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Dear Colleague,

We would like to invite you to join us this September in Las Vegas, where you will be amazed at how much you will learn in two days. No other conference will give you a better overview of the major current issues in western water law. From global warming and new restrictions on developing without water, to updates on recent Supreme Court cases impacting all western states, this Conference will be an invaluable educational experience in a fun location.

We hope to see you there!

Sincerely,

Eric L. Garner, Esq.
Program Co-Chair

Best Best & Krieger
Riverside, CA

Roderick E. Walston, Esq.
Program Co-Chair

Best Best & Krieger
Walnut Creek, CA



Eric L. Garner, Esq.
Program Co-Chair



Roderick E. Walston, Esq.
Program Co-Chair

Schedule and Instructor Bios Inside

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Monday, September 17

Tuesday, September 18

8:30	Registration and Continental Breakfast
9:00	Welcome and Introduction Overview of Day One Roderick E. Walston, Esq., Program Co-Chair Best Best & Krieger, Walnut Creek, CA
9:15	Basic Principles of Water Law Overview of Western Water Law: History and Longstanding Issues John C. Peck, Esq., Professor of Law University of Kansas, Lawrence, KS
10:00	Morning Break
10:15	The Supreme Court's National Association of Home Builders Decision Implications for the ESA and the CWA Norman D. James, Esq. Fennemore Craig, Phoenix, AZ Andrew C. Mergen, Esq. Assistant Section Chief, Appellate Section Environment and Natural Resources Division U.S. Department of Justice, Washington, DC Roderick E. Walston, Esq., Program Co-Chair
11:30	Keynote Presentation Water Issues: The View from the Interior David L. Bernhardt, Esq., Solicitor U.S. Department of the Interior, Washington, DC
12:15	Lunch Break
1:30	Indian Water Rights The Salt River Project John B. Weldon, Jr., Esq. Salmon, Lewis & Weldon, Phoenix, AZ Navajo Water Rights Settlement Stephen Farris, Esq., Water Law Counsel New Mexico Office of the Attorney General, Albuquerque, NM
2:45	Afternoon Break
3:00	Climate Variability and Climate Change Challenges for Western Water Managers Terri Fulp, PhD Area Manager, Boulder Canyon Operations Office U.S. Bureau of Reclamation, Boulder City, NV
3:45	Update on Rapanos and Carabell Defining Jurisdiction Under the Clean Water Act Mark F. Sudol, Chief, Regulatory Branch U.S. Army Corps of Engineers, Washington, DC M. Reed Hopper, Esq. Pacific Legal Foundation, Sacramento, CA
4:45	Q&A Panel Members of the Faculty
5:00	Adjourn to Private Reception

8:30	Continental Breakfast
9:00	Welcome Back Overview of Day Two Eric L. Garner, Esq., Program Co-Chair Best Best & Krieger, Riverside, CA
9:15	The Clean Water Act: Is It Applicable to Water Transfers? Update on the Impact of <i>Miccosukee</i> Peter D. Nichols, Esq. Trout, Raley, Montano, Witwer & Freeman, Denver, CO Brent Fewell, Esq. Hunton & Williams, Washington, DC
10:15	Morning Break
10:30	Major River Basins in the West The Colorado River: Upper Basin Michael A. Gheleta, Esq. Brownstein Hyatt Farber Schreck, Denver, CO The Colorado River: Lower Basin James H. Davenport, Esq., Special Counsel Colorado River Commission of Nevada, Las Vegas, NV The Rio Grande Charles T. DuMars, Esq. Law & Resource Planning Associates, Albuquerque, NM
12:00	Q&A Panel Members of the Faculty
12:15	Lunch Break
1:30	Ethics Considerations for the Environmental Professional Jill N. Willis, Esq. Best Best & Krieger, Riverside, CA
2:30	Afternoon Break
2:45	The Relationship Between Water Supply and Land Use Planning <i>Vineyard Area Citizens for Responsible Growth</i> Michele A. Staples, Esq. Jackson DeMarco Tidus Peckenpough, Irvine, CA Eric L. Garner, Esq., Program Co-Chair
3:45	Q&A Panel Members of the Faculty
4:00	Evaluations and Adjourn

Save These Dates!

Winemaking for Lawyers
September 10, Miami
Texas Water Law
September 10-11, Austin

Eminent Domain
September 10-11, Dallas
Climate Change Law
September 24-25, Denver

Utah Water Law SuperConference
October 1-2, Salt Lake City
Eminent Domain SuperConference
October 1-2, Tampa

meet your **instructors**

Program Co-Chairs

Eric L. Garner litigates administrative proceedings on water rights, water quality and endangered species issues. He was named California Lawyer of the Year in the Environmental Law category by *California Lawyer* magazine for his work in the Santa Maria Groundwater Adjudication.

Roderick E. Walston entered private practice after spending 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.

Keynote Speaker

David L. Bernhardt is the third ranking official in the Department and its chief legal officer. He provides legal advice to the Secretary and members of his staff, the Assistant Secretaries of the Department, the heads of the offices and bureaus and all other officers and employees of Interior. He is also responsible for formulating the legal policies of the Department and resolving any conflicts that may arise in application of these policies.

James H. Davenport 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 and Assistant Attorney General for the State of Washington.

Charles T. DuMars practices natural resource law in New Mexico as well as in other states and internationally. He is also Professor Emeritus at the University of New Mexico School of Law.

Stephen Farris works on various administrative water cases, stream adjudications, Indian water right settlements, endangered species litigation on the Rio Grande and Pecos River, and threatened interstate litigation by the State of Texas over rights to the Rio Grande.

Brent Fewell has over 17 years of environmental science, technical, and legal experience. From September 2004 until March 2007, he served as the Deputy Assistant Administrator for the Office of Water.

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.

M. Reed Hopper oversees his foundation's ESA and CWA litigation. He has litigated precedent-setting environmental and land use cases, including the recent *Rapanos* case.

Norman D. James has practiced environmental litigation, natural resources law, and public utility regulation for more than 20 years. He represented the industry petitioners in *National Association of Home Builders v. Defenders of Wildlife*.

Andrew C. Mergen supervises federal ESA and public lands litigation in the U.S. courts of appeal. He is currently involved in the *Defenders of Wildlife v. EPA* appeal, a decision that could have substantial implications for consultation under Section 7 and other provisions of the ESA.

Peter D. Nichols practices water, water quality and environmental law. He has been the principal western attorney involved in the *Miccosukee, Catskill Mtns.* and related water transfers litigation, drafting and filing numerous amicus briefs on behalf of western water interests.

John C. Peck is a recognized authority on Kansas water law. He teaches contracts, land transactions, water law, and family law, and is special counsel to Foulston Siefkin in Wichita.

Michele A. Staples concentrates in advising and representing landowners, agricultural businesses, developers, and private and public water suppliers in the areas of water rights, SB 221 and SB610 water supply assessments and verifications, endangered species, CEQA, land use planning, feasibility and entitlements.

Mark F. Sudol began working on environmental issues with the Corps of Engineers in the early 1990s. He completed his doctoral studies evaluating the success of wetland mitigation sites. He also owned his own consulting firm.

John B. Weldon, Jr., represents clients in water rights and natural resource related matters. He has represented the Salt River Project in the Gila River and Little Colorado general stream adjudications since 1977.

Jill N. Willis specializes in water rights and related issues. She represents numerous clients in actions involving surface and groundwater rights throughout Southern California.

CLE International Program Attorney:
Michelle M. Messner, michelle@cle.com.

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**Water Issues: The View
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**David L. Bernhardt, Esq.,
Solicitor**
U.S. Department of the Interior
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