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Law of the Colorado River

Understanding Key Developments and Issues

May 10-11, 2007 • Flamingo • Las Vegas

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**Featured Presentation
21st-Century Challenges for
Managers and Users of the
Colorado River**



Brenda W. Burman, Esq.
Deputy Commissioner, External
and Intergovernmental Affairs
Bureau of Reclamation
Washington, DC



Bennett W. Raley, Esq.
Trout, Raley, Montañño
Witwer & Freeman
Denver, CO

Dear Colleague:

The Law of the River continues to evolve as states and water users are faced with new issues. From drought and climate change to endangered species and international water conflicts, those who rely on the Colorado River must continually adopt new strategies and solutions to shifting challenges. Understanding the Law of the River in today's context is critical for anyone seeking to protect their interests or those of their clients.



Michael J. Pearce, Esq.
Program Co-Chair



Douglas K. Miller, Esq.
Program Co-Chair

We are proud to have assembled a faculty of top-notch experts for CLE International's 9th Annual Law of the Colorado River SuperConference. These leaders and innovators in water law will give you valuable insights and tools to help you deal with the complex issues you face throughout the year. Plus, no other water law event gives you the networking opportunities available at this SuperConference.

With over 100 of your colleagues in attendance, whether you are a water professional in the legal, engineering, planning, development, supply or environmental community, you cannot afford to miss this Conference!

We hope to see you there,

Michael J. Pearce, Esq.
Program Co-Chair
Maguire & Pearce
Phoenix, AZ

Douglas K. Miller, Esq.
Program Co-Chair
Central Arizona Water Conservation District
Phoenix, AZ



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Conference Schedule and Speaker Biographies Inside



Thursday, May 10

- 8:30 Registration and Continental Breakfast
- 9:00 **Welcome and Introduction**
Overview of Day One
Michael J. Pearce, Esq., Program Co-Chair
Maguire & Pearce, Phoenix, AZ
Douglas K. Miller, Esq., Program Co-Chair
Central Arizona Water Conservation District, Phoenix, AZ
- 9:15 **Law of the River**
Putting It in Perspective
Thomas W. McCann, Esq., Manager
Resource Planning and Analysis Department
Central Arizona Water Conservation District, Phoenix, AZ
- 10:00 Morning Break
- 10:15 **Update on Shortage Sharing and Conjunctive Management Strategies for Lakes Mead and Powell**
A Panel Presentation
Thomas Carr, Assistant Director, Statewide Water Conservation and Strategic Planning
Arizona Department of Water Resources, Phoenix, AZ
James H. Davenport, Esq., Chief, Water Division
Colorado River Commission of Nevada, Las Vegas, NV
James S. Lochhead, Esq.
Brownstein Hyatt & Farber, Glenwood Springs, CO
Roger K. Patterson, PE, Assistant General Manager
Metropolitan Water District of Southern California, Los Angeles, CA
- 12:15 Q&A Panel
Members of the Faculty
- 12:30 Lunch Break
- 1:45 **Strategies for Augmenting the River**
Evolving Issues and Solutions
David A. Donnelly, PE, Consultant
Southern Nevada Water Authority, Las Vegas, NV
- 2:30 **Tamarisk: An Update on Current Activities and Findings**
Federal and State Legislation; Research into Water Use, Biological Control and Biomass; Watershed Planning and Actions; Mapping and Inventory
Tim Carlson, PE, Executive Director
Tamarisk Coalition, Grand Junction, CO
- 3:15 Afternoon Break
- 3:30 **Climate Change and the Basin**
How Will Climate Change Affect the Hydrology of the River? The Latest from Science; What Can 500-Year Old Trees Tell Us About Historic Flows? What Does This Mean for Users on the River? Effect of the Recent Drought on Management of the River
Brad Udall, Director
University of Colorado, The Western Water Assessment, Boulder, CO
Terry Fulp, PhD, Area Manager
Boulder Canyon Operations Office, U.S. Bureau of Reclamation Boulder City, NV
- 5:00 Q&A Panel
Members of the Faculty
- 5:15 Adjourn to Private Networking Reception

Friday, May 11

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**
Overview of Day Two
Michael J. Pearce, Esq., Program Co-Chair
Douglas K. Miller, Esq., Program Co-Chair
- 9:15 **Scope of the Endangered Species Act: A Federal Superlaw?**
DOW v. EPA and Silvery Minnow v. Keys
Roderick E. Walston, Esq.
Best Best & Krieger, Walnut Creek, CA
Kara Gillon, Esq., Senior Staff Attorney
Defenders of Wildlife, Albuquerque, NM
- 10:30 Morning Break
- 10:45 **Glen Canyon Dam and the Grand Canyon Protection Act**
Moving from Litigation to Long-Term Experimentation
Robert Snow, Esq., Attorney-Advisor
Office of the Solicitor, U.S. Department of Interior, Washington, DC
- 11:15 **Featured Presentation: 21st-Century Challenges for Managers and Users of the Colorado River**
Emerging Issues; Challenges and Opportunities in the Colorado Basin
Brenda W. Burman, Esq., Deputy Commissioner External and Intergovernmental Affairs
Bureau of Reclamation, Washington, DC
Bennett W. Raley, Esq.
Trout, Raley, Montano, Witwer & Freeman, Denver, CO
- 12:15 Q&A Panel
Members of the Faculty
- 12:30 Lunch Break
- 1:45 **International Water Conflicts**
Dispute over Lining of the All-American Canal; *CDEM v. U.S.*
Michael A. Gheleta, Esq.
Brownstein Hyatt & Farber, Denver, CO
- 2:30 Afternoon Break
- 2:45 **Yuma Desalting Plant**
Status on Demonstration Run; Successes and Challenges
Jim Cherry, Area Manager
Yuma Area Office, Bureau of Reclamation, Yuma, AZ
- 3:30 **Ethics**
Issues in Environmental Law
Katherine R. Kruse, Esq., Professor of Law
William S. Boyd School of Law, University of Nevada, Las Vegas, NV
- 4:30 Q&A Panel
Members of the Faculty
- 4:45 Evaluations and Adjourn

instructors

Law of the Colorado River

meet your

Program Co-Chairs

Douglas K. Miller has been with his district for nearly 23 years. He handles all aspects of contracting for Colorado River water, federal power, Indian water rights settlements, and litigation under federal statutes. He previously worked with the Department of Justice.

Michael J. Pearce practices in the areas of land and mineral development, interstate water negotiations and disputes, compliance with the Endangered Species Act, and related natural resource issues. He was Chief Counsel of the Arizona Department of Water Resources for seven years, and has worked extensively in the Colorado River Basin.

Featured Presenters

Brenda W. Burman is responsible for Reclamation's national relationships with federal, state and local governments, as well as citizen and other nongovernmental groups. She oversees the Congressional and Legislative Affairs Office and the Office of Public Affairs.

Bennett W. Raley has focused his legal practice on water and environmental issues for over 20 years.

Tim Carlson works to restore riparian lands impacted by invasive plant species, principally tamarisk and Russian olive.

Thomas Carr has 30 years of experience in water resources planning and water rights management. He is responsible for interstate negotiations regarding the Colorado River Compact and river operations.

Jim Cherry has spent the last 30 years involved in the delivery of water for both irrigation and municipal use on four continents. He is responsible for Reclamation projects along the last 275 miles of the Colorado River before it enters Mexico.

James H. Davenport is the Special Deputy Attorney General for Nevada and is the author of *Nevada Water Law* (2003). He was formerly Associate Counsel for the Environment and Public Works Committee of the U.S. Senate.

David A. Donnelly is the owner of a private consulting firm, which specializes in advising utility companies. He is the previous Deputy General Manager of the Las Vegas Valley Water District.

Terry Fulp is responsible for water operations, water and power contracts, water accounting, and water conservation from Lake Mead to Mexico.

Michael A. Gheleta focuses his practice on water rights, public lands, environmental compliance and litigation in these areas. He spent 15 years with the U.S. Department of Justice and has litigated a number of cases involving the Colorado River, including *CDEM v. U.S.*

Kara Gillon works to protect plants and animals in their natural ecosystems. She specializes in water and endangered species issues on the Lower Colorado, Middle Rio Grande and other western river basins.

Katherine R. Kruse teaches Criminal Law, Professional Responsibility, and Evidence. Her areas of research center on lawyering and professionalism.

James S. Lochhead concentrates on Colorado water rights, interstate and international water matters, public lands and natural resource and land use law. He is a former Executive Director of the Colorado Department of Natural Resources.

Thomas W. McCann has represented the Central Arizona Project since 1994. He focuses on Colorado River issues, CAP repayment, Indian water rights, interstate water banking and other matters.

Roger K. Patterson oversees Colorado River issues and the management of Metropolitan's water planning and resources group. He was formerly the Director of the Nebraska Department of Natural Resources, and he was with the Bureau of Reclamation for 25 years.

Robert Snow has been with his agency since 1985 and with the Branch of Water and Power since 1995. He is involved in legal issues arising primarily out of Reclamation's Lower and Upper Colorado regions, including repayment and water delivery contracts, Indian water rights settlements and environmental compliance efforts.

Brad Udall heads an interdisciplinary NOAA-funded project designed to assist water managers and other users of climate data and information. He recently developed syntheses about the expected impacts of climate change on water supplies in the Rocky Mountain West and he has worked on shortage issues on the Colorado River.

Roderick E. Walston recently entered private practice, having spent most of his legal career as a government attorney. He most recently served as both Acting Solicitor and Deputy Solicitor of the U.S. Department of the Interior. He specializes in natural resources law and appellate litigation.

information

conference

Continuing Education Credit

MCLE: This course has been approved for a maximum of 12 hours of credit, including one hour of ethics, in California, Nevada, New Mexico, Utah and Wyoming. This course may qualify for up to 12 hours of credit toward the annual requirement for the State Bar of Arizona, including one hour of legal ethics. This course has been approved for a maximum of 14 hours of credit, including one hour of ethics, in Colorado.

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If you cannot attend, **CLE INTERNATIONAL** also offers a complete audio transcript of the Conference (including all course materials) for \$695 plus \$10 shipping and handling. This course may qualify for self study credit.

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Sponsorship Information

Sponsorships and exhibition opportunities are still available. For more information, please contact Shauna Kraczek at (800)873-7130 or shauna@cle.com.

CLE International Program Attorney:
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Law of the Colorado River

Understanding Key Developments and Issues

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