the Senate Bill 1 Advisory Committee.

Frank Z. Ruttenberg focuses on commercial and real estate law. He has been involved in the purchase of groundwater rights and other water development and water supply agreements.

Mary K. Sahs has over 20 years of experience focused on environmental, water and administrative law. She is editing a book on the Texas law of water resources.

Paul M. Terrill III focuses on administrative, trial and appellate litigation regarding natural resource, environmental and property rights issues.

Michael R. Thornhill has over 15 years' consulting experience. He conducts projects relating to geology and hydrogeology, particularly related to groundwater and water resources.

Bruce Wasinger has a background representing river authorities, water districts and municipalities regarding water rights and water and wastewater utilities issues. He has served as Associate General Counsel for the Lower Colorado River Authority.

Thomas H. Watkins has practiced litigation for over 40 years and is experienced in handling high profile litigation. He has handled a number of oil and gas, legal malpractice and intellectual property cases.

Bob Wilson focuses on various aspects of water law. His experience ranges from planning a wholesale water supply project to helping clients increase water supplies in response to projected growth.

CLE International Program Attorney:
Caroline R. Kert, caroline@cle.com.

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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 Friday prior to the Conference. Substitutions may be made at any time.

Tuition

- \$695 per person
- \$595 each for two or more
- \$595 each for government, 501(c)(3) organizations, full-time judges, law students and paralegals
- \$495 each for two or more government, 501(c)(3) organizations, full-time judges, law students and paralegals

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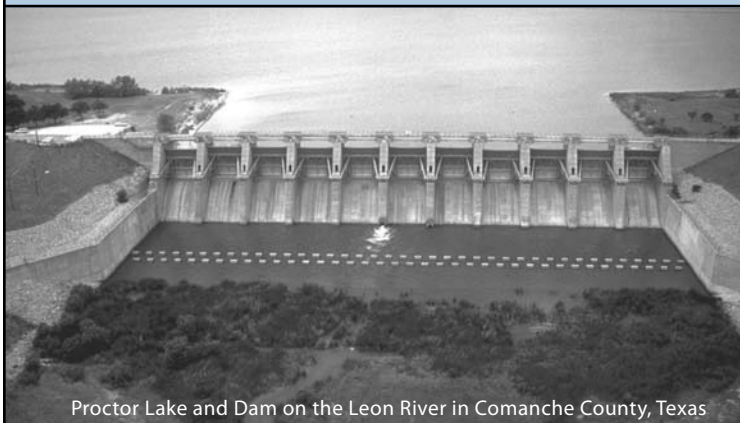
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Texas Water Law

The Hottest Issues in Water Rights, Water Quality and Utilities

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Featured Presentation: Legislative Update

Kip Averitt, Chairman

Texas Senate Natural Resources Committee
Austin



Mike Hamilton, Chairman

Texas House of Representatives Natural Resources Committee
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