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# Oklahoma Water Law

The Basics, Planning Process, Available Resources and Forces That Will Change the Law

March 30-31, 2009 • Renaissance • Oklahoma City

## Featuring Speakers From:

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Native American Rights Fund

Oklahoma Municipal League

Oklahoma Water Resources Board

University of Oklahoma College of Law

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Oklahoma Water Resources Research Institute, Oklahoma State University

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**The Basics of Oklahoma Water Law: History and Framework**

**National Water Issues in the New Administration**

**Riparian Rights**

**Interrelationships Between Federalism, Endangered Species and State Law**

**Public Participation in Oklahoma's Comprehensive Water Plan**

**Water Quantity Versus Water Quality**

**Long-Range Municipal Water Supply Planning and Development**

**MORE  
HOT TOPICS  
INSIDE!**

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## MONDAY, MARCH 30

- 8:00 Registration and Continental Breakfast
- 9:00 **Welcome and Introduction**  
Overview of Day One  
**Dean Couch, Esq., General Counsel, Program Co-Chair, and Duane A. Smith, Executive Director, Program Co-Chair**  
Oklahoma Water Resources Board, Oklahoma City  
**Charles T. DuMars, Esq., Program Co-Chair**  
Law & Resources Planning Associates, Albuquerque
- 9:15 **The Basics of Oklahoma Water Law**  
History and Framework  
**Michael D. Graves, Esq.**  
Hall Estill, Tulsa
- 10:15 Morning Break
- 10:30 **A New Federal Water Administration**  
National Water Issues  
**Nathaniel Q. Gentry, Esq.**  
Law & Resource Planning Associates, Albuquerque
- 11:30 **Riparian Rights**  
The Vampires of Oklahoma's Water Law  
**Gary Allison, Esq., Vice Dean, Director of the Public Policy and Regulation Certificate Program, and Professor of Law**  
University of Tulsa College of Law
- 12:30 Lunch Break
- 1:45 **Federalism Issues, Endangered Species and State Water Law**  
Interrelationships, Compare and Contrast  
**Charles T. DuMars, Esq., Program Co-Chair**
- 2:45 **Public Participation in Oklahoma's Comprehensive Water Plan**  
What Policy Changes Are Being Recommended?  
**Jeri Fleming, Communications Manager**  
Oklahoma Water Resources Research Institute, Oklahoma State University, Stillwater
- 3:30 Afternoon Break
- 3:45 **Science and Water**  
Their Intersection  
**Emily H. Meazell, Esq., Associate Professor of Law**  
University of Oklahoma College of Law, Norman
- 4:30 **Ethics**  
Considerations for the Oklahoma Practitioner  
**B. Wayne Dabney, Esq.**  
Alden, Leonard & Dabney, Oklahoma City
- 5:30 Adjourn

### REACH YOUR TARGET AUDIENCE!

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## TUESDAY, MARCH 31

- 8:30 Continental Breakfast
- 9:00 **Welcome Back**  
Overview of Day Two  
**Dean Couch, Esq., General Counsel, Program Co-Chair Duane A. Smith, Executive Director, Program Co-Chair Charles T. DuMars, Esq., Program Co-Chair**
- 9:15 **Water Quantity Versus Water Quality**  
Present and Future Issues  
**Linda Crook Martin, Esq., and James C. Milton, Esq.**  
Doerner, Saunders, Daniel & Anderson, Tulsa
- 10:15 Morning Break
- 10:30 **Featured Panel Presentation**  
Indian Water Rights in Oklahoma  
**David Gover, Esq., Staff Attorney**  
Native American Rights Fund (NARF), Boulder  
**Stephen H. Greetham, Esq., Special Counsel Division of Commerce**  
Chickasaw Nation, Ada  
**Taiawagi Helton, Esq., Associate Professor of Law**  
University of Oklahoma College of Law, Norman  
**Judith Royster Professor and Chapman Chair in Law Co-Director of the Native American Law Center**  
University of Tulsa College of Law
- 12:15 Lunch Break
- 1:30 **Long-Range Municipal Water Supply Planning and Development**  
Approaches from the Western States  
**Kevin L. Patrick, Esq.**  
Patrick, Miller & Kropf, Aspen
- 2:15 **Municipal Water Supply**  
Transfer: the Key to Reliability; Role of Cities and Towns  
**Diane Pedicord, Esq., General Counsel and Chief Officer for Corporate Affairs**  
Oklahoma Municipal League, Oklahoma City
- 3:00 Afternoon Break
- 3:15 **Water Law and Development Issues**  
Identifying Water Providers for Development Areas; Competition Issues; Assessing Risks When Competition Issues Arise; Duties Owed by Water Providers in Their Service Areas; Variations in Levels of Service Among Providers; Assessing Supply-Chain Risks; Solutions to the Problem of Under-Served Areas  
**James C. Milton, Esq.**
- 4:15 **Compact Enforcement**  
Interstate Challenges  
**Charles T. DuMars, Esq., Program Co-Chair**
- 5:00 Q&A Panel  
Members of the Faculty
- 5:15 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? Contact CLE INTERNATIONAL Managing Program Attorney Heidi A. Ray, [heidi@cle.com](mailto:heidi@cle.com).

## PROGRAM CO-CHAIRS

**Dean Couch** and the Office of General Counsel represent the Agency in district and appellate court litigation, and support the work of the Agency's divisions by conducting and defending adjudication proceedings, coordinating rulemaking actions, and giving legal advice.

**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.

**Duane A. Smith** provides leadership to the Board and manages the day-to-day activities of the Agency, whose mission is to manage and protect Oklahoma's water resources and to plan for Oklahoma's long-range water needs to ensure everyone has adequate quantities of good water.

## FEATURED PRESENTERS

**David Gover** is a Pawnee/Choctaw Native American. Since joining the Native American Rights Fund's (NARF) in 2005, he has worked in water rights, Indian child welfare and tribal trust funds accounting issues. He previously served as an Assistant Attorney General for the Muscogee (Creek) Nation, where he was assigned natural resource, environmental and water issues.

**Stephen H. Greetham** works closely with tribal leadership on water and natural resource issues, intergovernmental relations and legislative initiatives. He formerly practiced with the Nordhaus Law Firm in Albuquerque, where he served as water and associate general counsel to several American Indian tribes.

**Taiawagi Helton** joined the faculty in 2001, and teaches environmental law, property and Indian law. He has lectured extensively on topics related to Native American issues, is a member of the Board of Directors of Oklahoma Indian Legal Services, and is a Special Justice for the Cheyenne and Arapaho Tribes Supreme Court.

**Judith Royster** writes and lectures on federal Indian environmental, natural resources, and water law. She teaches civil procedure, administrative law, federal Indian law, and Native American natural resources law. She is an editor of and contributing author to *Cohen's Handbook of Federal Indian Law*, and the co-author of *Native American Natural Resources Law: Cases and Materials*.

## FACULTY

**Gary Allison** teaches constitutional law, water law, regulated industries, and hazardous waste control. His scholarship includes a casebook on regulated industries. He has been lead counsel on five State Supreme Court challenges to initiative petitions concerning state government reorganization, abortion rights, education reform, and congressional term limits.

**B. Wayne Dabney** is the Chair of the Oklahoma Bar Association's Professional Responsibility Commission. His areas of practice include real estate law, commercial litigation, commercial transactions, employment law defense and legal negligence.

**Jeri Fleming** began work for the Institute in February 2007, primarily to work on the public participation portion of the ongoing update of the Oklahoma Comprehensive Water Plan. The Institute is working with Oklahoma citizens to develop policy recommendations for inclusion in the 2011 Comprehensive Water Plan Update.

**Nathaniel Q. Gentry** focuses on water and environmental law, litigation, land use, administrative law and legislative drafting. He was previously Republican Counsel to the United States Senate Committee on Energy and Natural Resources.

**Michael D. Graves** represents corporate clients in more than 20 different states. He is a noted speaker on environmental law issues. He wrote the chapter on Oklahoma for *Brownfields: A Comprehensive Guide to Redeveloping Contaminated Property*, 2nd edition, American Bar Association, 2002.

**Linda Crook Martin** has over 20 years' experience in environmental and general commercial litigation. She has served as an administrative law judge for the Oklahoma Department of Environmental Quality. She is listed in *Best Lawyers in America* for 2009.

**Emily H. Mezell** joined the faculty in 2007 after serving as a visiting professor at the University of Georgia School of Law. She teaches torts, administrative law, and energy law. Her research focuses on water law and law and science. She previously practiced civil engineering with a focus on water resources.

**James C. Milton** is a frequent speaker at continuing education seminars on water law, trust administration, and civil procedure. He provides a wide range of legal advice to municipalities and private interests. Much of his work has been in the areas of water distribution, water rights, and the operation of public authorities.

**Kevin L. Patrick** and his firm practice exclusively in water rights law, water resource and wastewater planning and development, water quality law, and water transfers. He represents numerous utilities, regional water providers, industry, developers and governments in the western United States, Central America and Europe.

**Diane Pedicord** has been with the Oklahoma Municipal League since 1978. She was appointed by the Oklahoma Speaker of the House to serve on the statewide 9-1-1 Advisory Board. She also facilitates the Oklahoma Water Law Group, a consortium of Oklahoma's largest water users, and the 9-1-1 & Telecommunications Legal Issues Group for municipal attorneys.

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