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Nebraska Water Law

Facing Dramatic Changes in Our State

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- Central Platte Natural Resources District
- Central Colorado Water Conservancy District
- Lower Republican Natural Resources District
- Middle Republican Natural Resources District
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- Nebraska Department of Natural Resources
- University of Nebraska
- Upper Republican Natural Resources District

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Conference Schedule and Speaker Biographies Inside



conference **schedule**

Nebraska Water Law

Thursday, April 28

Friday, April 29

- 8:30 Registration
- 9:00 **Introduction**
LeRoy W. Sievers, Esq., Program Chair
Knudsen, Berkheimer, Richardson & Endacott, Lincoln
- 9:15 **Hydrology**
An Introduction
James Goeke, Professor and Research Hydrogeologist
Conservation and Survey Division
University of Nebraska, Lincoln
- 10:00 Morning Break
- 10:15 **Platte River Cooperative Agreement and Its Follow-on Program**
What Is It? What Is Its Status? How It Might Affect Water Users in Nebraska?
Jim Cook, Esq.
Nebraska Department of Natural Resources, Lincoln
- 11:00 **COHYST**
What Is This Model? How Does It Work? What Can It Properly Be Used to Do and What Does It Show?
Duane Woodward, District Hydrologist
Central Platte Natural Resources District, Grand Island
- 11:45 Q&A Panel
Members of the Faculty
- 12:00 Lunch Break
- 1:30 **Republican Settlement Part I**
What Is It? What Does It Require of Nebraska? How Is It Being Implemented by the State?
David Cookson, Esq., Special Counsel
Nebraska Attorney General's Office, Lincoln
- 2:30 **Republican Settlement Part II**
How Are the NRDs in Nebraska Responding to the Settlement? What Changes are They Making and What Is the Status of Those Proposals with the State?
- Upper River
Jasper Fanning, Manager
Upper Republican Natural Resources District, Imperial
- Middle River
Daniel Smith, Manager
Middle Republican Natural Resources District, Curtis
- Lower River
Michael Clements, Manager
Lower Republican Natural Resources District, Alma
- 3:30 Afternoon Break
- 3:45 **Republican Settlement Part III**
What Model Was Developed? How Does It Work? How Is It Being Used and What Does It Show?
Ann Bleed, Deputy Director
Nebraska Department of Natural Resources, Lincoln
- 5:00 Adjourn

- 9:00 **Introduction**
Analysis of Day One and Framework for Day Two
LeRoy W. Sievers, Esq., Program Chair
- 9:15 **The Spear T Ranch Case**
What Are the Issues? How Did the Various Entities Present Them? What Is the Decision, and What Does It Mean for Water Users in Nebraska?
LeRoy W. Sievers, Esq., Program Chair
- 10:00 Morning Break
- 10:15 **Stream Challenges**
How Are They Determined to Be Fully or Overly Appropriated?
Michael Jess, Associate Director and Senior Lecturer,
Water Center
University of Nebraska, Lincoln
- 11:00 **Water Policy Task Force**
Current Status and Future Work
Roger K. Patterson, Director
Nebraska Department of Natural Resources, Lincoln
- 11:45 Q&A Panel
Members of the Faculty
- 12:00 Lunch Break
- 1:30 **Water Leasing and Water Marketing**
How Might It Work, What Has Been Happening, and What Does the Future Hold in Store?
Thomas V. Cech, Executive Director
Central Colorado Water Conservancy District, Greeley
- 2:15 **Drought and Water "Conservation"**
Effects on Water Supply and the Challenges Created
Micheal C. Klein, Esq.
Anderson, Klein, Peterson, Swan & Bogle, Holdrege
- 3:00 **LB962**
How It's Being Implemented
Ann Diers, Esq.
Nebraska Department of Natural Resources, Lincoln
- 4:00 Adjourn



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May 5-6, Nashville
MBA for Lawyers
May 16, Denver

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May 19-20, Las Vegas
Commercial Real Estate Leases
May 20, Seattle

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Nebraska Water Law

meet your faculty

Program Chair

LeRoy W. Sievers joined his firm in January 2000 and has been practicing law for nearly 30 years. In 1984, he joined the Nebraska Attorney General's Office, where he represented the State in water resources, banking and appellate litigation. In 1991, he moved to the Nebraska Department of Water Resources, where he worked on the *Nebraska v. Wyoming* litigation in the U.S. Supreme Court concerning the North Platte River. He was the Lincoln Bar Association's President in 2000-2001.

Ann Bleed is the Deputy Director of the Nebraska Department of Natural Resources. She is also an adjunct faculty member of the School of Natural Resources at the University of Nebraska-Lincoln.

Thomas V. Cech is the Executive Director of the Central Colorado Water Conservancy District. He is also the author of *Principles of Water Resources: History, Development, Management, and Policy*, 2nd Edition (Wiley, June 2004).

Michael Clements is the Manager of the Lower Republican River Natural Resources District in Alma. He and his District have broad responsibilities to protect Nebraska's natural resources and respond to local needs.

Jim Cook served as head legal counsel for the Nebraska Department of Natural Resources from that department's inception on July 1, 2000, until December 31, 2003. He is now "semi-retired" and continues to work for the department on a part-time basis. He remains active in the ongoing process to formulate a three-state/Department of Interior partnership to address endangered species issues in the Central Platte River Basin.

David Cookson is Special Counsel to the Nebraska Attorney General. He practices primarily in the areas of interstate water issues and environmental law. He has represented the State of Nebraska as lead counsel and as a negotiator in interstate water original actions before the U.S. Supreme Court, and has negotiated and structured successful settlements of two interstate original actions.

Ann Diers has been Legal Counsel to the Nebraska Department of Natural Resources since June 2004. Prior to joining the Department, she was engaged in private practice in Lincoln, Nebraska. Ms. Diers has practiced law for over 17 years in both the public and private sectors.

Jasper Fanning is the new manager of the Upper Republican Natural Resources District after having served as Temporary Interim Manager. He has a PhD in economics from Kansas State University.

James Goeke works with local agencies and individuals to identify, monitor and manage groundwater problems, assists in the development of groundwater supplies, defines and interprets regional geology, and conducts base line water quality studies with the Twin Platte Natural Resources District. He has been with the Conservation and Survey Division since 1976.

Michael Jess provides general direction to the CSD faculty and supervision of staff activities. His efforts are aimed at creating awareness of and soliciting input for the Conservation and Survey Division and School of Natural Resource Sciences. He is involved in creating a curriculum devoted to effective local self-government of natural resources. He was Director of the Nebraska Department of Water Resources from 1981 to 1999.

Michael C. Klein has been engaged in the general practice of law in Holdrege with his firm since 1977. His practice includes the representation of clients concerning water and water rights.

Roger K. Patterson was appointed as Director of the Nebraska Department of Natural Resources by Governor Mike Johanns in January 1999. He previously spent 25 years with the Bureau of Reclamation, Department of Interior, working in several of the western states. In 1995, he was honored with the Presidential Rank Distinguished Executive Award, the highest award bestowed on a federal career employee.

Daniel Smith was hired as Assistant Manager for the Middle Republican NRD in March 1979 and became the Manager in August 1999. He previously served in the United States Air Force as a copilot on B-52s for 5 years.

Duane Woodward focuses on surface water and ground water studies. The Platte River Cooperative Hydrology Study (COHYST) requires much of his time as he works with others to develop the groundwater database and Regional Groundwater Models for the Platte River Area above Columbus, Nebraska. Other hydrology work includes high groundwater investigations and storm water runoff from precipitation events.

CLE INTERNATIONAL
Managing Program Attorney:
Heidi A. Ray, heidi@cle.com.

conference information

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Conference Location and Accommodations

The Conference will be held at the Embassy Suites Hotel, 1040 P Street, Lincoln, NE 68508. A block of rooms has been set aside for Conference attendees until April 5.

For room reservations and special rates, please call Community World Travel at (888) 724-0500 or visit www.worldcommunitytravel.com.

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Republican River Settlement:

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How Is a Stream Determined to Be Fully or Overly Appropriated?

Current Status and Future Work of the Water Policy Task Force

Water Leasing and Water Marketing

How LB962 Is Being Implemented



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