

19th Annual Conference!

# Texas Water Law

Join Over 100 of Your Colleagues

September 14-15, 2009 • Omni Hotel Downtown • Austin

## PROGRAM CO-CHAIRS



**Russell S. Johnson, Esq.**  
McGinnis, Lochridge & Kilgore



**Edmond R. McCarthy Jr., Esq.**  
Jackson, Sjoberg, McCarthy & Wilson

Dear Colleague,

Texas is experiencing one of the most severe droughts on record, and this drought is currently the worst in the United States. The drought has affected every Texan, so it's critical to have the best information to make the right decisions.

At this Conference, you'll get exactly that: the best information on Texas water law. Whether it's groundwater or surface water, marketing, financing, the Texas State Water Plan or permitting, the information you receive and the people you'll meet will be invaluable to you.

We appreciate your continued support of this event, and look forward to seeing you in Austin.

Sincerely,



Russell S. Johnson, Esq.  
McGinnis, Lochridge & Kilgore  
Austin



Edmond R. McCarthy Jr., Esq.  
Jackson, Sjoberg, McCarthy & Wilson  
Austin

## Omni Hotel Downtown

700 San Jacinto at 8th Street  
Austin, Tx 78701

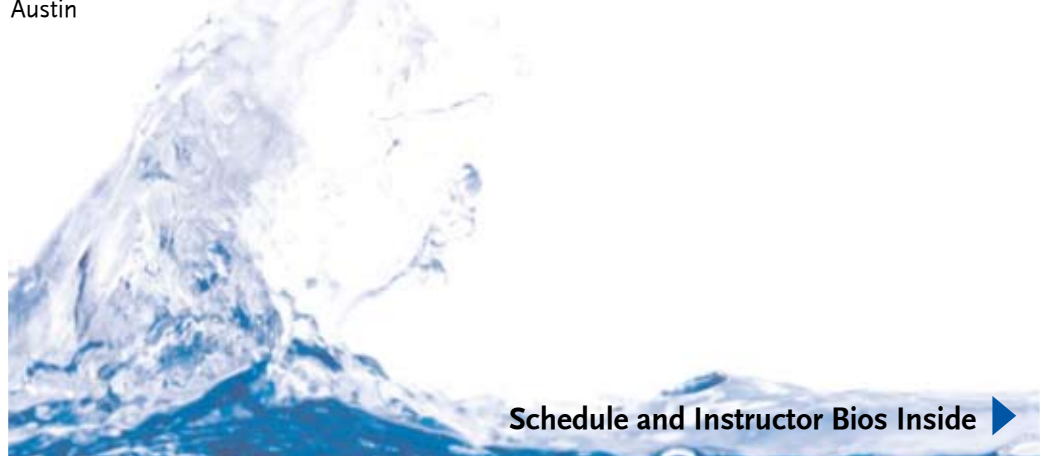
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Schedule and Instructor Bios Inside 

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## MONDAY, SEPTEMBER 14

- 8:30 Registration and Continental Breakfast
- 9:00 **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
- 9:15 **Groundwater District Planning**  
Updates; Permitting; Desired Future Conditions; Joint Planning Efforts  
*Landowner's Perspective*  
**Edmond R. McCarthy Jr., Esq., Program Co-Chair**  
*District's Perspective, Governance and Permitting*  
**Louis T. Rosenberg, Esq.**  
The Law Offices of Louis T. Rosenberg, San Antonio  
*State's Perspective*  
**Robert E. Mace, PhD, PG, Deputy Executive Administrator**  
Water Science and Conservation  
Texas Water Development Board, Austin
- 10:30 Morning Break
- 10:45 **Beyond Permitting**  
Toward Effective Management of the Edwards Aquifer  
*2009 Legislative Session Update*  
**Luana Buckner, Chair, Board of Directors**  
Edwards Aquifer Authority, San Antonio  
*Current Aquifer Management Issues*  
**Velma R. Danielson, General Manager**  
Edwards Aquifer Authority, San Antonio  
*Update on Current Legal Issues, Including Litigation Developments*  
**Darcy Alan Frownfelter, Esq., General Counsel**  
Edwards Aquifer Authority, San Antonio, and Kemp Smith, Austin
- 12:15 Lunch Break
- 1:30 **Keynote Presentation**  
Desired Future Conditions/Managed Available Groundwater:  
The New Junior Water Rights?  
**Jack Hunt, Vice Chairman**  
Texas Water Development Board, and  
**President, CEO and Director, King Ranch, Houston**
- 2:15 **Groundwater Law and Management in Texas and Nearby States**  
A Compare/Contrast Analysis; How States Calculate Yield; Ownership  
**Ronald A. Kaiser, Esq., Professor and Chair, Water Program**  
Texas A&M University, College Station
- 3:00 Afternoon Break
- 3:15 **Analysis of Market Values of Groundwater Transactions over Time, Region by Region**  
Pre-1999 and 1999 to Present; Comparison with Other Transactions  
**Bruce K. Darling, PhD, PG, Principal**  
Southwest Groundwater Consulting, Austin
- 4:00 **Texas State Water Plan**  
Development, Management, and Conservation of Water Resources:  
What the State Water Plan Provides; Challenges for the Future  
**Kenneth Ramirez, Esq.**  
Brown McCarroll, Austin  
**Kevin Ward, Executive Administrator**  
Texas Water Development Board, Austin
- 4:45 **TCEQ Nutrient Criteria**  
Their Possible Impact on NPDES Permits  
**Jennifer Benaman, PhD, Vice President/Senior Managing Engineer**  
Quantitative Environmental Analysis (QEA), Austin
- 5:30 Adjourn

## TUESDAY, SEPTEMBER 15

- 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 **Legislative Update**  
Water, Districts, Utilities  
**Bob Wilson, Esq.**  
Jackson, Sjoberg, McCarthy & Wilson, Austin
- 9:30 **Litigation Update**  
Focus on Groundwater Issues: Districts, Rule of Capture, Permitting, Takings  
**Paul M. Terrill III, Esq.**  
Austin
- 10:15 Morning Break
- 10:30 **The 81st Legislature**  
Changes in Groundwater Law  
**Gregory M. Ellis, Esq.**  
League City
- 11:15 **Groundwater**  
Modeling, Permitting, DFCs and MAGs  
**Robert S. Kier, Principal PhD, PG, CPGS**  
Robert S. Kier Consulting, Austin
- 12:00 Lunch Break
- 1:15 **Ethics**  
Issues for Environmental Practitioners  
**Thomas H. Watkins, Esq.**  
Brown McCarroll, Austin
- 2:15 **Trends in Financing Water Supply Improvements for Local Governments**  
Overview of Water Supply Finance; Problems Arising from the Finance Institution Crisis: ARCs, SWAPs, Variable Rates, and Bond Insurance; 2009 Stimulus Package and Build America Bonds  
**T. Neil Thomas, Esq.**  
Fulbright & Jaworski, Houston
- 3:00 Afternoon Break
- 3:15 **TCEQ Water Rights Developments**  
What You Need to Know  
**Bruce Wasinger, Esq.**  
Guadalupe Blanco River Authority, Seguin
- 4:00 **State of Water Markets**  
Water Transactions; Regulatory Environment; What Is It Worth? Future Deals  
**Lynn Sherman, Esq.**  
Austin
- 4:45 **Dam Safety**  
New TCEQ's Regulations; Funding Sources; Liability  
**Lyn Clancy, Esq., Associate General Counsel**  
Lower Colorado River Authority, Austin
- 5:30 Evaluations and Adjourn
- TELL US WHAT YOU WANT!**  
Do you have specific questions or topics you hope to see covered in this program? Would you like to see a Conference on another topic? Would you like to learn about sponsorship and exhibit opportunities? Contact **CLE INTERNATIONAL** Managing Program Attorney Heidi A. Ray, heidi@cle.com.

## PROGRAM CO-CHAIRS

**Russell S. Johnson** has more than 25 years of experience representing public utilities, municipalities and businesses in litigation and regulatory matters. He was directly involved in all Edwards Aquifer Authority litigation for San Antonio's Water System, and assisted the System in negotiating and protecting all efforts to secure San Antonio's water supply.

**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 SPEAKER

**Jack Hunt** was appointed to the Board by then Governor George W. Bush in 1998, and was reappointed by Governor Perry in 2004. He is President, CEO and Director of King Ranch, a land-based multi-business resource company.

## FACULTY

**Jennifer Benaman** focuses on environmental modeling of natural systems, its application to Geographic Information Systems (GIS) and uncertainty analysis. The modeling has involved watershed management, TMDL development, and the fate of toxic chemicals in the environment.

**Luana Buckner** represents District 13 of the Authority. As Chair, she presides over the Board's Executive Committee. She is General Manager of the Medina County Groundwater Conservation District and a member of the Texas Water Conservation Association Board of Directors.

**Lyn Clancy** specializes in water rights and river management issues. She has a background in geology and geography, focusing on the transport of contaminants in groundwater.

**Velma R. Danielson** has been with the Authority for more than 17 years. She leads in carrying out the organization's mission by developing, implementing and administering policies and programs aimed at managing, enhancing and protecting the Edwards Aquifer.

**Bruce K. Darling** established his company in 2007 after many years of consulting. He has worked extensively on problems related to arid lands hydrology, water resource planning and economics, disposal of low-level radioactive waste, and fate and transport modeling of radionuclides and arsenic in groundwater.

**Gregory M. Ellis** practices in all areas of water law. He was the General Manager for the Edwards Aquifer Authority from 1997 through 2004, and is now in private practice. He was also previously General Counsel in the Harris-Galveston Coastal Subsidence District.

**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.

**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.

**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.

**Kenneth Ramirez** specializes in Texas water law, assisting corporations and municipalities in acquiring, managing and planning water supplies. He also specializes in the legal requirements of wastewater discharge and administrative law.

**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 and has served as the Assistant Secretary to the Board of Directors for the San Antonio River Authority.

**Lynn Sherman** has extensive expertise in water resource development and water rights matters. For the last five years, he has served as an executive for both public and private entities in water resource development.

**Paul M. Terrill III** focuses on administrative, trial and appellate litigation involving water rights, natural resources and property rights issues. He has been lead counsel in a number of precedent-setting water rights, water utilities, endangered species and takings cases.

**T. Neil Thomas** acts as bond, underwriters and disclosure counsel for local government and private activity financing. He also has experience with securities transactions for cities, counties, water districts, and many others.

**Kevin Ward** has been in his position since 2002, and has been with TWDB since 1981. He has nearly 30 years' experience in public and private sector governmental management positions.

**Bruce Wasinger** represents and advises river authorities, water districts and municipalities on water rights and water and wastewater utilities issues. He has served as an attorney for the Texas Department of Water Resources.

**Thomas H. Watkins** has been litigating for over 43 years. He has been listed in the *Best Lawyers in America* for a number of years. He is experienced in handling high profile litigation requiring direct contact with the media.

**Bob Wilson** focuses on water law. He has clients ranging from a company planning a wholesale water supply project to a political subdivision that has the power to address both surface water and groundwater issues.

## 4 Easy Ways to Register

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2 FAX (303) 321-6320

3 PHONE (800) 873-7130

4 MAIL  
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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 Monday 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

## Home Study

- Audio transcript and course materials
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# Texas Water Law

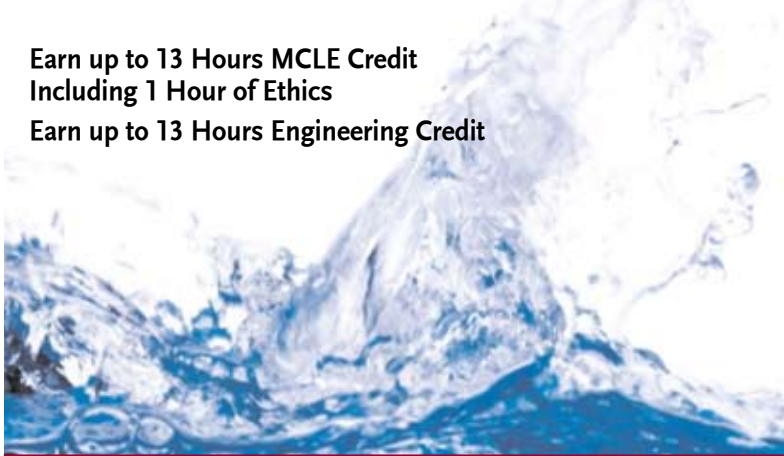
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Below the Surface

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**Keynote Presentation:**  
**Desired Future Conditions/Managed  
Available Groundwater: The New Junior Water Rights?**

Jack Hunt, Vice Chairman  
Texas Water Development Board, and  
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Houston

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